The Madhya Pradesh Municipal Corporation Act, 1956

Act 23 of 1956

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MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956

PART - I
Chapter -I

PRELIMINARY

1. Short title, extent and commencement.-

(1) This Act may be called the Madhya Pradesh Municipal Corporation Act, 1956.
(2) It extends to the whole of Madhya Pradesh.
(3) It shall apply to the larger urban areas with effect from the date on which they are notified as such under section 7."

2. Repeal of enactment.

(1) On the application of this Act to any city, the Municipality if that city shall, save as hereinafter provided, be deemed to have been withdrawn from the operation of the Municipal Law. Provided that on the application of this Act to any city under sub-section (3) of section 1, the authority or any institution if performing the Municipal functions shall cease to perform such function and all assets and liabilities of such authority or institution shall vest in the Municipal Corporation constituted under this Act.
(2) This withdrawal shall not revive any office, authority or thing abolished by the Municipal Law or affect the validity of anything done or suffered, or any right, title obligation or liability accrued, before the application of this Act.
(3) Nothing herein contained shall deprive any person of any right to property, or other private right, except as hereinafter provided.

3. Transfer of liabilities.-

On the application of this Act to any city under sub-section (3) of section1-
(1) All debts and obligations incurred, all contracts entered into with, and all matters and things engaged to be done by, or for, the Municipality of such city before this Act is made applicable shall be deemed to have been incurred, entered into with or engaged to be done by, or for, the Corporation as constituted under this Act.
(2) Every appointment, rule, byelaw, form notification, notice tax scheme, order, licence or permission made, issued, imposed, sanctioned or given under the Municipal Law, shall so far as it relates to the Municipality of such city and so far as it is in force at the time of the application of, and is not inconsistent with , this Act, be deemed to have been made, issued, imposed, sanctioned or given under the provisions of this Act, and shall unless previously altered, modified, cancelled, suspended, surrendered or withdrawn, as the case may be issued, imposed, sanctioned or given.
(3) All rates, taxes and sums of money due to the Municipalities of such city when this Act is made applicable shall be deemed to be due to the Corporation.
(4) All suits or other legal proceedings, civil or criminal, instituted by or against the Municipality of such city may be continued by or against the Corporation.

Explanation.- For removal of doubt it is hereby declared that any rules or byelaws made or anything done under the Municipal law shall not be deemed to be inconsistent with the provisions of this Act merely on the ground that the authority which framed the rules or byelaws or the procedure followed in making such rules or byelaws or doing such thing was different from that prescribed under this Act.

4. Provisional appointment of Commissioner

The Government may, by notification, appoint a person to exercise, perform or discharge the powers, duties and functions which are conferred or imposed by or under this Act on the Commissioner until that officer is appointed under section 54.

5. Definitions.

In this Act, unless there is anything repugnant in the subject or context,-
(1) "Administrator" means a person or committee of persons appointed by the Government under this Act to exercise the powers and perform the duties of the Corporation.
(4) "backery" means any place in which bread or confectionery including biscuits is backed, cooked or prepared in any manner whatsoever for he purposes of profit or sale;
(5) "brothel" means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement which is habitually used by one or more than one woman for the purpose of prostitution;
(7) "building" includes a house, outhouse, stable, shed, hut and other enclosure or structure whether, of masonary, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, doorsteps, walls including compound walls, and fencing and the like but does not include a tent or a temporary shed erected on ceremonial or festive occasions;
(8) "building line" means a line beyond which the outer face or any part of an external wall of a building should not project in the direction of any street existing or proposed;
(9) "cesspool" includes a settlement tank or other tank for the reception and disposal of foul matter from building;
(11) "commissioner" means the Municipal Commissioner for the Municipal Corporation appointed under section ---- and includes any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered;
(12) "closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected there with;
(13) "corporation" means the municipality of a larger urban area;
(14) "councilor " means any person who is legally a member of the Corporation.
(15) "dairy" includes any farm, cattle-shed, m ilk store, milk shop, or other place from which milk is supplied for sale or in which milk is kept for the purpose of sale or manufactured into butter, ghee, cheese, curds or dried or condensed milk for sale, and in the case of a dairy-man who does not occupy any place for the sale of milk but does not include a shop or othe4r place in which milk is sold for consumption on the premises only;
(16) "dairy man" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or intended to be offered for sale for human consumption and any purveyor of milk and any occupier of a dairy;

(17) "dairy produce" includes milk, butter, ghee, curd, buttermilk, cheese and every product of milk;

(18) "dangerous disease" means cholera, plague, smallpox, tuberculosis, cerebrospinal meningitis and diphtheria, leprosy, other than lecuoderma, and any other disease which the Municipality may, by public notice declare to be a dangerous disease for the purposes of this Act;

(18-b) "district" means a district as constructed in the Madhya Pradesh Land Revenue Code, 1959.

(20) "drain" includes a sewer, tunnel, pipe ditch, gutter or channel, and any cistern flush, tank, septic tank, or other device for carrying off or treating sewage offensive matter, polluted mater, sullage, waste water, rainwater or sub-soil water and any culvert, ventilation, shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(21) "drug" means any substance used as medicine or in the composition or preparation of medicines whether for internal or external use;

(22) "eating house" any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of person owing or having an interest in or managing such premises;

(23) "erection or re-erection" of building means and includes-

(a) newly to erect a building on any site whether previously built upon or not;

(b) any material alteration or enlargement of any building;

(c) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(d) conversion into more than one dwelling house a building originally constructed as one dwelling house only;

(e) the conversion by structural alteration of one or more places of human habitation or tenements into a greater or lesser number of such places or tenements;

(f) any structural alteration in a building so as to affect its drainage or sanitary arrangements or its stability;

(g) the addition of any rooms, buildings, out-houses, or other structure to a building;

(h) the construction of the whole or any part of the external walls of a building or the renewal of the posts of wooden building;

(i) conversion by a structural alteration two or more tenements in a building into a greater or lesser number;

(j) any building of which more than one half of the cubical contents of the building above the level of the plinth have been pulled down, burnt or destroyed;

(24) "essential service" means the service in connection with the municipal fire-brigade, the municipal air compressor, the pumping stations, drainage, conservancy or water supply of the city and any such other service as may be notified by the government and then essential officer or servant means every person employed in the essential service.

(25) "factory" has the meaning assigned to it under the Factories Act, 1948;

(26) "filth" includes sewage, night soil and all offensive matter;

(27) "food" means any article used as food or drink for human consumption other than drugs and water and includes-

(a) any article which ordinarily enters into or is used in the composition or preparation of human food; or

(b) any flavouring or colouring matter; spices or condiments,

(29) "hut" means any building which is constructed principally of wood, mud leaves, grass, cloth or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the corporation may declare to be a hut for the purpose of this Act;

(29-a) "Industrial Township" means and Industrial Township specified under section 7.

(30) "keeper" means the person in charge of a lodging house, and may include the owner for the purposes of any rules or byelaws made under this Act;

(32) "land" includes benefit arising out of land, houses and things attached to the earth, or permanently fastened to any thing attached to the earth and also land which is being built upon or is built upon or covered with water;

(56) "licensed plumber" means respectively person licensed by the Municipality as a plumber under this Act;

(i) "licensed surveyor" means respectively person licensed by the Municipality as a surveyor under this Act;

(ii) "licensed architect" means respectively person licensed by the Municipality as a architect under this Act;

(33) "lodging house" means a building or part of a building where lodging with or without a board or other services is provided for a monetary consideration and includes a collection of buildings or a building or a part of a building used for the accommodation of pilgrims and travels whether on payment or otherwise;

(34) "market" or "Bazar" means-

(a) a place where person assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food of a perishable nature, whether or not there is any collection of shops, or ware-houses or stalls for the sale of other articles in such place; or

(b) any place of trade other than a place referred in sub-clause (a) where there is a collection of shops or warehouses or stalls;

and shall include any "hat" or place where trade or business is carried on either weekly or bi-weekly or on certain fixed days of the week;

(34-a) "municipal area means the territorial area of a Municipality as is notified by the Governor under section--------

(35) "municipal drain" means a drain vested in the Municipality;

(35-a) "municipal law" means a law for the time being in force for the organization and administration of municipalities;

(36) "municipal market" means a market vested in or managed by the Municipality;

(37) "municipal slaughter house" means a slaughter house vested in or managed by the Municipality;

(38) "municipal tax" means any tax levied by the Municipality under the provisions of this Act;

(39) "municipal water works" means a water work vested in or managed by the Municipality;

(39-a) "nazul land" means nazul lands within the city for the management, and disposal of which special rules have been made by the Government.

(40) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell, or hearing or disturbance to rest or sleep of the community or which is or may be dangerous to life or injurious to the health or property or offends against public morality;

(41) "occupier" means any person in actual possession of any land or building and includes an owner in actual possession, and a tenant or licensee, whether such tenant or licensee is liable to pay rent or not;

(42) "offensive matter" includes animal carcasses, dung, dirt, putrid and purifying substances, and filth of any kind but does not include sewage;

(43) "owner" when used with reference to any land or building includes the person for the time being receiving the rent of the land or building or of any part of the land or building whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver, who would receive such rent if the land, building or part there of were let to a tenant, or a manager or mortgagee in possession;

(43-a) "population" means the population as ascertained at the preceding census of which the relevant figures have been published;

(45) "private street" means a street which is not a public street;

(46)"public analyst " means any person appointed by the Corporation to perform the duties and to exercise the powers of a public analyst prescribed by byelaws under this Act;

(47) "public place" means a space, not being private property, which is open to the use or enjoyment of the public, whether such space is vested in the Corporation or not;

(48) "public securities" means-

(a) securities of the Centre or any State Government;

(b) securities, stock, debentures, or shares the interest where on has been guaranteed by the Central or State Government;

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by any enactment for the time being in force in any part of the Republic of India;

(d) securities expressly authorized by any order which the State Government make in this behalf;

(49) "public street" means any street-

(a) over which the public have a sight of way; or

(b) which have been heretofore leveled, paved, metalled, asphalted, channeled, sewered or repaired out of municipal or other public funds; or

(c) which under the provisions of the Act becomes a public street, and includes-

(i) the roadway over any public bridge or causeway;

(ii) the footway attached to any such street;

(iii) public bridge or causeway, and the drains attached to any such street, public bridge or causeway;

(50) "registered trade union" means a trade union registered under the Indian Trade Union Act, 1926;

(51) "reside" a person shall be deemed to reside in any dwelling house or hut which or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment; and

(b) a person shall not be deemed to cease to reside in any such dwelling house or hut, merely because he is absent, from it or has elsewhere another dwelling house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

(52) "rubbish" includes dust ashes, broken bricks, mortar, broken glass garden or stable refuse or refuse of any kind which is not "offensive matter" or "sewage" as defined in this section;

(53) "sewage" means night soil, and other contents of water closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bathrooms, stables, cattle sheds, and other like places, and includes, trade effluents and discharges from manufactories of all kinds;

(54) "sewage connection" includes any drain connecting any water closet, latrine, privy, urinal, bathroom, sink, sullage tray, manhole or trap with any drain for sewage and other offensive matter;

(54-a) "social audit" means the review of the impact of policies, programmes, schemes and procedures adopted or implements by any municipal authority, by a group or groups of persons residing within the municipal area;

(54-b) "State Election Commission" means the State Election Commission constituted under Article 243-K of the Constitution;

(55) "street" means any road, foot-way, square, court alley or passage, accessible, whether permanently or temporarily to the public, whether a through fare or not;

and shall not include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not;

but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

and shall include also the drains on either side and the land whether covered or not by any pavement, verandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by Government or by the Corporation for any purpose other than a street;

(56) "street line" means a line dividing the land comprised in and forming part of a street from the adjoining land;

(56-a) "tax" includes any toll, cess, fee or other import levied or leviable under this Act;

(57) "traffic sign" include, all signals, warning sign posts, direction posts, sign or other devices, erected by any person or authority authorized by law to do so for the information, guidance or direction of person using roads or of wheeled and other traffic;

(58) "vehicle" includes a bicycle, tricycle, motor car and every wheeled conveyance which is used capable of being used on a public street;

(59) "water closet" means a closet accommodation used or adopted or intended to be used in connection with the municipal water works and comprising provisions for flushing of the receptacle by means of a water supply and having connection with a sewer;

(60) "water connection" includes-

(a) any tank cistern, hydrant, stand pipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the Municipality;

(b) the water pipe connecting such tanks, cistern, hydrant, stand pipe, meter or tape with such water-main or pipe;

(61) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles where the cattle, horses or vehicles are kept for sale or hire or by a common carrier and shall not include water for any trade, manufacture or business, or for building purposes, or for watering, gardens, or for fountains, or for any ornamental purposes;

(62) "water work" includes a lake stream, spring, well, pump, reservoir, cistern, tank duct whether covered or open sluice, main pipe, culvert, engine, water truck, hydrant, stand pipe, condint, and machinery, land, building or thing for supplying water or for protecting sources of water supply;

(63) "workshop" means any building, place or premises or any part thereof, not being a factory, to or over which the employer of the persons working there in has the right of access or control,

and in which or within the compound or precincts of which any manual labour is employed or utilized in aid of or incidental to any process for the following purposes:-
(i) the making of any article or part there of; or
(ii) the altering repairing, ornamenting or finishing of any article; or
(iii) the adopting for sale of any article.

PART -II- CONSTITUTION AND GOVERNMENT
CHAPTER II- THE MUNICIPAL AUTHORITY

6. Municipal authorities charged with the execution of this Act-

The Municipal authorities charged with carrying out the provision of this Act shall be ---

(a) The Corporation
(b) The Mayor-in-Council
(c) The Mayor
(d) The Commissioner.

7. Constitution of Municipal Corporation.-

(1) There shall be constituted a Municipal Corporation for a larger Urban area in accordance with the provisions of this Act:

Provided that a Corporation under this section 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 or a group of such establishments in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this section 'a larger urban area' means such area as the Governor may 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, specify by public notification for the purpose of this Act.

(3) The Corporation shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

8. Power of Corporation to acquire and hold movable and immovable property.-

The Corporation shall have power to acquire and hold property, both movable and immovable, within or without the limits of the city and, subject to the provisions of this Act and the rules and byelaws made there under, to transfer any property held by itself and to contract and to do all other things necessary for the purpose of this Act.

9. Composition of Municipal Corporation.--

(1) A municipal corporation shall consist of:-

(a) a Mayor that is chairperson elected by direct election from the Municipal area;

(b) Councillors elected by direct election from the wards;

(c) not more than six persons having special knowledge or experience in the municipal administration, nominated by the State Government:

Provided that only a person residing within the municipal area and being otherwise not ineligible for election as a councilor, may be nominated.

(d) Members of the House of the people and the Members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the municipal area;

(e) Members of the Council of State registered as electors within the Municipal area;

Provided that a member of the House of the people and a member of the State Legislative Assembly as mentioned in clause (d) or a member of council of States, as mentioned in clause (e) may nominate his representative, who possesses such qualifications as may be prescribed in this behalf to attend the meeting of the Corporation.

(2) The persons nominated under clause (c) of sub-section (1) shall hold office during the pleasure of the State Government.

(3) Persons referred to in sub-section (1) shall be deemed to be councilors for all purposes of this Act but the persons referred to in clause ©, (d) and (e) of sub-section (1) shall not have the right to vote in the meeting of the Corporation.

(4) If any municipal area fails to elect a Mayor or any ward fails to elect a Councillor, fresh election proceedings shall be commenced for such municipal area or ward, as the case may be, within six months to fill the seat, and until the seat is filled it shall be treated as casual vacancy:

Provided that proceedings of election of Speaker, or any of the Committee under the Act shall not be stayed, pending the election of such seat.

10. Determination of number and extent of wards and conduct of elections.-

(1) The State Government shall from time to time, by notification in the official gazette, determine the number and extent of wards to be constituted in each Municipal area:

Provided that the total number of wards shall not be more than seventy and not less than forty in any municipal area.

(2) Only one councilor shall be elected from each ward.

(3) The formation of the wards shall be made in such a way that the population of each of the wards shall so far as practicable, be the same throughout the city and the area included in the ward is compact.

(4) As soon as the formation of wards a municipal area is completed, the same shall be reported by the State Government to the State Election Commission.

(5) Omitted

(6) Omitted

11. Reservation of seats.-

(1) Out of the total number of wards determined under sub-section (1) of section 10 such number of seats shall be reserved for Scheduled Tribes in every Municipal Corporation as bears, as nearly as may be the same proportion to the total number of seats to be filled by direct election in the Municipal Corporation as the population of the Scheduled Castes or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such wards shall be those inn which the percentage of population of the Scheduled Castes or the Scheduled Tribes, as the case may be, is most concentrated.

(2) As nearly as possible twenty five percent of the total number of wards shall be reserved for other backward classes in such Municipal Corporation, where fifty percent or less seats are reserved for Scheduled Castes and Scheduled Tribes, and such seats shall be allotted by rotation to different wards in such manner as may be prescribed.

Provided that if from any ward so reserved nomination paper is filed for election, as a Councillor, b y any member of the backward classes, then the Collector shall be competent to declare it as unreserved.

(3) Not less than one-third of the total number of seats reserved under sub-section (1) and (2), shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or other backward classes, as the case may be.
(4) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and other backward classes), of the total number of seats to be filled by direct election in every Municipal Corporation shall be reserved for women and such seats, shall be allotted by rotation to different wards in a Municipal Corporation in such manner as may be prescribed.
(5) The reservation of seats under sub-sections (1), (2) and (3) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.
Explanation: In this section 'other backward classes' means category of persons belonging to backward classes as notified by the State Government.

11.A Reservation of the office of the Mayor.-

(1) Out of the total number of offices of Mayors of Corporations in the State, such number of offices of Mayors shall be reserved for scheduled Caste and Scheduled Tribes, as shall bear the same proportion, as nearly as possible as the population of each of these categories within the limits of all the Municipal Corporations in the State bears to the total population within such limits.
(2) As nearly as possible, twenty five percent of the total number of offices of Mayors shall be reserved for Other Backward classes.
(3) As nearly as possible one-third of the total number of offices of Mayor reserved under sub-sections (1) and (2) shall be reserved for women belonging to the Scheduled Castes, Scheduled Tribes or Other backward Classes, as the case may be.
(4) As nearly as possible one-third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes) of the total number of offices shall be reserved for women.
(5) The aforesaid reservation shall be made in such manner as may be prescribed.
(6) The reservation of offices of Mayors under sub-sections (1), (2), and (3) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.
Explanation: In this section and in Section 11 the expression 'Scheduled Castes, Scheduled Tribes and Other Backward Classes shall have the same meaning as assigned to them in the Madhya Pradesh Lok Seva (Anussuchit Jatiyon, Ansuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No.21 of 1994).

12. Qualification of voters and their registration.-

Subject to the provisions of Section 13 and 14 every person who-(a) is not less than eighteen years of age on the 1st January of the year in which the electoral roll for a ward is prepared or revised;
(b) is ordinarily resident in the ward within the meaning of Section 20 of the Representation of the People, Act, 1950 (No.43 of 1950), subject to modification that reference to "Constituency" therein were a reference to "area comprised in the ward", and
(c) is otherwise qualified to be registered in the Assembly roll relatable to the ward;
shall be entitled to be registered in then electoral roll of that ward:

Provided that-
(i) no person shall be entitled to be registered in the electoral roll more than one ward in the same city;
(ii) no person shall be entitled to be registered in the electoral roll for any ward more than once.

13. Disqualification of voters.-

(1) A person shall be disqualified for registration in the electoral roll if he-
(a) is not citizen of India; or
(b) is of unsound mind and stands so declared by a competent court; or
(c) is convicted of an offence under the Protection of Civil Rights Act, 1955 (No. 22 of 1955), unless a period of five years or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction; or
(d) is for the time being disqualification from voting under the provision of any law relating to corrupt practices and other offences in connection with election.
(1-a) The name of any person who become so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

Provided that the3 name of any person struck off the electoral roll by reason of a disqualification under clause (d) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force removed under any law authorizing such removal.
"(2) If the State Election Commission or an Authority appointed by it, on an application made to it or on its own motion, is satisfied after such enquiry as it thinks fit that any entry in the electoral roll of the Corporation-
(a) is erroneous or defective in any particulars;
(b) should be transposed to another place in the roll ; or
(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the ward or is otherwise not entitled to be registered in that roll;
it shall amend , transpose or delete the entry:

Provided that before taking any action on the ground that the person concerned has ceased to be ordinarily resident, in the ward or that he is otherwise not entitled to be registered in the electoral roll of that ward, the State Election Commission or the authority, as the case may be, shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.
Explanation.- The expression 'ordinarily resident' shall have the same meaning as is assigned to it in clause (b) of Section 12.

14. Preparation of Electoral rolls and conduct of Elections.-

(1) The Superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections of Councillors and Mayors of the Municipal Corporation shall be vested in the State Election Commission.
(2) The State Government shall, in consultation with the State Election Commissions, make rules for the preparation of electoral rolls and conduct of all elections of Councillors and Mayors of Municipal Corporations.

14-A. Account of Election Expenses.-

(1) Every Candidate at an election of Mayor shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authroised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both days inclusive.

Explanation-I.- any expenditure incurred or authorized in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual other than the candidate or his election agent shall not be deemed to be expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purpose of this sub-section.

Explanation-II.- For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of Section 123 of the Representation of the People Act, 1951, in discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purpose of this sub-section.

(2) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.

(3) The account of expenditure shall contain such particulars as may be prescribed by the State Election Commission.

14-B. Lodging of account of election expenses.-

Every contesting candidate at an election of Mayor shall, within 30 days from the date of election of the returned candidate lodge with the officer notified by the State Election Commission and account of his election expenses which shall be a true copy of the account kept by him or by his election agent under Section 14-A.

14.C. Disqualification for failure to lodge account of election expenses.-

If the State Election Commission is satisfied that a person-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has n o good reason or justification for the failure, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for being chosen as and for being a councilor or a Mayor of the Corporation, for a period not exceeding five years from the date of the order.

14-D. Removal or reduction of period of Disqualification.-

The State Election Commission, on making an application within thirty days from the date of publication of the order, passed under clause (b) of Section 14-C, in the official Gazette may for reasons to be recorded in writing remove any disqualification or reduce the period of any such disqualification.

15. Eligibility for voting.-

Every person registered as a voter in the municipal electoral roll, for the time being in operation of a ward, and no person who is not so registered, shall be eligible to vote at any election for the councilors or Mayor:

Provided that no person shall vote more than once in any election of the councilors or an election of the Mayor, as the case may be.

16. Qualification for election as Mayor or Councillor-

(1) Subject to the provisions of this Act, a person who is enrolled in the Municipal electoral roll as a voter, shall be qualified to be a candidate-
(a) for the election of Mayor, if he is not less than 25 years of age; and
(b) for the election of Councillor, if he is not less than twenty-one years of age.
(2) No person who is a candidate for any one ward shall be a candidate for any other ward.
(3) Any person who ceases to be a Mayor or a Councillor shall, if qualified under sub-section (1), be eligible for re-election as such.
(4) If a person is elected for the Office of Mayor and Councillor both, he shall have to resign from one of the office within seven days from the date on which he is declared elected.

17. General disqualification for becoming a Councillor or Mayor-

(1) No person shall be a Councillor or Mayor, who-
(a) (i) has been convicted of annoffence punishable under section153-a, or section 171-E or Section 171-F, or sub-section (2) or sub-section (5) of Section 505 of the Indian Penal Code 1860 (No. 45 of 1860) or under the protection of Civil Rights Act, 1955 (No. 22 of 1955) or under section 125 of the Representation of the people Act, 1951 (No.43 of 1951) or Section 3 and 4 of the Dowry Prohibition Act, 1961 (No.28 of 1961) or Section 10 or Section 11 of the Madhya Pradesh Local Authorities (Electoral Offences) Act, 1964(N0. 13 of 1964 unless a further period of six years has elapsed since his release after undergoing the sentence;
(ii) has been convicted by a court in India,-
(a) for an offence not falling under sub-clause(i) and sentenced to imprisonment for a period of not less than two years; or
(b) for contravention of any provisions of the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam (N0.15 of 1984), or of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs,

unless a further period of six years has elapsed since his release after undergoing the sentence.

Explanation.- In this clause,
(a) "Law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law provided for,-
(i) the regulation of production or manufacture of any essential commodity;
(ii) the control of price at which any essential commodity may be brought or sold;
(iii) the regulation of acquisition, possession storage, transportation, distribution, disposal, use or consumption of any essential commodity;

(iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;
(b) ”drug” shall have the meaning assigned to it in the Drugs and cosmetics Act, 1940 (No. 23 of 1940);
(c) “essential commodity” shall have the same meaning as assigned to it in the Essential Commodities Act, 1955 (No. 10 of 1955);
(d) “food” shall have the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954).
(a-1) has, in proceedings for questioning the validity or regularity of an election or nomination been found to have been guilty of any corrupt practice, unless a period of five years has elapsed since the date of the finding of the disqualification has been removed by the State Government under Section 441-G;
(b) has been removed from office under section 18,19-B or sub-section (3) of section 23 unless he has been relieved by Government from the disqualification arising on account of such removal from office;
(bb) has been disqualified for further election or nomination as a Councillor or Mayor under Section 17-A unless he has been relieved by the Government from such disqualifications;
(c) is an undischarged insolvent;
(d) is of unsound mind and stands so declared by a competent court;
(e) is less than twenty five years of age; in case of a Mayor and is less than twenty one years of age’ in case of councilor.
(f) is in the service of the Government or any local authority or is a Government pleader;
(g) has directly or indirectly by himself or his partner, any share or interest in any work being done by order of the Corporation or in any contract or employment with or under , or by, on behalf of the Corporation.
Explanation- A person shall not be deemed to have incurred disqualifications under this clause by reasons of his-
(a) receiving a Government or municipal pension;
(b) having any share or interest in-
(i) any lease, sale or transfer of land;
(ii) any agreement for the loan of money or any security for the payment of money only;
(iii) any joint stock company except as a director or managing agent or any registered co-operative society.
(iv) occupying as a tenant any premises belonging to the Corporation;
(h) has been dismissed from Government or Municipal service on account of misconduct involving moral turpitude;
(i) has any tax or dues, payable to the Corporation, standing against his name for a period exceeding one year, or
(j) has not paid the amount of charge imposed upon him under Section 11 of the Madhya Pradesh Sthaniya Nidhi Sampariksha Adhiniyam, 1973 (No. 43 of 1973) within the time specified in Section 15 of the said Adhiniyam.
(k) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislative Assembly of the State:
Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty-one years;
(l) has been convicted of an offence against women;
(m) has more than two living children, one of whom is born on or after 26th January, 2001.

(n) has been disqualified under Section 14-C.
(o) has any dues payable to the Madhya Pradesh state electricity board or its successor companies standing against his name for a period exceeding six months.

(2) Disability from continuing as a Councillor or Mayor .-

If any Councillor or Mayor during the term of which he has been elected or nominated-
(a) becomes disqualified-
(i) under sub-section (1) of Section 13 and his name is struck off from the electoral roll under sub-section (1-a) of that Section; or
(ii) under sub-section (a) of this Section;
(b) acts as a Councillor or Mayor in any matter-
(i) in which he has directly or indirectly by himself or his partner, any share or interest, as is described in clause (g) of sub-section (1); or
(ii) in which he is professionally interested on behalf of a client, principal or other person; or
(c) absent himself during six consecutive months from the meeting of the Corporation except with the leave of the Corporation; or
(cc) begets a child on or after 26th January,2001 which increases the number of his children to more than two, or
(d) fails to pay any arrears of any kind due by him to the Corporation within three months after a notice in this behalf has been served upon him;
(e) becomes disqualified for being chosen as and for being a Councillor or Mayor under Section 14-C.

he shall subject to the provisions of sub-section (3) be disabled from continuing to be a Councillor or Mayor and his office shall become vacant"

Provided that a disqualification under clause (a) of sub-section (1) shall not take effect until three months have elapsed from the date of conviction, or if within that period an appeals is field or application for revision is filed in respect of the conviction or the sentence until that appeal or application is disposed off by the Court.

(3) Power to decide whether vacancy has occurred-

In every case except the cease falling under clause (n) of sub-section (1) and clause (c) of sub-section (2) the authority competent to decide whether a vacancy has occurred under this Section shall be the Government. This decision may be given either on any application made by any person or suo motu until the Government decides that the vacancy has arisen, the Councillor or Mayor shall not be disabled under sub-section (2) from continuing to be a Councillor or Mayor.

Provided that no order under this Section shall be passed against any Councillor or Mayor without giving him a reasonable opportunity of being heard.

17-A. Power to disqualify ex-Mayor, Speaker, etc.-

(1) If as a result of audit report or an enquiry or any other proceeding, it comes to the notice of the State Government that any person while he was holding the office of the Mayor, Speaker , Chairman or Member of a Committee constituted under this Act or a Councillor has committed such acts of commission or omission which, in the opinion of the State Government, would have made his continuance in such office undesirable in the interest of the public or the Corporation,

the State Government may notwithstanding the fact that he has ceased to hold such office, by an order in writing declare such person to be disqualified for further election, or nomination as a Councillor or Mayor for such period not exceeding five years as may be specified by the State Government in such order.
(2) No order under sub-section (1) shall be passed unless reasonable opportunity has been given to the person concerned to furnish an explanation.

17-B. Oath or affirmation by the Mayor and the Councillor-

(1) Every Mayor and every Councillor shall before taking part in the Election of Speaker in the first meeting of the Corporation or before entered upon his office, as the case may be, shall make and subscribe in the presence of the Collector an oath or affirmation in the following form:-

I……the Mayor /elected Councilllor/ nominated Councillor of Municipal Corporation ……..swear in the name of the God/solemenly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will up hold the sovereignty and integrity of India, and I will faithfully and impartially perform my duties.
(2) If the Mayor or Councillor does not take an oath under sub-section (1), it shall be deemed that such Mayor or Councillor, as the case may be, has not assumed his office.

Provided that except with the permission of the Divisional Commissioner if any Mayor or Councillor, as the case may be, does not take an oath within three months from the date of his election or nomination, as the case may be, his seat shall be deemed to have been vacant ipso facto.

18. Election of Speaker-

(1) The Mayor and the elected Councillors of the Corporation shall within fifteen days from the date of the notification of the election under Section 22, in the prescribed manner, elect a speaker from the elected Councillors.
(2) the Speaker shall declare a panel of two elected Councillors every year to preside over the meetings of the Corporation during his absence in order of the name in the panel
(3) The meeting under sub-section (1) shall be called and presided over by the Collector.
(4) The term of the Speaker shall be coterminous with the term of the Corporation.

18-A. Powers and functions of the Speaker.-

(1) Subject to the provisions of the Act the Speaker shall have the following powers and functions:-
(i) to preside over the meetings of the Corporation and send the copy of proceeding to the Commissioner within seven days from the date of meeting;
(ii) to fix the date of the meeting of the Corporation with the consent of the Mayor and arrange to send the notice there of along with the Agenda as approved by the Mayor, and
(iii) to have administrative control over the officers and servants of his office including the Corporation Secretary.
(2) The Speaker shall have power to call the execution report from the Commissioner, on the decisions taken in the meeting of the Corporation, and may take steps to include in the agenda of the next meeting of the Corporation such matters in which execution has been delayed beyond three months.

19. Removal of Councillors.-

(1) The Divisional Commissioner may at any time, remove any elected councilor,-
(a) if his continuance as a Councillor, is not, in the opinion of the Divisional Commissioner, desirable in the interest of the Public or of the corporation; or
(a-1) if it is found that he does not belong to the reserved category for which the seat was reserved; or
(b) if the Corporation has, by a resolution supported by atleast two-third of the total number of Councillors, recommended that the Councillor is not fit to continue as a Councillor on account of misconduct in the discharge of his duties or disgraceful conduct and should therefore removed.
(2) The Divisional Commissioner may, while ordering the removeal under sub-section (3) of Section 23 or this Section, also order that such councilor shall not be eligible to become a councilor of a Corporation for a period which shall be specified in the order and which shall not exceed five years:

Provided that no resolution recommending the removal of any councilor shall be passed by the Corporation nor any such order of removal shall be passed by the Divisional Commissioner unless such councilor has been given a reasonable opportunity of showing cause why a recommendation should not be made for his removal or why he should not be removed from his office.
(3) An appeal against the order passed under sub-section (1) or sub-section (2) of this section *18 shall lie to the State Government within thirty days of the date on which the order is conveyed to the aggrieved party. The State Government may after giving a reasonable opportunity of being heard, pass such order on the appeal as it may think fit.

19.A. Automatic vacation of all offices on ceasing to be Councillor-

A person who ceases to be Councillor shall automatically vacate all the offices in the Corporation which he holds by virtue of his being a Councillor.

19-B. Removal of Mayor or Speaker or Chairman of a Committee.-

(1) The State Government may, at any time remove a Mayor or Speaker or Chairman of any Committee, if his continuance as a Mayor or Speaker or Chairman of any Committee as the case may be, is not, in the opinion of the State Government, desirable in public interest or in the interest of the Corporation or if it is found that he is incapable of performing his duties or is working against the provisions of this Act or the rules made there-under or if it is found that then Mayor does not belong to the reserved category for which the seat was reserved.
(2) As a result of the order of removal of Speaker or Chairman of any Committee, as the case may be, under sub-section (1) , it shall be deemed that such Speaker or the Chairman of any Committee, as the case may be, has been removed from the office of Councillor also. At the time of passing order under sub-section (1), the State Government may also pass such order that the Mayor or Speaker or Chairman of any Committee, as the case may be, shall disqualified to hold the office of Mayor or Speaker or Councillor, as the case may be, for the next term:

Provided that no such order under this Section shall be passed unless a reasonable opportunity of being heard is given.

