

Dr. M. Ramachandran
Secretary
Ministry of Urban Development

D.O. No. N-11025/15/2009-UCD

Dated the 31st March, 2009

Dear Chief Secretary,

As you are aware, under the Constitution Seventy-Fourth Amendment Act, 1992 there is a mandatory provision for constitution of Metropolitan Planning Committee in all the metropolitan areas by the State Governments. As per Constitution Amendment Act, Metropolitan Area means an area having a population of ten lakh or more comprised in one or more districts and consisting of two or more municipalities or Panchayats or other contiguous areas specified and notified by the State Government to be a Metropolitan area for this purpose. According to 2001 Census there are 35 metropolitan cities having a population of ten lakh and above spread over in 15 States and Union Territories. Ministry of Urban Development is the nodal ministry to oversee the implementation of 74th Constitution Amendment Act in the States and Union Territories. Although seventeen years have passed since the above Act was enacted, only West Bengal and Maharashtra have constituted the Metropolitan Planning Committees in Kolkata and Mumbai respectively while 2 States namely Andhra Pradesh & Gujarat have enacted enabling legislation to constitute MPCs. Other States having metropolitan cities are yet to take any action in this regard.

2. Metropolitan areas having 38% of the urban population are the engines of economic growth in the country. They are generally composed of several local bodies comprising municipal corporation, municipalities, *nagar* panchayats and rural areas as well. Development Authorities created in these metropolitan areas are not in a position to bring all stakeholders on a single platform. As such Metropolitan Planning Committee for metropolitan areas will play an important role as an inter-governmental, inter-organizational, politically representative forum. MPC is required to prepare Development Plan indicating vision and strategy for integrated and coordinated development of metropolitan area. Under JNNURM also implementation of decentralization measures as envisaged in 74th Constitution Amendment Act is one of the mandatory reforms which

among others include constitution and setting up of MPC in the metropolitan areas.

3. An analysis of the conformity legislation or enabling laws enacted by West Bengal, Maharashtra, Andhra Pradesh and Gujarat reveal that these enabling legislations have more or less reproduced the language of the 74th Constitution Amendment Act. However, for operationalising the MPCs, in letter and spirit, details are yet to be prescribed in many cases. Government of Maharashtra has enacted Maharashtra Metropolitan Planning Committee (Constitution and Function) (Continuance of Provisions) Act, 1999. It has specified constitution of MPC for every metropolitan area consisting of 45 members to prepare draft development plan for the metropolitan area as a whole. Two-thirds of the total members will be elected members from the elected members of Municipalities and chairpersons of the Panchayats in the Metropolitan areas in proportion of their ratio of population. In addition, it will have ex-officio members; nominated members, special permanent invitees, representative of various other Government and Parastatal agencies. Mumbai Metropolitan Region Development Authority shall assist MPC in preparation of development plan. As regards representatives of Government of India are concerned, it has indicated about Railways, Telephone or Port Trusts but Ministry of Urban Development being the nodal Ministry is missing. Chairperson and Vice Chairperson are to be nominated by the State Government. Details about the nomination / appointment of chairperson for smooth functioning of MPC are yet to be spelt out.

4. Government of West Bengal was the first to constitute Kolkata Metropolitan Planning Committee (KMPC), in the country under the West Bengal Metropolitan Planning Act, 1994. Chief Minister, West Bengal is the Chairperson of KMPC and Minister Incharge Municipal Administration and Urban Development Department is the Vice-Chairperson. KMPC has 60 members of whom 40 members are elected through general election and 20 members including Chairperson and Vice Chairperson are nominated by the Government of West Bengal. Secretary, Kolkata Metropolitan Development Authority (KMDA) is the Member Secretary of the KMPC and Office of the KMDA is the Secretariat of the KMPC. KMPC has also constituted an Executive Committee to finalize the sectoral plan and five sectoral sub-committees to prepare the perspective master plans of different sectors of development. Kolkata MPC is the pioneer model which is a good example to emulate.

