

DRAFT BILL No.

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METROPOLITAN PLANNING COMMITTEE ACT, 2009

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HISTORY

Parliament in its 74th Amendment Act, 1992 of the Constitution of India– with effect from 1-6-1993, inserted Part IX-A, which is a comprehensive amendment introducing Art 243P to 243ZG. The 73rd amendment is also covered under Art 243.

The uniqueness of these two amendments are that the Constitution recognizes - in the 73rd -definition of “Panchayat” as constituted under Art 243-B for the rural areas and in the 74th “Municipality” constituted under Article 243-Q. It is worth noticing that before these two amendments came into existence, the Panchayat or Municipality constituted were not under Article 243. Hence there is a compelling need to comply with this mandate.

The Panchayats in the intermediate Level may not be constituted in a State having population not exceeding 20 lakhs.. Metropolitan areas can only constituted in an area having a population of 10 lakhs or more in a contiguous area, comprised either Municipalities or Nagar Panchyats or Municipal Corporations.

In an area where the population is not less than 10 lakhs, the possibilities of declaring more than one “Metropolitan Area” or the possibility of a Nagar Panchayat, a Municipal Council, a Municipal Corporation or any part of these entities co-existing either jointly or severally is not ruled out. Industrial Township or Military Cantonments , depending on certain conditions could also co-exist but not be a part of Metropolitan Area.

Reservation of Seats in the Metropolitan Planning Committee is not contemplated, since this has already been taken care of at the time of election to all the concerned local bodies. However at the time of Elections to Municipality/Panchayat, during December 2009 onwards will be subject to Art.334 of the Constitution.

GOVERNMENT OF KARNATAKA

Housing and Urban Development Department

KARNATAKA METROPOLITAN PLANNING COMMITTEE ACT, 2009

Objects

An Act to provide for the constitution of Metropolitan Planning Committee/s in Karnataka, for the purpose of preparation of draft development plan for the 'Metropolitan Areas', declared as such.

Whereas it is expedient to provide for the constitution of Metropolitan Planning Committee,/s in every 'Metropolitan Area' declared as such, in Karnataka State for preparation of draft Development Plan for the relevant Metropolitan Area, so declared.

It is hereby enacted in the 59th year of the Republic of India, by the Legislature of Karnataka.

CHAPTER I

Preliminary

- 1. (a) This Act may be called the Karnataka Metropolitan Planning Committee Act, 2009;**

- (b) It extends to the whole of Karnataka;
- (c) It comes into effect on such dates notified for the purpose, and different Metropolitan Planning Committees could be notified effective from different dates;

2. In this Act, unless there is anything repugnant in the subject or the context:

- a) "Constitution" means the Constitution of India,
- b) "Metropolitan Area" means any Area having a population of ten lakhs or more, comprised in one or more 'districts', and consisting of two or more 'Municipalities' or 'Panchayats' or other 'contiguous areas', specified by the Governor by Public notification to be a 'Metropolitan Area' for the purposes of this Act at the time of declaration, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit .
- c) 'District' means a district in a State;
- d) 'Municipality' means an Institution of Self-government constituted under Art 243-Q of the Constitution:
 - (i) provided, that under this clause a Municipality may not be constituted in such urban area or part thereof as the Governor may , having regard to the Size of the area and the Municipal services being provided or proposed to be provided by an Industrial establishment in that area and such other factors as the Governor may deem fit, by public notification, specify to be an industrial township;
 - (ii) provided that a Military Cantonment Area may not be constituted as a Municipality;
- e) 'Panchayats' means a Panchayat constituted under Article 243-B of the Constitution of India;
- f) 'Population' means the population as ascertained in the last preceding census carried out by the State Government of which the figures have been published;
- g) 'Municipal Area' means the territorial area of a Municipality as is notified by the Governor;
- h) 'Notification' means a notification published in the official gazette of the State
- j)'Committee' means the 'Metropolitan committee', constituted under section 3 of the Karnataka Meropolitan Planning Committee Act, 2009 (hereinafter referred to in this Act as 'Committee')
- k)'State Government' means the Karnataka Government ;
- m)'agencies of Government of India or State Government' means the Planning Commission, Reserve Bank of India and other Nationalised Banks, the World Bank, Asian Development Bank, NABARD, JNNURM, Industrial Development Banks, The Electricity Supply Company Ltd., KPTCL, BSNL, Water supply & Sewerage Board,

KRDCL, Port Development Authority, Port Trust of India, The Indian Railways, ,
KSRTC, BTS etc.,

n) 'prescribed' means prescribed by rules made under this Act.

p)'Development ' means such execution and implementation of the Plans as
contained in the draft plan of the 'Metropolitan Planning Committee'.