19-C. Resignation of Mayor-

(1) The Mayor may resign his office by tendering his resignation in writing to the State Government.
(2) On receipt of the resignation, under sub-section (1), the State Government shall:-
(i) if satisfied about its genuineness, accept the resignation and notify the fact of such resignation and the occurrence of casual vacancy by reason of such resignation in the Gazette:
(ii) if not satisfied about it genuineness, not accept the resignation for reasons to be recorded in writing.
(3) If it appears to the State Government that the Mayor having become liable for removal under section 19-B has tendered his resignation to escape such removal, then notwithstanding anything contained in this section, the State Government may order his removal in accordance with the provisions of the said section and thereupon the Mayor shall be deemed to have been removed from the date he resigns his office.

20. Duration of the Municipal Corporation.

(1) Every Municipal Corporation, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer.
Explanation:- The meeting held under sub-section (1) of Section 18 for the purpose of electing the Speaker shall be deemed to be the first meeting for the purpose of this sub-section.
(2) An election to constitute a Municipal Corporation shall be completed,-
(a) before the expiry of its duration specified in sub-section (1);
(b) before the expiration of a period of six months from the date of its dissolution:
Provided that where the remainder of the period for which the dissolved Municipal Corporation would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Municipal Corporation for such period.
(3) A Municipal Corporation constituted upon the dissolution of a Municipal Corporation before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipal Corporation would have continued under sub-section (1) had it not been so dissolved.
(4) Subject to the provisions of this Act, the term of Mayor and every Councillor shall be conterminous with the term of the Corporation.

21. Filling to Casual Vacancies .-

(1) As soon as the office of a Mayor or the seat of an elected Councillor becomes vacant or is declared vacant, or the election of the Mayor or Councillor as the case may be, is declared void, the State Government shall forthwith inform the State Election Commission for filling up the vacancy and the person so elected shall hold office of Mayor or Councillor as the case may be, only for the remaining period of the Corporation.
Provided that if the remaining period of the Corporation is less than six months, such vacancy shall not be filled in.
(2) Until the vacancy in the office of Mayor is filled in under sub-section (1), all the powers and duties of the Mayor shall be performed by such elected Councillor as the State Government may nominate in this behalf:

Provided that if the office of Mayor is reserved under Section ……., such Councillor shall be nominated from the elected Councillors belonging to such reserved category.

22. Notification of election of Mayor and Councillor.-
Every election of a Mayor and Councillor shall be notified by the State Election Commission in the official gazette.

23. Resignation of Speaker or Councillors.-

(1) Speaker or any Councillor may resign his office by tendering his resignation in writing to the Mayor who shall forward the same to the Divisional Commissioner and if the Speaker or such Councillor, as the case may be, desire he may also send a copy of his resignation directly to the Divisional Commissioner.
(12) On receipt of the resignation under sub-section (1), the Divisional Commissioner shall-
(i) if satisfied about its genuineness, accept the resignation and notify the fact of such resignation and the occurrence of casual vacancy by reason of such resignation in the Gazette;
(ii) if n ot satisfied about its genuineness, not accept the resignation for reasons to be recorded in writing.
(3) If it appears to be Divisional Commissioner that any Councillor having become liable for removal under Section 19 has tendered his resignation to escape such removal, then notwithstanding anything contained in this section, the Divisional Commissioner may order his removal in accordance, with the provisions of the said section and thereupon the Councillor shall be deemed to have been removed from the date he resigned his office.

23.A. No-Confidence motion against Speaker.-

(1) A motion of no confidence may be moved against the Speaker by any elected Councillor at a meeting specially convened for the purpose under sub-section (2) and if the motion, is carried by a majority of two thirds of the elected Councillors present and voting in the meeting and if such majority is more than half of the total member of elected Councillors constituting the Corporation, the office of the Speaker, shall be deemed to have fallen vacant forthwith.

Provided that no such resolution shall lie against the Speaker within a period of-

(i) two years from the date on which the Speaker enters upon his office,

(ii) one year from the date on which the previous motion of no-confidence was rejected.

(2) For the purpose of sub-section (1) a meeting of the Corporation shall be convened and presided over by the Collector in the following manner, namely.-

(i) The meeting shall be convened forthwith on a requisition signed by not less than one third of the total number of elected Councillors constituting the Corporation for the time being,

(ii) the notice of such a meeting specifying the date, time and place shall be dispatched to the Mayor and every Councillor ten clear days before the meeting.

(iii) the no-confidence motion moved under this section shall be decided through secret ballot.

24. Recalling of Mayor-

(1) Every Mayor of a Corporation shall forthwith be deemed to have vacated his office if he is recalled through a secret ballot by a majority of more than half of the total number of voters of the corporation area casting the vote in accordance with the procedure as may be prescribed:

Provided that no such process of recall shall be initiated unless a proposal is signed by not less than three-fourth of the total number of the elected Councillors and presented to the Divisional Commissioner:

Provided further that no such process shall be initiated:

(i) within a period of two years from the date on which such Mayor is elected and enters his office;

(ii) If half of the period of tenure of the Mayor elected in a bye-election has not expired.

Provided also that process for recall of the Mayor shall be initiated once in his whole term.

(2) The Divisional Commissioner, after satisfying himself and verifying that the three-fourth of the Councillors specified in sub-section (1) have signed the proposal of recall, shall send the proposal to the State Government and the State Government shall made a reference to the State Election Commission.

(3) On receipt of the reference, the State Election Commission shall arrange for voting on the proposal of recall in such manner as may be prescribed.

25. Powers and functions of Mayor-

(1) The Mayor shall,-

(a) have administrative control over the officers and servants of his office including the office of the Mayor-in-Council and Appeal Committee;

(b) exercise such powers and perform such functions as described in the Actor the Rules made there under.

(2) The Mayor or in his absence such member of the Mayor-in-Council, as may be appointed by the Mayor in case of epidemic, natural or unforeseen calamity may direct the execution or stoppage of any work or any act, the immediate execution or stoppage of which is necessary for the purpose of this Act:

Provided that,-

(a) he shall not act under this sub-section in contravention of any order of the State Government or Corporation or Mayor-in-Council prohibiting the execution or stoppage of any particular work or act; and

(b) he shall report the action taken under this sub-section and the reasons therefore, to the Corporation at its next meeting and if the Corporation does not confirm the action of the Mayor or such member of the Mayor-in-Council, as may be appointed by the Mayor as the case may be, the matter shall be referred to the State Government and the decision of the State Government thereon shall be final, but the State Government before passing any order, which may affect any person a reasonable opportunity of being heard shall be given to such person.

25-A. Duties of the Councillors.-

Subject to the provisions of the Act, every Councillor shall have the following duties:-

(i) to be present and take part in the meetings of the Corporation and on requirement give vote in his discrection in favour or against, on the matters included in the agenda.

(ii) to draw the attention of the Commissioner or the head of the departments concerned, towards any loss to the Corporation property or any short comings in any scheme or service or any work being executed by the Corporation.

25-B. Honorarium and Allowances to Mayor, Speaker and Councillors.-

The Mayor, Speaker and the Councillors shall be entitled to receive such honorarium or allowances or both, as the State Government may prescribe.

26. Procedure in case of non-payment of Municipal dues by Councillors and office bearers of Corporation-

(1) Within fifteen days from the expiration of each calendar quarter, the Commissioner shall-
(a) draw up a list of all councilors (which term for the purpose of this section shall include the Mayor and Speaker, who have failed to pay any tax due by them to the Corporation within six months from the date on which such tax became due;
(b) issue to every person on the said list a notice of demand requiring him to pay the arrears within three months from the date of service of such notice; and
(c) submit a copy of the list to the Government.

(2) If on receipt of the notice referred to in sub-section (1) the Councillor fails to pay within three months, the arrears of any tax specified in notice, he shall subject to the provision of sub-section (3) of Section 17 cease to be a Councillor and his office shall be vacant; and he shall be disqualified for further election or nomination to such office until the arrears due by him are paid and the certificate to that effect is granted to him.

(3) The Government may make rules under this Act providing for all matters connected with the administration of this Section.

CHAPTER III- CONDUCT OF BUSINESS

Transaction of Business by the Corporation

27. Meeting of the Corporation and Committee.-

The Corporation shall meet at least once in every two months and every Committee shall meet at least once in every month for the transaction of its business.

28. Omitted.

29. Convening of meetings.-

(a) A meeting of the Corporation shall be either ordinary or special,
(2) The date of every meeting except the meeting referred to in Sections 18 and 23-A shall be fixed by the Speaker with the consent of the Mayor or in the event of his being incapable of acting by the Mayor:

Provided that if the date of the meeting is not fixed by the Speaker or the Mayor, as the case may be, the Municipal Commissioner shall fix the date of the meeting under intimation of the State Government.

(3) Subject to the provisions of Section 18 or 23-A or 24, notice of every meeting specifying the time and place thereof and the business to be transacted there at shall be dispatched to every Councillor and exhibited at the Municipal Office severn cleat days before and ordinary meeting and three clear days before a special meeting:

Provided that if the n otice other than a n otice of meeting under Section 18 or 23-A or 24 has been exhibited at the Municipal Office, failure to serve it on any Councillor shall not affect the validity of a meeting.

(4) No business other than that specified in the notice relating thereto shall be transacted at a meeting except with the consent of two-third of the members present.

(5) Commissioner shall prepare the list of the business (agenda) to be transacted in the meeting as mentioned in sub-psection (3) and submit it to the Mayor for approval. The Mayor shall approve the agenda and send it to the Speaker. The Speaker shall arrange to send the same along with the notice of meeting to the Councillors. The Speaker shall neither exclude not include any item in the agenda as approved by the Mayor.

30. Power of Speaker and Mayor to call Special Meeting.-

The Speaker or in the event of his being in capable of acting the Mayor, may, whenever he thinks fit, call a special meeting and shall be bound to do so within two weeks of the receipt of written requisition signed by the not less than one-third of the total number of elected Councillors.

Provided that if on receipt of requisition the special meeting is not convened within the stipulated time by the speaker or the Mayor, as the case may be, the Municipal Commissioner shall convene such meeting uunder intimation to the State Government.

31. Adjournments.-

Any meeting of the Corporation may, with the consent of a majority of the elected Councillors present, be adjourned from time to time, to a later hour on the same day or to any other date; but no business other than that left over at the adjourned meeting shall be transacted at the next meeting.

A notice of such adjournment pasted in the Municipal Office on the day on which the meeting is adjourned shall be deemed sufficient notice of the next ensuing meeting.

32. Public to be admitted to the meeting of Corporation.-

The meeting of the Corporation shall ordinarily be open to the public:

Provided that the presiding authority may either suo-moto or on the suggestion of any member exclude the public from a meeting temporarily or otherwise:

Provided further that the presiding authority may at any time cause any person who interruptions the proceedings to be removed.

33. Chairman of Meeting.-

(1) At the meeting of the Corporation, except the meeting referred to in sections 18 and 23-A the Speaker if present shall preside.
(2) If the Speaker is absent from the meeting of the Corporation, one of the Councillors in order of the names as exist in the panel referred to in sub-section(2) of section 23 shall preside.
(3) If the Councillors as aforesaid are also absent, the elected Councillors shall choose one of them to preside.
(4) In the case the equality of votes, the person presiding at the meeting shall have a casting vote.

34. Quorum.-

(1) The quorum for a meeting of the Corporation shall be one-third of the total number of Councillors.
(2) If at any time in a meeting there is no quorum, the presiding authority shall adjourn it to such time or date as he thinks fit and announce then same at once; and the business set down for the meeting shall be brought forward at the subsequent meting, whether at such meeting there is a quorum or not.
(3) No business other than the business fixed for the original meeting shall be transacted at such subsequent meeting.
(4) A notice of adjournment exhibited in the municipal office on the day on which the meeting is adjourned shall be sufficient notice of the subsequent meeting.

35. Disability of Councillor for voting, etc.-

(1) No Councillor shall vote or take part in the discussion of any matter before a meeting in which he has directly or indirectly, by himself or his partner, any share or interest in any contract, grant or employment with, by or on behalf of, the Corporation..
(2) If a Councillor has any pecuniary interest direct or indirect in any contract, or proposed contract or other matter, and is present at a meeting of the Corporation or Mayor-in- Council at which the contract or other matter is the subject of consideration, he shall at the meeting as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to the contract or other matter:

Provided that this section shall not apply to an interest in the contract or other matter which a Councillor may have as a tax-payer or inhabitant of the City, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods is offered to the public.
(3) For the purpose of this section a person shall (subject as hereinafter in this sub-section provided) be treated as having indirectly a pecuniary interest inn a contractor other matter, if-
(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration;
(b) he is partner, or member of the joint Hindu family or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest, in the other matter under consideration:
Provided that-
(i) this sub-section shall not apply to membership of, or employment under, any public body;
(ii) a member of a company or other body shall not, b y reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body;
(iii) no person shall be deemed to have any share or interest in a contract, grant or employment by reason only of his having any share or interest in-
(a) any lease, sale or purchase of land or any agreement for the same; or
(b) any agreement for the loan of money or any security for the payment of money only; or
(c) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
(d) any joint stock company which may enter into contract with or be employed by the Commissioner on behalf of the Corporation.
(e) the occasional sale of the Commissioner on behalf of the Corporation to a value not exceeding in any one official year Five hundred rupees, of any article in which he regularly trades.

36. Preservation of order.-

(1)The presiding authority shall preserve order and may direct any Councillor whose conduct is in his opinion disorderly to withdraw immediately from the meeting of the Corporation, and any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the days meeting, and if he is ordered a second time within 15 days to withdraw,

the presiding authority may suspend him for any period not exceeding 15 days and he shall absent himself from meeting accordingly:

Provided that the presiding authority may remit the suspension on receiving apology to his satisfaction from the Councillor under suspension:

Provided also that the suspension shall not prevent any Councillor from serving on any Committee.

(2) The presiding authority may in case of grave disorder arising in the meeting suspend the meeting for a period out exceeding three days.

(3) If any person who has been ordered to withdraw, unlawfully remains in the meeting , the presiding authority may take such steps as he may deem fit to cause him to be removed.

37. Constitution of Mayor-in-Council.-

(1) there shall be a Mayor-in-Council for every Corporation which shall be constituted by the Mayorfrom amongst the elected Councillors within seven days from the date of election of Speaker under Section----

(2) The Mayor-in-Council shall consist of the Mayor and not less than 5 and not more that 10 members in every Corporation:

Provided that all members shall be nominated by the Mayor from amongst the elected Councillors of the Corporation and out of which at least one member from Scheduled Caste or Scheduled Tribes, one member from Other Backward Classes and one member from women category shall be nominated.

(3) The members of the Mayor-in-Council shall hold office during the pleasure of the Mayor.

(4) Each Corporation shall have such departments as may be prescribed and member of the Mayor-in-Council may be made incharge of such department as may deem fit by the Mayor.

(5) The Mayor shall be the ex-officio Chairman of the Mayor-in-Council and shall preside over the meetings of the Mayor-in-Council, if present. In the absence of the Mayor, the members present in the meeting shall choose one of them to preside over the meeting.

(6) Notwithstanding anything contained in this Act, the Mayor-in-Council, Mayor and the members shall exercise such powers and perform such functions as may be prescribed.

(7) The functions and the conduct of business of the Mayor-in-Council shall be such as may be prescribed.

(8) In case the office of the Mayor is declared vacant under this Act, the Councillor nominated by the Government under sub-section (2) of Section 21 to perform the duties of the Mayor or a person who is elected for the office of the Council to continue or appoint new members in place of them from amongst the elected Councillors.

38. Omitted
39. Omitted
40. Omitted
41. Omitted
42. Omitted
43. Omitted
44. Omitted

45. Power of Mayor-in-Council to appoint sub-committees.-

The Mayor-in-Council may appoint one or more sub-committees from amongst its members, which shall consist of such number of members as it may fix and may refer to it any matter pending before it for enquiry and report or opinion.

46. Advisory Committee.-

(1) After the first meeting of the Corporation under section 18, the Speaker shall constitute an advisory committee for every Department of the Corporation from amongst the elected Councillors other than the Councillors included as member in the Mayor-in-Council under section 37 to advice in the affairs of the department concerned.
(2) Each Advisory Committee shall consist of 9 members in case of a Municipal Corporation having sixty or more wards and seven members in case of corporation having less than sixty wards.
(3) The member of the Mayor-in-Council incharge of the department shall convene the meeting of the advisory committee of the department concerned at least once in every two months and shall preside over such meeting. He may take into consideration the suggestions made by the members of the advisory committee in the meeting.

47. Reference by Mayor.-

(1) The Mayor may refer to any Committee appointed under section 46 for enquiry andn report or opinion any matter relating to that Committee.
(2) The Corporation may, by a specific resolution passed by the votes of not less than two-third of the total number of elected Councillors, delegate any of its powers and functions to the concerned Committees mentioned in Section 46.
(3) Any Committee mentioned in Section 46 may appoint one or more sub-committees fron amongst its members consisting of such members as it may decide, and may refer to it for enquiry and report or opinion any matter pending before it.
(4) Every Committee appointed under section 48 shall at its first meeting elect one of its elected Councillors to be its Chairman.

48. Election of Special Committees for consultative purposes-

The Corporation may also appoint from time to time and for such period as it may think fit, special committees, consisting of such number of Councillors as it may think fit, and may refer to such committees for inquiry and report, or for opinion, any matter relating to the purpose of this Act.

48-A Constitution and Composition of Wards Committees-

There shall be constituted Wards Committees within the territorial area of a Municipal Corporation having a population of three lakhs or more. The Wards Committee shall be constituted within thirty days from the date of election of Speaker under sub-section (1) of section 18:-

Provided that the Corporation having a population of less than three lakhs may also constitute wards committees in its territorial area.

(2) The number of wards Committees in a Corporation shall be equal to the population of the Municipal area divided by one lakh.

Provided that fractions less than half shall be omitted and the fractions equal to half or more shall be rounded off to the next whole number.

(3) The number of wards included in the territorial area of Wards Committees of the Corporation shall, as nearly as possible be equal.

(4) The Corporation shall be competent to determine the territorial area of the Wards Committees:

Provided that the wards included in the territorial area of a Wards Committee shall be contiguous.

(5) Every elected Councillor representing a ward within the territorial area of a Wards Committee and two persons residing within the territorial area of such Wards Committee as may be nominated by the Mayor shall be the members of that Committee:

Provided that only a person who is otherwise not ineligible for election as a Councillor shall be so nominated.

Provided further that only persons having special knowledge or experience in the municipal administration shall be nominated on the recommendation of the Chairman of the ward s Committee and the persons so nominated shall not have voting rights in the meetings of the Wards Committee.

(6) The Wards Committee shall, as its first meeting in the prescribed manner elect one of the elected Councillors to be its Chairman who shall hold office until the duration of the Municipal Corporation.

Provided that where the Speaker is a member of any Wards Committee the Speaker shall be the ex-officio Chairman of such Wards Committee.

(7) The State Government shall prescribe, the functions, and power of Wards Committees and the procedure for the conduct of their business.

48-B. Constitution and Composition of Mohalla Committees-

(1) In every Municipal area which is notified by the State Government in this behalf, the Mohalla Committees shall be constituted within three months from the date of notification.

(2) The number of Mohalla Committees and the number of members shall be such as the State Government may by order prescribe from time to time.

(3) The elected Councillor of Ward concerned shall be a member in all the Mohalla Committees within the territorial area of any ward.

(4) The Corporation shall be competent to determine the territorial area of Mohalla Committees.

Provided that the Mohallas included in the territorial area of any Mohalla Committee shall be contiguous.

(5) The State Government shall prescribe the functions and powers of the Mohalla Committees and the procedure for the conduct of their business.

49. Quorum of the Mayor-in-Council or any other Committee.-

The quorum for the meeting of the Mayor-in-Council or any other Committee appointed under section 46 or 48 shall be on behalf of total number of its members.

50. Decision on questions by majority of votes.-

Except as otherwise provided by or under this Act all questions brought before any meeting held under this Act shall be decided by majority of the votes of the Mayor and elected councilors present and in the case of an equality of votes the presiding authority of the meeting shall have a second or casting vote:

Provided that in the case of equality of votes in the election of the Speaker, or the Chairman of any Committee, the presiding authority shall not exercise his casting vote, and the result shall be decided by lot.

50-A. Removal of Member of a Committee-

The Corporation may remove any member of a Committee by a majority of at least two-thirds of the elected Councillors, on the recommendation of such committee, and may elect a new member in its place, in accordance with the provisions of this Act.

51. Vacancies, etc. not to invalidate proceedings.-

No act or proceedings of the Corporation or of any Committee appointed under this Act, shall be questioned on account of any vacancy in the membership or any defect in the election or qualification of the Mayor,(Speaker), presiding authority, any Councillor or member there of, or any defect or irregularity in any such act or proceeding not affecting the merits of the case**.**

52. Proceeding of meeting to be deemed to be good and valid.-

Until the contrary is proved-
(i) every meeting of the Corporation or any Committee shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified, when the minutes of the meeting have been signed in accordance with the provisions of this Act; and
(ii) where the meeting is a meeting of any Committee, such Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

53. Minutes of the meeting.-

(1)Minutes of the proceedings of every meeting of the Corporation, Mayor-in-Council or any committee shall be recorded in the following manner:-
(i) In case of meeting of the Corporation the Municipal Commissioner and in case of meeting of the Mayor-in-Council or any of the Committee, the officer incharge shall arrange to record the

minutes in accordance with the decision taken in the meeting on any subject just after a decision isd taken on such subject,

(ii) The minutes of the proceedings recorded shall include:-

(a) the names of the councilors present;

(b) if the decision on any subject is n ot unanimous, the names of the councilors who have voted for and against such decision and the names of those who have remained neutral.

(c) the mode of voting followed in taking decision i.e. by secret ballot or otherwise.

(iii) As soon as the business of the meeting is over, the Municipal Commuissioner or the officer-in-charge, as the case may be, shall submit the minutes in the meeting for confirmation and after having confirmed, the Speaker or Chairman, as the case may be, of the meeting and the Municipal Commissioner or officer-in-charge, as the case may be, shall jointly sign, the minutes.

(2) If the minutes are n ot confirmed due to any reason in the meeting the proposal to confirm the minutes shall be submitted in the next meeting.

(3) In case of minutes relating to Corporation meeting a copy of the minutes shall be sent by the Municipal Commissioner to the Mayor, Speaker, and every Councillor and in case of meeting of the Mayor-in-Council or any committee, the officer-incharge shall send the copy of the minutes to the chairman and members of such committee.

(4) The copy of the minutes or any of its portions may be obtained by any person on payment of such fee as may be prescribed by the Municipal Commissioner.

(5) A copy of the minutes of every meeting of the Corporation shall be sent by the Municipal Commissioner to the State Government and a copy of the same shall be pasted at the notice board of the Corporation within seven days from the date of confirmation of minutes.

Chapter- IV
MUNICIPAL OFFICERS AND SERVANTS

54. Appointment and removal of Commissioner.-

(1) The Commissioner for the Corporation shall be appointed by the Government for a renewable period not exceeding five years.
(2) It shall be forthwith removed from office if at a meeting of the Corporation not less than three-fourths of the total number of elected councilors vote in favour of a proposition in this behalf; and he may be removed by the Government at any time if it appears to the Government that he is incapable of performing the duties of his office or has been guilty of any mis-conduct or neglect which renders his removal expedient:

Provided that when the Commissioner holds a lien on any post under the Government, he may recalled at any time by the Government.

55. The Power of Commissioner.-

The Commissioner shall be the Principal executive officer of the Corporation and all other officers and servants of the Corporation except in case of Municipal Corporation the servants and officers of the Corporation office shall be subordinate to him. He shall have the right to speak at, and otherwise take part in any meeting of the Corporation or any committee thereof, but shall not be entitled to vote or to move any proposition.

56. Salary of Commissioner.-

(1) The Commissioner shall receive such monthly salary and such monthly allowances as the Government may, from time tot time determine.
(iii). Subject to the provisions of sub-section (1), the condition of service of a person appointed as a Commissioner, who holds a lien on a post under the Government during the tenure of his aforesaid appointment, shall be such as may be laid down by the Government and in any other case they shall be such as may laid down by byelaws framed by the Corporation.

57. Grant of leave of absence to Commissiner.-

(1) The Government may in consultation with the Municipality grant leave of absence to the Chief Executive Officer.
(ii) During the absence on leave of the Chief Executive Officer the Government shall appoint a person to act as the Chief Executive Officer.
(iii) Every person so appointed shall exercise the powers conferred and perform the duties imposed on the Chief Executive Officer by this Act or by any other enactment for the time being in force, and shall be subject to the same liabilities, restrictions and conditions to which the Chief Executive Officer is liable and shall receive such monthly salary and allowances, as the Government may determine.

58. Appointment and conditions of Service of Corporation Officers and servants.-

(1) Subject to the rules made by the State Government in respect of the Set-up, Strength, Recruitment, Appointment, Pay-Scales, Allowances and other conditions of service of officers and servants of the Corporation, the corporation shall appoint such officers and servants as may be necessary for the efficient performance of the functions of the Corporation:

Provided that-

(i) the power of appointing any person on a municipal post which carries a maximum scaloe of pay as the State Government may, from time to time, by an order in writing specify, shall vest in the Mayor-in-Council or the Commissioner;

(ii) any appointment made within his power by the Commissioner shall be reported for information to the Mayor-in-Council.

(iii) every appointment to be made by the Mayor-in-Council shall be subject to the prior confirmation of the State Government. The decision of the State Government in this behalf shall be final.

(2) Notwithstanding anything contained in sub-section (1), in emergent situations, the Mayor-in-Council may make adhoc appoiontments for a period not exceeding six months, with prior permission of the State Government.

(3) The State Government may despute to any post under the corporation carrying maximum scale of pay as the State Government may, from time to time, by an order in writing specify such servants of the State Government as it may consider necessary.

(4) The terms and conditions of deputation of servants of the State Government, including disciplinary control shall be such as may be prescribed.

(5) Notwithstanding anything contained in this Act or any rules or bye-laws made there under, the State Government may, subject to the conditions specified in sub-section (6) transfer on deputation (any officer or servant of a Municipal Corporation) to any other Maunicipal Corporation and itn shall not be necessary for the State Government to consult either the Corporation or the Officer or Servant concerned before passing an order of transfer on deputation under this sub-section.

(6) The officer or servant transferred under sub-section (5) shall-

(a) have his lien on the post held in the parent Corporation;

(b) not be put to disadvantageous position in respect of pay and allowances which he would have been entitled to had he continued inn the parent Corporation;

(c) be entitled to deputation allowance at such rate as the State Government may by general order specify; and

(d) be governed by such other terms and conditions including disciplinary control as the State Government may, by general or special order, specify**.**

Explanation :- for the purpose of sub-section (3) & (4) - i.e.

1. "Town and Country Development Authority" means the Town and Country Development Authority constituted under section 38 of the Madhya Pradesh Nagar tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) ;

2. "Government undertaking" means an undertaking wholly are partly owned or control by the State Government.

59. Municipal Officer or servant not to be interested in any contract with Corporation.-

(1) No person shall be eligible for employment as a Municipal Officer or servant if he-

(a) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Corporation, other than an interest in land held on a lease from the Corporation, or is a Director, Secretary, Managewr or other salaried officer of an incorporated company which has any such share or interest; or
(b) has acted or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid.
(2) If any Municipal Officer or servant acquires, directly or indirectly by himself or by his partner any share or interest as aforesaid, otherwise than as such officer or servant, he shall cease to be a Municipal Officer or servant, and his office shall become vacant.
(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under section 35 it is permissible for a Councillor to have without being thereby prohibited from voting or taking part in the discussion of any matter.

60. Discharge and infliction of penalties.-

(1) Any Municipal officer or servant may be discharged,-
(a) during a period of probation;
(b) if appoointedd otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment;
(c) if engaged on contract, in accordance with the terms of the contract; or
(d) on account of the abolition of the post held by him or on account of a reduction in the strength of a cadre of Municipal officers and servants.
(2) The following penalties may for good and sufficient reasons be imposed upon any municipal officer or servant:-
(i) censure;
(ii) withholding of increment or promotion, including stoppage at an efficiency bar;
(iii) reduction to a lower time-scale or to lower stage in a time-scale;
(iv) recovery from pay f the whole or part of any pecuniary loss caused to the Corporation by negligence or by breach of orders;
(v) fine to be deducted from salary;
(vi) reduction in rank;
(vii) removal from the service of the Corporation which ordinarily disqualify from the future employment.
(viii) dismissal from the service of the Corporation which ordinarily disqualify from the future employment:

Provided that a dismissed municipal officer or servant may be re-employed by the Corporation with the special sanction of the Government.

Explanation- The penalty of removal may be inflicted upon a
Municipal officer or servant either for misconduct not sufficiently grave to justify dismissal or onaccount of general unfitness for the duties of his office.
(3) If a municipal officer or servant-
(a) has been engaged on a written contract, he shall be entitled to notice or salary in lieu of notice in accordance with the terms of that contract;
(b) has been engaged on a written contract, he shall be entitled to one month's notice of the termination of his services or one month's salary in nlieu of notice.

(4) Municipal Officers and servants discharged during the period of probation or on the expiration of the period of a temporary appointment, shall not be entitled to any notice or salary in lieu of notice.
(5) No penalty mentioned in sub-section(2) above shall be imposed upon any municipal officer or servant by order of any authority subordinate to that which makes appointment to the post he holds at the time of the order and unless he has been given a reasonable opportunity of showing cause against the imposition of such penalty.
(6) No penalty mentioned in clause (vi), (vii) and (viii) of sub-section (2) shall be imposed upon any municipal officer or servant appointed by the Mayor-in-Council without the previous consultation with the State Government:

Provided that in case of any difference of opinion between the Mayor-in-Council and the State Government the matter shall be laid before the Corporation. If the Corporation agrees with the State Government the order shall be made accordingly. In other cases a reference shall be made by the Corporation to the Government whose decision shall be final.
(7) Any Municipal officer or servant who is discharged during the period of probation or on whom a penalty is imposed under sub-section (2), may appeal to such authority within such period and in such manner as may be prescribed.
(8) Omitted .

61. Extraordinary pension case of officer or servant, injured or killed, in execution of his duty.-

The Corporation may give an extra ordinary pension gratuity or compassionate allowance in accordance with the rules or byelaws framed in this behalf-
(a) to any municipal officer or servant injured in the execution of his duty; or
(b) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty, or whose death is due to devotion to duty or who dies during service:

Provided that the extra-ordinary pension, gratuity or compassionate allowance paid to a municipal officer or servant shall in no circumstances executed that payable to a person of similar rank or position in the service of the Government.

62. Re-instatement or re-employment of a convicted officer or servant and payment of salary and allowances to such officer or servant.-

Any municipal officer or servant who has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months and involving moral turpitude shall, if such sentences is not set aside or reversed in appeal or revision and if such officer or servant shall not have been dismissed cease to be a municipal officer or servant on such conviction and the Corporation shall not re-instate or re-employ any such officer or servant without the previous sanction of the Government.

63. Liability to vacate municipal premises.-

(1) Any municipal officer or servant occupying any municipal premises-
(a) shall occupy the same, subject to such conditions and terms as may be prescribed by the Commissioner; and

(b) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be in the service of the Corporation, or whenever the Commissioner thinks it necessary and expedient to require him to do so.
(2) If any person who is bound or required under sub-section (1) to vacate any premises, fails to do so the Commissioner may order such person to vacate such premises and may take such measures as will prevent him from remaining on or again entering in the premises.

64. Essential officers and servants.-

No essential officer or servant shall-
(a) unless he is authorized in that behalf by the terms of his contract, resign his appointment or quit his employment without giving written notice, not less than one month previously, to the authority appointing him, of his intention so to do; or
(b) Absent himself from duty otherwise than on leave duly granted and not subsequent cancelled; or
(c) neglect or refuse to perform any of the duties or willfully perform them in an inefficient manner**.**

65. Power of Government to declare emergency.-

If the Government is of opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the safety or health or the maintenance of the services essential to the life of the community in the city, it may, by notification in the Gazette, declare that an emergency exists in the city and that in consequence thereof no member of such of the essential services and for such period as may be specified in the notification shall, notwithstanding any law for the time being in force, or any agreement,
(a) withdraw or absent himself from his duties otherwise than on leave duly granted, or
(b) neglect or refuse to perform his duties or willfully perform them in an inefficient manner.

Chapter -V

POWER, DUTIES AND FUNCTIONS OF THE MUNICIPAL AUTHORITIES

Obligation and Discretionary Duties of the Corporation

66. Matters to be provided for by Corporation.-

(1) The Corporation shall make adequate provision, by any means or measures which it may lawfully use or take, for each of the following matters, namely:-
(a) lighting public streets, places and buildings.
(b) cleaning public streets, places and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the corporation or not; removing noxious vegetation, and abating all public nuisances;
(c) disposing of night soil and rubbish and, if so deemed desirable, preparation of compost manure from night soil and rubbish;
(d) the maintenance of the fire brigade for extinguishing fire, and protection of life and property when fires occur;
(e) regulating or abating dangerous or offensive trades or practices;
(f) removing obstructions and projections in public streets and places, and in spaces not being private property, which are open to the enjoyment of the public whether such spaces are vested in the Corporation or the Government;
(g) establishing and managing cattle ponds;
(h) securing or removing dangerous buildings or places;
(i) acquiring and maintaining, changing and regulating places for the disposal of the dead and disposing of unclaimed dead bodies of paupers,
(j) constructing, altering and maintaining public streets, culverts and Corporation boundary markets, latrines, urinals, drains, sewers and providing public facilities for drinking water; watering public streets and places;
(k) the management and maintenance of all municipal water works and construction and maintenance of new work and means for providing a sufficient supply of suitable water for public and private purposes;
(l) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals, and other conveniences for the public and the maintenance and the cleansing of the same;
(m) the construction and the maintenance of public market and slaughterhouses and the regulation of all markets and slaughter houses;
(n) Omitted
(o) the maintenance of an ambulance service;
(p) naming streets and numbering houses;
(q) registering births, marriages and deaths;
® public vaccination;
(s) establishing and maintaining primary schools;
(t) taking measures to prevent the out-break, spread or recurrence of infectious diseases;
(u) the maintenance of municipal office and of all public monuments and other property vested the Corporation;
(v) provision of traffic signs;

(w) printing and publishing such annual reports and returns on the administration of the Corporation as the Government may by general or special order, require the Corporation to submit;
(x) the maintenance of public park, gardens, recreation grounds, public places and open spaces in existence and vested in the Corporation.
(y) fulfilling any obligation imposed by the act or any other law for the time being in force;
(z) construction and maintenance of veterinary dispensaries;
(2) No suit for damages or for specific performance shall be maintainable against the Corporation or any officer or Councillor thereof, on the ground that any of the duties specified in sub-section(1) have not been performed.