5. Government of Andhra Pradesh has enacted Andhra Pradesh Metropolitan Planning Committee Act, 2007. Apart from two-thirds elected members, the Act includes representatives of the Government of India and the State Government and such other organisations and institution as may be deemed necessary for carrying out the function. In addition, Members of the House of the people and Members of the State Legislative Assembly / Legislative Council representing constituencies which are wholly or partly in the metropolitan area shall be permanent special invitees to the meetings of the Committee. It has not specified anything about the number of Members, Chairpersons and Vice-chairperson of the committee, Technical Secretariat, Secretary of the Committee and other details for smooth functioning of MPC

6. Government of Gujarat has vide its Resolution dated 27.03.2008 decided to constitute the Metropolitan Planning Committee for the metropolitan areas under Section – 22 (1) of the Gujarat Town Planning and Urban Development Act, 1976. MPCs are to be constituted in Ahmedabad, Surat, Vadodara and Rajkot. MPC will be chaired by Minister Incharge of the District. It will have ex-officio nominated members namely District Collector, Municipal Commissioner, Chairman of the concerned urban development authority and District Development Officer and Chief Executive Authority of the concerned Urban Development Authority, Two-thirds members shall be elected from the members of the Municipalities and Chairpersons of Panchayats in the metropolitan area in proportion to the ratio population of the municipalities and panchayats in that area. In addition, MPC will have permanent invitees comprising MPs and MLAs, President District Panchayats, and Mayor of the concerned Municipal Corporation. Local office of the Urban Development Authority may function as the Technical Secretariat of the Metropolitan Committee. Other details about the functioning of MPC are to be specified.

7. Issue regarding Metropolitan Planning Committee has also been deliberated by the Technical Group on Urban Planning System of the Planning Commission, 1996. Technical Group emphasized that MPC should be constituted within the framework of State Town and Regional Planning Acts under which Development Authorities and Metropolitan Development Authorities are also in operation. These may be linked with the provisions of the 74th Constitution Amendment Act relating to the constitution of MPC. It suggested that the existing set up of the Metropolitan / Development Authorities may provide the necessary technical and secretarial assistance to MPC. Model Urban and Regional Planning and Development Law prepared by the Ministry of Urban Development as part of UDPFI Guidelines, 1996 has also suggested

constitution of MPC under the provisions of State Town and Country Planning Acts. It suggested that MPC should consist of 30 members under the Chairmanship of Minister Incharge of Urban Development in the state.

8. Keeping in view the mandatory provisions of 74th Constitution Amendment Act, experiences of the 4 States which have enacted enabling legislation for constitution of MPCs, recommendations of the Technical Group on Urban Planning System and Model Urban and Regional Planning and Development Law, it is suggested that Metropolitan Planning Committees may be constituted considering the following issues:

Enabling Legislation

9. The MPC is required to prepare a development plan for the entire metropolitan area as notified by the State Government. Development Plan will have to incorporate the plans of Municipalities and Panchayats falling in the metropolitan area. The 74th Constitution Amendment Act states that the legislature of a State may by law make provision with respect to the constitution, composition, membership and other details for operationalising the functioning of MPC. For this purpose, there could be two options. Either a separate enabling legislation, as has been enacted by the West Bengal, Maharashtra and Andhra Pradesh may be enacted or with some amendments in the existing Town and Country Planning Acts, provision for constitution of MPC may be made in the existing Act. Among the two options, it will be advisable to constitute Metropolitan Planning Committee by making necessary amendments in the State Town and Country Planning Acts which will also facilitate closer linkages with other provisions related to planning and development in the State Town and Country Planning Acts. Gujarat has invoked the related provisions regarding urban development agency in the Gujarat Town Planning and Urban Development Act, 1976 to constitute MPCs for the metropolitan area. Even in a separate MPC Act as enacted by Maharashtra; it has incorporated some provisions of the State Town and Regional Planning Act, 1966 and other related Acts for smooth functioning of MPCs.

