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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LOCAL AUTHORITIES AND TOWN PLANNING LAWS (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 21 OF 2019.

A BILL

further to amend the Gujarat Metropolitan Planning Committees Act, 2008, the Gujarat District Planning Committees Act, 2008 and the Gujarat Town Planning and Urban Development Act, 1976 to make effective provisions for the planning in the areas under the jurisdiction of Metropolitan Planning Committee and the District Planning Committee in different areas in the State of Gujarat and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make effective provisions to achieve planned development with respect to economic development and social justice, and for the implementation of development schemes in different areas in the State of Gujarat;

It is hereby enacted in the Seventieth Year of the Republic of India as follows: -

Short title and commencement. 1. (1) This Act may be called the Gujarat Local Authorities and own Planning Laws (Amendment) Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 9 of President's Act, No. 27 of 1976. 2. In the Gujarat Town Planning and Urban Development Act 1976, (hereinafter referred to as "the President's Act"), in section 9, to sub-section (1), the following proviso shall be inserted, namely: - **President's Act No. 27 of 1976.**

"Provided that, the development plan shall include the proposals, with regard to spatial planning, of the development plan sanctioned under the Gujarat Metropolitan Planning Committees Act, 2008 or the Gujarat District Planning Committees Act, 2008, as the case may be."

Guj. 18 of 2008.

Guj. 11 of 2008.

Amendment of section 12 of President's Act, No. 27 of 1976. 3. In the President's Act, in section 12, in sub-section (1), the words and figures "which would be in conformity with the development plan under the provisions of the Gujarat Metropolitan Planning Committees Act, 2008" shall be deleted. **Guj. 18 of 2008.**

Insertion of new section 19A in President's Act, No.27 of 1976. 4. In the President's Act, after section 19, the following section shall be inserted, namely: -

Inclusion of proposal regarding spatial planning in the development plan.

"19A. After the date specified in sub-section (2) of section 10A of the Gujarat District Planning Committees Act, 2008 or sub-section (2) of section 10A of the Gujarat Metropolitan Planning Committees Act, 2008, as the case may be, the appropriate authority shall include in the development plan to be under this Act, the proposals with regard to spatial planning, of the development plan to which sanction is accorded under clause (a) of sub-section (1) of section 10A of the Gujarat District Planning Committees Act, 2008 or clause (a) of sub-section (1) of section 10A of the Gujarat Metropolitan Planning Committees Act, 2008, as the case may be, by varying the development plan under section 19, as the appropriate authority may consider proper."

Guj. 11 of 2008.

Guj. 18 of 2008.

Guj. 11 of 2008.

Guj. 18 of 2008.

- Guj. 11 of 2008.** 5. In the Gujarat District Planning Committees Act, 2008 (hereinafter referred to as "the DPC Act"), in section 1, in sub-section (2), for the words and figures "the Bombay Provincial Municipal Corporations Act, 1949", the words and figures "the Gujarat Metropolitan Planning Committees Act, 2008" shall be substituted.
- Bom. LIX of 1949.**
- Guj. 18 of 2008.**
- Amendment of section 1 of Guj. 11 of 2008.**
6. In the DPC Act, in section 2, before clause (a), the following clause shall be inserted, namely: -
- Amendment of section 2 of Guj. 11 of 2008.**
- "(a-1) "appropriate authority" means an authority as defined under clause (iii) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;"
- President's Act No. 27 of 1976.**
7. In the DPC Act, after section 10, the following sections shall be inserted, namely, -
- Inclusion of proposals in development plan.**
- Insertion of new sections 10A to 10C in Guj. 11 of 2008.**
- "10A.** (1) The State Government may, on receipt of the draft development plan submitted by the District Planning Committee or the authorized officer, as the case may be, by notification in the *Official Gazette*, either -
- (a) sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper; or
- (b) return the draft development plan to the district planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct.
- (2) The sanction accorded under clause (a), shall be called the final development plan which shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify.
- (3) A final development plan which has come into force shall be binding on the concerned all authorities functioning in the district.
- Variation of final development plan.** **10B.** (1) If on a proposal received from a District Planning Committee in that behalf or otherwise, the State Government is of opinion that it is necessary in the public interest to make any variation in the final development plan (hereinafter referred to as "the variation"), it shall publish in the *Official Gazette*, the variation proposed in the final development plan, alongwith a notice, inviting objections

or suggestions from any person with respect to the variation within a period of two months from the date of publication of the variation.

- (2) After considering the objections or suggestions, if any, received under sub-section (1) within the period specified therein and after consulting the district planning committee in a case where the variation is not proposed by that district planning committee, the State Government may, by notification in the *Official Gazette*, sanction the variation with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification.
- (3) From the date of coming into force of the variation, the provisions of this Act shall apply to such variation, as they apply to a final development plan.

**Directions by State
Government.**

10C. (1) Every District Planning Committee shall carry out such directions or control by instructions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any District Planning Committee under this Act any dispute arises between the District Planning Committee and the State Government or any other authority, the decision of the State Government on such disputes shall be final.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may appoint any officer, who shall, -

(a) assist the District Planning Committee in the preparation of the development plan under the Act;

(b) maintain the records of the committee, prepare the records of the discussions and communication of decisions and all other incidental, ancillary matters.”.

Amendment of section 2 of Guj. 18 of 2008. **8.** In the Gujarat Metropolitan Planning Committees Act, 2008 (hereinafter referred to as “the MPC Act”), in section 2, before clause (a), the following clause shall be inserted, namely:-

Guj. 18 of 2008.