67. Matters which may be provided for by Corporation at its discretion.-

In addition to the other powers and duties, conferred or imposed on it by or under this Act or any other Act for the time being in force, the Corporation may in its
discretion provide from time to time either wholly or partly for all or any of the following matters, namely :-
(a) reclaiming healthy localities , laying out, whether in areas previously built upon or not, new public streets, and acquiring land for that purpose, including plots or land for building to abut on such streets;
(b) constructing , establishing or maintaining public parks or gardens, library, museums, halls, theatres, stadium , offices, sarais, rest houses and other public buildings;
(c) constructing and maintaining residential quarters for municipal officers and servants;
(d) construction, maintenance and cleansing of washing and bathing places;
(e) furthering educational objects other than the establishment and maintenance of primary schools and making grants to educational institutions;
(f) planting and maintaining road side and other trees;
(g) taking a Census and granting rewards for information tending to secure the correct registration of vital statistics;
(h) making a survey;
(i) the destruction or the detention of ownerless dogs or stray pigs, or detention of animals causing nuisance;
(j) securing or assisting to secure suitable places for the carrying on of offensive trades or practices;
(k) supplying, constructing and maintaining pipe and other fittings for the supply of water to private premises from water works maintained by the Corporation;
(l) Supplying, constructing and maintaining receptacles, fittings, pipes, and other appliances on or for the use of private premises for receiving and conducting the sewage thereof into sewers under the control of the Corporation;
(m) fairs and exhibitions, or athletics or games competitions or tournaments;
(n) constructing and maintaining such roads and buildings and other Government works as the Government may transfer to the Corporation;
(o) organization and management of chemical or bacteriological laboratories for the examination on analysis of water, food or drugs, for the detection of disease or for researches connected with public health; and
(p) the construction and maintenance in the public streets of drinking fountains for human beings and water-troughs for animals;

(q) the prevention of cruelty to animals;
(r) the playing of music in squares; gardens or other places of public resort;
(s) the construction, purchase, organization, maintenance or management of tramways or motor transport facilities for the conveyance of the public ;
(t) preparation and presentation of address to persons of distinction;
(u) prevention of vagrancy; establishing and maintaining poor houses;
(v) establishing and maintaining a farm or factory for the disposal of sewage;
(w) organization and maintenance of maternity homes and infant welfare centres;
(x) the organization , maintenance or management of institutions, for the care and training of blind, deaf, dumb or otherwise disable persons;
(y) swimming pools, public wash houses, bathing places, and other institution designed for the improvement of public health;
(z) dairies of farms within or without the city for the supply, distribution and processing of milk or milk products, for the benefit of the residents of the city;
(aa) establishment and control of gwala colonies and cattle pens within or without the city;
(bb) the purchase of any under taking for the supply of electric energy or gas or starting or subsidizing of any such undertaking;
(cc) the acquisition and maintenance of grazing grounds within or without the city;
(dd) granting rewards for information regarding the infringement of any provisions of the Act or of any other Acts, the enforcement of which is entrusted to the corporation by regulation or standing order there under;
(cc) the construction and maintenance of sanitary stables for animals or vehicles , or garages;
(ff) measures to meet any calamity affecting the public in the city;
(gg) the regulation of lodging houses; and boarding houses in the city;
(hh) the grant of loans for building purposes or for purchase of conveyance to municipal officers and servants , on such term and condition as may be prescribed by byelaws by the corporation;
(ii) any other measures for welfare of municipal servants;
(jj) contribution towards any public fund raised for the relief of human sufferings within the city or for the public welfare;
(kk) establishing and maintaining pre-primary schools;
(ll) establishing and maintaining public hospitals and dispensaries and carrying out other means necessary for public medical relief;
(mm) any other matter likely to promote the public health, safety or convenience of the public;
(nn) Urban planning including town planning;
(oo) Regulation of land use and construction of buildings;
(pp) planning for economic and social development;
(qq) Urban forestry protection of the environment and promotion of ecological aspects;

(rr) safeguarding the interests of weaker sections of society including the handicapped and mentally retarded ; and
(ss) Urban poverty alleviation.

68. Entrustment of certain functions by State Government to Corporation.-

(1) The State Government may entrust either conditionally or unconditionally to the Corporation functions in relation to any matter specified in the Schedule or in relation to any other matter to which the executive authority of the State extends or in respect of which functions have been entrusted to the State Government by the Central Government and the Corporation shall be bound to perform these functions.
(2) Where functions are entrusted to the Corporation under the section, the Corporation shall, in the discharge of these functions, act as an agent for the State Government.
(3) where by virtue of the section powers and duties have been conferred or imposed as agency functions upon the Corporation, there shall be paid by the State Government to the Corporation such sum as may be determined by the State Government in respect of any extra costs of administration incurred by the Corporation in connection with the exercise of those powers and duties.
(4) In so far as the Corporation is required to act under this section, it shall be under the general control of, and comply with such particular directions, if any as may, from time to time, be given to it by the State Government or any other authority appointed by the State Government in this behalf.
(5) The State Government may, by order, place at the disposal of the Corporation, and the Corporation shall utilize, the services of such servants of the State or such classes of servants of the State as are employed in the City in connection with a matter entrusted to the Corporation under this section , and all such servants shall discharge their duties under the general supervision and control of the Commissioner;

Provided that the extent of the said general supervision and control shall be such as may be prescribed by byelaws made under section 427.

69. Functions of several Municipal Authorities.-

(1) The functions of the several municipal authorities shall be such as are prescribed in this Act.
(2) Municipal Government of the city vests in the Corporation.- Except as otherwise expressly provided in this Act the Municipal Government of the city vests in the Corporation.
(3) Special functions of the Commissioner.- Subject to the approval or sanction of the corporation or of the Standing Committee, whenever it is in this Act expressly sp directed and subject also to all other restrictions, limitations, and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in Commissioner who shall also-
(a) perform all the duties imposed or conferred upon him by this Act;
(b) prescribed the duties, and exercise supervision and control over the acts and proceedings of all municipal officers and servants other than the officers and servants of Corporation office and subject to the rules or byelaws for the time being in force, dispose of or questions relating to the services of the said officer and servants and their pay, privileges and allowances
(c) on the occurrence of any accident of unforeseen event or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of Corporation or danger, to human and animal life, take such immediate action as the emergency shall appear to him to justify and require reporting forthwith to the Standing Committee or the Corporation, as the case may be, when he has done so, the action he has taken and his reasons for taking the

same and the cost if any incurred or likely to be incurred inconsequence of such action and not covered by a current budget grant.

(4) Municipal officers may be empowered to exercise the powers of Commissioners.-Any of the powers, duties of functions conferred or imposed upon or vested in the Principal Officer by this Act may be exercise, performed or discharged under the Principal Officer control and subject to his superintendence and to such conditions and limitations if any, as he may think with to prescribe, by any municipal officer whom the Principal officer may generally or specially empower in writing, in this behalf.

70. Corporation may call for proceedings, etc., from committee.-

The Corporation may at any time call for any extract from any proceeding of any committee and for a return, statement, account or a report concerning or connected with any matter with which any such committee is empowered by this Act to be; and every such requisition shall be complied with by such committee without unreasonable delay.

71. Corporation may require, Commissioner to produce documents.-

(1) The Corporation may at any time require the Commissioner-
(a) to produce any record, correspondence plan or other document which is in his position for under his control as Commissioner, or which is recorded or field in his office or in the office of any municipal officer or servant subordinate to him;
(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the Municipal Government of the city.
(c) to furnish a report by himself, or to obtain from the head of a department subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the Municipal Government of the city.
(2) Except as provided in sub-section(3) every such requisition shall be complied with by the Commissioner without unreasonable delay and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner pursuance of any such requisition.
(3) If, on an y such requisition being made, the Commissioner shall declare that immediate compliance there with would be prejudicial to the interests of the Corporation of the Public, it shall be lawful for him to differ such compliance until a time not later than the second ordinary meeting of the Corporation after the shall have declared as aforesaid. If at such meeting, or any meeting subsequent there to, the Corporation shall repeat the requisition and it shall then still appear to the Commissioner, in expedient to comply therewith, he shall make a declaration to that effect. Thereupon it shall be lawfull for the Corporation to form a Committee consisting of the Mayor, one Councillor chosen by the Corporation and one member elected by the Standing Committee from among its members which shall engage to keep secret the existence and purpose of all such document and matters as may be disclosed to them except as provided in sub-section (3). The Commissioner shall be bound to make known and disclosed to the said committee all writings and matter within his knowledge or under his control or otherwise available to him and included within the said requisition. The said committee having taken cognizance of the information, writings and matters so laid before it shall determine by a majority of voters, whether or not the whole or any part, and which part if any of such matters ought to be disclosed

to the Corporation or kept secret for a defined time. Such decision shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof. At such meeting the Commission when called on to do so by the Corporation, shall produce any documents and make any report or statement that may be required in order to give effect to the decision of the Committee.

72. Exercise of functions to be subject to sanction by Corporation of the necessary expenditure.-

The exercise or performance by any municipal authority of any power conferred or duly imposed by or under this Act which is likely to involve expenditure shall, except in any case specified in the proviso to section 94 be subject to the following conditions, namely:-
(a) such expenditure, so far as it is to be incurred in the financial year in which such power may be exercised or duty performed, shall have been provided for under a current budget grant; and
(b) if the exercise of such power or the performance of such duty involves, or is likely to involve expenditure for any period or at any time after the close of the said financial year, liability for such expenditure shall not be incurred without the sanction of the Corporation.

73. Contracts by or on behalf of the Corporation.-

(1) Contracts by or on behalf of the Corporation shall be expressed to be made by the Commissioner in accordance with the following provisions:-
(a) every such contracts shall be made on behalf of the Corporation by the Commissioner.
(b) no such contract for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has been duly obtained.
(c) the Mayor-in-Council, the Mayor and the Commissioner may sanction any estimate or contract (including technical and administrative) involving such amount, as may be prescribed:

Provided that whenever the amount of sanction exceeds, ten times of the amount which is prescribed for sanction by each of the aforesaid authorities it shall be reported by each such authority to the next superior authority i.e. by Commissioner to the Mayor, by the Mayor to the Mayor-in-Council and by Mayor-in-Council to the Corporation.
(d) all other estimates or contracts shall be sanctioned by the Corporation.
(2) The manner and procedure for giving contract shall be such as may be prescribed.
(3) The corporation, in order to take assistance in technical or other matters, may engage the services of the qualified consultant. The qualification of the consultant and the procedure for the appointment of such consultant shall be subject to rules made in this behalf.

74. Omitted
75. Omitted

Chapter - VI

MUNICIPAL PROPERTY AND LIABILITIES

76. Transfer to Corporation of property of Municipality.-

All property movable and immovable and all interests of whatsoever nature or kind therein, vested in the Municipality of a City to which the provisions of this Act are applied with all rights of whatsoever description used, enjoyed or possessed by the municipality shall on such application vest in the Corporation of the City constituted under this Act.

77. Property of Public institutions managed by municipal authorities to be held in trust.-

(1) All property endowments and funds belonging to any public institution with the management, control and administration of which the Corporation is charged under the provisions of this Act or of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowments and funds may lawfully be applied.
(2) The Corporation may with the sanction of the Central Government, transfer to Central Government every property, endowments and funds so vested in it in trust under sub-section (1):
Provided that no trust of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

78. Acquisition of immovable property or easement by agreement.-

(1) Whenever it is provided by this Act that the Commissioner may acquire or whenever it is necessary or expedient for any purpose of This Act that the Commissioner shall acquire, any immovable property. Such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices, or at rates or prices not exceeding such maxima, as shall be approved by the Mayor-in-Council either generally for any class of cases or specially in particular case.
(2) Whenever, under any provision of this Act the Commissioner is authorized to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms, and at such rates or prices, or at rates or prices not exceeding such maxima, as shall have been approved by the Mayor-in-Council:
Provided that no agreement for the acquisition of any immovable property under sub-section (1) or (2) at price exceeding one thousand rupees shall be valid until such agreement has been approved by the Corporation.
(3) The Commissioner may, on behalf of the Corporation acquire by agreement any easement affecting any immovable property vested in the Corporation and the provisions of sub –sections (1) and (2) shall apply to such acquisition.

79. Procedure when immovable property or easement can not be acquired by agreement.-

(1) Whenever the Commissioner is unable under Section 78 to acquire by agreement any immovable property or any easement affecting any immovable property or whenever any immovable property or any easement affecting any immovable property vested in the

Corporation is required for the purposes of this Act, the Government may in its discretion upon the application of the Commissioner made with the approval of the Mayor-in-Council order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

(2) The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property or easement shall vest in the Corporation.

(3) When any land is required for a new street or for the widening or improving of an existing street, the Commissioner may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the building to be erected on both sides of the streets, and such land shall be deemed to be required for the purposes of this Act.

79-A. Decision of claims to property by or against Corporation-

(1) Where any immovable property or any right in or over any such property is claimed by or on behalf of the Corporation or by any person as against the Corporation, it shall be lawful for the Collector after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(2) The Corporation or any person aggrieved by an order passed by the Collector under sub-section (1) may, not withstanding anything contained in any law for the time being in force within one year from the date on which the Corporation or such person had due notice of such order institute a suit in any competent Civil Court to set aside such order to claim a relief consistent therewith.

(3) If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit, shall be dismissed although limitation has not been set up as a defense.

(4) the Collector may, by general or special order delegate the powers conferred on him under this Section to a Deputy Collector subordinate to him.

(5) the formal enquiry referred to in this Section shall be conducted in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959).

(6) A person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

80. Provisions governing the disposal of municipal property or property vesting in or under the management of Corporation.-

(1) No streets, land, public places, drains or irrigation channels shall be sold, leased or otherwise alienated, save in accordance with such rules as may be made in this behalf.-

(2) Subject to the provisions of sub-section (1)-

(a) the Commissioner may, in his discretion, grant a lease of any immovable property belonging to the Corporation, including any right of fishing or of gathering and taking fruits, flowers and then like, of which the premium or rent, or both, as the case may be, does not exceed two hundred and fifty rupees for any period not exceeding twelve months at a time:

Provided that every such lease granted b y the Commissioner, other than the lease of the class in respect of which the Mayor-in-Council has by resolution exempted the Commissioner from

compliance with the requirements of this proviso, shall be reported by him to the Mayor-in-Council within fifteen days after the same has been granted.
(b) with the sanction of the Mayor-in-Council, the Commissioner may, by sale or otherwise grant a lease of immovable property including any such right as aforesaid for any period not exceeding three years at a time of which the premium , or rent, or both, as the case may be, for any one year does not exceed one thousand five hundred rupees;
(c) with the sanction of the Corporation the Commissioner may lease, sell or otherwise convey any immovable property belonging to the Corporation.
(3) The Commissioner may-
(a)in his discretion dispose of by sale, letting out on hire or otherwise any movable property belonging to the Corporation not exceeding five hundred rupees in value;
(b) with the sanction of Mayor-in-Council dispose of by sale, letting out on hire, or otherwise any immovable property belonging to the Corporation not exceeding five thousand rupees in value;
(c) with the sanction of the Corporation, sell, out on hire or otherwise convey any movable property belonging to the Corporation.
(4) The sanction of Mayor-in-Council or of the Corporation under sub-section (2) or sub-section (3) may be given either generally for any class of cases or specially in any particular case.
(5) The foregoing provisions of this section shall apply to every disposal of property belonging to the Corporation made under, or for the purposes of this Act:
Provided that-
(i) no property vesting in the Corporation in trust shall be leased, sold or otherwise conveyed in a manner that is likely to prejudicially effect the purpose of the trust subject to which such property is held;
(ii) no land value of which may be prescribed shall be sold or otherwise conveyed without the previous sanction of the State Government and every sale or other conveyance of property vesting in the Council shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for then time being in force.

81.Power of Corporation to enforce covenant against owner for the time being of land -

A covenant concerning any immovable property for the purposes of this Act entered into with the municipality by the owner of such property or by any person to whom such property of the municipality has been transferred by sale or exchange shall be enforceable by the municipality against any person deriving title under the covenant or notwithstanding that the municipality is not in possession of or interested in any immovable property for the benefit of which the covenant was entered into, in like manner and to the like extent as if it has been possessed of or interested in such property.

81-A. Management of nazul lands.-

(1) The Nazul lands transferred to the Corporation by the Government shall be managed in accordance with the byelaws made by the Corporation with the previous approval of the Government.
(2) The Corporation may, with the previous approval of the Government from time to time, add, to vary or rescind the byelaws made under sub –section (1).

82. Property vested in Corporation-

(1) Subject to any special reservation made or to any special conditions imposed by the Government, all property of the nature hereinafter in this section specified and situated within the city, shall vest in and be under the control of the Corporation, and with all other property which has already vested, or may hereafter vest in the Corporation, shall be held and applied by it for the purposes of this Act, namely:-
(a) all public gates, tank, wells, markets, slaughter houses, manure and night-soil depots and public buildings of every description which have been constructed or maintained out of the municipal fund;
(b) all public stream, rivers, springs, and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or an appertaining there to, and also any adjacent land (not being private property)
appertaining to any public tank or well;
(c) all public sewers and drains, and all sewers, drains, culverts and water courses in or under any public street or constructed by or for the Corporation along side and public street, and all works materials and things appertaining thereto.
(d) all dust, dirt, dugs, ashes, refuse, animal matter, or filth or rubbish of any kind, or dead bodies of animals, collected by the Corporation from the Streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the Corporation;
(e) all public lamps, lampposts and apparatus connected therewith or appertaining thereto;
(f) all land or other property transferred to the corporation by the Government or acquired by gift, purchase or otherwise for local public purposes;
(g) public streets, not being land owned by Government and pavements stone and other material thereof and also trees growing on , and erections, materials, implements and things provided for such streets;
(h) all open lands which are neither the property of any person nor or the Government.
(2) All property such as tank, playground, park, garden and other places meant for public utility vested in the Corporation shall neither be used for any other purpose nor be permitted to use for any other purpose by the Corporation.

83. Record of immovable property.-

(1) The Corporation shall maintain a register and a map of all immovable property of which it is the proprietor or which vests in it otherwise or which it holds in trust of the Government.
(2) The Commissioner, after having demarcated every land, building establishment and plant etc. in the ownership of the Corporation, shall arrange to affix therein the boards showing that the said property is in the ownership of Corporation.
(3) The Commissioner at each year in the budget meeting of the Corporation shall publish the details of all immovable property of the Corporation and send its copy along with the agenda to the members.
(4) The Commissioner shall, from time to time, in order to save from encroachment on the property of the Corporation inspect and take action to remove the encroachment if found.

83-A. Custody and destruction of the record.-

The State Government may prescribe the manner in which the record of the Corporation shall be maintained and kept in custody and also the manner and the procedure subject to which record shall be destroyed.

84. Resumption by Government-

The Government may resume any immovable property transferred to the Corporation by itself or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount paid by the Corporation for such transfer and the market value at the date of resumption of any building or works subsequently erected or executed thereon by the Corporation:

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

85. Management of public institutions-

(1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the Corporation.

(2) When any public institution has been placed under the direction, management and control of the Corporation, all property, endowments and funds belonging thereto shall be held by the Corporation in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the Corporation in respect of any such institution may be prescribed by the Government;

Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the treasurer of charitable endowment under the Charitable Endowment Act, 1890.

PART III - FINANCE
Chapter - VII

THE MUNICIPAL FUND

86. Municipal Fund to be sole and to be held in trust.-

There shall be one Municipal Fund and it shall be held by the Cooperation in trust in for the purposes of this act, subject to the provisions therein contained.

87. Credit of Moneys to Municipal Fund.-

(1) There shall be credited to the Municipal Fund-
(a) all moneys received by or on behalf of the corporation under the provisions of this Act or of any other law for the time being in force or under any contract;
(b) the balance standing to the credit of the Municipality of the city for which the Corporation is constituted'
(c) all proceeds of the disposal of property by, or on behalf of the corporation;
(d) all rent accruing from any property of the Corporation;
(e) all moneys raised by any tax levied for the purposes of this act;
(f) all fees payable and levied under this Act, or any rules or bye-laws made there under;
(g) all fines payable imposed by a court under this Act or any rules or bye-laws made there under or under any other Act, the administration of which is entrusted to the Municipal Corporation;
(h) all moneys received by way of compensation or for compounding offences under the provisions of this Act;
(i) all moneys received by, or on behalf of the Corporation from the Government, public bodies, private bodies or private individuals by way of grant or gift or deposits; and
(j) all interest and profits arising from any investment or from any transaction in connection with, any money belonging to the Corporation; and
(k) all loans raised by the Corporation.
(2) Nothing in this section or in the last forgoing section shall in any way affect any obligations accepted by or imposed upon the Municipality concerned, by any declarations or rust executed by or on behalf of the Municipality or by any scheme settled under the charitable Endowment Act, 1890, for the administration of the trust.

88. Application from Municipal Fund.-

The moneys from time to time credited to the Municipal Fund shall be applied in the following order of preference:-

Firstly, in making due provisions for the repayment of all loans payable by the Corporation under the provisions of Chapter IX.

Secondly, in discharge of all liabilities imposed on the Corporation by Section 3.

Thirdly, in payment of all sums, charges and cost necessary for the purposes specified in section 66 and 67 and for otherwise carrying this act into effect, or of which the payment shall be duly or directly sanctioned under any of the provisions of this Act inclusive of –
(a) the expenses of every election of Councillors held under this Act.

(b) the salaries, allowances and contributions to pensions and leave salaries of the Commissioner and of any other office whose services may at the request of the Corporation be placed by the Government at the disposal of the Corporation.
(c) the salaries and allowances of Municipal officers and servants and all pensions ,gratuities, contribution and compassionate allowances payable under the provisions of this Act.
(d) the salaries and fees of experts for services or advice in connection with any matter arising out of the administration or undertaking of the Corporation.
(e) all expenses and costs incurred by the Corporation or by any Municipal officer on behalf of the Corporation in the exercise of any power conferred or the discharge of any duty imposed on it or them by this Act, including moneys which the Corporation is required or empowered to pay by way of compensation;
(f) every sum payable-
(i) by order of the Government or under an award made under the Arbitration Act, 1940;
(ii) under a decree or order of a civil or criminal court passed against the Commissioner,
(iii) under the compromise of any suit or other legal proceeding or claim;
(g) contributions to public institutions functioning in the interest of the inhabitants of the City;
(h) the cost of auditing the Municipal Accounts.

89. Constitution of special Funds.-

The Corporation may constitute such special funds as are prescribed by bye-laws and such other funds as may be necessary for the purposes of this Act. The Constitution and disposal of such funds shall be effected in the manner prescribed by bye-laws.

90. Receipts and disposal of payments on account of the Municipal Fund.-

All moneys payable to the credit of the Municipal Fund shall be received by the Commissioner and shall be forthwith deposited with the Municipal treasury. The Municipal Commissioner shall deposit with the Government Treasury or any Scheduled or Cooperative Bank in the state any surplus funds with the Municipal Treasury which may not be required for the correct charges.

91. Drafts on the Municipal Fund.-

(1) Subject to provisions of section 419 no payment shall be made by any Bank or society as aforesaid out of the municipal fund except upon a cheque signed in the prescribed manner.
(2) Payment of any sum due by the Corporation not exceeding one hundred rupees in amount, may be made in cash.
(3) Except in the case of salaries, allowances, Pensions, muster payments, advances and imprest money which may be made in cash payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by means of a cheque signed as provided in such-section (1), and not in any other way.

92. Deposit of portion of Municipal Fund outside the City.-

Notwithstanding anything contained in section 90 or 91, the Commissioner, with the previous approval of the Mayor –in-Council may, from time to time remit any portion of the Municipal Fund to a Bank or other agency approved by the Government and carrying on business at any

place beyond the City at which it may be desirable for the Corporation to have funds in deposit, and any money payable to the credit of or chargeable against the Municipal Fund which may, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the Corporation at any such Bank or agency may be so paid.

93. Investment of surplus money.-

Surplus money at the credit of the Municipal Fund, which cannot immediately or at an early date be applied to the purposes of this Act. Or of any loan raised there under, may from time to time be deposited in any Bank or Cooperative Society approved by the Government or may be invested in public securities.

Chapter - VIII

BUDGET ESTIMATE

94. Only sums covered by a budget grant to be expended from the Municipal Fund .-

Except as herein after provided , no payment of any sum shall be made out of the Municipal Fund unless the expenditure of the same is covered by a correct budget grant and sufficient balance of such budget grant is still available notwithstanding any reduction or transfer there of which may have been made under section 99 or 100.

Provided that the following items shall be excepted from this prohibition, namely:-

(a) sums of which the expenditure has been sanctioned by the Mayor-in-Council;

(b) refunds of taxes and other moneys which the Commissioner is by this act authorized do make;

(c) repayments of moneys belonging to contract or other persons held in deposit and of money collected or credited to the Municipal Fund by mistake.

(d) sums which the Commissioner is by this Act or any other enactment required or empowered to pay by way of compensation;

(e) sums payable in an y of the circumstances mentioned in clause (f) in section 88.\;

(f) expenses incurred by the Corporation in the exercise of the Powers conferred on it by section 285;

(g) costs incurred by the Commissioner under clause (c) of sub section(3) of section 69.

95. Municipal fund where to be expended.-

Expenditure by the Corporation out of the Municipal Fund shall, save as otherwise provided by this Act, be made within the city only, but may, by a resolution of the Corporation, supported by not less than half the total number of elected Councillors be made out side the city for any of the purposes of this Act.

96. Expenditure under certain of these exceptions to be reported by Commissioner to Mayor-in-Council.-

Whenever any sum is expended by the Commissioner under clause (d), (e) or (g) of the proviso to section 94, he shall forthwith communicate the circumstances to the Mayor-in-Council which shall take such action under section 99 or recommend to the corporation to take such action under section 100 as shall, in the circumstances, appear lawful and expedient for covering the amount of the additional expenditure.

97. Estimates of income and expenditure to be prepared annually by Commissioner.-

(1) The Commissioner shall, on or before the 30th day of November, each year, have prepared and lay before the Mayor-in-Council in such form as the Committee shall from time to time approve.

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next financial year from the Municipal Fund including:-

(i) the repayment of all loans or installments thereof with interest thereon which fall do during the financial year.
(ii) the discharge of liabilities imposed on the corporation by sub-section(1) of section 3,
(iii) cash balance at the end of the said year of not less than such sum as may be prescribed by the Government.
(iv) the amounts, if any, which should in his opinion be credited to or expended from special fund.
(b) an estimate of all balance, if any, which will be available for appropriation or expenditure at the commencement of the next financial year.
(c) an estimate of the Corporations receipts and income for the next financial year other than from taxation.
(d) an estimate of the receipt existing taxation.
(e) a statement of proposals as to the taxation which it will, in his opinion be necessary or expedient to impose under the provisions of this act in the next financial year and an estimate of the receipt from such taxation**.**
Explanation.- The balance, if any available in any special fund shall not be deemed to the available for re appropriation or expenditure at the commencement of the next financial year under clause(b) except in relation to expenditure which may be met from such fund under the bye-laws and the Commissioner may determine whether the whole or any part of such balance shall be taken into account as available for such expenditure at the commencement of the next financial year.
(2) The Mayor-in-Council shall, on or as soon as may be after the 30th day of November, consider the Budget estimate prepared by the Commissioner and made such modification and additions thereto as it shall think fit and submit the same to the Corporation not later than the 15th day of January.

98. Final adoption of budget estimate.-

The Corporation may on or before the 15th day of February, after considering the Mayor-in-Council proposals in this behalf, refer the budget estimates back to the Mayor-in=Council for further consideration or adopt the budget estimate or any revised budget estimates submitted to it, either as they stand or subject to such alterations as it deems expedient and shall submit copies of the budget as adopted by it to the Government for information:

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters specified in sub-clauses (i) and (iii) of clause (a) of sub-section (1) of section 97:

Provided further that if the budget estimates are not finally adopted by the Corporation on or before the 31st day of March. The estimates recommended by the Mayor-in-Council shall be deemed to be the budget estimates finally adopted by the Corporation, until the estimates are so adopted.

Provided also that if in the opinion of the State Government the condition of indebtedness of any Corporation is such that it is desirable to have control of the Government over its budget, the Government may direct that the budget of such corporation shall be subject to the sanction of the Government and the power of to vary or alter budget grants under sections 99 and 100 shall be subject to such conditions as may be prescribed by rules.

99. Power of Mayor-in-Council to reduce or transfer budget grants.-

The Mayor-in-Council may from time, to time, during the financial year reduce or transfer the amount or a portion of the amount of one budget grant to the amount of any other budget grant under the same major head in the budget estimates:

Provided that-

(a) due regard shall be had when making any such reduction or transfer to all the requirements of this Act; and

(b) every such reduction or transfer shall be brought to the notice of the Corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it thinks fit and it shall be incumbent on the Mayor-in-Council and the Commissioner to give effect to the said order.

100. Power of Corporation to alter budget grants.-

The Corporation may, from time to time during the financial year , transfer the amount or a portion of the amount of one budget grant from one major head to another in the budget estimate, or increase the amount of any budget grant; or make an additional budget grant for the purpose of meting any special or unforeseen requirement arising during the said year, but not in such a way as to bring the estimated cash balance at the close of the year below the amount fixed under sub-clause (iii) of clause (a) of section (1) of section 97.

101. Power of Corporation to re-adjust income and expenditure during the year.-

(1) If at any time during the financial year it appears to the Corporation that, notwithstanding any reduction of budget grants that may have been made under section 99, the income of the municipal fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year it shall be incumbent on the Corporation forthwith to sanction any measure which they may consider necessary for proportioning the year's income to the expenditure.

(2) For the purposes of sub-section (1), the corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, to supplementary taxation or to an increase of the rates, or adopt all pr any of those methods.

(3) Whenever the Corporation determines to have resources to such supplementary taxation, it may do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposed under this Act is being levied, or by a adding to the number of articles, if any, on which a cess on imports is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regard to such tax or cess.

Chapter - IX

LOANS

102. Power of Corporation to borrow money.-

(1) Subject to the provisions of section 104 of this Act, the Corporation pursuance of a resolution passed at a special meeting convened for the purpose, may by the issue of debentures or otherwise on the security of the immovable property vested in the Corporation or of all or any taxes, duties, tolls, cesses, fees and dues authorized by this Act or of both the immovable property and all or any tax, duties, tolls, cesses, fees and dues raise a loan of any sum which may be required-
(i) for the construction of works under this Act, or
(ii) for the acquisition of land for the purposes of this Act, or (iii) for the payment of a loan raised under this Act, or any other loan or debt for the repayment of which the Corporation is liable; or
iv. generally for carrying out the purposes of this Act, including the advance of loans authorized there under:

Provided that-
(i) no loan shall be raised for the construction of any work other than a permanent work, which expression shall include any work of which the cost should in the opinion of the Government be spread over a term of years;
(ii) no loan shall be raised without the previous sanction of the Government;
(iii) the terms upon, the period within and the method by which the loan is to be raised and repaid, shall be subject to the approval of the Government; and
(iv) the period within which the loan is to be repaid shall in no case exceed fifty years.
(2) When any sum of money has been borrowed under sub-section (1)—
(i) no portion thereof shall, without the previous sanction of the Government, be applied to any purpose other than that for which it was borrowed; and
(ii) no portion of any sum of money borrowed under clause (i) of sub-section (1) shall be applied to the payment of salaries or allowances of any municipal officers or servants, other than those who are exclusively employed upon the works for the construction of which the money was borrowed:

Provided that with the previous sanction of the Government, part of the salaries or allowances of any municipal officer or servant employed in part upon the construction of such work may be paid out of the sum so borrowed.
(3) The amount of the loan, the period within which it shall be repaid, and the term upon and the method by which the loan is to be raised and repaid shall be notified in the Gazette by the Government.

103. Power of Corporation to open credit or cash accounts with a bank.-

(1) Notwithstanding anything contained in section 102 whenever the borrowing of any sum has been sanctioned under that section the Corporation may, instead of borrowing such sum or any part thereof from the public or any member thereof, take credit on such terms as may be sanctioned by the Government from any bank on a cash account to be kept in the name of the respective Corporation to the extent of such sum or part, and with the previous sanction of the

Government, may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment with interest of the amount of such credit or of the sums advanced from time to time on such cash account.
(2) The provisions of sub-section (3) of section 102 shall apply to such sum or part.

104. Limit of borrowing power.-

Notwithstanding anything herein before contained the borrowing powers of the Corporation shall be limited so that the sums payable under this Act shall not at any time exceed together with the balances of all the outstanding loans and debts due by the Corporation in the whole, double the annual value of the lands and buildings in the City as defined in section 138.

105. Form exchange, transfer and effect of debentures.-

(1) All debentures issued under this Act shall be in such forms as the Corporation may with the previous sanction of the Government prescribe.
(2) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefore, upon such terms as the Corporation may determine, a debenture in any other form so prescribed.
(3) Every debenture issued by the Corporation under this Act shall be transferable in such a manner as shall be there in expressed.
(4) The right to be paid the money secured by any of such debentures and to sue in respect thereof shall vest in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

106. Signature of coupons attached to debentures.-

All coupons attached to the debentures issued under this Act shall bear the signatures of the Chairman of the Mayor-in-Council and the Commissioner on behalf of the Corporation; and such signatures may be engraved, lithographed or impressed by any mechanical process.