CHAPTER II

3. (1) There shall be constituted in every "Metropolitan areas", so declared under section 2(b) of this Act , a 'Metropolitan Planning Committee';

- i) The name of the Metropolitan Committee will be prefixed by the name of the general Area to which it is declared;
- ii) The Metropolitan Planning Committee elections shall be held within one month from the date of announcement of the results of the Election held to the Municipalities/ Panchayats in the 'Metropolitan area'.
- iii) The Elections to the Metropolitan Planning Committee/s shall not be postponed for the reason of review of that Election unless majority of the results at the Municipal/Panchayat elections in the Metropolitan Area are under review;

4 . a) The composition of the Metropolitan Planning Committee shall be:

- (i) Not less than 2/3rd of the MEMBERS:
 - (a) elected by, and from amongst, the elected MEMBERS of the Municipality in the Metropolitan area ; and
 - (b) Chairpersons of the Panchayats in the Metropolitan Area;
- (ii) The proportion of elected MEMBERS of Municipalities and Chairpersons shall bear the same proportion of the ratio between the population of the Municipalities and of the Panchayats in the Metropolitan Area;
- (iii) provided, the ratio produces a fraction , the fraction shall be rounded off to the higher side of the whole number, if it exceeds half, or ignored if it is less than half.

b) The Representation on the Committee of a Government of India, and/or the State Government and of such organizations and/or Institutions, as may be notified by the State Government, from time to time that may be deemed necessary, for carrying out the functions assigned to the Committee;

c) The Elected Members of the Committee shall be paid a monthly honorarium of Rs.3000/-.

d) There shall be a Chairman , Vice-Chairman and Secretary for the Metropolitan Planning Committee. The 'Chairman', and 'Vice-Chairman' of the Metropolitan Planning Committee shall be elected from amongst the Members of the Metropolitan Planning Committee;

e) The day to day activities of the Metropolitan Planning Committee will be carried out by a 'Secretary' who will be appointed by the Metropolitan Planning Committee;

f) The clerical staff appointed by the Metropolitan Planning Committee will assist the Secretary in this regard.

g) The recruitment rules, conditions of service, Salary & other perks for the Secretary and the Clerical staff will be as per the existing practice in the Municipal Corporations.

h) The term of each Members of the Metropolitan Planning Committee will be co-terminus with that of the term of elected Municipal /Village Panchayat Members - that is 5 (five) years.

i) Vacancy arising, except for grant of Leave of absence, will be filled up by the senior most ranking non-successful contestant at the previous election to the MPC, on the same terms and conditions as applicable to the vacating incumbent.

j) The first Committee formed will meet as frequently as needed to finalise the draft development plan, taking also into consideration and reviewing any Plan already existing as applicable to the MPC;

k) The Chairman or in his absence the Vice-Chairman shall preside over the meetings;

l) The Committee may, if so desired, invite a person who is a professional and expert in that particular project that is being considered, for the purpose of advising the Committee to enable the Committee to finalise the project under consideration. A person so invited is a private consultant or a Retired Official, an honorarium of Rs.500/- per day of consultation shall be paid;

m) No acts or proceedings of the Committee shall be invalid or called in question, by reason only of any vacancy, initial or subsequent, or defect in the constitution of the Committee;

CHAPTER III

5. The functions relating to planning and co-ordination of the Metropolitan Area shall be :

1) The “Metropolitan Planning Committee” shall in preparing the draft development plan -

a) (i) may co-relate with not only to the Plans of village Panchayat, Nagar Panchayat, Municipalities, Corporation as the case may be, which are immediately adjacent to the Metropolitan Area’ ; and

(ii) have regard to the plan/s prepared by the Municipalities and the Panchayats in the Metropolitan area, if any;

b) Matters of common interest between the Municipalities and the Panchayats regarding –

i) co-ordinated spatial planning of the areas,

ii) Sharing of water;

iii) Other physical and natural resources;

iv)the integrated development of infrastructure and environmental conservation;

v) Overall objectives and priorities set by the Government of India and the State Government;

vi) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India & the State Government;

vii) Consult such institutions and organizations, in this regard, as the Governor may specify by order.

viii) The committee shall also take into consideration that the planning aspects does not contradict or conflict with Laws enacted by the State Legislature and the Parliament in general and with local laws applicable in the Metropolitan area;

vix) Village, Town or Urban planning Schemes, Preparation of Town Plans , Layout plans , Building bye-laws as the case may be, in the Metropolitan area, Municipal Corporation/Committees;

x) approval of residential colonies. security and scrutiny for environmental point of view of 'NOC' cases , concerning ,cinema sites, petrol pump sites, brick kiln sites, Housing colonies/Apartments, and other land use establishment;

xi) scrutiny of land acquisition proposals; scrutiny of land ceiling cases; scrutiny of building applications of local bodies and Urban Estate Department; programs of integrated urban development of cities and towns;

xii) Preparation of Development Schemes ;

xiii) Preparation of Five – Year Integrated Urban Development Plans;

xii) Preparation of Master Water Supply Schemes and Master Sewerage Schemes;

xiii) Planning/proposals for regulations for Building Lines, Control Lines, Road margins;

xiv) Retention Dams to prevent flooding, mini hydel plants,

2) The draft planning may consist in respect of Municipalities within the Metropolitan area, aspects of–

a) Urban Planning including Town Planning;

b) Regulation of land use and construction of buildings;

c) Planning for economic and social development;

d) Planning for Roads and Bridges;

e) Water supply for domestic, industrial and commercial purposes;