President's Act
No. 27 of 1976.

“(a-1) “appropriate authority” means an authority defined under clause (iii) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;”.

9. In the MPC Act, after section 10, the following sections shall be inserted, namely, -

Insertion of new
sections 10A to 10C
in Guj. 18 of 2008.

Inclusion of
proposals in
development plan.

“10A. (1) The State Government may, on receipt of the draft development plan submitted by the Metropolitan Planning Committee, by notification in the *Official Gazette*, either -

(a) sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper; or

(b) return the draft development plan to the metropolitan planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct.

(2) The sanction accorded under clause (a) of sub section (1), shall be called the final development plan which shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify.

(3) A final development plan which has come into force shall be binding on the concerned all authorities functioning in the metropolitan area.

Variation of final
development plan.

10B. (1). If on a proposal received from a Metropolitan Planning Committee in that behalf or otherwise, the State Government is of opinion that, it is necessary in the public interest to make any variation in the final development plan (hereinafter referred to as “the variation”), it shall publish in the *Official Gazette*, the variation proposed in the final development plan, along with a notice, inviting objections or suggestions from any person with respect to the variation within a period of two months from the date of publication of the variation.

(2) After considering the objections or suggestions, if any, received under sub-section (1) within the period specified therein and after consulting the metropolitan planning committee in a case where the variation is not proposed by that district planning committee,

the State Government may, by notification in the *Official Gazette*, sanction the variation with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification.

- (3) From the date of coming into force of the variation, the provisions of this Act shall apply to such variation, as they apply to a final development plan.

Direction by State Government.

10C. (1) Every Metropolitan Planning Committee shall carry out such directions or control by instructions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Metropolitan Planning Committee under this Act any dispute arises between the Metropolitan Planning Committee and the State Government or any other authority, the decision of the State Government on such disputes shall be final.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, the state government may appoint any officer, who shall, -

- (a) assist the metropolitan planning committee in the preparation of the development plan under the Act;
- (b) maintain the records of the committee, prepare the records, of the discussions and communication of decisions and all other incidental, ancillary matters.

STATEMENT OF OBJECTS AND REASONS

Two legislations viz. "The Gujarat District Planning Committees Act, 2008 (herein referred as DPC Act)" and "The Gujarat Metropolitan Planning Committees Act, 2008" (herein referred as MPC Act) are in force in the State of Gujarat.

Section 10 of both the aforesaid Acts provide for functions, whereby the concerned committees, for their jurisdiction, are required to prepare the draft development plan. Also, the appropriate authorities under the Gujarat Town Planning and Urban Development Act 1976 (herein referred as TP Act) are required to prepare the draft development plan.

These draft development plans, prepared under MPC & DPC Acts have to be prepared having regard to plans prepared by the Municipalities and Panchayats in addition to other matters specified under section 10 of MPC & DPC Acts.

The MPC & DPC Acts, not having appropriate provisions with regard to the manner in which the development plans, therein, have to be prepared, sanctions and enacted has led to confusions that it is similar to the one prepared under the TP Act. Further, on this pretext, it is giving rise to understand that the development plans prepared under different acts are not in sync.

Under the 74th Constitutional Amendment, the municipalities and panchayats are required to make plans with regard to economic development and social justice. MPC & DPC Acts, specifies to prepare the development plan which have to be made in regard to the plans prepared by the municipalities and panchayats. These Acts also determines for spatial planning, infrastructure, water and natural resources.

The Gujarat Town Planning and Urban Development Act 1976 emphasizes on land management, infrastructure to create better environmental conditions for living.

Although all three TP Act, MPC Act & DPC Act mandates to prepare the development plans, but the objectives differ like the first one is for land & infrastructure management, whereas the later two refers for economic development and social justice. It is quite certain that some proposals of the development plans prepared under the MPC & DPC Act may influence the management of land. So to that extent it may be necessary that the development plans prepared under the TP Act would have to be made in sync.

Considering the above facts to remove confusion, it is expedient to make specific provision which spells out, manner of preparing, sanctioning and implementing the development plan to be

prepared under MPC & DPC Act and furthermore, to make necessary provision in the Gujarat Town Planning Act, 1976 to include, to the extent required the proposals of development plan prepared under article MPC & DPC Acts.

This Bill seeks to amend all the three Acts to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 1- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which this Act shall come into force.

Clause 7- (i) Sub-section (1) of new section 10A in the Gujarat District Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, either sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper or return the draft development plan to the district planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct, on receipt of the draft development plan submitted by the District Planning Committee or the authorized officer;

(ii) sub-section (2) of new section 10A in the Gujarat District Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the date on which the final development plan shall come into force.

(iii) sub-section (2) of new section 10B in the Gujarat District Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to sanction, by notification in the *Official Gazette*, the variation referred to in sub-section (1) of said section 10B, with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be

specified in the notification after considering the objections or suggestions, if any, received.

- Clause 9-** (i) Sub-section (1) of new section 10A in the Gujarat Metropolitan Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, either sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper or return the draft development plan to the district planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct, on receipt of the draft development plan submitted by the District Planning Committee or the authorized officer;
- (ii) sub-section (2) of new section 10A in the Gujarat Metropolitan Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the date on which the final development plan shall come into force.
- (iii) sub-section (2) of new section 10B in the Gujarat Metropolitan Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to sanction, by notification in the *Official Gazette*, the variation referred to in sub-section (1) of said section 10B, with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification after considering the objections or suggestions, if any, received.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 20th July, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.
Dated the 20th July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.