107. Debentures issued to two or more person jointly.-

Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872.
(1) When any debenture or security issued under this Act is payable to two or more persons jointly and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons

Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors.
(2) When two or more persons are joint holders of any debenture or security issued under this Act, any one of such person may give an effectual receipt for any interest or dividend payable in respect of such debenture or security unless notice to the contrary has been given to the Corporation by any other such persons.

108. Issue of Duplicate securities.-

(1) When a debenture issued under this Act is alleged to have been lost, stolen, or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Commissioner and on producing proof to his satisfaction of the loss, theft or destruction and of the justice of the claim obtain from him an order-
(a) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (2),-
(i) for the payment of interest in respect of the debenture pending the issue of a duplicate debenture, and
(ii) for the issue of a duplicate debenture payable to the applicant, or
(b) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (2),-
(i) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and
(ii) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.
(2) an order shall not be passed under sub-section (1) until after the issue of such notification of the loss, theft or destruction of the debentures as may be prescribed by the Corporation, and after the expiration of such period as may be prescribed by the Corporation nor until the applicant has given such indemnity as may be required by the Corporation against the claims of all persons deriving title under the debenture lost, stolen or destroyed.
(3) A list of the debentures in respect of which an order is expressed under sub-section (1) shall be published in the official Gazette.
(4) If at any time before the Corporation becomes discharged under the provisions of section----from liability in respect of any debenture the whole of which is alleged to have been lost, stolen, or destroyed, such debenture is found any order passed in respect thereof under this section shall be cancelled.

109. Renewal of debentures.-

(1) A person claiming to be entitled to a debenture issued under this Act, may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner, obtain a renewed debenture payable to the person applying.
(2) where there is a dispute as to the title to a debenture issued under this Act in respect of which an application for renewal has been made, the Commissioner may-
(a) where any party to the dispute has obtained a final decision form a Court of Competent jurisdiction declaring him to be entitled to such debenture; issue a renewed debenture in favour of such party;
(b) refuse to renew the debenture until such a decision has been obtained; or
(c) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare b y order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of sub-section (1), unless

within that period he has received notice that proceedings have been instituted by any person in a Court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation:- For the purpose so f this sub-section the expression ”final decision” means a decision which is not appealable or a decision which is appealable but against which no appeal has been field within the period of limitation allowed by law.

(3) For the purpose of the inquiry referred to in sub-section (2) , the Commissioner may himself record, or may request any magistrate of the First Class to record or to have recorded, the whole or any part of such evidence as the parties may the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(4) The Commissioner or any Magistrate acting under this section may if he thinks fit, record evidence on oath.

110. Liability in respect of debenture renewed.-

(1) When a renewed debenture has been issued under section 109 in favour of any person the debenture so issued shall be deemed to constitute a new contract between the Corporation and such person and all persons deriving title thereafter through him.

(2) No such renewal shall affect the rights as against the Corporation of any other person to the debenture so renewed.

111. Discharge in certain cases.-

When the duplicate debenture has been issued under section 108, or when a renewed debenture has been issued under section 109 or when the principal sum due on a debenture in respect of which an order has been made under section 108, for the payment of the principal sum without the issue of a duplicate debenture-has been paid on or after the date on which such payment became due, the Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued or in respect of which such payment has been made, as the case may be,-

(a) in the case of duplicate debenture after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 108 or from the date of the last payment of interest on the original debenture whichever is later;

(b) in the case of a renewed debenture after then lapse of six years from the date of the issue thereof; and

(c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the Notification referred to in sub-section (3) of section 108.

112. Indemnity.-

Notwithstanding anything contained in section 109, the Commissioner may in any case arising there under,-

(1) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debentures, or

(2) refuse to issue a renewed debenture unless such indemnity is given.

113. Repayment of loans --

Every loan raised by the Corporation under section 102, shall be repaid within the time approved under provision (iii) to sub-section (1) of the said section and by such of the following methods as may be approved namely -----

(a) by payment from a sinking fund established under section 114 in repect of the loan, or
(b) by equal payments of principle and interest, of
(c) by equal payments of principle, or
(d) in the case of a loan, borrowed before this Act comes into force by the method which was in operation for the repayment of such loan; or
(e) from any sum borrowed under section 102 (1), (iii), or
(f) partly from the sinking fund established under section 114 in respect of the loan and partly from money borrowed for the purpose under provision (iii) to sub-section (1) of section 102.

114. Establishment and maintenance of sinking funds for such loans.-

Whenever the repayment of a loan from sinking fund has been sanctioned under proviso (iii) to sub-section(1) of section 102 the Corporation shall establish such fund and shall pay into it on such dates as may have been approved under the said proviso, such sum as will with accumulation of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the time approved.

Power to discontinue payments into the sinking fund --- Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan at the time approved, then with the permission of the Government, further payment into such fund may be discontinued.

115. Power of Corporation to consolidate loans.-

(1) Notwithstanding anything contained in this Act, the Corporation may consolidated all or any of its loans or any part of a loan and for that purpose may invite tenders for a new loan to be called "the Corporation Consolidated Loan" and invite holders of Municipal debenture to exchange their debenture for scrip of such loan.

(2) The terms of every such consolidated loan and the rates at which exchange into a consolidated loan shall be permitted shall, save in the case of a loan granted by the Government, be subject to the previous approval of the Government.

(3) Save in the case of a loan granted by the Government, the period for the extinction of any such consolidated loan shall not, without the sanction of the Government extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall establish a sinking fund for the repayment of every such consolidated loan.

(5) The provisions of section 114 shall apply to each sinking fund established under sub-section (4):

Provided that, in calculating the sum to be paid into any such sinking fund in pursuance of section 114, any sum transferred to that and in pursuance of the proviso to section 118, shall be taken into account.

116. Investment of sinking fund.-

(1) All money paid into a sinking fund shall, as soon as possible be invested by the Corporation in :-
(a) Government securities, or
(b) securities guaranteed by Government, or
(c) municipal debentures of the City;
and shall be held by the Corporation for the purpose of repaying from time to time the debenture issued by it.
(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).
(3) Money standing to the credit of two or more sinking funds may, at the discretion of the Corporation, be in invested in a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investment among the several sinking funds.
(4) When any part of a sinking fund is invested in municipal debentures or is applied to paying of any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in manner laid down in sub-section (1).
(5) any investment made under this section may from time to time subject to the provisions of sub-section (1) be varied or transferred from one sinking fund to another:
Provided that the former sinking fund shall be increased by a sum equal to the sum taken for the purposes of transfer to the later sinking fund.

117.Power of Corporation to invest in its own debentures.-

(1) For the purpose of investing any portion of the municipal fund, including the sinking funds, the Corporation may reserve and set apart for issue at par, to and in the name of Corporation, any portion of the debentures to be issued on account of any loan, provided that the intention to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.
(2) The issue of any such debentures to the Corporation as aforesaid shall not operate to extinguish or cancel any such debentures, but every debenture so issued shall be valid in all respect as if issued to and in the name of any other person.
(3) The purchase by, or the transfer assignment or endorsement to, the Corporation, of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but
the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

118. Application of sinking fund.-

Until any loan is wholly repaid, the Corporation shall not apply the sinking fund established inn respect of that loan to any purpose other than the repayment of that loan:

Provided that when any loan or part thereof, is consolidated under section 115, the Corporation shall transfer to the sinking fund established for such consolidated loan, the sum standing to the credit of the sinking fund of the original loan, or if part only of a loan is consolidated, then such part of the sum standing to the credit of sinking fund of the original loan as is proportionate to the amount of the original loan which is incorporated in the consolidated loan.

119. Provisions of loans raised by the Municipality of the City.-

In the case of all loans raised by the municipality before the provisions of this Act are made applicable to a city, the following provisions shall apply:-

(i) if, when the loans were raised they were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of the loans and shall pay into the funds such sums, on such dates as may have been fixed when the loans were raised;

(ii) all securities and cash held by the Municipality in sinking fund, if any, established for the repayment of such loans, shall be transferred to the Corporation and shall be held by it as part of the sinking funds established under clause (i);

(iii) the provisions of section 114 shall apply to such sinking funds;

(iv) if, when any such loans were raised, the loans were made repayable by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised;

(v) the provisions of section 121 shall apply to such loans.

120. Annual examination of sinking funds.-

(1) All sinking funds established under this Act shall be subject to annual examination by the auditor who shall satisfy himself that the provisions of section 118 are being complied with and that the cash and the current value of the securities belonging there to are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained there from.

(2) The Corporation shall forthwith pay into any sinking fund any sum by which the auditor may certify the fund to be deficient, unless the Government by general or special order sanctions a gradual readjustment.

(3) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit the auditor shall certify the amount of such excess sum and the Corporation may thereupon transfer the excess sum to the municipal fund.

(4) If any dispute arises as to the accuracy of any certificate given by the auditor accounts under sub-section (2) or (3) the Corporation may after making the payment or transfer, refer the matter to the Government whose decision shall be final.

121. Attachment of Municipal fund in default of repayment of loan.-

(1) If any money borrowed by the Corporation, or any interest of costs due in respect there of, is not repaid according to the conditions of the loan, the Government if it has itself given the loan may, and in other cases shall, on the application of the lender, attach the municipal fund in whole or in part.
(2) After such attachment no person except an officer appointed in this behalf by the government shall, in any way, deal with the attached fund, but such officer may do all acts in respect thereof, which any municipal authority, officer or servant might have done if the attachment has not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof, and of all expenses incidental to the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund or part thereof attached as previously pledged in accordance with law, but all such debts shall be paid out of the proceeds of the attached fund or part, before any part of the proceeds is applied to the satisfaction of the debt in respect of which such attachment is made.

122. Attachment of Municipal fund or securing payments.-

If the Corporation fails to make any payment as required by sub-section (2) of section 120, the Government may attach the Municipal fund or any part thereof, and the provisions of sub-section (2) of section 121 shall, with all necessary modifications, be deemed to apply.

123. Annual statement to be prepared by Commissioner.-

(1) The Commissioner shall at the end of each year prepare a statement showing—
(a) the amount and date of borrowing of loans raised by the Corporation which are outstanding and the annual loan charges;
(b) in the case of every loan for which a sinking fund has been established under section 114, the accumulation in the sinking fund at the close of the year, showing separately the amount paid to the credit of the fund in the year;
(c) the loans repaid during the year and in the case of loans repaid in installments or by annual drawings, the amounts repaid during the year and the balance due at the close of the year;
(d) the particulars of securities in which the sinking fund have been invested or which have been reserved for the investment of these funds.
(2) Every such statement shall be laid before a meeting of the Corporation and a copy of such statement shall be sent to the Government.

124.Application of law relating to loans by local authorities.-

The provisions of the law relating to loans by local authorities in force in the region in which the Municipality is situate shall apply to all loans borrowed by such Municipality so far as the said provisions are not inconsistent with the provisions of this Act.

Chapter - X
AUDIT AND ACCOUNTS

125. Accounts of receipts and expenditure.-

Accounts of receipts and expenditure of the Corporation shall be kept in such manner and in such Form as may be prescribed by the State Government.

126. Transmission of Accounts to Government.-

The Corporation shall, as soon as the accounts of the past year have been finally passed by it, transmit to the Government, the accounts in such forms as the Government may from time to time direct**.**

127. Annual Administration report and statement of accounts by Corporation.-

The Commissioner shall as soon as may be after the first day of April, in each year, cause to be prepared a detailed report the Municipal administration of the city during the previous year, together with a statement showing receipt and disbursement credited and debited to the Municipal Fund during the previous Financial year and the balance at the credit of the Fund at the close of the said Financial years.
(2) The Commissioner shall thereafter forward the report and statement to the Corporation and to the Government**.**

128. Monthly abstract of accounts --

(1) The Commissioner shall draw up a monthly abstract of the receipt and expenditure of the preceding month and such abstract shall be examined and signed by the auditor appointed by the Corporation. The Commissioner shall submit such abstract to the Mayor-in-Council before the end of the next month.
(2) For this purpose the Mayor-in-Council shall have access to all the municipal accounts and to all records and correspondence relating thereto and the Commissioner shall forthwith furnish to the Mayor-in-Council any explanation concerning receipts and disbursements which it may call for.

129. Audit of Municipal Accounts.-

There shall be an auditor specially appointed by the Government to examine and audit accounts of the Corporation. The auditor shall from time to time examine and audit accounts in accordance with the arrangements approved by the Government in this behalf.

130. Audit Report-

(1) The auditor shall-
(a) report to the Mayor-in-Council any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of money due to the Corporation or in the municipal accounts;

(b) omitted

(2) The Mayor-in-Council shall cause to be laid before the Corporation every report made by the auditor to the Mayor-in-Council and every statement of the vies of the auditor on any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the auditor may require the Mayor-in-Council to place before the Corporation together with a report stating what orders have been passed by the Mayor-in-Council upon such report or statement, and the Corporation may take such action in regard to the matters aforesaid as the Corporation may deem necessary.

(3) As soon as may be after the commencement of each financial year the auditor shall deliver to the Mayor-in-Council a report upon the whole of the municipal accounts for the previous financial year.

(4) The Commissioner shall cause the said report to be printed and forward a copy thereof to each councilor along with the printed copy of the Administration Report and Statement of Accounts referred to in section 127.

130-A.-Social Audit.-

Notwithstanding anything contained in this Act, the Council shall arrange for Social Audit in such manner as may be prescribed by the State Government.

130-B. Public disclosure of various informations. --

1. Every Corporation shall maintain and publish all its records duly catalogued and indexed, in a manner and form which enables the Corporation under this section to disclose the required information.

2. The manner of disclosure of information, its periodicity and formats shall be such as may be prescribed.

131. Municipal Authorities to remedy defects and report to Government.-

(1) The Corporation, the Mayor-in-Council or the Commissioner, as the case may be, shall forthwith remedy and defects or irregularities that may be communicated by the auditor and shall send report to the Government of the action taken by the Municipal authority concerned.

Provided that if there is a difference of opinion between the municipal authority and the auditor, or if the municipal authority does not remedy any defect or irregularity within a period considered by the auditor to be reasonable the matter shall be referred to the Government within such time and in such manner as may be prescribed, and the Government may pass such time and in such manner as may be prescribed, and the Government may pass such order thereon as it thinks fit. The orders of the Government shall be final and the Municipal authority shall take action in accordance therewith.

(2) If with any period fixed an order made by the Government under sub-section (1) the Municipal Authority concerned fails to comply with such order, the provisions of Section 419 shall, with all necessary modifications, be deemed to apply as if such order has been issued under Section 418.

131-A. Municipal Accounts Committee.-

(1) The Corporation shall, at its first meeting in each financial year or as soon as may be at any meeting in each financial year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.
(2) The Municipal Accounts Committee shall consist of seven members to be elected by the elected Councillors of the Corporation from amongst themselves in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot. The Members of Mayor-n-Council shall not be eligible for such election.
(3) The members of the Committee shall elect from amongst themselves one member to be its Chairman.
(4) Subject to the provisions of sub-section (1) the members of the Municipal Accounts Committee shall hold office until a new committee is constituted.
(5) Municipal Accounts Committee shall consider the report of the auditor, appointed under Section 129, in respect of accounts of the Corporation and submit the same to the Corporation along with its views.
(6) Omitted.
(7) The manner of transaction of business of the Municipal Accounts Committee shall be such as may be prescribed.

PART - IV
Chapter - XI

TAXATION

132. Taxes to be imposed under this Act.-

(1) For the purpose of this Act, the Corporation shall, subject to any general or special order which the State Government may make in this behalf, impose in the whole or in any part of the Municipal Area, the following taxes namely.-
(a) a tax payable by the owners of buildings or lands situated within the city with reference to the gross annual letting value of the buildings or lands, called the property tax, subject to the provisions of Sections 135,136 and 138.
(b) a water tax, in respect of lands and building to which a water supply is furnished from or which are connected by means of pipe with municipal water works.
(c) a general sanitary cess, for the construction and maintenance of public latrines and for removal and disposal of refuse and general cleanliness of the city.
(d) a general lighting tax, where the lighting of public streets and places is undertaken by the corporation.
(e) a general fire tax, for the conduct and management of the fire service and for the protection of life and property in the case of fire.
(f) a local body tax on the entry of such goods as may be declared by the State Government by notification in the Official Gazette into the municipal area for consumption, use or sale therein at a rate not exceeding four percent of the value of goods:

Provided that no local body tax shall be levied on the goods-
(i) brought by a person into the municipal area for his personal use or consumption; or
(ii) brought by a registered dealer within the municipal area and transmitted within 15 days thereof-
(a) to a registered dealer in any other local body; or
(b) in the course of export out of the territory of India; or
(c) in the course of inter state trade outside the State.
(iii) specified in the Schedule to the Madhya Pradesh Sthaniya Kshetron Me Mal Ke Pravesh Par Kar Adhiniyam, 1976 (No. 52 of 1976).
(2) Notwithstanding anything contained in clause (f) of sub-section (1) if in the opinion of the State Government it is expedient to do so, it may delegate the power to the Corporation to declare the goods on which local body tax shall be levied and the rates thereof.
(3) The mode of assessment and collection of the local body tax shall be such as may be prescribed.
(4) The water tax under the clause (b) of sub-section (1) shall be charged-
(a) on buildings and lands which are exempted from property tax, at a rate as shall be determined by the Corporation.(omitted)
(b) on buildings and lands which are not exempted from property tax, at a rate as determined in clause (a) plus such percentage of the property tax, as shall be determined by the Corporation.

Provided that the water tax under clause (b) of sub-section (1) shall not be levied on building and land owned by freedom fighters during their life time, if they are exempted from Income Tax and the water connection is for domestic purpose and which does not exceed half inch connection.

(5) The taxes under clause ©, (d), and (e) of sub-section (1) shall be levied at a consolidated rate as under:-

(a) on buildings and lands which are exempted from property tax at a rate as determined by the corporation (omitted)

(b) on buildings and lands which are not exempted from property tax at a rate prescribed under clause (a) plus such percentage of the property tax, as may be determined by the Corporation, subject to the conditions that such percentage shall not exceed ten percent of the amount of property tax.

(6) In addition to the taxes specified in sub-section (1), the Corporation may, for the purpose of this Act, subject to any general or special order which the State Government may make in this behalf, impose any of the following taxes, namely:-

(a) a latrine or conservancy tax payable by the occupier or owner upon private latrines, privies or cesspools or open premised or compounds cleansed by Corporation agency;

(b) a drainage tax, where a system of drainage has been introduced;

(c) a tax on persons exercising any profession or art or carrying on any trade or calling within the city;

(d) omitted

(e) omitted.

(f) fees on the registration of cattle sold within the city;

(g) market dues on persons exposing goods for sale in any market or in any place belonging to or under the control of the Government or of the Corporation;

(h) a betterment tax on properties whose value may have improved as a result of town planning scheme under taken by the Corporation;

(i) a tax on pilgrims resorting periodically to a shrine within the limits of the Corporation;

(j) a tax on persons occupying houses, buildings or lands within the limits of the Corporation according to their circumstances and property;

(k) a toll on new bridge constructed by the Corporation;

(l) a tax on advertisement other than advertisements published in news papers.

(m) a tax on theaters, theatrical performances and other shows for public amusement;

(n) a terminal tax on goods or animals exported from the limits of the Corporation; and

(o) any other tax which the State Government has power to impose under the Constitution of India, with the prior approval of the State Government.

(7) Subject to the provisions of Article 277 of the Constitution of India, any tax which immediately before the commencement of the Madhya Pradesh Municipal Corporation Law (Extension) Act, 1960 (No. 13 of 1960) was being lawfully levied by the Corporation, may, notwithstanding that such tax is not specified in sub-section (1) or (6), continue to be levied by the Corporation.

(8) The imposition of any tax under this Section shall be subject to the provisions of this Act and of any other enactment for the time being in force.

(9) omitted

(10) Notwithstanding anything contained in this chapter, the Corporation may impose upon properties specified in clause (a) of Section 136, all or any of the taxes specified in clause (b), (c) and (d) of sub-section (1) and clause (b) of sub-section (6) at a rate, in excess of the rate which such tax is imposed, on other properties under the respective clauses, as the State Government may, by notification, specify.

132-A. Imposition of User Charges.--

1. Notwithstanding anything contained in Section 132, the Corporation shall, subject to any general or special order which the State Government may make in this behalf, impose the user charges for the following services, namely :-

a. a water charge for provision of water supply in respect of lands and buildings to which a water supply is furnished by Corporation ;
b. a drainage or sewerage charge where a system of drainage or sewerage disposal has been introduced ;
c. a charge for management of solid waste where the Corporation has introduced a system of disposal of waste ;
d. charges for any other specified services rendered by the Corporation.

2. The user charges in clauses (a), (b), (c) and (d) of sub-section (1) shall be imposed
   1) on buildings and lands which are exempted from property tax, at a rate as shall be determined by the Corporation ;
   2) on buildings and lands which are not exempted from property tax, as determined in clauses (a), (b), (c), and (d) of sub-section (1) plus such percentage of the property tax, as shall be determined by the Corporation ;

   Provided that the user charge for water under clause (a) of sub-section (1) shall not be levied on building and land owned by freedom fighter during their life time ; if they are exempted from Income Tax and the water connection is for domestic purpose and which does not exceed half inch connection.
3. Notwithstanding anything contained in this chapter, the Corporation may impose upon properties specified in clause (a) of Section 136, all or any of the charges specified in clauses (a), (b), (c) and (d) of sub-section (1) at a a rate, in excess of the rate at which such charge is imposed, on other properties under the respective clauses, as the State Government may, by notification, specify.

133. Imposition of Taxes and Fees.-

(1) The Corporation may, by a resolution, at the time to final adoption of the budget estimates for the next financial year, subject to the provisions of this Act and subject to such limitations and conditions, as may be prescribed by the State Government in this behalf-
(a) impose any of the taxes or fees specified in this Act; or
(b) increase the rates of taxes or fees already imposed.
(2) The resolution as referred to in sub-section (1) shall contain-
(a) in case of imposition of any tax or fees, the provisions under which such tax or fee is being imposed, class of persons or description of property to be taxed, the amount or rate of tax or fee being imposed, system of assessment and collection to be adopted and the date from which imposition of such tax or fee shall take effect;
(b) in case of increase of rate of any tax or fee, the prevailing rate of such tax or fee, the proposed increased rate of such tax or fee and the date from which increase of rate of such tax or fees shall take effect.
(3) The resolution, as passed, shall be conclusive evidence of the imposition of a new tax or fee; or increase of rate of any tax or fee, as the case may be:

Provided that if the Corporation decides to have supplementary taxation during the financial year; it may do so from such date as the Corporation may resolve, subject to the provisions of

this Act and subject to such limitation and conditions as may be prescribed by the State Government in this behalf.
(4) Nothing contained in this section shall apply to tax mentioned in clause (a) of sub-section (1) of Section132, which shall be charged and levied in accordance with Section 135.

133-A. Power to impose additional stamp duty on transfer of immovable property-

(1) The duty imposed by the Indian Stamp Act, 1899 (II of 1899) on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property, shall in the case of instruments affecting immovable property situated within the limits of any corporation and executed on or after the date on which the provisions of this Act are made applicable to such limits be increased by one percentum on the value of the property so situated, or in the case of an usufructuary mortgage on the amount secured by the instrument, as set forth in the instrument.
(2) For the purpose of this section, Section 27 of the Indian Stamp Act, 1899 (II of 1899), shall be read as if it specifically required the particulars referred to there in to be set forth separately in respect thereof-
(a) property situated in the Corporation area;
(b) property not situated in the Corporation area.
(3) The State Government shall every year pay to each Corporation from the Consolidated Fund of the State a grant-in-aid approximately equal to the extra duty realized under sub-section (1) in respect of the property situated within the area of each such Corporation after making such deductions on account of cost of collection as the State Government may determine.
(4) The State Government may make rules for carrying out the purpose of this Section.

133-B. Power of State Government to require Corporation to impose taxes.-

Whenever it appears to the State Government that the balance of Municipal Fund of any Corporation or its revenue is insufficient for the discharge of its duties or obligatory functions imposed upon it under the Act or for meeting the expenditure to be incurred under Section 418 or for the performance of any duties in respect of which it shall have been declared under Section 419 to have committed default, the State Government after giving a notice of fifteen days to the Corporation and to the local public in a prescribed manner may require the Corporation to impose within the Municipal area any tax which it is empowered to impose under section 132 or to enhance any existing rate of tax in such manner or to such extent as the State Government considers fit, and the Corporation shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this Chapter, as if a resolution of the Corporation had been passed for the purpose under the provision of this Act.

Provided that-

(a) the State Government shall take into consideration may objection which the Corporation or any inhabitant of the municipal area may make against the imposition or enhancement of such tax;
(b) it shall not be lawful for the Corporation to abandon or modify or to abolish such tax when imposed, without the sanction of the State Government.
(c) the State Government may, at any time by notification, abolish or reduce the amount or rate of any tax levied or enhanced under this Section and the levy of the tax or the enhancement except as to arrears thereto for accrued due, shall there upon cease or be modified accordingly.

134. Recovery of Taxes.-

A Municipal tax may be recovered by one or more of the following processes or in accordance with the byelaws made for the purpose:
(1) by presenting a bill;
(2) by serving written notice of demand;
(3) by distrait and sale of movable property of the person concerned;
(4) by attachment and sale of his immovable property;
(5) in the case of octroi or toll, by the attachment and sale of goods and vehicles;
(6) in the case of property tax, by attachment of rent due in respect of the property.
(7) by a suit.

THE PROPERTY TAX
Imposition of Property Tax

135. Imposition of Property Tax.-

(1) Notwithstanding anything contained in this Act, the tax under clause (a) of sub-section (1) of section 132 shall be charged, levied and paid, at the rate not less than six percent and not more than ten percent of the annual letting value, as may be determined by the Corporation for each financial year.

Provided that if the Corporation fails to determine the rate of the property tax by 31st March the rate as prevailing during the previous financial year shall be deemed to be the rate for current financial year.

136. Exemptions-

The property tax levied under section 135 shall not be leviable in respect of the following properties, namely:-

(a) buildings and lands owned by or vesting in-

(i) the Union Government;

(ii) the State Government;

(iii) the Corporation;

(b) buildings and lands the annual value of which does not exceed six thousand rupees in case of Municipal area having population of one lac or above and four thousand eight hundred rupees in case of Municipal area having population below on lac.

Provided that if any such building or land is in the ownership of a person who owns any other building or land in then same city, the annual value of such building or land shall for the purposes of this clause, be deemed to be the aggregate annual value of all buildings or lands, owned by him in the city;

(c) buildings and lands or portions there of used exclusively for educational purposes including schools, boarding houses, hostels and libraries if such buildings and lands or portions thereof are either owned by the educational institutions concerned or have been placed at the disposal of such educational institutions without payment of any rent;

(d) public parks and play grounds which are open to the public and building and land attached thereto if the rent derived there from is exclusively spent for the administration of parks and playgrounds to which they are attached;

(e) buildings and land or portions thereof used exclusively for public worship or public charity such as mosques, temples, churches, dharmashalas, gurudwaras, hospitals, dispensaries, orphanages, alms houses, drinking water fountains, infirmaries for the treatment and care of animals and public burial grounds, or other places for the disposal of the dead:

Provided that the following buildings and lands or portions thereof shall not be deemed to be used exclusively for public worship or for public charity within the meaning of this Section, namely:-

(i) building in or lands on which any trade or business is carried on unless the rent derived from such buildings or lands is applied exclusively to religious purposes or to public charitable institutions aforesaid;

(ii) buildings or lands in respect of which rent is derived and such rent is not applied exclusively to religious purposes or public charitable institutions aforesaid.

(f) buildings or lands owned by widows or minors or persons subject to physical disability or mental infirmity owing to which they are incapable of earning their livelihood, where the main source of maintenance of such widows or minors or persons is the rent derived form such buildings and lands:

Provided that such exemption shall, relate only to the first twelve thousand rupees or the annual value of such buildings and lands.

(g) buildings and lands owned by freedom fighters, retired members of Defense Services and their widows during their life time if they are exempted from income tax.

(h) building and lands owned by blind persons, abandoned women and mentally incapacitated persons if sufficient proof is produced in this behalf and if the main source of their maintenance is he rent derived from such buildings and lands.

(i) buildings and lands in occupation of owner or his residence shall be exempted from property tax to the extent of fifty per cent.

(j) the electric pole erected by the Madhya Pradesh Electric Board.

(k) property owned by such political party in the State which has been recognized by the Election Commission of India.

137. Discount of Property Tax.-

(1) Notwithstanding anything contained in Sections 135 and 136, the Corporation may, if it thinks fit, direct by resolution that a discount not exceeding six and a quarter percent shall be allowed on the amount due from every person who pays the tax due before such date as the Corporation shall fix.

Provided that the discount shall be allowed at the same rate to all persons entitled thereto.

(2) The Corporation may at any time revoke a resolution under this Section.

138. Annual letting value of land or building.-

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, annual letting value of any building or land, whether revenue paying or not, shall be determined as per the resolution of the Corporation adopted in this behalf on the basis of per square meter of the carpet area of a building or land, as the case may be, taking into consideration the area in which the building or land is situate, its location, situation, purpose for which it is used, its capacity for profitable user, quality of construction of the buildings and other relevant factors and subject to such rules as may be made by the State Government in this behalf.

1-a The Commissioner shall prepare the draft resolution under sub-section (1) for the next financial year and submit before the Corporation before 31st December of each financial year . In case the Corporation fails to adopt the resolution as required by sub-section (1) by 31st March of each financial year then the draft resolution prepared by the Commissioner shall be presented to the Mayor and the resolution as approved by the Mayor shall be deemed to be the resolution finally adopted by the Corporation.

(2) On the basis of the resolution adopted by the Corporation under sub-section (1), every owner of land or building shall assess the annual letting value of his land or building and deposit the amount of property tax along with a return in this behalf, in the prescribed form, on or before the date fixed by the Corporation, failing which a surcharge at the rate, as may be determined by the Corporation, shall be charged.

(3) The variation up to ten per cent on either side in the assessment made under sub-section (2) shall be ignored. In case where the variation is more than ten percent, the owner of land or building, as the case may be, shall be liable to pay penalty equal to five times the difference of self assessment made by him and the assessment made by the Corporation.
(4) An appeal shall lie to the Mayor-in-Council against the orders passed under sub-section (3).

139. Requisition of name of owner,-

The Commissioner may, by written notice, require the occupier of any land or building to furnish him within fifteen days with the name and address of the owner of such land or building.

140. Treatment of property which is let to two or more persons in separate occupancies-

When any building or land is let to two or more persons holding in severally, the Assessing authority may, for the purpose of assessing, or revision the assessment list or amending a current assessment list for such building or land to the property taxes, either treat the whole thereof as one property, or, worth the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property and a building or land so treated as a single property shall, for the purposes of property tax, be deemed to be a single tenement.

141. Responsibility for payment of property Tax.-

(1) The property tax charged and levied upon any land or building under Section 135, shall be paid primarily by the owner thereof.
(2) The property tax charged and levied on the owner may also be recovered from any occupier of land or building under the circumstances, in the manner and to the extent as is provided in this Act or may be provided under the byelaws or rules made there under.

142. Employment for the purpose of assessment-

(1) The Corporation may, if it thinks fit, employ any person to determine the annual value of lands and buildings in accordance with the principles laid down in Section 138.
(2) Any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required of authorization in that behalf from the Commissioner, to enter on, survey and value any land or building within the city which the Commissioner may direct him to survey and value.
(3) If any person willfully delays or obstructs any person in the exercise of any of his powers under this Section, he shall be liable to a fine not exceeding one thousand rupees.

143. Assessment of annual value and duration of assessment-

(1) The annual value of any land or building situate within the city as determined under the Madhya Pradesh Nagariya Sthawar Sampati kar Adhiniyam, 1964 (No. 14 of 1964) or the rules made there under, and in force for the purpose of that Act immediately before the first day of April, 1976 shall be deemed to be the annual value for the assessment of property tax on such land or building under this Act, until such time as the Commissioner makes a fresh valuation and

determines annual value under this Act of the land and buildings therein and the annual value of such land or buildings shall remain unchanged for a period of one year and may be revised thereafter by the Commissioner at the termination of successive period of one year.
(2) The Commissioner may, instead making a new assessment every year, adopt the existing assessment, with such alteration as he thinks fit, as the assessment for each new year, giving to persons affected by such alternations the same notice of the altered valuation and assessment as would have been required if a new assessment had been prepared.
(3) The Commissioner shall arrange for a survey for the purpose of assessment of each part of the city at least once in five years save for the omission, with the previous consent of the Mayor-in-Council, of any small areas which might be more conveniently re-assessed in a subsequent year.

144. Returns for purposes of valuation.-

To enable him to prepare the assessment list, the Chief Executive Officer my, by written notice, require the owner or occupier of any land or building or any portion thereof to furnish him within such reasonable period as the Chief Executive Officer may fix, with information or with a written return signed by such owner or occupier-
(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such land or building; and
(b) as to the measurement or the gross annual rent or revenue or the description or other specified details or the actual cost or estimated market value of such land or building.
(ii) Every owner or occupier from whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.
(iii) Whoever omits without reasonable cause to comply with such requisition , or furnishes a return which is untrue, shall in addition to any other punishment to which he may be liable, be precluded from objecting to any assessment made by the Chief Executive Officer in respect of such land or building of which he is the owner or occupier.

145. Public notice and inspection of valuations.-

(1) When the valuation under section 143 of the lands and buildings in any ward has been completed, the Commissioner shall cause the respective valuations to be entered in a list and give public notice of the place where such list may be inspected.
(2) **Time for filling complaints against valuation.-** The Commissioner shall at the same time and in the same manner, give public notice of a date, not being less than thirty days from the publication of such notice by which objections to the amount of any annual value or other particulars entered in the assessment list may be delivered at his office.

