

THE PUDUCHERRY DISTRICT PLANNING COMMITTEE ACT, 1994

(Act No. 6 of 1994)

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THE PUDUCHERRY DISTRICT PLANNING COMMITTEE ACT, 1994

(Act No. 6 of 1994)

(22-04-1994)

AN ACT

to create and devolve powers upon the District Planning Committee to consolidate the Plans prepared by the panchayats and the municipalities in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Forty-fifth Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Puducherry District Planning Committee Act, 1994.
- (2) It extends to the whole of the Union territory of Puducherry.
- + (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, -

- (1) "Committee" means the District Planning Committee constituted under section 3;
- (2) "District" means *[a revenue district;]
- (3) "Government" means the Government of Puducherry;
- (4) "Union territory" means the Union territory of Puducherry;
- (5) words and expressions used herein and not defined but defined in the Puducherry Municipalities Act, 1973 or, as the case may be, the Puducherry Village and Commune Panchayats Act, 1973 shall have the meanings, respectively, assigned to them in those Acts.

+ This Act came into force w.e.f 23.04.94 vide notification published in the EG Pt-II No.12 dt. 23.04.94.

* Substituted vide Act No.3 of 2007 w.e.f 10-3-2007 in Extraordinary Gazette Part -II No.10 dated 20th March 2007.

Constitution and Composition of District Planning Committee

*[3. (1) The Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Village Panchayats, Commune Panchayat Councils and the Municipal Councils and to prepare a draft development plan for the district as a whole.

(2) (a) The committee shall consist of not more than fifteen members representing the following, namely: --

- (i) such number of persons, not less than four-fifth as may be specified by the Government, elected in the prescribed manner from amongst, the elected members of Commune Panchayats and the Municipal Councils in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;
- (ii) Secretary to Government in-charge of the work relating to local self-Government.
- (iii) the Director, Local Administration Department, Government of Puducherry;
- (iv) the District Collector concerned, *ex-officio*.

(b) The following persons shall be permanent special invitees of the committee: --

- (i) the Member of the House of the People who represents the Union territory of Puducherry.
- (ii) the Member of the Council of States whose name is registered as an elector in the Union territory of Puducherry.
- (iii) not more than four members of the Legislative Assembly whose constituencies lie within Puducherry district and not more than two members of the Legislative Assembly whose constituencies lie within Karaikal district, as nominated, from time to time by the Speaker:

* Substituted vide Act No.3 of 2007 w.e.f 10-3-2007 and published in Extraordinary Gazette Part –II No.10 dated 20th March 2007.

Provided that where a Member of Parliament or a Member of the Legislative Assembly of the Union territory is appointed as Minister or elected as Speaker or Deputy Speaker or appointed as the Government Chief Whip or a recognised Leader of the Opposition, he may nominate a person from the area he represents as member to represent him in the committee of the district to which he was a permanent invitee;

- (iv) the Chairpersons of the Commune Panchayat Councils in the district;
- (v) the Chairpersons of the Municipal Councils in the district;
- (vi) the Secretary to Government in-charge of the work relating to finance;
- (vii) the Secretary to Government in-charge of the work relating to planning;
- (viii) such number of persons having special knowledge and experience in matters relating to local self-Government, administration, planning and other allied subjects, as nominated by the Government.

(c) The permanent special invitees referred to in clause (b) shall be entitled to take part in the proceedings of the meetings of the committee.

(3) The Chief Minister of the Union territory of Puducherry shall be the *ex-officio* Chairperson of the every District Planning Committee.

(4) The Director, Local Administration Department, Government of Puducherry shall be the Secretary to every District Planning Committee].

Functions of the District Planning Committee

4. (1) The District Planning Committee shall —

- (i) consolidate the plans prepared by the commune panchayat councils and municipal councils in the district and prepare a draft development plan for the district as a whole;
- (ii) in preparing the draft development plan, —
 - (a) have regard to, —
 - (i) matters of common interest between the panchayats and municipal councils including co-ordinated spatial planning of the district, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (ii) the overall objectives and priorities fixed by the Government;
 - (iii) the extent and type of available resources, whether financial or otherwise; and

(b) consult such institutions and organisations as the Government may, by order, specify.

(2) The Chairperson of the District Planning Committee shall forward the development plans, as recommended by such Committee, to the Government.

Preparation of draft development plan by panchayats and municipal councils

5. (1) Every village panchayat shall prepare every year a development plan and submit it to the commune panchayat council before such date and in such manner as may be prescribed.