- f) Public health, sanitation conservancy and solid waste management;**
- g) Fire services;**
- h) Urban Forestry, Protection of the environment and promotion of ecological aspects;**
- j) Safeguarding the interest of weaker sections of society, including the handicapped and mentally retarded;**
- k) Slum improvement and upgradation;**
- l) Urban Poverty alleviation;**
- m) provision of urban amenities and facilities such as Parks, Gardens, Playgrounds;**
- n) Promotion of cultural, educational and aesthetic aspects;**
- o) Burials & Burial grounds, Cremations, cremation grounds and electric crematoriums;**
- p) Cattle Pounds, prevention of cruelty to animals;**
- q) Statistics including the Registration of births and deaths;**
- r) Public amenities including street lighting, parking lots, bus stops, and public conveniences;**
- s) Regulation of slaughter house and tanneries;**

3) The draft plan in respect of Village Panchayats in the Metropolitan Area, may consist on aspects of;

- a) agriculture & agricultural extension,**
- b) Land improvement, implementation of Land reforms, land consolidation and soil conservation;**
- c) Minor irrigation, water management and watershed development;**
- d) Animal husbandry, dairying and poultry;**
- e) Fisheries;**
- f) Social Forestry and farm forestry;**
- g) Minor forest produce;**

- h) Small scale industries including food processing industries,**
- j) Khadi, village & cottage industries;**
- k) Rural Housing;**
- m) Drinking water;**
- n) Fuel & fodder;**
- o) Roads, culverts, bridges, ferries, waterways and other means of communication;**
- p) Rural electrification including distribution of electricity;**
- q) non-conventional energy sources;**
- r) poverty alleviation programme;**
- s) education including primary and secondary schools;**
- t) Technical training & vocational education;**
- u) Adult & non formal education;**
- v) Libraries;**
- w) Cultural activities;**
- x) Markets & fairs;**
- y) Health and sanitation including hospitals, primary health centre and dispensaries;**
- z) Family welfare;**
- aa) Women & child development;**
- ab) Social welfare including welfare of the handicapped & mentally retarded;**

CHAPTER IV

6. Elections to MPC:

a) The elections to the Metropolitan Planning Committee , shall be held as soon as may be:-

i) in the case of, existing Metropolitan Planning Committee not later than six months from the date of completion of the term of the previous committee;

ii) in the case of a newly constituted Metropolitan Committee, not later than 2 months from the date of constitution;

b) The superintendence, direction and control of the preparation of electoral for, and the conduct of, elections shall be vested in the State Election Commissioner ;

c) For the purpose of this election, the electoral rolls prepared in the immediate past for the Metropolitan Area if any Existing and currently valid, could be adopted with suitable and necessary modifications as may be needed;

d) The Member of a Metropolitan Planning Committee incurring disqualifications in a parent Body , shall not be , so long as the disqualification continues, shall not be a Member ;

d) Election matter to the Metropolitan Planning Committee shall not be called in question except by an election petition .

CHAPTER V

7. The Metropolitan Planning Committee shall:

1) Publish the draft plan, in the offices of the local authorities in the Metropolitan area; for a period of 15 days;

2) Suggestion/Communications received by the Secretary , in this regard shall be registered , tabulated and presented to the Committee.

3)The Committee shall consider all the suggestions and make such modifications in the plan as may be decided; The reasons for such of the suggestions not being implemented shall be recorded .

4) The Chairman of the Metropolitan Planning Committee shall forward the draft plan to the State Government.

5) Thereafter, all developments and implementation s of the Municipalities and the Nagar Panchayats , City Corporations , in the Metropolitan area, shall conform to the draft plan.

CHAPTER VI

8. FUNDS:

- 1) The metropolitan Planning Committee shall maintain a Fund for its activities. All Receipts and Payments of the Committee shall be charged to the Fund;
- 2) The Chairperson of the Metropolitan Planning Committee, shall cause maintenance of necessary books of accounts.
- 3) The Chairperson shall forward the bi-annual Accounts to the Commissioner of the Metropolitan Area;
- 4) The Commissioner, Metropolitan Area, shall transfer to the Metropolitan Planning Committee Fund, such amounts as may be necessary to carry out its activities;
- 5) The Funds of the Metropolitan Planning Committee shall be met out of the resources of 'Metropolitan Area', in proportion to the ratio of the area of Panchayat, Nagar Panchayat, Municipality, Municipal Corporation, respectively as the case may be, within the Metropolitan Area.

Under Secretary to Government,
Housing and Urban Development Department.