146. Notice when valuation made for the first time is increased.-

The Commissioner shall, in all cases in which any land or building is for the first time valued, or in which the valuation of any land or building previously valued is increased under section 143 give special notice thereof, to the occupier of the same, and when the valuation is so increased, the said notice shall contain a statement of the grounds of the increase.

147. Notice of objection of valuation.-

(1) Any person dissatisfied with a valuation made under this chapter may deliver at the municipal office a written notice stating the grounds of his objection to such valuation.
(2) Such notice shall be delivered on or before the date fixed in this behalf in the public notice referred to in section 145 or 146.

148. Investigation of objections by Commissioner.-

(1) All such objection,
shall entered in a register to be maintained for the purpose and, on receipt of any objection, the Commissioner shall give a notice in writing to the objector of he time and place at which his objection will be investigated.
(2) At the time and place so fixed the Commissioner shall hear the objection
in the presence of the objector or his authorized agent if he appears, or may, for reasonable cause, adjourn the investigation.
(3) When the objection has been determined, the order passed on such objection shall be recorded in the said register and, if necessary, an amendment made inn the assessment list in accordance with the result of the objection.

149. Appeals to District Courts.-

(1) If any dispute arises as to the liability of any land or building to assessment or as to the basis or principle of assessment or as to the amount of tax assessed and appeal shall lie from the decision of the Municipal Commissioner to the district Court having jurisdiction in the area whose decision shall be final.
(2) Such appeals shall be presented to district Court in this regard within thirty days from the date of the order passed under section 148 and shall be accompanied by an extract from the register of objections containing the order objected to.
(3) The provisions of Parts-II and III of the Indian Limitation Act, 1908, relating to appeals shall apply to every appeal preferred under this section.
(4) No appeal shall be admitted under this section unless an objection has been preferred under section 148.
(5) Effect shall be given by the Municipal Commissioner to the decision of the District Court.
(6) The pendency of an appeal under this section shall not operate to delay or prevent the levy of any tax or installment thereof payable in respect of any building or land according to the order of assessment under appeal but, if by the final decision in the appeal it is determined that such tax or installment ought not to have been levied in whole or in part, the Chief Executive Officer shall refund to the person whom the same has been levied, the amount of such tax or installment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

150. Valuation when to be final.-

(1) Every valuation made by the Commissioner under section 143 shall, subject to the provisions of section 148 and 149 be final.

(2) Every order passed by the Commissioner under section 148 shall, subject to the provisions of section 149 be final.

151. Keeping of municipal assessment list.-

(1) The annual value fixed under this chapter shall be entered in one or more registers to be kept wardwise or in any other manner for the purpose wherein shall also be recorded:-
(a) the serial number of each set of premises;
(b) the description of each set of premises;
(c) the name and place of abode of the owner and the name of the occupier;
(d) the amount of the valuation;
(e) the amount payable on account of the property tax;
(f) any exemption granted from payment of the said tax; and
(g) such other particulars as the Commissioner may direct.
(2) The particulars mentioned in sub-section (1) may be contained in as many registers as the Commissioner may determine which shall together constitute the assessment list.
(3) When the name of the owner or occupier of any premises is not known it shall be sufficient to designate him in the said assessment list as "the owner" or "the occupier", as the case may be.

152. authentication of assessment list when all objections have been disposed of.-

(1) When objections have been determined and appeals disposed of and the entries required by section 151 have been made, the assessment list shall be authenticated by the Commissioner, who shall certify under his signature that except in the cases in which amendments have been made as shown therein, no valid objection has been made to the annual values entered in the said list.
(2) Thereupon the said assessment list shall, object to such alterations as may thereafter be made therein under the provision of sub-section (5) of section 149 or of section 153 be conclusive evidence of the amount of property tax leviable on each land or building within the city in the financial year to which the list relates.

153. Power of Commissioner to amend assessment list.-

(1) The Commissioner may at any time amend the assessment list by the inclusion, omission or substitution of any matter:

Provided that whenever he proposes to make any amendment in respect of any matter other than the correction of an arithmetical total, he shall, before making the amendment, send notice thereof to persons interested and shall allow thirty days to elapse for the making any objection to the proposed amendment:

Provided further that nothing in this sub-section shall empower the Commissioner to vary the valuation of any premises determined on appeal to the District Court.
(2) If any amendment be made in respect of any matter other than the correction of arithmetical total, any person on whom a notice is served may object by a written application addressed to the Commissioner and delivered at the Corporation Office before the date fixed in the said notice; and the provisions of sections 148 and 149 shall, with all necessary modifications apply to such objection.

(3) When the erection of a new building is completed after the completion of the assessment list, the Commissioner may add the particulars of the building to the list, and in such case the provisions of sections 145, 147, 148, 149 and 152 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the quarter following the date on which the building is added to the assessment list or from the date when it is occupied or let, if that is earlier.

154. Notice of increase of rent.-

(1) When an owner has furnished information or a written return as provided by section 144 he shall give notice in writing to the Commissioner of any subsequent increase in the rent.
(2) if an owner of any land or building or any portion thereof has, after it has been assessed for the same, made any increase in the rent thereof he shall give notice in writing to the Commissioner of such increase.
(3) The Commissioner may on receipt of such notice as to increase of rents amend the assessment list by altering the assessment of such land and or building or any portion thereof as provided for by section 153.

155. Notice to be given to Commissioner of demolition or removal of a building.-

(1) When any building or any portion of a building liable to the payment of property tax is demolished or removed otherwise than by order of the Chief Executive Officer, the person liable for the payment of the said tax shall give notice thereof, in writing, to the Chief Executive Officer.
(2) Until such notice is given, the person aforesaid shall be liable to pay every such property tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, has not been demolished or removed.

156. Failure to give notice of increase rent.-

Who ever fails to give notice of an increase of rent required by this section gives notice of an increase of rent which in substances is untrue, shall in addition to any punishment to which he may be liable, be precluded from objecting to any assessment made by the Chief Executive Officer in consequence of such increase in respect of such building or land or any portion thereof which he is the owner.

157. Period for which revised valuation to continue in force.-

When the valuation of any land or building is revised in consequence of an objection made under section 147 or an appeal is preferred under section 149, the revised valuation shall take effect from the quarter in which the first valuation would have taken effect in the same manner and for the same period and subject to the same conditions as the original valuation.

158. Payment of property tax how affected by objections to valuations,-

When an objection to a valuation has been made under section 147 the property tax shall, pending the final determination of the objection, be paid on the previous valuation.

159. Refund of excess payment.-

If upon the hearing of any objection or appeal from any valuation it is made to appear to the Commissioner or the Appellate Authority, as the case may be, that appellant has paid any sum or sums of money in consequence of assessment which the ought not to have paid, the Commissioner or the Appellate Authority, as the case may be, shall direct the excess payment to be refunded to the appellant.

Supplemental Provision

160. Commissioner to supply copies on payment.-

The Commissioner shall furnish to any person who applies for it, a copy of the valuation or assessment list for the time being in force or any extract from any such list on payment of such sum as may be prescribed by byelaws by the Corporation, and the Commissioner or a person authorized by him in this behalf, shall, if required, certify the copy or extract in such manner as may be prescribed.

161. Tax not invalid for defect of form.-

(1) No assessment and no charge or demand of any tax under this Act shall be called in question or in any way affected by reason of:-
(a) any mistake
(i) in the name, residence, place of business or occupation of any person liable to pay the tax; or
(ii) in he description of any property or thing liable to the tax; or
(iii) in the amount of tax assessed; or
(b) any clerical error,
(c) any other defect of form.
(2) For the purposes of assessing any tax on property under this Act it shall suffice if the property is so described as to be readily identifiable and the owner or occupier need not be named.

162. Power of the Corporation in regard to taxes.-

(1) The Corporation may exempt from the payment of any tax in whole or in part for any period not exceeding one year, any person who by reason of poverty is in its opinion unable to pay the same, and may renew such exemption as often as it may consider necessary.
(2) subject to the provisions of section 135 the Corporation, with the sanction of the Government:-
(a) abolish, suspend or reduce the rate of any tax; or
(b) exempt from the payment of any such tax in whole or in part any person or any class of persons or any property or class of property.

163. Power of the Government in regard to taxes.-

(1) The Government may after giving the Corporation an opportunity of expressing its views, by order, exempt from the payment of any such tax in whole or in part any person or class of person or any property or description of property.
(2) If any time it appears to the Government, on a representation made or otherwise, that any tax imposed by or under this Act is unfair inn its incidence or that the levy thereof or of any part thereof is injurious to the interests of he general public; it may after giving the Corporation the opportunity of expressing its views require the Corporation to take within a specified period measures to remove the objection; and if within that period the requirement is not complied with to the satisfaction of Government, the Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

163-A. Creation of Infrastructure Development Fund.--

1. Notwithstanding anything contained in this Act or any other Act for the time being in force, the State Government may create an Infrastructure Development Fund with a view to assist the Municipal Corporation in developing the infrastructure.
2. The sources of the infrastructure fund and the procedure and manner in which the amount from the fund shall be provided to Municipal Corporation shall be such as may be prescribed.

164. Omitted

165. Duty of furnishing true information regarding liability to municipal taxation.-

(1) Every person shall, on the demand of an officer duly authorized by the Commissioner in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any tax under this Act and if so how much; and every hotel or lodging house keeper or secretary of a residential club shall also, on demand as aforesaid, furnish a list of all person residing in such hotel, lodging house or club.
2) If any person so called upon to furnish information omits to do so or furnishes information which is untrue to his knowledge, he shall be punishable with fine which may extend to one thousand rupees.

166. Duty of occupier to furnish true information regarding owner's name and address.-

If the occupier of any land or building neglects or refuses, without reasonable cause, to comply with a notice served under Section 139 furnishes information which is untrue to his knowledge he shall be punishable with fine which may extend to one thousand rupees.

167. Notice of transfers of title, when to be given.-

(1) Whenever the title in any land or building or in any part or share of any land or building is transferred , the transfer and the transferee shall, within three months of the registration of the deed of transfer or if it be not registered, within three months of the execution of the instrument

of transfer, or if no such instrument be executed, after the transfer is effected, give notice in writing of such transfer to the Commissioner.

(2) Every person liable for the payment of a tax on any property whose transfers his title to or over such property without giving notice of such transfers to the Corporation as aforesaid, shall in addition to any other liability which he incurs through such neglect , continue to be liable for the payment of all such taxes payable in respect of the said property until he gives such notice or until the transfer is recorded in the books of the Corporation.

(3) In the event of the death of the person in whom title to any land or building or in any part or share of any land or building vests,, the person who as an heir or otherwise takes the title of the deceased by descent or devise, shall, within three months from the death of the deceased, give notice of his title to the Commissioner in writing.

(4) Nothing in this Section shall be deemed to affect the liability of the heir or devise for the said taxes or to affect the prior claim of the Corporation for the recovery of the taxes due thereupon.

(5) (i) When any new building is erected, or when any building is rebuilt or enlarged, or when any building which has been vacant is re-occupied, the person primarily liable for the property taxes assessed on the building shall within fifteen days give notice thereof in writing to the Commissioner.

(ii) The said period of fifteen days shall be counted from the date of the completion or the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the re-occupation thereof.

168. Power of entry for the purpose of valuation of taxation.-

(1) The Commissioner may authorize any person to do the following acts at any time between sunrise and sun-set after giving twenty-four hours notice to the occupier, or if there be no occupier, to the owner, of a building or land-

(a) to enter, inspect and measure any building for the purpose of valuation;

(b) to enter and inspect any stable, coach house or other place where there is reason to believe that there is any vehicle or animal liable to taxation under this Act, or for which a licence has not been duly taken out.

169. Power to examine article liable to toll or cess on imports-

(1) Every person bringing or receiving within the limits of the Corporation any articles in respect of which a toll or cess on imports is payable, shall when required by an officer or servant duly authorized by the Commissioner in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable-

(a) permit the officer or servant to inspect examine weigh and other wise deal with the article; and

(b) communicate to the officer any information and exhibit to him any bill, invoice or document of a like nature which such person may possess relating to the article.

170. Power to search where toll or cess on import is leviable.-

If any person, bringing or receiving within the prescribed limits of the Corporation a conveyance or package on which a toll or cess on imports is believed to be leviable, refuses on the demand of an officer or servant authorized by the Commissioner in this behalf to permit the officer or servant to inspect , weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any article in respect of which a toll or cess on imports is payable, or refuse to communicate to the officer any information or to exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article or with the intension of defrauding the Corporation, communicates false information or exhibits any false forged, or fraudulent bill, invoice or document of a like nature he shall be punished, with a fine which may extend either ton ten times the duty leviable on the articles or to one thousand rupees whichever may be greater.
(2) Any such person may demand that the conveyance or package or both, as the case may be , shall be taken without unnecessary delay before the Commissioner or person appointed by him for this purpose, who shall cause the inspection to be made in his presence.

171. Punishment of evading payment of toll or cess-

If animals or articles passing the limits of the Corporation liable to the payment of a toll or cess on imports, then every person who with intention to defraud the Corporation on causes or abets the introduction of , or himself introduces or attempts to introduce within the said limits, any such animals or articles upon which payment of the toll or cesss on imports due on such introduction has neither been made nor rendered shall be punishable with fine which may extend either to ten times the value of such toll or cess on imports or to One thousand rupees whichever may be greater.

172. Extension of taxation limits by agreement.-

(1) When the Municipality with the sanction of the Government has agreed with a Government Authority or the Committee of an adjoining Municipality a Notified Area Committee constituted under the Municipal law that in consideration of the Payment of the lump sum or otherwise, the same limits for cess on imports or any toll or tax shall be established for the contracting parties, the corporation may, fix limits by byelaws so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the powers of collecting such toll or cess on imports on animals or articles brought within such limits, and the provisions of this Act for the assessment and collection of such tax or toll or cess on imports shall apply in the same way as if the said limits were wholly comprised in the jurisdiction of the Corporation.
(2) The total of the proceeds of such taxes or tolls made in the joint area of the Corporation and Cantonment or Municipality or Notified Area and the cost thereby incurred shall be apportioned between the Municipal fund and the fund subject to the control of the cantonment authority or the Municipal authority in such proportion as shall have been determined by the agreement.

Chapter - XII

RECOVERY OF CORPORATION'S CLAIMS

173. Presentation of bill for taxes and other demands.-

(1) When any amount declared by or under the provisions of this Act to be recoverable in the manner provided in this chapter, or payable on account of any tax imposed within the limits of the city shall have became do, the Commissioner shall, with the least practicable delay cause to be presented to any person liable for the payment thereof a bill for the sum claimed as due.
(2) Contents of bill.---Every such bill shall specify-
(a) the period for which: and
(b) the property, occupation or thing in respect of which the sum is claimed, and shall also give notice of-
(i) the liability incurred in default of payment; and
(ii) the time within which an objection may be preferred as against such claim.

174. If bill not paid within 15 days notice of demand to issue.-

(1) If the sum , for which a bill is presented as aforesaid, is not paid and no objection has been prefer within 15 days from the presentation of the bill, the Commissioner may, serve upon the person to whom such bill has been presented a notice demand in the form prescribed by byelaws.

(2) For every notice of demand a fee shall be charged at the rate specified in the byelaws and shall be payable by the said person, and the fee shall be included in the costs of recovery.

175. In what case warrant may issue,-

(1) If the person on whom a notice of demand is served under sub-section (1) of section 174 does not within thirty days of the service of such notice-
(a) Pay the sum demanded in the notice; or
(b) show cause to the satisfaction of the Commissioner why he should not pay the same; or
(c) prefer an appeal in accordance with the provisions of section 184 against the demand;
such sun with all costs of recovery may be recovered under a warrant in the form prescribed byelaws signed by the Commissioner --.
(i) by distress and sale of the movable property belonging to such person; or
(ii) by attachment and sale of the immovable property belonging to him;
Provided that, where any precautionary or other measures in respect of any such property have been taken by the Government for the recovery of any sum claimed by it, no proceedings shall be taken over continued under this chapter in respect of such property until the Government's claim has been paid off.
(2) Where the property is within the limits of the City, the warrant shall be addressed to an officer of the Corporation and where the property is outside the limits to the Collector of the district concerned:
Provided that the officer to whom the warrant is addressed under sub-section(2) or subsection (3) may endorse such warrant to a subordinate officer.

(3) for every warrant issued under this section, fee shall be charged at the rates specified in the regulations and the said fee shall be included in the costs of recovery.

176. Power of operation to remit certain fees:-

The Corporation may in its discretion remit the whole or any part of any fee chargeable under sub section (2) of section 174 or sub section (3) of section 175.

177. Power of officer to break open door or window.-

The officer charged with the execution or a warrant of distress issued under section 175 may if authorized by a general or special order in writing by the Commissioner between sunrise and sun-set break open any outer or inner door or window of a building in order to levy distress-.
(a) if he has a reasonable ground for believing that such building contains property which is liable to such distress; and
(b) if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door or window of any apartment appropriated to the use of women until he has given the women a reasonable Opportunity to withdraw.

178. Warrant how to be executed.-

Any officer charged with the execution of a warrant of distresses issued under section-175 shall, if authorized by the warrant , distrain whenever it may be found, any movable property or attach any immovable property of the person named in the warrant subject to the following conditions, namely:-
(a) the following property shall not be distrained –
(i) the necessary wearing apparel, cooking utensils and bedding of the defaulter and members of his family:-
(ii) the tools of artisans ;
(iii) when the defaulter is an agriculturists, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable him to earn his livelihood;
(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Commissioner or of the person to whom the warrant as addressed, should not have been so distrained, it shall forthwith be returned to then person from whom it was distrined;
(c) the officer shall on distraining the property forthwith make in the presence of two witnesses an inventory of the property which he distrains under such warrant, and shall at the same time give a written notice in the prescribed form or in a form to the like effect along with a copy of such inventory to the person in possession thereof at the time of distraint that such property will be sold as therein mentioned;
(d) when the property is immovable-

(i) the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge;
(ii) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the Corporation office and also when the property is land paying revenue to the Government in the office of the Collector;
(e) any transfer of or charge on the property attached or any interest therein made subsequent to such attachment, and without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

179 Sale of goods distrained in special cases.-

(1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once; and shall sell it accordingly unless the amount named in the warrant is forthwith paid.
(2) On the expiry of time specified in the notice served by the officer executing the warrant, the property distrained or attached, or in the case of immovable property, a sufficient portion thereof, if not sold at once under sub-section (1) may be sold by public auction under the orders of the Commissioner, unless the warrant is suspended by him or the sum due is paid by the defaulter together with all costs incidental to the notice, warrant, distress, attachment or detention of the property, as the case may be.
(3) Where the sum due together with costs is paid by the defaulter as aforesaid, any attachment levied on his property shall be deemed to be removed and the property if immovable shall be returned.
(4) All sales of immovable property under this section shall so far as may be practicable, be regulated by the procedure laid down in the rules made by the Government in that behalf.
(5) After the sale of immovable property by auction as aforesaid the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.
(6) No officer or servant in the service of the Corporation or any councilor during the term of his office shall directly or indirectly purchase any property at any such sale.
(7) The sale proceeds or such part thereof as may be sufficient shall be applied, first in discharge of ay sum due to the Government in respect of such property and secondly, in discharge of the sum due to the Corporation and all such incidental costs as aforesaid.
(8) The surplus proceeds shall be forthwith credited to the Corporation and notice of such credit shall be given to the person in whose possession the property was at the time of distraint or attachment. If such person claims the surplus by written application to the Commissioner within three years from the date of the notice given under this sub-section, the principal officer shall refund the surplus to him.
(9) Any such surplus not so claimed shall be the property of the Corporation.

180. Attachment of rent due-

(1) Where a bill for any sum due on account of any property tax is served upon on occupier of premises pursuant to section 391 the Commissioner may at the time of service or at any subsequent time cause to be served upon the occupier a notice requiring him to pay to the Corporation any rent due or falling due from him to the person primarily liable for the payment of the said tax to the extent necessary to satisfy the said sum due.

(2) Such notice shall operate as an attachment of the said rent until the said sum due on account of property tax shall have been paid and satisfied and the occupier shall be entitled to credit in account with the person to whom the said rent is due for any sum paid by him to the Corporation in pursuance of such notice.

(3) If the occupier shall fail to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid the amount of such rent may be recovered from him by the municipality as if it were an arrear of property tax under section 391.

181. Sale of outside the City.-

Where the warrant is to be executed outside the limits of the City, the Commissioner may by endorsement direct the person whom the warrant is addressed to sell the property distrained or attached; and in such case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of section 179and to exercise the powers and perform the duties of the Commissioner under sub-section (1) and (2) of section 179 in respect of such sale except the power of suspending the warrant. Such person shall after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner who shall dispose of the same in accordance with the provisions of section 179.

182. Fees and Costs chargeable.-

The fees for every notice or warrant issued and for the maintenance of any live-stock seized under this chapter shall be chargeable at the rates specified in this behalf in the byelaws of the Corporation and shall be included in the cost of recovery to be levied under section 175.

183. Summary proceedings may be taken against persons about to leave the City.-

(1) If any sum recoverable under the provisions of this chapter is due or is about to become due from any person and if the Principal Officer shall have reason to believe that such person is about to leave the limits of the City the Commissioner may after recording such reasons direct the immediate payment by such person of such sum and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person does not forthwith pay the said sum or does not furnish security to the satisfaction of the Commissioner, the amount shall be levied by distress and sale of his movable property or by except attachment sale of his immovable property in the manner specified in this chapter except that it shall not be necessary to serve upon him any notice of demand and the principal officers warrant for distress and sale may be issued and executed without any delay.

184. Appeals.-

(1) Appeals against any notice of demand issued under sub section a(1) of section 174 may be made to the Appeal Committee constituted under section 403 and in the manner prescribed therein

Provided that the appeal shall not be entertained unless the sum due under section 174 is deposited in the Corporation and a copy of the receipt is enclosed with the appeal memo.

(2) No such appeal shall be heard had determined unless-

(a) a written objection has been made and determined in accordance with the provisions of this act; and

(b) the amount claimed from the appellant has been deposited by him in the municipality office, and a receipt thereof has been filed with a memo of appeal.

185. Liability of Buildings, lands, etc., for taxes.-

All sums due from any person in respect of taxes on any land or buildings shall, subject to prior payment of any land revenue in respect of it due to the Government, be a first charge upon the said land or building and upon any movable property found within or upon such land or building and belonging to the said person.

Provided that no arrears of any such tax shall be recoverable from any occupier who is not the owner, if such arrears are for a period during which the occupier was not in occupation.

186. Receipts to be given for all payments.-

For every sum paid on account of any tax under this Act, a receipt shall be tendered by the person receiving these payments, stating the sum and the tax on account of which it has been paid**.**

187. Writing of irrecoverable taxes.-

The Commissioner may, with the previous approval of the Corporation order to be struck off the books any sum due on account of any tax or of the costs of recovering any tax, which may appear to him to be irrecoverable.

188. Recovery of toll and cess on imports.-

(1) If any toll or cess on import is not paid on demand, the officer empowered to collect the same may seize any article on which the cess on imports is chargeable, or any animal on which the toll is chargeable or any part of the burden borne by such animals, of sufficient value to satisfy the demand.

(2) The Commissioner after the lapse of five days from the seizure and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the mean time paid

Provided that, by order the commissioner, articles of a perishable nature which cannot be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may think proper having regard to the nature of the article.

189. Taxation not to be questioned except under this Act.-

(1) No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than as provided in this Act.
(2) The Government may make rules under this Act regulating the refund of taxes and such rules may impose limitations on such refunds.
(3) No refund of any tax shall be claimed by any person otherwise than in accordance with the provisions of this Act and the rules and the byelaws made there under.

189-A. Recovery of taxes by public auction or private contract.-

Notwithstanding anything contained in this Act, the Corporation may, by public auction or private contract lease the recovery of any of the taxes and fees which may be imposed under this Act, subject to the conditions and limitation, if any, prescribed by the State Government in this behalf.

PART V - PUBLIC HEALTH, SAFETY AND CONVENIENCE
Chapter -XIII

PUBLIC CONVENIENCE
Municipal Drains

190. Cleansing Drains.-

For the purpose of flushing, and cleansing drains the Commissioner may construct or set up such reservoirs, sluices, engines and other works as he may from time to time deem, necessary.

191. Places for emptying of drains and disposal of sewage.-

The Commissioner may cause all or any municipal drains to empty into any place, whether within or without the limits of the Corporation, and any dispose of the sewage at any place whether within or without the limits of the Corporation, and in any manner which he may deem suitable:

Provided that the Government may prohibit the Commissioner from causing any municipal drains to empty into any place or from disposing of any sewage at any place or in any manner, which it considers unsuitable.

192. Provision of means for disposal of sewage.-

For the purpose of receiving, storage, disinfecting , treating purifying, distributing or otherwise disposing of sewage the Commissioner may-

(a) construct any work within or without the limits of the Corporation;

(b) purchase or take on lease any land, building , engine, material or apparatus, either within or without the limits of the Corporation; and

(c) enter into an arrangement with any person, for a period not exceeding three years, for the removal or disposal of sewage within or without the limits of the Corporation.

193. Alteration and discontinuance of drain.-

The Commissioner may enlarge, arch over or otherwise improve any municipal drains and may discontinue close up or destroy any such drain which has, in his opinion, become useless or unnecessary:

Provided that if, by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provided for his use some other drains as effectual as the drain which has been discontinued closed up or destroyed.

194. Latrines and Urinals.-

The Municipality shall provide latrines and urinals for the use of the public at such places as may deem convenient and necessary.

195. Provision of drains, privies etc. .-

(1) Whenever the Chief Executive Officer is of the opinion that,-
(a) any drain, privy, latrine, urinal, absorption pit, disposal work, cesspools or other receptacle for filth or refuse may be moved or removed.
(b) any privy or cesspool or additional privies or cesspools should be provided in or on any building or land or that in any Municipality in which a water closet system has been introduced such water closet should be substituted for the existing privies in or on any building or land, or that additional water closet should be provided therein or thereon; or
(c) pour-water flush latrines or any other type of latrines should be substituted for the existing service latrines in any building or on land within the limits of the Municipality;
he may, by written notice call upon the owner or occupier of such building or land;
(i) in case falling under clause (a) to move or remove such drain, privy, latrine, urinal, absorption pit, disposal work, cesspools or other receptacle for filth or refuse;
(ii) incases falling under (b) to provide such privies, cesspools or water closets;
(iii) in cases falling under clause (c) to close service latrines, and provide in their place, pour-water flush latrines or such other types of latrines;
as may be specified in the notices at such sites and within such period as may be specified in the notice or within such period as may be extended by the Chief Executive Officer by order in writing.
(2) The Commissioner may, by notice, require any person employing more than twenty workman or labourers to provide such latrines and urinals as he may think fit and to cause the same to be kept in proper order and to be daily cleaned.
(3) The Commissioner may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal proved or the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbour hood, or to remove or alter, as he may direct any door or trapdoor or other opening of a privy, latrine or urinal opening on to any street or drain.

(4) The State Government may by order fix a period within which the pour water flush or any other type of latrines shall be substituted for the existing service latrines within the limits of a Municipality.
(5) If the owner or occupier of a building or land in spite of service of notice or order under this section fails to carry out the work mentioned therein within the period specified in the notice or order, as the case may be, shall be punished with a fine which may, extent to one thousand rupees and in case he does not pay the fine with imprisonment which may extent ton three months.
Provided that without prejudice to the right to take proceedings for punishment in respect of the contravention of this section the Chief Executive Officer may get the said work done through his agency and recover the cost incurred in connection therewith, from the owner or occupier thereof, as the case may be, in the manner provided in Chapter XII.

196. Repair and closing of drains, privies, latrines, urinals, etc.-

(1) The Commissioner may by notice, require the owner or occupier of any building or land to repair, alter or put in good order any private drain, privy latrine, urinal, absorption pit, disposal work cesspool or receptacle for any filth or refuse, or to close or destroy any private drain, privy,

latrine, urinal absorption pil, disposal work or cesspool belonging there to, or direct that such private drain shall, from such date as he prescribes in this behalf, be used for offensive matter and sewage only, or for rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct private drain for rain water or for unpolluted sub-soil water of for offensive matter and sewage.
(2) No drain connecting any premises with a municipal drain or other place set apart for the discharge of drainage may be closed, discontinued or destroyed by the Commissioner under sub-section (1) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the Commissioner thinks fit; and the expenses of construction of any drain so provided by the Commissioner and of any work dome under this Section shall be paid from the municipal fund.

197. Power of Commissioner to demolish drains etc.-

The Commissioner may, by notice may construct any new drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for filth or refuse without his permission in writing or contrary to his directions or the provisions of this Act or the rules or byelaws made there under or who may construct, rebuild or open any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for filth or refuse which the Commissioner has ordered to be demolished or stopped or not to be made, to demolish the drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle, or to make such alteration there in as he may think fit.

198. Unauthorised building over drains, etc.-

The Commissioner may, by notice, require any person who without his permission in writing may newly erect or rebuild any building over any drain, conduit water-course, pumping main, or water pipe vested in the corporation to pull down or otherwise deal with the same as the Commissioner may think fit.

199. Removal of latrine, etc., near any source of water supply-

(1) The Chief Executive Officer may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse for the tine being exists within a hundred feet of any spring, well , tank, reservoir, or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.
(2) Who ever, without the permission of Commissioner makes or keeps for a longer time than one week after the issue of notice under this Section, any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse, within hundred feet of any spring ,well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to five hundred rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

200. Discharging sewage.-

(1) Whenever without the permission of the Chief Executive Officer causes or knowingly or negligently allows the contents of any sink, cesspool or any other offensive mater to flow, drain or be put upon any street or public place or into any irrigation channel or any drain not set a part of the purpose, shall be punished with fine which may extend to five hundred rupees.

201. Making or altering drains without authority-

Who ever, without the permission of the Commissioner makes or causes to be made, or alters or causes to be altered, any drain, leading into any of the drains vested in the Corporation shall be punished with fine which may extend to five hundred rupees.

202. Power to require removal of nuisance arising from tanks and the like --

The Commissioner may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the Commissioner to be injurious to health or offensive to the neighborhood:
Provided that if for the purpose of effecting and drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Corporation shall provide such land or pay such compensation.

203. New building not to be erected without drains.-

It shall not be lawful to erect or re-erect any building, or premises any part of which is within one hundred feet of a municipal drain or of some place set apart by the Commissioner for the discharge of drainage or to occupy any such building newly erected or re-erected unless and until-
(a) a drain has been constructed which, in the opinion of the Commissioner, shall be sufficient for the effectual drainage of such building to such municipal drain or place; and
(b) there have been provided for and set up in such building and in the premises appurtenant there to, all such appliances and fittings, as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and effectually flushing the drain of the said building and every fixture connected therewith.

204. Sewage and rain water drains to be distinct.-

Wherever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the Commissioner may require that there shall be one drain for offensive matter and sewage and another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the Commissioner for the discharge of drainage, or into other suitable places.

205. Rights of owners and occupiers of premises to carry drains through lands belonging to other persons-

(1) If it appears to the Commissioner that the only means by which the owner or occupier of any building or land can conveniently cause his drain to empty into a municipal drain or other place set apart by the Chief Executive Officer for the discharge of drainage, is by carrying the same into, through or under any land belonging to or occupied by some person other than the said owner or occupier, the Commissioner shall given such other person a reasonable opportunity of stating any objection, and if n o objection is raised, or if any objection which is raised appears to him valid or insufficient, may, by an order in writing, authories the said owner or occupier to carry his drain into, through or under the said land in such manner as he may think fit to allow.
(2) Subject to the provisions of this Act, on receipt of any such order bearing the signature of the Commissioner, the person in whose favour it is made or any agent or person employed by him for the purpose may, after giving to the owner or occupier of the land reasonable written notice of his intention to do so, enter upon the said land with assistants and workmen at any time between sunrise and sunset, and execute the necessary work.
(3) In executing any work under this section as little damage as possible shall be dome, and the owner or the occupier of the premises for the benefit if which then work is done shall-
(a) cause the work to be executed with the least practicable delay;
(b) fill in re-instate and make good at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and
(c) pay compensation to any person who sustains damages by the execution of the said work.
(4) If the owner or occupier of the premises applies to the Commissioner to get the work executed by the Corporation, the Commissioner shall cause such work to be executed by municipal or other agency under his own supervision and may recover the expenses incurred thereby from such owner or occupier.
(5) If any land in which work has been executed under sub-section (2) was unbuilt upon at the time of such execution and if at any time thereafter then owner or occupier thereof desires to erect a building thereon and applies to the Commissioner in this behalf, the Commissioner shall, by written notice, require the owner or occupier of the premises for the benefit of which such drains was constructed, to close remove or divert the same in such manner as may be approved by the Commissioner and to fill in reinstate, and make good the land as if the drain had not been carried into, through or under the same.

206. Obligation of owner of drain to allow use of or joint ownership therein to others.-

(1) Every owner of a drain connected with a municipal drain or other place set apart by the Commissioner for drainage shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 208.

207. How right of use or joint ownership of a drain may be obtained by a person other than the owner.-

Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner may make a private arrangement with the owner for permission to use his drain, or

may apply to the Commissioner for authority to use such drain or to be declared a joint owner thereof.

208. Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.-

(1) Where the Commissioner is of opinion whether on receipt of an application or otherwise, that the most convenient means by which the owner or occupier of any premises can drain such premises is through a drain belonging to some person other than the said owner or occupier, the Commissioner shall give the owner of the drain a reasonable opportunity of stating his objection thereto, and if o objection is raised or if any objection which is raised appears to him invalid or insufficient, may, by an order in writing, authorize the said owner or occupier to use the drain or declare the said owner to be a joint owner thereof, on such conditions as may appear to him equitable with regard to the payment of rent or compensation and to connecting the drain of the said premises with the communicating, repairing, flushing and cleaning the joint drain.
(2) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order, and otherwise fulfilling, as far as possible, the conditions of the said order and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situated with assistants and workmen, at any time between sunrise and sunset and, subject to the provisions of this Act, to do all such things as may be necessary for-
(a) connecting the two drains; or
(b) renewing, repairing or altering the connection; or
(c) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing flushing or cleaning the joint drains or any part thereof.
(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner order is made shall be subject to the same restriction and liabilities as are specified in sub-sections (3) and (5) of section 205.