(2) Every commune panchayat council shall prepare every year a development plan of the commune panchayat after including the development plans of the village panchayats and submit it to the District Planning Committee before such date and in such form as may be prescribed.

(3) Every municipal council shall prepare every year a development plan of the municipality and submit it to the District Planning Committee before such date and in such form as may be prescribed.

Term of office

6. (1) The Committee shall continue for a term of five years from the date of its Constitution, but the members shall hold office during the pleasure of the Government.

(2) A person shall cease to be a member of the Committee if he no longer holds office by virtue of which he is a member of the Committee.

Transaction of business

7. The procedure for the transaction of business at the meetings of the Committee shall be such as may be prescribed.

Power of Government to make rules

8. (1) Without prejudice to any power to make rules contained elsewhere in this Act, the Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) Every rule made under this Act, shall, as soon as may be after it is made, be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.6 OF 1994

The Constitution (Seventy-third Amendment) Act, 1992 as well as the Constitution (Seventy-fourth Amendment) Act, 1992 had been passed by the Parliament.

2. These Constitution Amendments provide a clear and close relationship between the development activities carried out by the local bodies namely, the municipalities as well as the panchayats.
3. Accordingly it is also mandatory to constitute a District Planning Committee to consolidate the plans prepared by the panchayats and municipalities in the Union territory of Puducherry.
4. The bill enables the District Planning Committee to consolidate the plans prepared by the panchayats and the municipalities and to prepare a development plan, besides attending to the matters of common interest between the panchayats and the municipalities in various activities like planning, sharing of water and natural resources, etc.
5. The Bill seeks to achieve the aforesaid objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.3 OF 2007

In the Puducherry District Planning Committee Act, 1994, the expression "District" in clause (2) of section 2 has been defined as the "whole of the Union territory of Puducherry". At the time of enactment of the said Act, there was only one unitary District viz., Puducherry in the Union territory of Puducherry comprising of four regions, namely, Puducherry, Karaikal, Mahe and Yanam. But on 26-5-2005, the said unitary District of Puducherry has been bifurcated into two districts namely, (i) Puducherry District comprising of Puducherry region, Mahe region and Yanam region and (ii) Karaikal District comprising of Karaikal region vide G.O.Ms. No.37, dated 26-5-2005 of the Confidential and Cabinet Department. Therefore, necessity has now arisen to constitute two District Planning Committees-one in Puducherry District and the other in Karaikal District. Hence, the expression "District" needs to be redefined as "a revenue district" so as to enable to constitute one District Planning Committee in Puducherry District and the other in Karaikal District.

2. Sub-section (2) of section 3 of the said principal Act, provides for the composition of the District Planning Committee. The erstwhile unitary District of Puducherry in the Union territory of Puducherry has been bifurcated into two districts, namely (i) Puducherry District and Karaikal District and it has been decided to fix the strength of the members of the committee at 15 and also to revise the composition of District Planning Committee by treating the Members of Parliament, Members of Legislative Assembly, Chairpersons of Commune Panchayat Councils and Municipal Councils, Secretary to Government (Finance), Secretary to Government (Planning) and experts as nominated by the Government as permanent special invitees of the Committee as was done in the neighbouring State of Tamil Nadu and Kerala.

3. Sub-section (3) of section 3 of the principal Act, provides for choosing the chairperson of the District Planning Committee in such manner as may be prescribed. But the District Planning Committee is a high level committee consisting of high profile dignitaries viz., Members of Parliament, Members of Legislative Assembly, Secretaries to Government and Collector of the District concerned besides, the Chairpersons and elected members of local bodies, it is felt that it may cause difficulties and embarrassment to choose the Chairperson. As the Chief Minister happens to be the vice-chairperson of the State Planning Board, it has been considered that it would be more appropriate in all respects, if he is the chairperson of every District Planning Committee. Accordingly, it has been decided to make the Chief Minister as the ex-officio Chairperson of every District Planning Committee.

4. Clause (1) of sub-section (2) of section 3 of the principal Act, provides to designate the Director, Local Administration Department as the Member-Secretary of the District Planning Committee. Now, it has been decided to redesignate him as the Secretary of every District Planning Committee.

5. Section 2 and section 3 are, therefore, proposed to be substituted incorporating the above-mentioned proposals.

6. The Bill seeks to achieve the above objectives.