Composition of MPCs

10. The 74th Constitution Amendment Act has provided that not less than two thirds of the members of MPC shall be elected by and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area. It

will have representation of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the assigned functions.

11. Accordingly, in order to have fair representation of elected and nominated members to handle the complex situation of metropolitan areas it may be suggested that total number of members of MPC may vary from 30 – 60 depending upon the size of the metropolitan city. For metropolitan city below 20 lakh population MPC may have 30 members while for metros having population between 20 – 40 lakh MPC may have 45 members and for other metros above 40 lakh population, MPC may have a maximum number of 60 members. The MPC for large metro of 40 lakh and above population may be chaired by the Chief Minister, while for other metros Minister Incharge Municipal Administration / Urban Development may be the Chairperson.

Categories of Members

12. In addition to the two-thirds of the elected members, MPC may have ex-officio Members comprising officers of the concerned Departments of State Governments at the Secretary level, experts, members from various organisations / agencies / para statals / corporations / NGOs working in the respective metropolitan areas. Besides, MPC may have permanent special invitees from the elected representatives namely Member of Parliament / Legislative Assembly / Legislative Council / Mayor of the Corporation concern with metropolitan area. MPC should also have representatives of Government of India particularly from Ministry of Urban Development, Ministry of Housing and Urban Poverty Alleviation, Ministry of Railways, Ministry of Surface Transport, Ministry of Telecommunication and others, as the case may be.

Interface between MPC and Development Authority

13. Metropolitan Development Authority / Urban Development Authority already created in the metropolitan areas may function as the Technical Secretariat of the MPC which will facilitate preparation of Development Plan. Plan prepared by Development Authorities, if any, shall be finalized only after approval of MPC. Most of the Metropolitan Planning Areas have Development Authorities which are multi-municipal. These MPC could come in place initially by making their jurisdiction co-terminus with that of the Metropolitan Development Authority. As has been done in Kolkata, where the Development Authority could start by being the Technical

Secretariat of MPC; Geographical boundaries could change as and when required.

Functions of MPCs

14. As per 74th Constitution Amendment Act legislature of the State may, by Law, make provisions regarding functions relating to planning and coordination for the metropolitan area which may be assigned to MPC. Accordingly, it is suggested that the following functions may be assigned to MPCs:

- i) Preparation of Draft Development Plan for Metropolitan Area
- ii) Coordination of plans prepared by the Municipalities and Panchayats in the Metro area including coordinated spatial planning of the area.
- iii) Co-ordination and sorting out of common issues involving Panchayats and Municipalities in the metro area including sharing of water and other physical and natural resources.
- iv) Allocation of resources made available by the state and central government to local level institutions.
- v) Phasing and prioritization of development works or works involving number of Panchayats or urban area.
- vi) Advice and assistance to local bodies in preparation of development plans.
- vii) Serving as a link to disseminate development objectives, policies and priorities of Central and State Governments among various local bodies by formulating operational guidelines so that the same may be considered while preparing plans of the respective local bodies.
- viii) Resolution of conflicts and to avoid areas of overlap between different agencies operating in the metropolitan area.

Frequency of Meetings

15. The meeting of the MPC may be held atleast once in every quarter of the Financial Year. The Chairperson or in his absence Vice-Chairman or a Member elected by the members present may preside over the meetings of the committee. Among others, the committee may invite experts to attend its meeting.

Constitution of MPC will go a long way to ensure the orderly, integrated and coordinated development of metropolitan area. I would, therefore, urge you to take immediate action to facilitate enactment of enabling legislation and constitution of MPC for all the metropolitan areas by the State Government.

With regards,

Yours sincerely,

Sd/-
(M. Ramachandran)

To

Chief Secretaries of Karnataka, Tamil Nadu, Bihar, Haryana, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh, Kerala and Jharkhand,