209. Power of Commissioner to drain premises in combination,---

(1) If, in the opinion of the Commissioner any part of a group block of premises is situated conveniently near a municipal drain already existing or about to be constructed or a place set apart by the Commissioner for the discharge of drainage, and if the Commissioner is of opinion that such group or block can be drained more economically or a advantageously in common than separately, he may give the owner of all the premises a reasonable opportunity of stating any objection, and, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, may cause such group of block to be drained by such methods as appears to him to be most suitable therefor, and the expenses incurred by him in so doing shall be paid by the owners of such premises in such proportion as the Commissioner may think fit.
(2) Not less that fifteen days before and work under this section is commenced, the Commissioner shall, by written notice, intimate to to the owners of all the premises to be drained--
(a) the nature of the intended work;
(b) the estimated expenses thereof; and

(c) the proportion of such expenses payable by each owner.

210. Connecting the drains to be constructed at the expenses of owners of premises.-

(1) In the case of premises abutting on a public street in which there is a municipal drain and in the case of premises drained in pursuance of the provisions of this Chapter, the Commissioner shall construct at the expense of the owner of the said premises such portion of the drain of the said premises as may be necessary to lay under any part of a public street.
(2) The portion of any connecting drains so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.
(3) The remainder of every drain constructed, erected, set up or continued for the sole use and the benefit of any premises shall-
(a) vest in the owner of such premises;
(b) be maintained and kept in repair by the owner or occupier of such premises; and
(c) be from time to time flushed, cleansed and emptied under the orders of the Commissioner at the cost of the municipal fund:

Provided that, where several premises are drained in common under the last preceding section, such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the Commissioner under the said section.

211. Affixing of pipes for ventilation of drains.-

(1) For the purpose of ventilating any drain, whether belonging to the Corporation or to any other person, the Commissioner may, after giving not less than four days written notice to the occupiers of the premises erect upon any premises or affix to the outside of any building, or to any trees, any such shaft or pipe as may appear to him necessary and may cut through any projection from any building including the eaves of any roof there of in order to carry up such shaft or pipe through any such projection and may lay in, through or under any land such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.
(2) Any shaft or pipe so erected or affixed shall-
(a) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet there from;
(b) if the same be fixed to a wall supporting the eaves of a roof, be carried at least five feet higher than such eaves; and
(c) be removed by the Commissioner to some other place, if at any time the owner of the aforesaid premises, building or tree is desirous of effecting any change in his property which cannot without unreasonable inconvenience be carried out unless the shaft or pipe is removed.
(3) If the Commissioner declines to remove a shaft or pipe under clause (c) of sub-section (2), the owner of the aforesaid premises, building or tree may apply to the District Court, and the District Court may, after such enquiry as it thinks fit to make, direct the Commissioner to remove the shaft or pipes, and it shall be incumbent on the Commissioner to obey such order.
(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such buildings and fill in and make good such land at the coast of the municipal fund.

212. Right of Corporation to drains constructed at charge of Municipal fund.

All drains and fittings thereof (including ventilation shafts and pipes) constructed or set up at the cost of the municipal fund all drains constructed at the cost of private person on or under any municipal land shall vest in the Corporation.

Chapter - XIV

CONSERVANCY

213. Deposit of rubbish, offensive matter, sewage and carcasses.-

The Commissioner shall provide or appoint, in proper and convenient situations, public receptacle. depots and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in the Municipal area.
(2) All things deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Corporation.

214. Collected and removal of sewage.-

The Commissioner may give public notice that the collection and removal of sewage, offensive matter and rubbish from the lands and the buildings in any part of the city will be undertaken by municipal agency, and he shall then forthwith take measures for the due collection and removal of such matter from any lands and buildings situated in the said part of the city.

215. Collection and temporary deposit of rubbish and offensive matter by occupiers of premises.-

(1) The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of the city, specified in the notice shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by byelaws by the Corporation, to be provided by such occupier and kept near the entrance to, or, where open space is available, within the premises
(2) the Commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in force and may, by public notice, direct that all rubbish and offensive matter except trade refuse, accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle. The trade refuse shall be removed to and deposited at such places as the Commissioner may direct.
(3) The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises,
(4) In any notice issued under any of the foregoing sub-sections of the Commissioner shall prescribe the hours within which rubbish and offensive matter shall be deposited under this section.
(5) The Commissioner may, by public notice, direct that sweepers privately employed on the removal of sewage, rubbish or offensive matter shall remove the same in proper receptacles of a type to be approved by the Commissioner in such manner as not to cause any unnecessary nuisance to passers-by in the street.

216. Prohibition of accumulations of offensive matter.-

No person-
(a) Shall throw or place or cause to be thrown or placed any rubbish, offensive matter or sewage, on any street, or in any place not provided or appointed for the purpose under the provision of this Act;
(b) who is the owner or occupier of any land or building shall allow any sewage or offensive matter to flow, soak, or be thrown there from, or keep or suffer to be kept therein or there upon, anything so as to be nuisance to any person, or negligently suffer any receptacle or place for deposit of offensive matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Chapter - XV

SANITARY PROVISIONS
Regulation of Public bathing, washing, etc.

217. Construction of places for public bathing, etc.-

The Commissioner may from time to time-
(a) set apart suitable places for use by the public for bathing or for washing animals, or for washing or drying clothes or other material;
(b) specify the times at which and the sex of persons by whom such places may be used;
(c) prohibit, by public notice, the use by the public, for any of the said purposes, of any place not so set apart; and
(d) charge fees for then use of such place any specified class or classes of persons or by the public generally.

218. Prohibition of Corruption of water by steeping therein animal or other matter, --

No Person shall --
(a) steep in any bank, reservoir, stream, well, through or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;
(b) while suffering from any contagious infectious or loathsome disease, bath in or near any lake, tank. reservoir, fountain, cistern, duct, standpipe, stream, well or through, or any part of a river within the limits of the Corporation or within five miles upstream from the Corporation boundary.

219. Regulation of washing of clothes by washermen.-

(1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen inn exercise of their calling except at such places as he may appoint for this purpose; and after such prohibition no washerman shall wash clothes at any place not appointed for this purpose except for himself or for the owner or occupier of such place.

(2) Washing places to be provided by Commissioner for washermen.-The Commissioner shall provide suitable places for the exercise of their calling by washerman, and may require with the approval of the Mayor-in-Council the payment of such fees for any such place as he may from time to time determine.

Chapter - XVI

WATER SUPPLY

220. General Powers for supplying the city with water.-

For the purpose of providing a supply of water proper and sufficient for public and private purposes, the Commissioner may, either within or without the City-
(a) construct and maintain waterworks and do all acts which may be necessary or expedient in connectio0n with such construction or maintenance;
(b) purchase or take on lease any water work or any water or right to store water or to take and convey water; or
(c) enter into any arrangement with any person for the supply of water:

Provided that if in the city any Government Department is administering and controlling Water Supply, the Commissioner shall not make any such arrangement without prior approval of the Government and the arrangement shall be subject to the terms and conditions laid down by Government in this respect.

221. Supply of water.-

(1) The Commissioner may supply water for any purpose on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.
(2) The supply of water shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may prescribe by byelaws in this behalf.
(3) The Corporation may, on such terms as it may think fit, undertake to supply water to any area outside the city from the water works maintained by the Corporation and do other acts ancillary there to.

222. Making connections with municipal water-works.-

Where an application under section 221 has been received all necessary communication pipes and fittings shall be supplied by the Commissioner and the work of laying and applying such communication and fitting shall be executed by municipal agency under the Commissioner's orders; but the cost of making any such connection and of all communication pipes and fittings so supplied and of all work so executed, shall be paid by the owner or the person making such application. The Commissioner shall provide a meter and charge rent for the same.

223. Obligation of owner or occupier to give notice of waste of water.-

(1) Any owner or occupier of any land or building in or on which water supplied under this Act is misused from negligence or other circumstances under his control or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the Commissioner may appoint in this behalf.

224. Responsibility for damage caused by leakage of water.-

Neither the owner nor occupier of any land or building in which pipes, mains or other works are situated, nor the Corporation shall be liable to pay compensation to any person for any damage caused by any leakage of water or any failure to keep in repair such pipes, mains or other works, unless the owner or occupier or the Corporation. has knowledge there of and has failed to take reasonably prompt action to report the same to the prescribed officer or to stop the leakage or to execute the required repairs, as the case may be.

225. **Cutting of water supply to premises.-**

If any person whose premises are supplied with water neglects to pay any sum payable, under section 221 when due, or to give notice as provided in sub-section (1) or willfully or negligently misuses or causes waste of water the Chief Executive Officer may cut off the supply of water to the said premises.

226. Presumption as to correctness of meter.-

Whenever water is supplied under this chapter through a meter, it shall be presumed, that the quantity indicated by the meter has been consumed, until the contrary is proved

227. Offences in relation to Water Supply.

(1) Injuring water works misappropriating water and tampering with meters.- No person shall-
(a) a willfully or negligently injure or suffer to be injured wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Corporation,
(b) draw off, divert or take any water from any municipal well, reservoirs, main, or pipe, except in accordance with direction made in this behalf; or
(c) tamper with any meter under the management or control of the Corporation.

228. Misuse of and leaving open valves and tampering with valves and hydrants.-

No person shall—
(a) open or keep open the valves of any water works used for the supply of water to the public by any means other than the use of pressure by the hand; or
(b) having opened such valve, fail to close the same or leave the same open or tamper with any valve or hydrant not intended for the supply of water to the public**.**

229. Prohibition of erection of any building which would injure sources of water supply.-

Except with the permission of the Municipality, no person shall-
(a) erect any building for any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which supply of water is derived for a municipal water work; or
(b) remove, alter, injure, damage or in any way interfere with the aforesaid boundary-fence.

230. Prohibition of bathing in or polluting water.-

Except as provided herein after, no person shall-
(a) bath in or near any water works belonging to the Municipality; or
(b) wash, throw, or cause any animal to enter into the water of such works; or
(c) throw any rubbish, dirt, filth or any other thing whatsoever into the water of such works; or
(d) wash or cleans therein any cloth, wool, leather or skin of any animal or any clothes or other things; or
(e) cause the water of any skin, drain, steam engine, boiler or other filthy water belonging to him or under his control, to run, percolate or be brought, into any such water works or do any other act whereby the water in such works may be fouled or polluted on its quality altered.

Chapter - XVII

GENERAL PROVISIONS WITH REFERENCE TO DRAINAGE, WATER SUPPLY AND WATER AND OTHER MAINS

231. Occupier of premises to be primarily liable for certain offences against the Act.-

If an offence against any provision of Chapters XIII,XIV,XV or XVI or against any rules or byelaws made under the provisions of this Act made in this behalf, has been committed on any premises to which a private supply of water is furnished by the Corporation, it may be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

232. Least practicable nuisance to be caused.-

(1) In carrying out the duties imposed on the Corporation by clauses (b), (c), (j) and (l) of section 66 or exercising the powers conferred upon it b y sections 190, 191, 192, 193, 211, 213 and 214 the Corporation shall or cause any nuisance which in the circumstances of the case can reasonably be avoided.
(2) The Commissioner shall make reasonable compensation to any person who has sustained damage occasioned by the carrying out of any such operations:

Provided that no compensation shall be claimed or paid for inconvenience unavoidably caused.

233. Power of carrying wires, pipes, drains, etc.-

Subject to the provisions of any law for the time being in force, the Commissioner may carry any cable wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water supply or lighting through, across, under or over any street or any place laid out as or intended for a street, and also after giving reasonable notice in writing to the owner or occupier, through, across, under, over or along side any land or building whatsoever within or without the city, and may place and maintain in any immovable property in the city or without the city, any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights and may do all acts necessary or expedient for repairing and maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, brackets or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

234. Provisions as to wires, pipes or drains laid or carried above surface or ground.-

In the event of any cable, wire, pipe, drain, sewer, or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

235. Previous notice to be given.-

Except in case to which sections 372, 373 and 374 relate, the Commissioner shall cause not less than fourteen days notice in writing to be given to the owner or occupier before commencing any operations under section 233.

236. Connection with main not to be made without permission of Commissioner.-

(1) No person shall, without the permission of the Commissioner, at any time, make or cause to be made, any connection or communication with any cable, wire, pipe, ferrule, drain, or channel constructed or maintained by or vested in the Corporation for any purpose whatsoever.
(2) Any person acting in contravention of the terms of sub-section (1) shall be punishable with a fine not exceeding Five hundred rupees.

237. Power of Commissioner to require the owner to make provision for drainage,---

Where any premises have no drain communicating with a public sewer, or a drain insufficient for the effectual drainage of the premises, or a drain not adopted to the general sewerage system of the City, or a drain which is in the opinion of the Commissioner otherwise objectionable, the Commissioner, may by notice, require the owner of the premises to make satisfactory provisions for the drainage of the premises or to do such other work within such time as may, in the opinion of Commissioner, be necessary for remedying the cause of complaint or to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary and drain or drains emptying into such cesspool.

238. Power to establish meters and the like.-

The Commissioner may establish meters or other appliances for the purpose of testing the quantity or quality of electricity supplied to the premises of any person or for the use of any person or business**.**

239. Communications and connections, etc., to be executed subject to inspection by and to the satisfaction of the Commissioner.-

The rerrules, communication pipes, connections, meter, standpipes and all fittings thereon or connected there with leading from mains or service cables, wires, pipes, drains or channels into any house or land and the wires, pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases, be executed to the satisfaction of the Commissioner.

240. Power of Commissioner to fix scale of charges.-

Subject to the provisions of any law for the time being in force, the Commissioner may with the approval of the Mayor-in-Council from time to time, fix the scales of charges which the Corporation may make for establishing communications from and connections with main or service cables or for installing wires and pipes for the supply of electricity or water or for use of

meters or other appliances for testing the quality or quantity there of and may levy such charges from the owner or occupier as the circumstances may require.

241. Troughs and pipes for water and sullage-

(1) The Commissioner may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water and sullage from the land or building and for discharging the same so as not to cause inconvenience to persons passing along with street.
(2) For the purpose of efficiently draining any building or land the Commissioner may by notice in writing-
(a) require any court-yeard, alley or passage between two or more buildings to be paved by the owner or part owner or owners or part owners of such buildings with such materials and in such manner as may be approved by the Commissioner; and
(b) require such paving to be kept in proper repair.

242. Control by Corporation and the Mayor-in-Council.-

In dealing with municipal drainage, sewage and waterworks schemes, the Commissioner shall follow the general principles laid down by the Corporation, for any scheme of sewage or drainage or water work and may refer to the Mayor-in-Council any question connected with the carrying out of such a scheme in which the intention of then Corporation does not appear to him to have been clearly expressed, or in which the provisions of the scheme appear to him to require modification. The Mayor-in-Council shall in its discretion either decide the question or refer the matter for the orders of the Corporation:

Provided that any question involving the expenditure of a sum, exceeding one lakh of rupees shall be referred to the Corporation for orders.

243. Building not to be erected without permission over drains or water or airmains.-

(1) Without the written permission of the Commissioner no building, wall or other structure shall be erected or re-erected, and no street, railway, electric or telephone line or similar other structure shall be constructed over any municipal drain or water or airmain.
(2) If any building, wall or other structure is erected, or re-erected or constructed in contravention of the provisions of sub-section (1), the Commissioner may, subject to the provisions of any law for the time being in force, remove the same or otherwise deal with it as he may think fit. The expenses incurred by him under this sub-section shall be paid by the person offending.

243-A. Control by Government.-

No drainage, sewage or water works scheme involving an expenditure of a sum of five lakhs of rupees or more shall be sanctioned by the Corporation without the previous approval of the Government.

244. Power of access to municipal waterworks.-

Any municipal sewage or drainage scheme or any municipal water works may be inspected by a person appointed by the Government in this behalf, and the Commissioner or any such, person may at all reasonable times-
(a) enter upon and pass through any land whether within or without the City adjacent to or in the vicinity of such drainage or sewage scheme or such water works in whom-so-ever suchn land may vest,
(b) after giving not less than two days written notice to the occupiers, cause to be conveyed into and through any such land, all necessary men, materials, tools and implements.

245.Compensation of damage.-

If in the exercise of any of the powers conferred by section 233 or 244 any damage or inconvenience is caused, which in the circumstances could reasonably have been avoided, the Corporation or the Government shall pay compensation according as the damage or inconvenience is caused by the Corporation or by a person appointed by the Government.

Chapter - XVIII

PUBLIC HEALTH AND SAFETY
Regulation of Factories and Trades

246. Factories not to be established, etc., without permission of Commissioner.- No person shall-

(a) newly established, or
(b) remove from one place to another, or
(c) re-open or renew after discontinuance for a period not less than three years, or
(d) enlarge or extend the area, or dimensions of any factory, workshop or bakery in any area, other than an area set apart for the accommodation of industries by an Act, for the time being in force or by any local authority,

except with the permission of the Commissioner and in accordance with the terms and conditions stated in such permission:

Provided that no such permission shall be required in the case under clause (c) if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

247. Sanitary regulation of factories, etc.-

(1) Whenever it appears to the Commissioner that any factory, workshop or work-place or any building or place in which mechanical power is employed is not kept in a cleanly state, or is not ventilated in such a manner as to render as far as practicable harmless any gas vapour, soot or other impurity generated in the course of work carited there in, or is so overcrowded during working hours as to be dangerous or injurious to the health of the person employed therein; or that any machinery there in is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may by written notice require the owner thereof to take such order in respect thereof as the Commissioner shall think fit to order.
(2) Nothing in this section shall be deemed to affect, any provision of the Indian Boilers Act, 1923, and nothing in this section regulating the fixing or fencing of any machinery shall apply to any factory subject to the provisions of the Factories Act 1948.

248. Regulations of dangerous and offensive trades.-

Except in accordance with the provisions of this Act, no person shall-
(a) store or keep in any premises any articles mentioned in any byelaws made under this Act as dangerous or offensive, or as being, or likely to be a nuisance to the public, or dangerous to life, health or property;
(b) store or keep in any premises the hide or any part of the carcass of any animal afficted at the time of its death with infectious or contagious disease; or
(c) carry on or allow to be carried on any premises any trade, manufacture, industry or operation mentioned in any byelaws under this Act as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reason of the manner in which the conditions under which the same may be carried on:

Provided that nothing in this section shall affect the provisions of the India Explosive Act, 1884, or the Petroleum Act, 1934.

249. Premises not to be used for certain purposes without a licence.-

(1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, namely:-
(a) carrying on within the City the trade or operations of a farrier;
(b) keeping articles in excess of the maximum laid down for such articles by the byelaws;
(c) keeping any article which, except for domesic purposes, is prohibited by any byelaws;
(d) keeping in or upon any building used or intended to be used as a dwelling house or within fifteen feet of such building any quantity of cotton in excess of such quantity as may be prescribed by byelaws inn this behalf;
(e) keeping horse, cattle or other four footed animals for sale or hire or for the sake of the produce thereof, or for any purpose for which any charge or remuneration is made or received;
(f) carrying on any of the prescribed trades or operations connected therewith, or any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or likely to create a nuisance either from its nature or by reason of the manner in which, or the conditions under which, it is carried on.
Explanation-I.- A person shall be deemed to know that a trade or operation is in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of this clause after a written notice to that effect signed by the Commissioner has been served on him or affixed to the premises to which it relates.
Explanation-II.- A person shall be deemed to carry on a trade or operation or to allow to be carried on within the meaning of this clause, if he does any act in furtherance of such trade or is in any way engaged or concerned therein as principal, agent, master or sercant or in any other similar capacity,or who does not prevent carrying on of such unauthrised trade or operation on such premises as are his or under his control.
(2) It shall be the discretion of the Commissioner to grant a licence for any of the purposes referred to in sub-section (1) subject to such restrictions or conditions as he may think fit to specify or to refuse to grant such licence.
(3) Every person to who a licence is granted by the Commissioner under sub-section (2) shall exhibit such licence in or upon the premises, to which it relates.
(4) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other mill or factory which the Commissioner may with the previous approval of the Mayor-in-Council from time to time, specially exempt from the operation thereof.

250. Prohibition of corruption of water by chemicals etc.-

(1) No person engaged in any trade or manufacturer which may be specified in the byelaws shall-
(a) willfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for storing water belonging to the Corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid, or

(b) willfully do any act connected with such trade or manufacture where by the water in any such lake , tank, reservoir, cistern, well, duct or other place for storing water is fouled or corrupted.
(2) After giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as is referred to in sub section (1), the Commissioner may lay open to examine the said works, pipes or conduits, and if , upon such examination, it shall appear that the provisions of sub-section (1) have been contravened by reasons of anything contained innor proceeding from the said works, pipes or conduits the expenses incurred in laying open and examining them and in adopting any other measure which the Commissioner considers necessary for removing the cause of suchncontravention shall be paid by the owner of the said works, pipes or conduits or by the person who has the management or control thereof , or through whose neglect or fault the contravention has occurred.

But if it appears that there has been no such contravention, the said expenses and also compensation for any damage occasioned by such laying open and examination shall be paid by the Commissioner.

251. Inspection of premises used for manufacturers, etc. –

(1) Subject to the byelaws made by the Corporation in this behalf, the Commissioner may, at any time, by day or night, and without notice, entern into or upon any premises used for any of the purposes mentioned in Section 249 or upon any premises in which furnace is employed for the purpose of any trade or manufacture or into any bakery, in order to satisfy himself that there is not contravention of any provision of this Act or any rule or byelaws made thereunder or of any condition of any licence granted under this Act, or that no nuisance is being created upon such premises.
(2) No claims for compensation shall lie against any person for any damage which may unavoidably be caused by any such entry or by the use of any force necessary for affecting such entry:

Provided that force shall not be used for affecting an entry unless there is reason to believe that an offence is being committed against some provision of this Act or some rules or byelaws made thereunder.

252. Prohibition of cinematorgraph and dramatic performances except in licenced premises.-

(1) No exhibition by Cinematograph or other apparatus in which inflammable film is used, no public dramatic performance, circus, or pantomime, shall be given within the limits of the City except in premises for which a licence has been granted by the Commissioner under this section.
(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic performance, circus or pantomime, or if the occupier of any premises allows those premises to be used in contravention of the provisions of this Section or of any condition of a licence granted under this Section, he shall be liable to a fine not exceeding two thousand rupees and in the case of a continuing offence, to a further penalty of two hundred rupees for each day during which the offence continues, and his licence shall be liable to be revoked by the Commissioner.

Chapter - XIX

MARKETS AND SLAUGHTER PLACES

253. Power of Corporation to permit opening of new private markets-

(1) The Corporation may at its discretion permit the establishment of a new private market in the City or in any specified portion thereof.
(2) No person shall establish a new private market for the sale of animals intended for human food, or for the purpose of exposing them for sale, except with the sanction of the Corporation.
(3) When the establishment of a new private market is sanctioned the Commissioner shall cause a notice of the sanction to be exhibited in some conspicuous spot on or near the building or place where such market is to be held.

254. Private markets not to be kept open without a licence.-

(1) Except under a licence granted by the Commissioner in accordance with the general or special orders issued by the Mayor-in-Council in that behalf, and in conformity with its terms, no person shall establish or keep a private market or when established, remove it from one place to another, or re-open or re-establish it after it has been closed for a period inn excess of twelve months, or enlarge its area or dimensions:

Provided that the Commissioner shall not refuse a licence to keep a private market or cancel or suspend the same for any cause other than the owner's failure to comply with this Act or the terms of his licence after compliance has been required of him.
(2) When the Commissioner has refused, cancelled or suspended any licence to keep a private market, he shall cause a notice thereor, to be conspicuously exhibited near the building or place where such market is or was to be held.

255. Selling animals, meat, etc., outside a market without a licence.-

(1) Without a licence from the Commissioner no person shall sell or expose for sale any animal or any meat or fish intended for human food in any place other than a Corporation or licensed market.
(2) Nothing in sub-section (1) shall apply to meat or fish sold in any hotel or eating house for consumption on the premises.

256. Power of Corporation to regulate the manufacture, preparation and sale of food and drink----

The Corporation may, and if required by the Government shall, by below--
(a) prohibit the manufacture, shall or preparation of any exposure for sale, of any specified article of food or drink, in any place or premises not licensed by the Corporation;
(b) regulate the hours of manner or transport of any specified articles of food or drink within the City and prescribe the route by which such articles shall be carried;
(c) prohibit the sale of milk, butter, ghee, curd, meat, game, fish and poultry by persons not licensed by the Corporation;

(d) prohibit the import by persons not licensed by the Corporation of milk, cream, butter, ghee, curd, meat, game, fish and poultry within the City for sale;
(e) provide for the grant and withdrawal of license and the levying of fees thereof under this section;
Provided that no person shall be punishable for the breach of any byelaw made under clause (a) by reason of the continuance of such manufacture, preparation or exposure for sale, or sale in any place or upon any premises which are at the time of the making of such byelaws used for such purpose until he has received from the Corporation six month's notice in writing to discontinue such manufacture, preparation or exposure for sale.

257. Places for slaughter of animals for sale.-

The Corporation may and when required by the Government shall fix places, either within or with the approval of the Government without the limits of the city for the slaughter of animals or of any specified description of animals for sale, and may with the like approval grant and withdraw licences for the use of such premises, or if they belong to the Corporation may charge rent or fees for the use of the same.
(2) When such places have been fixed by the Corporation beyond municipal limits it shall have the same power to make byelaws for the inspection and proper regulation of the same as if they were within those limits.
(3) When any such premises have been fixed no person shall slaughter any such animal for sale within the city at any other place.
(4) (1) No person shall without the written permission of the Corporation bring into the city for sale the flesh of any animals intended for human consumption, which has been slaughtered at any slaughter house or place not maintained or licensed under this Act.
(2) Any police officer may arrest without warrant any person bringing into the city any flesh in contravention of sub-section(1).
(5) Any person who slaughter for sale any animal at any place within the city other than fixed by the Corporation under this Section shall be punishable with fine which may extend to two hundred rupees.

258. Disposal of dead animals.-

(1) Whenever any animal in the charge of any person dies otherwise than by slaughter for sale or for a religious purpose such person shall within twenty-four hours either-
(a) convey the carcass to the place fixed by the Corporation for the disposal of dead animals or to any place at least one mile beyond the limits of the City; or
(b) give notice of the death to the Commissioner who shall cause the carcass to be disposed of.
(2) For the disposal of dead animals under clause (b) of sub-section (1) the Commissioner may charge such fees as the Corporation may fix by public notice.
(3) For the purpose of this section the word ‘animal’ shall include hourned cattle, elephant, camels, horses, ponies, asses, mules, deer, sheep, goats and swine.
(4) Any person bound to act in accordance with sub-section (1) of this Section shall, if he fails to act, be punished with fine which may extend to one hundred rupees.

Chapter - XX
FOOD, DRINK, DRUG AND DANGEROUS ARTICLES

259. Prohibition of sale of diseased animals or unwholesome articles intended for human consumption.-

No person shall sell, expose or hawk or keep for sale any animal intended or human consumption which is diseased, and no person shall sell, store for sale, expose for hawk for sale or manufacture any food, drink or drug intended for human consumption or medical treatment which is unsound, unwholesome, adulterated or unfit for human consumption.

260. Prohibition of adulterants in place s where butter, ghee, etc. are manufactured or stored.-

(1) No person shall keep or permit to be kept in any shop or place in which milk is stored or in any manufactory, shop or place in which butter, ghee, wheat, flour, mustered oil, tea, edible oil, edible fat or any article notified by the Government in this behalf is manufactured or stored, any substance intended to be used adulteration of such milk, butter, ghee, wheat, flour, mustard oil, or other article.
(2) If any article capable of being so used is found in any such manufactory, shop or place, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section that it is intended to be used for adulteration.

261. Prohibition of sale of certain articles which are not of the prescribed standard of purity.-

No person shall , directly or indirectly, sell, expose or hawk for sale or manufacture or store for sale any drug or article of food or drink to which the Government has by notification applied this section unless fulfills the conditions specified in such notification.

262. Substitutes.-

No person shall sell, or offer, expose, manufacture of store for sale, as being specified drug or article of food or drink to which the Government has by notification applied this section, any article hereinafter referred to as substitute which resembles or purports to be notified drug or article but differs therefrom in nature, substance or quality.

263. Prohibition of sale, etc., food or drink not of the nature, substance or quality of the article as represented.-

(1) No person shall, directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk for sale, or manufacture or store for sale any article of food or drink which is not of the nature, substances or quality it is represented to be:

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely:-
(a) where any matter or ingredient not injurious to health has been added to any article of food or drink in order to facilitate the production or preparation of the same an an article of commerce

in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or
(b) where any article of food or drink is unavoidably mixed with some extraneous matter in the process of collection or preparation.
(2) In any prosecution under this section it shall be no deference to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed, hawked about for sale, or manufactured or stored for sale , by him, or that the purchaser having brought such article only for analysis was not prejudiced by the sale.

264.Licence required for dealing in milk etc.-

No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf-
(a) carry on within the limits of the City the trade or business of a dealer in milk or milk products or of an importer, vendor or hawker of the same, or dairyman; or
(b) use any place as a dairy or cattle pen or for the sale of milk or milk products.

265. Provisions relating prosecution.-

In any prosecution under sections 259,260,261 and 262-
(a) the Court shall, until the contrary is proved, presume that any animals, food, drink, drug or substitute therefore found in the possession of a person who is in the habit of selling that class of animal or of manufacturing, storing or selling such articles, was being kept, manufactured or stored for sale by such person;
(b) no such person shall plead that he was ignorant that the animal, foods, drink, drug or a substitute was diseased, unsound, unwholesome, unfit for human consumption or adulterated or did not fulfil the conditions specified or was substitute, as the case may be;
(c) no offence shall be deemed to have been committed where such person proves to the satisfaction of the court that he obtained the food, drink, drug or substitute under a warranty from the person manufacturing it within the City or importing it within the same that the food, drink, drug or substitute had not been adulterated, or that it fulfilled the conditions specified or that it was not a substitute and that he had no reason to believe otherwise or had no reasonable ground for believing that byb lapse of time or otherwise the warranty no longer held good.

266. Liability of warrantors.-

When any person has been discharged or acquitted of an offence on the grounds mentioned in clause (c) of section 265 and the warranty proves to be incorrect or misleading, the warrantor shall be liable to be prosecuted for such offence and the provisions of section 265 shall apply in a like manner as if he were himself the seller or storer, as the case may be.

267. Inspection of place for sale of food or drink and seizure of unwholesome articles or utensils found therein.-

(1) Any Councillor or any committee authorized by the Mayor in this behalf or any officer of the Corporation duly authorized in this behalf by the Commissioner may enter into and inspect any market, building, shop, stall or place used for the sale of any animal, food, drink or drug intended

for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or vessel used for preparing manufacturing or containing any such food, drink or drug.
(2) If any such animal appears to such officer to be diseased, or if any such food drink or drug appears to him to be unsound, unwholesome or un fit for human consumption or medical treatment, as the case may be, or to be adulterated, or n ot to fulfill the specified onditions or to be a substitute or if any such utensil or vessel is of such kind or in such state as to render any food, drink or drug, prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with as hereinafter in this chapter provided, and he may arrest any person in charge of any such animal, food, drink or drug.
(3) The authorized officer may, instead of removing any animal, food, drink, drug, utensil or vessel seized under sub-section (2) leave the same in such safe custody as the Commissioner directs in order that it may be dealt with as hereinafter in this chapter provided and no person shall remove it from such custody or interfere or tamper with in any way while it is so detained.

268. Destruction of animals and articles seized under section 267.-

(1) When any animal, food, drink, drug, utensil or vessel is seized under sub-section (2) of section 267, it may be destroyed by the officer making the seizure with the consent of the owner or the person in whose possession it was found.
(2) The officer destroying any animal, food, drink, drug, utensil or vessel under sub section (1) shall report such destruction to the Health Officer.
(3) If any food, drink, or drug seized under sub-section (2) of section 267 is of perishable nature and is in the opinion of the officer making the seizure, infected, unsound, wholesome or unfit for human consumption or medical treatment, it may, with the previous sanction of the Health Officer be destroyed without the consent referred to in sub-section (1).
(4) The expenses incurred in taking any action under sub-sections (1) and (3) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its seizure and no claim shall lie for compensation for any animal or article so destroyed.

269. Taking before Magistrate of animals and articles seized under section 267.-

(1) Any animal , food, drink, drug, utensil or vessel seized under sub-section (2) of section 267 but not destroyed in pursuance of section 268 shall, subject to the provisions of sub-section (3) of section 267 be taken before a Magistrate as soon as may be after such seizure.
(2) If it appears to the Magistrate that such animal, food drink, drug, utensil or vessel was rightly seized, he shall cause the same to be forefeited to the Corporation or to be destroyed at the expense of the person in whose possession it was found at the time of its seizure.
(3) If the Magistrate is of the contrary opinion, the person from whose shop or place it was taken shall be entitled to have it resorted to him and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the Magistrate may think proper.

270. Food, drink or drugs directed to be destroyed deemed to be the property of the Corporation.-

Any animal, food, drink or drug in respect of which any authority exercising powers under this chapter passes an order of destruction or disposal so that it cannot be used as food or medicine, shall thereupon be deemed to be the property of the Corporation**.**

271. Application of provisions of this chapter to other articles.-

The provisions of this chapter shall, so far as they are applicable, apply to such other articles also as the Government may by notification in the Gazette declare to be dangerous for human use.

Chapter - XXI
ON RESTRAINT OF INFECTION

272. Information to be given of existence of dangerous disease.-

(a) being a medical practitioner or a person openly and constantly becoming cognizant of the existence of any dangerous disease in any dwelling other than a public hospital, or
(b) being the owner or occupier of such dwelling and becoming cognizant of the existence of any such disease therein, or
(c) being the person in charge of, or in attendance on, any person suffering from any disease in such dwelling, and becoming cognisant of the existence of the disease therein;
fails forthwith to give information, or knowingly gives false information to the Health Officer or to any other officer to whom the Corporation may require information to be given respecting the existence of such disease, shall be punishable with fine which may extend to five hundred rupees:
Provided that no person shall be bound to give such information or to cause such information to be given, if such information has been given.

273. Power of Health Officer to inspect places and take measures to prevent spread of dangerous disease-

The Health officer or any other municipal officer authorized by him in this behalf, may, at any time day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect, any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of the disease beyond such place.

274. Prohibition of use for drinking or for other domestic purposes of water likely to cause dangerous disease-

(1) If it appears to the Health Officer that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to endanger or cause the spread of any dangerous disease, he may by public notice prohibit the removal or use of the said water for such purpose.
(2) no person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

275. Power of Health Officer to remove patient to Hospital in certain cases-

(1) When, in the opinion of the Health Officer any person is suffering from a dangerous disease and is also without proper lodging or accommodation or lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may, with the approval of the Chief Executive Officer, direct or cause the removal of such person to such hospital or place:

Provided that all costs incurred for the removal and the treatment of any such patient shall be borne by the Corporation:

Provided also, that if any such person is a woman, she shall not be removed to any such hospital or place unless the same has accommodation for women, of a suitable kind, and set apart from the portion assigned to males.

(2) any person having charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

(3) If any women who according to custom does not appear in public to be removed to any hospital or place under sub-section (1)-

(a) the removal shall be effected in such a way as to preserve her privacy;

(b) special accommodation suited to such custom shall be provided for her in such hospital or place;

(c) she shall, if she so desires, be treated therein by woman only; and

(d) her female relative shall be allowed to remain with her.

276. Power of Health Officer to disinfect building, tank, pool or well-

(1) If the Health Officer or any officer of the Corporation authorized by him in this behalf, is of opinion that the cleansing of disinfecting of any building or any part of a building, of any article there in which is likely to retain infection, or of any tank, pool or well, adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cause to be cleaned or disinfected such building or part thereof, or article, tank, pool or well and may by written notice, require the occupier of such building or any part there of to vacate the same for such time as may be prescribed in such notice;

(2) the cost of cleansing or disinfecting any building or part thereof, or any article therein under sub-section (1) shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool or well under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well or if there be no such person, by the owner thereof:

Provided that if, in the opinion of the Commissioner, owner or occupier is from poverty unable to pay the cost, the Commissioner, may direct payment there of to be made from the municipal fund.

277. Power of Health Officer to destroy huts and sheds.-

(1) If the Health Officer is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may and with the approval of the Commissioner after giving to the owner or occupier of such but or shed such previous notice of his intention as he considers reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation not exceeding the value of the hut or shed shall be paid by the Corporation to any person who sustains loss by the destruction of any such hut or shed, but except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (1).

278. Infected building not to be let without being first disinfected.-

No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease-
(a) unless the Health Officer has disinfected the same and has granted a certificate to that effect, and
(b) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.
Explanation: For the purpose of this section the keeper of a hotel or inn shall be deemed to have let part of his building to any person accommodated therein.

279. Provision of places for disinfection, washing or destruction of infected articles and power of Commissioner to disinfect or destroy such articles.-

(1) The Corporation shall provide a place or places with all necessary apparatus and establishment for the disinfection of conveyances, clothing, bedding or other articles which have become infected, and when any articles have been brought to any such place for disinfection, shall cause them to be disinfected either-
(a) free of charge; or
(b) in its discretion, on payment of such fees as it may from time to time fix in this behalf.
(2) The Corporation shall, from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and n o person shall wash any such article at any place not so appointed, without having previously disinfected the same.
(3) The Health Officer or any person authorized by him in this behalf, shall disinfect or destroy, or by written notice direct the disinfection or destruction of, any clothing, bedding or other articles likely to retain infection.
(4) The Commissioner shall pay such compensation as may appear to him reasonable for any article destroyed under sub-section (3) and his decision as to the amount of compensation shall be final.

280. Infected articles not to be transmitted , etc, without previous disinfection.-

(1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to k now that it has been exposed to infection from any dangerous disease.
(2) Nothing in sub-section (1) shall apply to a person who transmit, with proper precautions any such article for the purpose of having the same disinfected.

281. Restriction of Carriage of patient or dead body in public conveyance.-

(1) No person who is suffering from a dangerous disease shall enter, or cause or permit himself to be carried in a public conveyance, nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead body of any person who has died from such disease to be carried in a public conveyance without-
(a) previously notifying to the owner, driver, or person in charge of such conveyance that he or it is so infected; and

(b) taking proper precautions against the spreading of such disease.
(2) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid or any such dead body in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is a made to him.
(3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead dody in construction of sub-section (1).

282. Disinfection of public conveyance after carriage of patient or dead body.-

(1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease or the dead body of any person who has died of such disease has been carried shall immediately take the conveyance for disinfection to a place appointed under sub section (1) of Section 279.
(2) The person in charge of such place shall forthwith intimate to the Chief Executive Officer the number of then conveyance and proceed to disinfect the conveyance.
(3) No such conveyance shall be used until the Health Officer has granted a certificate stating that it may be used without causing risk of infection.

283.Power of Corporation to provide special Conveyance for patient or dead body.-

(1) The Municipality may provide, and maintain suitable conveyance for the free carriage of persons suffering from any dangerous disease or of the dead bodies of person who have died of any such disease.
(2) When such conveyance have been provided, it shall not be lawful, without the sanction of the Chief Executive Officer, to carry any such person or dead body in, or for any such person to cause himself to be carried in, any other public conveyance.

284. Destruction of huts or sheds when necessary.-

The Commissioner may on being satisfied that it is in the public interest so to do, by written order direct that any lodging house or any place where articles of food and drink are sold or prepared, stored or exposed for sale being a lodging house or place in which a case of a dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order:
Provided that such lodging house or place may be declared to be open if the Health Officer certifies that it has been dis-infected or is free from infection.

285. Power of Corporation to take special measures on outbreak of dangerous disease or infectious epizootic disease.-

In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into the city, the Corporation, if it considers that the other provisions of this Act, or

the provision of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the Government-

(a) take such special measures; and

(b) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons as it may deem necessary to prevent the outbreak of such diseases or the spread thereof.

Chapter - XXII
DISPOSAL OF THE DEAD

286. Provision of new places for disposal of the dead.-

If the existing places for the disposal of the dead appear to the Corporation at any time to be insufficient, it shall provide further proper and convenient places for the purpose:

provided that except with the written permission of the Government, no place shall be so provided-

(a) if it has never previously been lawfully used for the purposes; or

(b) if having been formerly so used it is no longer so used;

287. Power of Government to direct the closing of any place for the disposal of the dead.-

(1) If After personal inspection, the Commissioner is at any time of opinion that any place used for the disposal of the dead is or is likely to become injurious to public health, he may submit his opinion with the reasons therefore to the Corporation and the Corporation shall forward the same with its opinion for the consideration of the Government.

(2) Upon receipt of such an opinion the Government, after such further enquiry as it deems fit to make, may by notification published in the Gazette and in such newspaper as it may deem necessary, direct that such place shall no longer be used for he disposal of the dead.

(3) on the expiration of three months from the date of any such notification, the place to which its relates shall no longer be used for the disposal of he dead.

(4) Private space set apart for burial may be exempted from any such direction subject to such conditions as the Commissioner may impose in this behalf, provided that the limits of such space are sufficiently defined and that it shall only be used for the burial of members of the family of the owners thereof.

288. Power of Government to direct reopening of place closed under Section 287 or other enactment.-

(1) If, after personal inspection, the Commissioner is of the opinion that any place formerly used for the disposal of the dead which has been closed under the provisions of this Act has by lapse of time, become n o longer injurious to health and may without risk or danger be again used for the said purpose, he may submit his opinion, for the consideration of the Government.

(2) Upon receipt of such opinion the Government, after such further enquiry as it deems fit to make, may, by notification in the Gazette, direct that such place be reopened for the disposal of the dead.

289. Prohibition of certain acts without the permission of Commissioner-

(1) No person shall, without the written permission of the Commissioner-

(a) make any vault, gave or internet within any wall, or underneath any passage, porch, portico, plinth or verandah, or any place of worship;

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under Section 287; or

(c) build, dig or cause to be built or dug any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place other than a place for the disposal of the dead; or

(d) exhume any body from any place for the disposal of the dead, except under the provisions of Section 176 of the Code of Criminal Procedure, 1898, or any other enactment for the time being in force.

(2) Such permission may be granted by the Commissioner only and subject to such general or special orders as the Government may make in this behalf.

(3) An offence under this Section shall be deemed to be a cognizable offence for the purposes of Sections 149, 150 and 151 of the said Code.

290. Routes for removal of corpses-

(1) The Commissioner may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

(2) whoever carries a corpse along a route prohibited by the Commissioner or in a manner likely to cause annoyance to the public shall be punishable with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

PART VI - LANDS, BUILDINGS AND STREETS

Chapter - XXIII

TOWN PLANNING

291. Town planning scheme.-

(1) The Corporation may, and if so required by the Government shall, within six months of the date of such requisition, direct the Commissioner to draw up a town planning scheme, which may, among other things, provide for the following matter, namely:-
(a) a direction that in any street, portion of a street or locality specified in the scheme the elevation and construction of the frontage of all buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as may be fixed for the locality;
(b) a direction that in any street, portion of a street or locality specified in the scheme there shall be allowed the construction only detached or semi-detached buildings or both, and that then land appurtenant to each building shall be of an area not less than that specified in the schemes;
(c) a direction that in any street, portion of a street or locality specified in the scheme, the construction of more than a specified number of houses on each acre of land shall not be allowed;
(d) a direction that in any street, portion of a street or locality specified in the scheme, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings designed for particular purpose shall not be allowed;
(e) a street line and a building line on either side or on both sides of any street existing or proposed;
(f) a standard plan, either for the division of land into building sites, or for the location of buildings within a building site;
(g) the amount of land which shall be transferred to the Corporation for public purposes and public streets by owners of land on payment of compensation;
(h) the prohibition of building operations permanently or temporarily when by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services;
(i) regulating in the interest of safety, the height and position of proposed walls, fences or hedges near the corners or bends of streets;
(j) limiting the number or prescribing the sites of new roads entering a highway maintained by the Government;
(k) regulating, in respect of the erection of any building intended to be used for purposes of business or industry, the provision of accommodation for loading unloading or fuelling vehicles with a view to the prevention of obstruction of traffic on any highway; and
(l) a direction that in any street, portion of a street or locality specified in the scheme, the use of land for any purposes even though not involving the erection of building, shall not be inconsistent with the provisions of this section with respect of buildings.
(2) When a scheme has been drawn up under the provisions of sub-section (1), the Commissioner shall give public notice of the scheme and shall therein announced a date not less than 30 days from the date of such notice by which any person may submit to the Commissioner in writing any objection or suggestion with regard to the scheme which he may wish to make.

(3) The Commissioner shall within fifteen days of the date announced under the provisions of sub-section (2), forward to the Mayor-in-Council the notice together with the objections or suggestions, if any, and his opinion therefor.
(4) The Mayor-in-Council, shall within fifteen days of the receipt of he documents relating to the scheme, forward them to the Corporation together with the opinion of the Commissioner and any comments which the Mayor-in-Council may make.
(5) The Corporation shall consider every objection or suggestion with regard to the scheme and may modify the scheme in consequence of any such objection or suggestion and shall then forward such schemes as originally drawn up or as modified, together with the documents mentioned in sub section (4) to the Government which may sanction the scheme or sanction it with such modification as it may think fit or may refuse to sanction it, or may return it to the Corporation for reconsideration and re-submission by a specified date.
(6) If the Corporation fails to submit a scheme within six months of being required to do so under sub section (1) or fails to re-submit a scheme by a specified date when required to do so under sub-section (5) , or re-submit a scheme which is not approved by the Government, the Government may draw up a scheme which shall be published within the limits of the Corporation together with an intimation of the date by which any person may submit in writing to the Government may sanction such scheme as originally published or modified in consequence of any such objection or suggestion as the Government may think fit.
(7) Notwithstanding anything contained in the foregoing sub-sections if the Corporation in case of scheme initiated by it, decides to drop the scheme it shall intimate the Government accordingly.
(8) The cost of such scheme, or such portion of the cost as the Government may deem fit shall be paid from the Municipal Fund.
(9) when sanctioning a scheme by Government may impose the conditions for the submission of periodical reports on the progress of the scheme to the Government, and for the inspection and supervision of the scheme by the Government.
(10) No person shall erect or re-erect any building or take any other action in contravention of any such scheme or of any rule or byelaw made under the provisions of this Act.

292. Restriction on Corporation's power to undertake town planning scheme.-

Notwithstanding anything contained in section 291, no town planning scheme shall be made by the Corporation for any area for which a scheme has been sanctioned under the provisions of Town Improvement Act.

Chapter - XXIII-A

COLONIZATION

292-A. Registration of Colonizer or builder.-

(1) Any person who-
(a) as a colonizer intends to undertake the establishment of a colony in the area of Municipal Corporation for the purpose of dividing the land into plots, with or without developing the area, transfers or agrees to transfer gradually or at a time, to person desirous of settling down on those plots by constructing residential or non-residential or composite accommodation; or
(b) as a builder constructs or causes to be constructed on any land inn a municipal area, whether held by him or any other person, independent buildings or a single building with apartments; or converts causes to be converted an existing building or any part of such building into apartments, for the purpose of transfer by sale or otherwise all or some of them to persons other than members of his family and includes his assignees shall apply to the Commissioner for the grant of a Registration Certificate.
(2) On receipt of the application for registration under sub-section (1) the Commissioner shall, subject to the rules made in this behalf, either issue or refuse to issue the Registration Certificate within thirty days:

Provided that of the Commissioner refuses to issues to issue the Registration certificate, the reasons for refusal shall be intimated to the applicant.

Provided further that an appeal may be filed before the Appeal Committee constituted under section 403 within 30 days from the date of rejection of application of registration by the Commissioner.
(3) The State Government shall have power to make rules prescribing the form of application, amount of fees for registration and other terms and conditions for issue of Registration Certificate.
(4) Every person who has been issued the Registration Certificate under sub-section (2) shall become eligible to establish one or more colonies in the area of Municipal Corporation and shall not be required to apply for Registration Certificate in respect of every colony separately but it shall be mandatory for such person to obtain approval of layout plans and all other approvals separately from the competent authority in respect of each colony.

292-B. The Registration Certificate granted under Development of Colonies.
(1) Section 292-A shall entitle the colonizer to under take the development of colonies in the municipal area subject to the provisions of this Act, and the rules made in this behalf and on the following conditions:-
(i) in every residential colony in the municipal area, out of the area of the developed plots by the Colonizer, fully developed plots equal to fifteen percent of the prescribed size shall have to be reserved for persons belonging to economically weaker sections.
(ii) Such colonizer who wishes to offer the constructed residential houses instead of developed plots in his residential colony for the persons of the economically weaker sections under clause(i) then they make available the houses of the prescribed size constructed in the prescribed area.
(iii) Such colonizer, who do not wish to develop plots or construct houses for economically weaker sections in his colony having an area as prescribed shall have to deposit the shelter fee at such rate as may be prescribed in the shelter fund.

(iv) In respect of the land on which the Urban Land (Ceiling and Regulation) Act, 1976 was applicable, the colonizer shall have to reserve developed plots of the prescribed size in the prescribed area for the persons belonging to economically weaker sections.
(2) For the allotment of plots or houses to the economically weaker sections, the procedure for the selection of eligible persons and the determination of the cost of such plots or houses shall be such as may be prescribed.
(3) The permission of the development shall be given by the Commissioner and appeal shall lie to the State Government against the order of the Commissioner.

292-C. Punishment for illegal colonization.-

(1) A colonizer who, in contravention of he provisions of Section 172 of the Madhya Pradesh Land Revenue Code, 1959 (N0. 20 of 1956) and the Rules made thereunder, diverts the land or part thereof, commits an offence of illegal diversion of land.
(2) A Colonizer who divides his lands into plots or the land of any other person with the object of establishing a colony in breach of the requirements contemplated in this Act or the rules made in this behalf, commits an offence of illegal colonization.
(3) Whoever commits or abets the commission of an offence of illegal diversion or illegal colonization shall be punished with an imprisonment of not less than three years and not more than seven years or with a minimum fine of ten thousand rupees or with both. Such offence shall be a cognizable offence.
(4) Whoever constructs a building in an area of illegal diversion or illegal colonization commits an offence of illegal construction.
(5) Whoever commits an offence of illegal construction shall be punished with imprisonment of not less than three years and not more than seven years or with a minimum fine of ten thousand rupees or with both. Such offence shall be a cognizable offence.
(6) It shall be incumbent upon every colonizer to display correct information about the area (including the carpet area) of the housing units proposed for construction and facilities to be provided in a colony in all its advertisements published in the form of pamphlets, brochures, hoardings and in all communications to customers and shall explicitly mention the number and date of his Registration Certificate over it, and any violation of these provision shall make such colonizer liable for punishment under sub-section (3) and sub-section (5).

292-D. Punishment for abatement of the offence of illegal diversion of land or illegal colonization-

Whoever in the area of illegal diversion or illegal colonization-
(i) being an officer having power to sanction lay out or sanction a map for the construction of a building grants sanction or approves such lay out or the map; or
(ii) being an officer or the authority competent to sanction electrical or water supply connection grants such sanction with respect to the building in such area; or
(iii) being an officer under a primary duty to do so knowingly omits to report illegal diversion of land; or
(iv) being an officer or an employee responsible to take action against the illegal diversion of land, fails to take action; or
(v) illegally influences the officers aforesaid in granting such action or in omitting to make a report of such illegal diversion of land;

shall be punished with a simple imprisonment which may extend to three years or with a fine which may extend to ten thousand rupees or with both:

Provided that nothing contained in clause (ii) shall apply to the cases where the Commissioner certifies that in the public interest there is no objection to provide electrical and water supply connection to the building in the area of illegal diversion or illegal colonization.

292 DA. Responsibility of persons associated in the act of illegal colonization or illegal diversion of land. --

All the directors promoters and financers associated in the act of illegal colonization or illegal diversion of land along with the person who commits or abets the commission of an offence of such illegal colonization or illegal diversion shall be held equally liable of committing such an offence and shall be punished under the provision of Section 292-C.

292-E. Commissioner to take over the management of the land of illegal Colonization.-

(1) Notwithstanding anything contained in the Madhya Pradesh Land Revenue Code 1959 (No, 20 of 1959) the transfer or agreement to transfer of plots made by a colonizer, in an area of illegal diversion or illegal colonization shall be void.

(2) The Commissioner shall cause to be published a public notice three times in the local newspapers for the purpose of taking over the management of land of illegal colonization. After the publication of such notice if any objection is received from the colonizer or the plot holder it shall be considered by the Commissioner and if no objection is received then the Commissioner shall take over the management of such land and cause the area to be planned and developed in such manner as may be prescribed and allot the plots in such manner and subject to such conditions as may be prescribed.

(3) The allottee shall on fulfillment of he conditions be deemed to be a valid transfers of the plot , and the power of the Commissioner as manager of the plot shall come to an end.

(4) Once the Commissioner takes up the management of any colony it shall be deemed that the diversion of land of such colony has been done and its use is in accordance with the master plan of the city.

292-F. Forfeiter of the land involved in illegal colonization.-

The right, title and interest of the colonizer in the land under illegal colonization, shall upon and from the date of taking over management of the land under sub-section (2) stand forfeited and vested in the Municipality free from all encumbrances.

292-G Punishment for not taking action against the illegal colonization.-

Any officer or servant subordinate to the Commissioner who has been authorized by him either to inspect, report, stop or to remove any construction on illegal colonization knowingly omits to take action against such illegal colonization or construction therein, forthwith or a police officer responsible to provide police assistance for removal of illegal colonization or illegal construction therein, does not provide adequate protection and support, shall be punished with a simple imprisonment which may extend to three years or with fine which may extend to ten thousand rupees or with both.

Chapter XXIV

BUILDING CONTROL

293. Prohibition of Erection or re-erection of buildings.-

(1) No person shall-
(i) erect or re-erect any building; or
(ii) commence to erect or re-erect any building; or
(iii) make any material external alteration to any building; or
(iv) construct or re-construct any projecting portion of a building which the Chief Executive Officer is empowered by section---- to require to be set back or is empowered to give permission to construct or reconstruct,-
(a) unless the Chief Executive Officer has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal of permission for the erection or re-erection of the building or for the construction or re-construction of the projecting part of the building; or
(b) after the expiry of one year from the date of the said permission or such longer period as the Chief Executive Officer may allow or from the end of the prescribed period, as the case may be:
Provided that nothing in this section shall apply to any work, addition or alteration which the Municipality may by byelaw declare to be exempt.
(2) If a question arises whether a particular alteration in or addition to an existing building is or is not a material alteration the matter will be determined by the Commissioner.
(3) Any person aggrieved by the order of the Commissioner in this behalf may appeal to the district court within thirty days of such order in the manner prescribed therefore and the decision of the district court shall be final.

294. Notice of Buildings.-

Every person who intends to erect or re-erect a building shall submit to the Commissioner-
(a) an application in writing for a approval of the site together with a site plan of the land; and in the case of land which is the property of the Government or of the Corporation a certified copy of the documents authorizing him to occupy the land, and if so required by the Commissioner the original document or documents; and
(b) an application in writing for permission to build together with a ground plan, elevation and section of the building and a specification of the work to be done.
(2) Every plan of any building to be constructed wholly or partly of masonry, submitted under sub-section (1) shall, in token of its having been prepared by him or under his supervision, bear the signature of a licensed surveyor.
(3) Every document submitted under sub-section (1) shall be prepared in such manner and shall contain such particulars as may be prescribed by byelaws.
(4) Nothing herein contained shall require a person to comply with the provisions of clause (b) of sub-section (1) until such time as the site has been approved by the Commissioner or such person as he may appoint.

295. Commissioner to refuse erection or re-erection of buildings.-

(1) The Commissioner shall refuse to sanction the erection or re-erection of any building in contravention of any scheme sanctioned under section 291 or in contravention of any rule or byelaw made under the provisions of this Act.
(2) The Commissioner may refuse to sanction the erection or re-erection of any building if in respect of the building there are sufficient reasons which shall be communicated in writing to the applicant, why sanction should not be given, or if the land on which it is proposed to erect or re-erect such buildings is vested in the Government or in the Corporation and the consent of the Government or the Corporation, as the case may be, has not been obtained, or if the title to the land is in dispute between the applicant and the Corporation or the Government.
(9) In sub-section (2) but subject to the provisions of sub-section ----- of section---- if the Chief Executive Officer within thirty days of the receipt from any person of a valid notice of such person's intention to erect or re-erect a building, or within sixty days of such receipt if the notice relates to a building on the same or part of the same site on which sanction for the erection of a building has been refused within the previous twelve months, neglects or omits to pass orders sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection, shall, unless the land on which it is proposed to erect or re-erect such building belongs to or vests in the Municipality, be deemed to have been sanctioned, except in so far as it may contravene any rule or byelaw or any town-planning schemes sanctioned under this Act or any other enactment for the time being in force:

Provided that if an order granting or refusing such sanction is suspended under section---- the period specified by this sub-section shall commence to run afresh from the date of communication of final orders under the said sanction by the Government.
(3) Notwithstanding anything contained in sub-section (2) but subject to the provisions of sub-section 10 of section-291 if the Commissioner within thirty days of the receipt from any person of a valid notice of such person's intention to erect or re-erect a building, or within sixty days of such receipt if the notice relates to a building on the same or part of the same site on which sanction for the erection of a building has been refused within the previous twelve months, neglects or omits to pass orders sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection, shall, unless the land on which it is proposed to erect or re-erect such building belongs to or vests in the Corporation, be deemed to have been sanctioned, except in so far as it may contravene any rule or byelaw or any town-planning schemes sanctioned under this Act or any other enactment for the time being in force:

Provided that if an order granting or refusing such sanction is suspended under section 421 the period specified by this sub-section shall commence to run afresh from the date of communication of final orders under the said sanction by the Government.

296. Grounds on which site of proposed building may be disapproved.-

The Commissioner may refuse to approve the site on which an applicant proposes to erect or re-erect any building-
(a) that the erection or re-erection of the proposed building on such site would be in contravention of a town-planning scheme under section 291 or of any other provision of this Act or of any other enactment for the time being in force; or
(b) the site is in a portion within the limits of the City in which the position and direction of the streets have not been determined, and that the building which it is proposed to erect on such site

will, in the opinion of the Commissioner, obstruct or interfere with the construction in future of suitable streets in such portion or with the drainage, water-supply or ventilation thereof:

Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the Chief Executive Officer require that the position and direction of streets to be laid down in future in the vicinity of the proposed building should be forthwith determined, and if such requisition is not complied with within one year from the date thereof, may, subject to all other provisions of this Act applicable there to, proceed with the erection of his building; or

(c) that the site has been re-claimed or used as a place for depositing sewage, offensive matter rubbish or then carcasses of dead animals or is otherwise in sanitary or dangerous to health ; or

(d) that the site is in a portion within the limits of the City for which a town-planning scheme has not been sanctioned by the Government and that the building which it is proposed to erect or re-erect on such site will, in the opinion of the Commissioner, be likely to conflict in a manner, to be communicated in writing to the applicant, with the provisions of a town-planning scheme:

Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the Chief Executive Officer, require that the preparation of a town-planning scheme for the portion in which the site is situated shall be proceeded with as early as possible; and if the applicant is not informed in writing within twelve months of the date of the requisition that the Government have sanctioned the said town-planning scheme, he may subject to all the other provisions of this Act applicable there to proceed with the erection or re-erection of the building in respect of which the application was made.

297. Grounds on which permission to erect or re-erect building may be refused.-

(1) The Commissioner shall not grant permission to erect or re-erect any building unless and until he has approved of the site thereof on an application under sub-section 294.

(2) The Commissioner shall not grant permission to erect or re-erect any building.

(a) if the plans and specifications submitted with the application show that such building is not in accordance with a town-planning scheme sanctioned under section 291, or with any provision of this act, or any rule or byelaw made there under , or any provision of any law for the time being in force; or

(a-1) if in his opinion the erection or re-erection of such building would be a nuisance or injurious to the inhabitants of the neighbourhood or to the public, or

(b) unless and until any plans, specifications or particulars called for by him are supplied.

298. Supervision of building and works.-

Every person who intends to erect a new building or executes may such work as is described in section 294, shall erect the building or execute the work in such manner, under such supervisions through such qualified agency, and subject to such conditions and restrictions as may be prescribed by the byelaws.

299. Power of Commissioner to direct modification of a sanctioned plan of a building before its completion.-

The Commissioner may before any work has been commenced in pursuance of any permission granted by it under section 293 revoke such permission and may give fresh permission in lieu thereof on such conditions, in accordance with this Act and rules, and byelaws made thereunder, with reference to the matters mentioned in the said section as it thinks proper , and may direct that the work shall no be proceeded with unless and until all questions connected with the respective location of the building and nay street have been decided to its satisfaction

299-A. Power of State Government to cancel or revise permission for construction of a building.-

If it is found that any permission for construction of a building has been given in violation of any provision of this Act or rules or byelaws made there under or in the opinion of the State Government it is necessary in the public interest that the permission granted by the Municipality deserves to be cancelled or revised the State Government shall have power to cancel or revise such permission and on such cancellation or revision, as the case may be, any construction contrary to the order regarding cancellation or revision shall be deemed to be without permission and shall be dealt with in accordance with the provisions of this Act and the rules made there under.

Provided that no such order shall be passed unless the aggrieved party has been given an opportunity of being heard.

300. Lapse of sanction after one year from the date of such sanction.-

Every sanction for the erection or re-erection of any building shall remain in force for one year only from the date of such sanction, or for such longer period as the Chief Executive Officer may allowed when conveying sanction under section 293. If the erection or re-erection of the building is not commenced within one year and completed within two years or such longer period as may have been allowed by the Chief Executive Officer the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provision of this Act

301. Completion certificate and permission to occupy or use.-

(1) Every person who-
(i) erects or re-erects any building or
(ii) it make any material external alteration in or addition to any existing building; or
(iii) construct or re-constructs any projecting portion of a building which the Commissioner is empowered under section ---- to require to be set back or is empowered to give permission to construct or re-construct;

shall within one month of the completion of the work delivered to the Commissioner at his office a notice in writing of such completion and shall give to the Commissioner all necessary facilities for the inspection of such work.

(2) Within seven days after the receipt of the said notice the Commissioner shall depute an officer to commence the inspection of such work.

(3) Within seven days from the date if commencement of such inspection the Commissioner shall-

(a) give permission for the occupation of the building erected or for the use of the part of the building re-erected; or

(b) refuse such permission in case such erection, construction or re-construction is in contravention of any provision of this Act or any rule or byelaw made there under or any other enactment for the time being in force.

(4) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building-

(a) until the permission referred to in clause (a) of sub-section (3) has been granted in the manner prescribed by byelaws;

(b) unless the Commissioner has failed for fifteen days after the receipt of notice of completion to intimate his refusal to grant the said permission.

302. Power of Commissioner to stop progress of building work unlawfully commenced or carried on-

(1) In any case in which the erection commenced is being carried on unlawfully as mentioned in Section 307, the Commissioner may by written notice require the building operations to be discontinued from the date of service of such notice.

(2) Any person failing to comply with the terms of such notice shall be punishable with a fine which may extend to five thousand rupees and if he fails to comply with the terms of such notice after the first day of his failure so to do, with a further fine which may extend to two hundred rupees for every such day after the first.

303. Power of Commissioner to direct removal of person from building in which works are unlawfully carried on or which are unlawfully occupied-

(1) If any person contravenes any provision of sub-section(4) of section 301 or section 302 or disobeys any direction of the Commissioner made there under, the Commissioner after giving twenty-four hours notice shall direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part there of or constructing or re-constructing any projecting portion thereof or occupying or using such building or part there of to remove themselves and shall take such measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission:

Provided that any person occupying or using such building or part thereof either as tenant or as owner in contravention of sub-section (4) of section 301 shall not be directed to remove himself unless he has been served by the Commissioner with one week's notice in writing requiring to him vacate:

Provided further that if in the opinion of the Commissioner there is imminent danger to human life, the Commissioner may require such building or part there of to be vacated immediately.

(2) The Commissioner shall, on the application of any person who has vacated any premises in pursuance of a notice under sub- section (1) , re-instate such person in the premises on the withdrawal of such notice, unless it is in his opinion impracticable to restore substantially the same terms of occupation by reason of any structural alteration or demolition.

(3) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

304. Erection and use of temporary building to be approved by Commissioner.-

(1) No building shall be erected for a temporary purpose without the sanction of the Chief Executive Officer, or otherwise than in accordance with any byelaws made in this behalf under this Act.
(2) If any building erected for a temporary purpose is not used strictly for such purpose and in accordance with any byelaws made under this Act or is erected without the sanction of the Chief Executive Officer, the building may be demolished by the Chief Executive Officer at the expenses of the owner thereof, whether he is prosecuted under this Act or not.

305. Power to regulate line of buildings.-

(1) It any part of a building projects beyond the regular line of a public street, either as existing or as determined for the future or beyond the front of immediately adjoining buildings the Corporation may-
(a) if the projecting part is a verandah , step or some other structure external to the main building, then at any time, or
(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or when ever any material portion of such projecting part has been taken down or burned down or has fallen down.

require by notice either that the part of some portion of the part projecting beyond the regular line or beyond the front of the immediate adjoining building, shall be removed, or hat such building when being rebuilt shall be set back to or towards the said line or front; and the portion of land added to the street by such setting back or removal shall henceforth be deemed to be part of the public street and shall vest in the Corporation.

Provided that the Corporation shall make reasonable compensation to the owner for any danger or loss he may sustain in consequence of his building or any part thereof being set back.
(2) The Corporation may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

306. Compensation.-

(1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of the erection of any building.

(2) The Corporation shall make reasonable compensation to the owner for damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or part of a building except in so far as the prohibition is necessary under any rule or byelaw:

Provided that the Corporation shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back unless for a period of three years or more immediately preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under section 286 has been and still is in force in respect of such building.

(3) The Corporation shall make reasonable compensation to the owner for any damage or loss which he may sustain consequence of the inclusion of his land in a public street but in assessing such compensation, regard shall be had to the benefits accruing to that owner from the development of the land belonging to him and affected by such street.

307. Power to require, removal or alteration of work not in conformity with byelaws or any scheme or any other requirement.-

(1) If any building is erected or re-erected in contravention of any town planning scheme mentioned under section 291 or of any building byelaws made under section 427, the Commissioner without prejudice to his right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or , if he so elects, to effect such alterations therein as may be necessary to make it comply with the said scheme or byelaws.

(2) If a building is erected or re-erected-

(a) without any sanction as required by section 293(1) or

(b) when sanction has been refused, or

(c) in contravention of the terms of any sanction granted, or

(d) when sanction has lapsed under section 300.

the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 294, shall-

(a) by written notice, require the person who is erecting such building or executing such work or has erected such building or executed such work on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Chief Executive Officer, to show sufficient cause why such building or work shall not be removed, altered or pulled down, or;

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(3) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner may remove, alter or pull down the building or work and the expenses thereof shall be paid by the person.

(4) If the plans are approved by the Commissioner and the approval is communicated to the person intending to build the house or if the plans are rejected by the Commissioner but no notice of their rejection is given to person intending to build the house within the prescribed period, it shall not be open to the Commissioner to give a notice under sub-section (1) and (4) on the ground that the building is erected or re-erected in contravention of any scheme or byelaws or any other requirements under the chapter.

(5) Nothing in this section shall affect then right of the Corporation or any other person to apply to the District Court for an injunction for the removal or alteration of any building on the ground that it contravenes any provision of this Act or the byelaws made thereunder, but if the building is one in respect of which plans have been deposited and the plan s have been passed by the Commissioner, or notice that they have been rejected has not been given within the prescribed period after the deposit thereof, and if the work has been executed in accordance with the plans, the District Court on granting and injunction shall have power to order the Commissioner to pay to the owner of the work such compensation as the District Court thinks just, but before making

any such order the District Court cause the Commissioner if not a party to be joined as a party to the proceedings.

308. Buildings or works commenced contrary to Act may be cut into and laid open for purpose of Inspection.-

(1) If there shall be reasonable ground for suspecting that in there erection of any such building or in the execution of any such work as is referred to in Section 307 anything has been done, contrary to any provision of this Act or of any rule or byelaw to be done has been omitted to be done; and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained, the Commissioner may, with the approval of the Mayor-in-Council by a written notice require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.
(2) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act, or of any rule or byelaw, and that nothing required by any such provision, rule or bylaw to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

308-A. Compounding of offences of construction of buildings with permission-

Notwithstanding anything contained in this Act or any other Act, for the time being in force or any rules or byelaws made there under , the offence of constructing buildings without permission or contrary to the permission granted, may be compounded, if-
(a) Such construction does not affect the regular building line
(b) the area of unauthorized construction made in the marginal open spaces or in excess of the prescribed floor area Ratio does not exceed ten percent of the prescribed floor area Ratio.
(c) area notified by the State Government as a hill station or a place of Tourist importance or sensitive/fragile from the point of ecology, or
(d) area specified for parking of vehicles; or
(e) area coming within the Road or area affecting alignment of Public Roads; or
(f) area specified for tanks (Talab);
(g) area of construction affecting regular building line:

Provided that in compounding the cases, fees shall be charged, as under in respect of the area of unauthorized construction on the basis of the rate of sale of land determined by the Collector of stamps for the area concerned.
(a) If the construction relates to a plot of one hundred square meter but does not exceed two hundred fifty square meter, thirty percent of the rate of sale in respect of non-residential houses/buildings.
(b) If the construction relates to a plot of one hundred square meter but does not exceed two hundred square meter, twenty per cent of the rate of sale in respect of residential building and thirty per cent of the rate of sale in respect of non-residential buildings.
(c) If the construction relates to a plot exceeding two hundred square meter but does not exceed three hundred fifty square meter, thirty per cent of the rate of sale in respect of residential building and forty five per cent of the rate of sale in respect of non-residential buildings.

(d) If the construction relates to a plot exceeding three hundred fifty square meter, forty per cent of the rate of sale in respect of residential building and sixty per cent of the rate of sale in respect of non-residential buildings:

Provided further that the compounding shall be made in case of residential construction by the Commissioner and in case of non-residential construction with the permission of the Mayor-in-Council .

Provided also that nothing contained in this section shall apply to any person who does not have any right over the building or the land on which the construction has been made.

308-B. Relaxation in Compounding the unauthorized construction.-

(1) Notwithstanding anything contained in Section 308-A or any other provisions of this Act or any other law for the time being in force , the Commissioner may, on the application made in this behalf by order, compound the cases involving deviations from the approved plan or map, or construction made without permission by collecting compounding fee at such rate as may be determined by the State Government.

(2) The application under sub-section (1) shall be made within 90 days from the date of the commencement of the Madhya Pradesh Nagarplaik Vidhi (Sanshodhan) Adhiniyam, 2003 and the Commissioner shall, after making such enquiry as he deems fit decide all applications received under sub-section (1) within six months from the date of receipt. If the Commissioner fails to decide the applications received under sub-section (1) within the aforesaid period he will be deemed ton be guilty of dereliction of duty and liable for disciplinary action.

(3) Upon the issue of the order under sub-section (1), permission shall be deemed to have been granted under this Act and the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and the rules and byelaws made thereunder.

(4) Nothing contained in sub-section (1) shall apply to any application by any person who does not have any right over the building or the land on which the construction has been made or to any application in respect of any building erected or constructed in any of the following areas:-

(i) area notified by the State Government as a hill station or place of Tourist importance or as sensitive/fragile from the point of ecology;

(ii) area specified for parking of vehicles;

(iii) area coming within the Road or area affecting alignment of Public Roads;

(iv) area specified for tanks (Talab):

Provided hat where the construction has been made in the area specified for tanks(talab) is more than ten years old, the case may be compounded.

(v) area of construction affecting regular building line.

(vi) area of construction coming within thirty metres or such further distance from the river bank as may be specified in the master plan of the concerned town;

(vii) area of any nallah and water stream.

Chapter XXV

DANGEROUS AND INSANITARY BUILDING

309. Provisions regarding buildings unfit for human habitation.-

(1) If it appears to the Commissioner that any building intended or used for human habitation or human occupation for any purpose whatsoever is unfit for such habitation or occupation, he shall give notice in writing to he occupier or to the owner, if the building is not occupied, stating that the building is unfit and signifying his intention to prohibit the further use of such building for such purposes, and calling upon the occupier or owner to state inn writing his objections to such prohibition within thirty days from the receipt of the notice. If no objection is stated by such occupier or owner within the said period, or if the objection stated appears to the Commissioner to be insufficient or not well founded, he may, with the previous approval of the Mayor-in-Council prohibit by an order in writing the further use of such building for human habitation or occupation and shall affix a notice to that effect on a conspicuous part of such building.
(2) Notice of such prohibition shall be served upon the owner of any building affected thereby and also upon every occupier or user thereof, specifying a period, not being less than fourteen days from the date of service of such notice, within which every such person shall remove himself and his removable property from the said building; and if within the period so specified any such person fails to remove himself and his property as aforesaid, the Commissioner and in accordance may cause him and his property to be removed and may recover from him the cost of such removal.
(3) When a building has been vacated by removal under sub-section (2), the Commissioner shall affix a notice to the building in the manner prescribed by byelaws and no person except with the permission in writing of the Commissioner and in accordance with the terms and conditions of such permission, shall without sufficient cause enter into or remain in such building.
(4) Wherever the Commissioner is of opinion that any building intended or used for human habitation is unfit for such habitation or occupation and the Commissioner considers that it can be rendered fit for human habitation or occupation by structural alternations or repairs, he may by a notice in writing call upon the owner to execute within a period of six months from the date of receipt of such notice, such structural alternations or repairs as he deems necessary, and if at the expiry of the aforesaid period such alternations or repairs have not been executed to his satisfaction, he shall with provision approved issue to the owner a notice in writing ordering the demolition of such building within a period of thirty days from the receipt of the notice or such longer period as the Commissioner may specify.
(5) Whenever the Commissioner is of the opinion that the building cannot be rendered fit for human habitation or occupation, he may, with the previous approval of the Mayor-in-Council, by a notice in writing call upon the owner to demolish it with a period of thirty days from the receipt of such notice or such longer period as the Commissioner may specify.
(6) If at the expiry of the said period an order to demolish a building given under sub-section(4) or sub-section (5) has not been complied withy, the Commissioner may with the previous approval of the Mayor-in-Council, direct, by an order in writing, the demolition thereof by any municipal officer, servant or contractor. The materials of the building so demolished shall thereupon be sold by public auction and the proceeds of the sale shall be made over to the owner after deducting the cost of demolition and sale. If the amount realized is not sufficient to cover the cost of the demolition and sale, the balance, if any shall be recovered from the owner:

Provided that before such an order is given the owner of the building shall be given an opportunity of appearing before the Mayor-in-Council in person or by agent, and of showing cause why such order should not be given.

(7) any person aggrieved by the decision of the Commissioner under sub-sections (4), (5) or (6) may within a period of one month, appeal to the District Court.

(8) If any building in respect of which an order under this section has been given is held under a lease, the lease shall be avoidable at the option of the lessee with effect from the date on which the lessee has to remove himself and his property.

310. Removal of buildings in dangerous state.-

(1) If , in the opinion of the Commissioner, any building , wall, structure including under this expression any building, wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof or other structure and anything affixed to or projecting from or resting on any building, wall, parapet or other structure, or any tree standing thereon is in dangerous state, the Commissioner may by a notice in writing , require the occupier or owner thereof forthwith either to demolish or remove the building, wall, structure or any such tree or cause such repairs to be made there to as he considers necessary for the public safety; and if the danger appears to him to be imminent, he may forthwith take such steps as may be required to avert such danger, including the forcible removal without notice from such building of all the occupiers thereof and their property.

(2) Any expenses incurred by the Commissioner under sub-section (1) shall be paid by the owner of the building, wall, structure, or anything affixed thereto.

(3) Except with the permission in writing of the Commissioner no person shall without sufficient cause enter into or remain in any building from which the occupier and his property has been removed under sub-section (1).

311.Abandoned or unoccupied premises.-

(1) If it appears to the Commissioner that any building or structure has been abandoned or is un-occupied and has become a resort of disorderly person or is by reason of its condition seriously detrimental to the amenities of the neighbourhood, the Commissioner may give a written notice to the owner of such building or structure if he is known and found to be a resident within the limits of the Municipality, or to any person who is known or believed to claim to be owner, if such person is resident within the limits of the Corporation and shall also affix a copy of the notice on some conspicuous part of the building or structure requiring all persons having any right or interest therein to take such order with the said building or structure as may, in the opinion of the Commissioner, be necessary to prevent the same from being resorted to as aforesaid or from being seriously detremental to the amenities of the neighbourhood.

312. Reclamation of low-lying sites.-

(1) If for any reason it appears to the Commissioner that then level of the site on which it is proposed to erect or re-erect a building is likely to become in sanitary or likely to be a source of nuisance, he shall give to the owner of the site proposed to be built upon, a notice in writing, calling upon him to show cause in writing within thirty days after the receipt of such notice why the site should not be reclaimed with such materials and raised to such height and within such

period not being less than six months from the date of the notice, as the Commissioner thinks fir and in the notice the Commissioner shall specify the cost at which the site can be reclaimed and raise by municipal agency if the owner desires to employ that agency.
(2) No objection is stated within such period, as aforesaid, or if any objection with is stated appears to the Commissioner to be insufficient or not well founded, he may by a notice in writing, direct such owner or occupier-
(a) to reclaim and raise the site within the specified period; or
(b) within thirty days after the receipt of the said notice to pay to the Commissioner the estimated cost of reclaiming and raising the site by municipal agency.
(3) in any case in which the estimated cost of the reclamation has not been paid to the Commissioner, and the owner still proposes to erect the building and fails to commence the reclamation with three months of the receipt of the notice under sub-section (2), or if fails to raise the site to the specified height with the specified materials within the specified period, the Commissioner may recover from him the estimated cost as stated in the notice issued under sub-section (1), or so much thereof as the Commissioner considers necessary to complete the work, and shall carry out and complete the work.

312-A. Power to prohibit re-erection of building on in accessible sites.-

(1) If any building so situated as to be inaccessible to a fire-engine or as to cause obstruction to a fire-engine from reaching other buildings is demolished or destroyed by fire or otherwise, the Commissioner may by a notice in writing addressed to the owner of the building demolished or destroyed as aforesaid, direct that no building shall be erected which would be in accessible to a fire-engine or which would cause obstruction to a fire-engine from reaching other buildings.
(2) No person shall erect or re-erect any building in contravention of a notice under sub-section (1).

313. Removal of building materials from any premises in certain cases.-

If it appears to the Commissioner that any stone, rafters, building materials or debris of building materials are stored or collected in or upon any premises in such quantity or bulk or inn such a way as to constitute a harbourage or breeding place for rats or other vermin or is otherwise a source of danger or nuisance to the occupiers of the said premises ort o persons residing in the neighbour hood thereof, the Commissioner may by a written notice require the owner of such premises, or he owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as may, in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

314. Power of Commissioner to call for statement of accommodation.-

(1) The owner or occupier of a building shall, within a period of seven days of the receipt of a written notice from the Chief Executive Officer, supply such information with respect to such building or its occupants as the Corporation may prescribe by byelaws.
(2) The occupier of a building occupied as a separate tenement shall on like notice and within the like period supply such information as may be prescribed with respect to such building as aforesaid which is in his occupation.

315. Cleaning and disinfecting of buildings.-

(1) Should be the owner, part-owner, or occupier of any building suffer the same to be in a filthy or unwholesome state, the Commissioner may by a notice require him within twenty four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appears to be necessary for sanitary purposes so to do, may, at any time by a notice, direct the occupier of any building to lime wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

(2) If the Commissioner is of the opinion that the cleansing or disinfecting of a building or any part, thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, he may, by a notice require the owner or occupier to cleanse or disinfect the same in the manner and within the period to be specified in the notice.

316. Building to include part of a building for purposes of this chapter. -

For the purposes of this chapter the expression 'building' includes a part of a building.

Chapter XXVI

STREETS
PUBLIC STREETS

317.Closing of public streets.-

(1) The Corporation may with the previous sanction of the Government permanently close the whole or any part of a public street:

Provided that no such street or part thereof shall be closed unless for a period of not less than one month before the date of the meeting of the Corporation at which the matter is to be decided, a notice has been posted in the street or part thereof which it is proposed to close informing the residents of the proposal and until any objections to the proposal made in writing at any time before the day of the said meting have been received and considered by the Corporation.

(2) When any public street or part thereof is permanently closed under sub-section (1), the site of such street, or of the part thereof which has been closed may be disposed of, subject to the provisions of section n80 as land belonging to the Corporation.

317-A. Laying Railways, tramways or electrical telephone poles.-

(1) Without the previous permission in writing of the Commissioner no person shall lay on under, or above any public street any railway or tramway or erect or lay any poles or cables or the like, or operate the same.

(2) The Commissioner shall give such permission in accordance with any general or special rules which may be made by Government after considering any representation made by the Corporation.

(3) Nothing in this section shall be deemed ton affect any provision of the Indian Telegraph Act, 1885 (13 of 1885), the Indian Tramways 1886 (11 of 1886), the Indian Railways Act, 1890 (9 of 1890) , or the Indian Electricity Act, 1910 (IX of 1910).

318.Prohibition of projection upon streets.-

(1) Except with the previous permission of the Commissioner and in accordance with such terms and conditions, including the payment of rent, as he may impose, no person shall erect, add to, set up or place against or in front of any premises any structure or fixture or obstruction which will-

(a) overhang or project into or encroach upon or in any way obstruct the passage of the public along any street; or

(b) project into or encroach upon or cover any drain or open channel in any street so as to interfere in any way with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Commissioner may by written notice, require the owner or occupier of any premises to take such order as he may direct with any structure, fixture, or covering which has been erected, set up or placed against or in front of the said premises in contravention of this section.

(3) Any rent payable under this section shall be recoverable under Chapter XII of this Act.

319. Procedure to be followed by Commissioner on conviction of a person under Section 434. ----

When any person has been convicted under section 434, the Commissioner may -

a. by a notice, require such person to remove the overhanging structure, encroachment or obstruction and where necessary, to restore the street, drain or channel to the condition it was in before the encroachment ; and
b. If the requirement is not complied with within the time fixed in the notice, have the required act done by his subordinate officers at the expenses of such person and recover the cost of required act from such person as an arrear of tax under chapter XII of this Act.

320. Restriction on powers of municipal authorities in relation to streets-

(1) The Corporation or the Commissioner shall not in respect of any street vested in the Government grant permission to do any act the doing of which without the permission of the Corporation or the Commissioner is punishable under this Act or the rules or byelaws made there under except with the previous sanction of the Government which may accord its sanction either generally or in particular case.
(2) The Corporation or the Commissioner shall, if so required by the Government exercise in respect of such streets, all or any of the powers conferred by this Act upon the Corporation or the Commissioner, as the case may be.

321. Footings of buildings not to establish title to land belonging to Government or vesting in Corporation.-

No title to any land belonging to or vested in the Government or the Corporation shall be deemed to have been acquired by reason only that the footing of the foundations of any building, wall or other structure project or have projected below the surface of such land.

Obstruction in Street

322. Prohibition of obstruction in streets-

(1) No person shall, except with the written permission of the Commissioner granted in this behalf and in accordance with such conditions including the payment of rent or fee, as he may impose either generally or specially in this behalf-
(a) erect or setup any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.
(b) deposit upon any street or upon channel, drain or well in any street or upon any public, place any stall, chair, bench, box, ladder, bale or other thing whatsoever, so as to form an obstruction there to or encroachment thereon.
(2) Whoever contravenes any provision of sub-section (1) shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both and with further fine which may extend to one hundred rupees for every day on which such contravention continues after the date of first conviction for such offence.

(3) Without prejudice to the action under sub-section (2), the Commissioner, notwithstanding anything contained in this Act, may after giving such notice as may be prescribed, cause to be removed any obstruction or encroachment as described in clause (a) and (b) of sub-section (1).
(4) Any of the things caused to be removed by the Commissioner under sub-section (3) shall, unless the owner thereof turns up to take back such things and pays to the Commissioner the charges for the removal and storage of such things, be disposed of by the Chief Executive Officer by public auction or in such other manner and within such time as the Commissioner thinks fit.
(5) The Police Officer shall not investigate into the offence under this Section except on a report made in writing in this behalf by the Commissioner.

322-A. Maintenance of record and submission of report of encroachment-

(1) Every officer incharge of a Ward Committee of such other officer or a servant to whom the duties have been assigned to maintain record of open land or public places belonging to the Corporation shall be responsible to submit reports of occurrence of any encroachment.
(2) The Commissioner on receipt of report under sub-section (1) shall take action to remove such encroachment as soon as possible.
(3) If the officer or servant incharge responsible to keep watch over the encroachments, fails to inform the Commissioner within one month from the date of occurrence of encroachment, such officer or servant shall be deemed to be guilty of dereliction of his duties and disciplinary action shall be taken against such officer or servant.
(4) The Commissioner shall inform the Mayor-in-Council every month about the states of encroachment on open land or public places belonging to the Corporation the action taken or proposed to be taken in respect of them and the name of officers and servants found guilty of dereliction of duties as envisaged under sub-section (3).

323. Streets not to be opened or broken up and building materials not to be deposited there in without permission.-

(1) Except in such cases as the Government may by general or special order exempt from the operation of this Section, no person shall, except with the permission of the Commissioner and in accordance with such terms and conditions, including payment of rent or otherwise, as the Commissioner may impose either generally or in each special case-
(a) open, break up, displace, take up or make any alteration in or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street or in any open space vested in the Corporation or
(b) deposit any building material in any street or in any person space vested in the Corporation; or
(c) set up in any street or in any open space vested in the Municipality any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails boards or other things, by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.
(2) Any permission granted under clause (b) or (c) of sub-section (1) shall be terminable at the discretion of the Commissioner on his giving not less than twenty our hours written notice of the termination thereof to the person to whom such permission was granted.

(3) The Commissioner without prejudice to be penalty that may re imposed may, without notice—
(a) cause the soil or pavement or any wall, fence, post, channel or other material forming part of the street to be restored to the condition if way in before any opening or breaking up or displacement, or alteration or damage made or done without the permission of the authority specified in sub-section (1);
(b) cause to be removed any building materials, any scaffold or any temporary erection, or any posts, bars, rails, boards or other things by was of enclosure, which have been deposited or set up in any street or in any open space vested in the Corporation without any permission of the authority specified in sub-section (1) or which, having been deposited or set up with such permission, have not been removed within the period specified in the notice issued under sub-section (2) and recover the costs of such restoration or removal from the offender.

324. Ground floor doors, etc. not to open onwards on streets.-

If any door gate, bar or window on the ground floor of any premises opens outwards upon a street or upon any land required for the improvement of a street in such a manner as, in the opinion of the Commissioner , to obstruct the safe or convenient passage of the public along such street, the Commissioner may at any time by a written notice require the owner of the said door, gate, bar or window altered so as not to open outwards.

325. Power to require removal of old projections.-

(i) If any such structure, fixture or covering as is described in this section has already been erected, set up or placed against or in front of any premises, the Chief Executive Officer may give notice under sub-section (2) of this section to the owner of the said premises.
(ii) If the owner or occupier of the building proves that any such structure, fixture or covering was authorized by any law previously in force or that it was erected with the consent of any Municipality shall, after such structures have been removed, make reasonable compensation to every person who suffers damage by the removal or alteration thereof.

Private Streets

326. Notice to be given to Commissioner of intention to lay out lands for building and for private streets.-

(1) Every person who intends-
(a) to sell or let o lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon;
(b) to divide land whether unbuilt or partly built into building plots;
(c) to use any land or a portion thereof or permit the same to be used for building purposes; or
(d) to make or lay out a private street, whether it is intended o allow the public a right of passage or access over such street or not;
shall give written notice of his intention to the Commissioner and shall along with such notice, submit plan and sanction showing the situation and boundaries of such building, land and

the site of the private street, if any, and also the situation and boundaries of all other lands of such person of which such building, land or site forms a part and the intended development, laying out and plotting of such building land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private streets, the provisions, for planting and rearing of trees beside such private street, and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, if any building when erected will no abut on a street than already existing or then intended to be made as aforesaid, the means of access from and to such building and the manner of paving, metalling, draining and lighting of such means of access.

(2) Commissioner may call for further particular.- If any notice under sub-section (1) does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any of, or all the purposes mentioned in clauses (a), (b), (c) of sub-section (1) does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice-
(a) to furnish the required information together with all or any of the documents specified in the byelaws; or
(b) to revise any or all the schemes submitted under the said clause (a), (b) or (c) so as to provide for the making or laying out of a private street or streets of such width or widths as he may specify in addition to or in substitution of any means of excess proposed to be provided in such scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.

327. Level of the street to be determined by Commissioner.-

The level, direction, width, and means or drainage of every new street and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the Commissioner.

328. New streets not to be made and buildings on either side thereof not to be erected except in accordance with the direction of Commissioner.-

(1) No person shall make or lay out any new street or erect any building on either side thereof otherwise than in accordance with the direction of the Commissioner under section 327.
(2) If any such new street be made or laid out, or if any building on either side of any such street be erected by any person in contravention of this section, the Commissioner may, by a written notice require the said person to make a statement in writing subscribed by him in that behalf and addressed to the Commissioner to show cause on or before such date as may be specified in such notice why such street or building should not be altered to the satisfaction of the Commissioner, or if that is impracticable, why the same should not be demolished or removed; or may require the said person on such day and at such time and place as may be specified in such notice to appear before the Commissioner, as the case may be, either personally or by an agent and to show cause as aforesaid.
(3) If such person fails to show sufficient cause as aforesaid, the Commissioner may cause the street or building to be so altered or to be demolished or removed and may recover the expenses thereof from the said person.

329. Levelling, metalling etc. of streets.-

(1) If any street be not leveled, paved, lighted, sewered, drained, channeled or flagged to the satisfaction of the Commissioner, he may, with the approval of the Mayor-in-Council by a written notice, require the owner or owners of the street and the owners of the several premises fronting or adjoining the said street, or abutting thereon, or to which access is obtained through such street, or which will benefit by works executed under this section, to contribute within thirty days from the date of receipt of notice in such proportions as he may direct to the cost of leveling, metalling, tarring or asphalting, paving, lighting, sewering draining or flagging the same.
(2) the notice shall show,-
(a) the nature of the intended works;
(b) the estimated expenses thereof including five percent for contingencies;
(c) the proportion of the expenses payable by each owner.
(3) Any person dissatisfied with the notice of the Commissioner calling upon him to contribute towards the cost may appeal to the Revenue Commissioner and the decision of the Revenue Commissioner thereon shall be final.
(4) every such appeal shall be presented within thirty days from the date of the receipt of the notice issued under sub-section(1) and shall be accompanied by a copy of the said notice subject to order that may be passed in appeal, the notice issued under sub-section (1) shall be final.
(5) The provisions of Parts II and III of the Limitation Act, 1963 (No, 36 of 1963) relating to appeals shall apply to every appeal preferred under this section.
(6) If the person on whom a notice is served under sub-section (1) does not within thirty days of the receipt of such notice,-
(a) pay the sum demanded in the notice, or
(b) show cause to the satisfaction of the Chief Executive Officer why he should not pay the same, or
(c) prefer an appeal in accordance with the provisions of sub-section (3), such sum will all cost of recovery may be recovered under a warrant in the form prescribed by byelaws signed by the Commissioner-
(i) by distress and sale of the movable property belonging to such person;
(ii) by attachment and sale of immovable property belonging to him:

Provided that where any precautionary or other measures in respect of any such property have been taken by the Government for the recovery of any sum claimed by it, no proceedings shall be taken continued under this section, in respect of such property until the Government claim has been paid off.
(7) Where the property referred to in sub-section (6) is within the limits of the Corporation, the warrant shall be addressed to an officer of the Corporation and where the property is outside the limits of the Corporation to the Collector of the district concerned:

Provided that the officer to whom the warrant is addressed may endorse such warrant to a subordinate officer.
(8) For every warrant issued under sub-section (6) fee shall be charged at the rates specified in the byelaws and the said fee shall be included in the costs of recovery.
(9) On recovery of the full amount of the estimated expenses the Commissioner shall carry out the work with all convenient speed.
(10) If the expenditure involved is more than the amount recovered, the Corporation shall have powers to recover the difference in the same manner in which the original amount was

recovered; but if the actual cost of the work as finally completed is less than the estimated cost, the surplus shall be refunded to the contributors proportionately to their contribution in all cases where a refund would amount to not less than fifty rupees.

Conversion of streets into public streets

330. Power to declare streets, when metalled, etc. public streets.-

(1) When any street has been leveled, metalled, tarred or asphalted, paved, made good, lighted, drained, channeled and flagged to the satisfaction of the Commissioner, he shall, if so required by the persons liable for the greater part of the expenditure on such, street by notice put up in any part of such street, declare the same to be a public street. The said street shall thereupon become a public street.
(2) The Commissioner may, at any time by a notice exhibited in any street or part of a street not maintained by the Corporation, give intimation of his intention to declare the same a public street, and, unless within one month next after such notice is first exhibited the owner or the majority of owners of such street or such part of street, lodges or lodge objections thereto with the Corporation, the Commissioner may by a notice exhibited in such street or part, declare the same to be a public street vested in the Corporation.
(3) Any person aggrieved by a notice under sub-section (2) may appeal within thirty days from the date of notice is first exhibited, to the District Court who shall give a reasonable opportunity of being heard to the appellant and the Corporation.
(4) The provisions of Parts II and III of the Indian Limitation Act, 1908 relating to appeals shall apply to every appeal preferred under this section.

331. Power to construct or maintain public b ridges.-

The Commissioner when authorized by the Corporation in this behalf may agree-
(a) with any person to adopt and maintain any existing or proposed bridge, Viaduct or archand approaches as part of a public street, or as property vested in the Corporation; or
(b) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof, or for the approaches thereto, either entirely at the expenses of such person or partly at the expense of the Corporation.

Chapter XXVII

GENERAL PROVISION AS TO STREET AND PUBLIC NUISANCE

332. Power to require protection of streets during cutting down of trees, erection, demolition of building etc.-

(1) No person shall without the previous permission in writing of the Commissioner cut down any tree or cut off a branch of any tree, or erect or demolish any building or part of a building or alter or repair the outer portion of any building , where such action is of a nature to cause obstruction, danger or annoyance or risk of obstruction, danger or annoyance to any person using a street.
(2) The Commissioner may at any time by a notice require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning or continuing the Acts unless he put up, monitories and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of the said acts.
(3) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place or to ensure safety and convenience at such work, and any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.
(4) Whoever contravenes, the provisions of sub-section (1) or omits to comply with the terms of a notice under sub-section (2) shall be punishable with fine which may extend to five hundred rupees and in case of continuing contravention or omission with a further fine which may extend to fifty rupees for every day after the first during which the contravention or omission continues.

333. Powers to attach brackets for lamps.-

The Commissioner may attach brackets for lamps to the outside of any building but in such manner as not to occasion any injury to the building or inconvenience to persons using it or passing by it.

334. Destroying direction-posts, lamp-posts, etc.-

(1) Whoever, without being authorized by the Commissioner defaces or disturbs or causes damage to any municipal direction-posts, lamp or any property of the Corporation or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to one thousand rupees.

335. Bill-sticking without permission.-

(1) Whoever, without the consent of the owner or occupier or other person for the time being in charge of any property affixed or causes to be affixed any poster, bill, notice, playcard or other paper or means of advertisement against or upon any street, building, wall, tree, board, fence or pale or writes upon soils, defaces or marks any such building, wall, tree,board fence or pale with

chalk or paint or in any other way whatsoever, shall be punishable with fine which may extend to two hundred rupees.

(2) Notwithstanding anything contained in sub-section (1), the Commissioner may e public notice prohibit the use of any building or part of a building, wall, tree, board, fence or pale in any specified locality or a street without his permission.

No person shall after such public notice make use of any building, wall, tree, board, fence or pale without his permission or in contravention of such permission.

In a prosecution under this section the Court may presume until the country is proved that the bill, notice, playcard or other paper or means of advertisement has been exhibited or affixed by the person for whose benefits such advertisement is made.

(3) Notwithstanding anything contained in Section 396, a Court may take cognizance of an offence under sub-section (1) of this section upon the complaint or the owner or occupier or other person in charge of the property in respect of which such offence is alleged to have committed.

336. Indecent or obscene pictures or printed or written matter.-

(1) Whosoever affixes to, inscribes or stencils on any house, building, wall board, gate, fence, pillar, post board, tree, road, or any other thing whatsoever so as to be visible to a person being in or passing along any street public highway, or footpath and whoever affixes or inscribes or stencils on any public latrine or urinal or delivers or attempts to deliver, or exhibits to any inhabitants or to any person being in or passing along any street, public highway or footpath or throws into the area of any house or exhibits to public view in the window of any house or shop any picture or printed or written matter which is of an indecent or obscene nature, shall on conviction be punished with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

(2) Whosoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in sub-section (1) with the intent that the same, or one or more thereof, should be affixed, inscribed, stenciled, delivered or exhibited as therein ,mentioned, shall on conviction the punished with imprisonment which may extend to three months or with fine which may extend to one thousand rupees), or with both.

(3) Any police officer may arrest without warrant any person whom he shall find committing any offence under this section.

337. Naming of streets and numbering of houses.-

The Commissioner may from time to time-

(a) with the sanction of the corporation determine the name by which any street shall be known;

(b) cause to be put up or painted on conspicuous part of any house at or near each end, cornern or entrance to every street, the name of such street as so determined;

(c) determine the number by which any premises shall be known;

(d) put up or paint a number of premises in such position and manner as he may deem necessary.

(2) No person shall, without the permission of the Commissioner or with other lawful authority, destroy, remove, deface or in any way injure any such name or number or put up or paint any name or number different from that put up or painted by order of the Commissioner.

(3) The name by which any street is known shall not be changed except with the sanction of the Government.

338. Inflammable materials.-

The Commissioner may where it appears to him to be necessary for the prevention of danger to life or property, by special or general notice prohibit any persons persons from stacking or collecting timber wood, dry grass, straw, or other inflammable materials or placing mats or thatched huts or lighting fires in any places or within any limits specified in the notice.

339. Roofs and external walls not to be made of inflammable materials.-

(1) The Commissioner may by general or special order direct that no roofs and external walls of huts or other buildings, shall within the specified limits, be made of grass, mats, leaves, or other inflammable materials, or repaired or renewed with the same unless his permission in writing has been obtained.
(2) The Commissioner may by a written notice require any person who has built the roof or external wall of any hut or other buildings in contravention of a direction issued under sub-section (1) to remove of alter the roof or walls so built.

340. Picketing animals or collecting carts.-

(1) Subject to the provisions of any other Act for the time being in force, whoever, without the permission of the Commissioner pickets animals or collects carts on any street, or uses any street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to two hundred rupees.
(2) Any animal found picketed, tethered or straying on any public street without the permission of the Commissioner may be removed to a pound by any officer or servant of the Corporation or by a police officer.

341. Driving cehicles without proper lights.-

Whoever drives or propels any vehicle not properly supplied with lights in any street during the period form half an hour after sunset to half an hour before sunrise shall be punishable with fine which may extend to fifty rupees.

342. Beating of Drums, etc.-

(1) The Commissioner may by general or special order prohibit the beating of the drum, blowing of horn or trumpet or beating or sounding of any other instrument or making of any noise on any utensil in any specified area or street, either generally or during specified hours:

Provided that the Commissioner may grant exemption to any person for reasons to be recorded in writing.

(2) Whoever contravenes any order issued by the Commissioner under this Section shall be punishable with fine which may extend to one hundred rupess but not less than twenty-five rupees.
(3) In the case of bands, each individual member of such band shall be punishable under this Section.
(4) For purposes of this Section 'instrument' shall include a gramophone, a wireless receiver, a loud speaker or other electrically operated' means of producing or reproducing sound.
(5) The Commissioner or any other officer of the Corporation authorised in this behalf may seize any such article or instrument making noise and shall produce it before the magistrate.

343. Use of steam whistle, etc.-

(1) No person shall use or employ in any factory or other place any whistle or trumpet, or any other mechanical contrivance which emits an offensive noise, for the purpose of summoning or dismissing workmen or person employed, nor shall any person the means of any contrivance increase the noise emitted in any such factory or place by the exhaust pipe of any engine, without the written permission of the Commissioner in granting which the Commissioner may impose such conditions as he may deem proper, restricting the times at which suich whistle or trumpet or other contrivance may be used.
(2) The Commissioner may on giving one month's notice revoke any permission given under sub-section (1).
(3) Whoever in contravention of the provisions of this Section, uses or employs any whistle, trumpet or other contrivance, shall be punishable with fine which may extend to five hundred rupees and with a further fine which may extend to fifty rupees for every day during which the offence is continued.

344. Discharging fire arms.-

Whoever discharges fire-arms or lets off fire works, fire balloons, or detonators, or engages in any game in such a manner as to cause, or be likely to cause danger or annoyance to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to two hundred rupees.

345. Quarrying, blasting, cutting timer or building.-

Whoever quarries, blasts, cuts timber or carries on building operations in such manner as to cause, or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to five hundred rupees.

346. Lopping of branches, etc. of tree or plant on a public place.-

Whoever, without the permission of the Commissioner lops or cuts the branches or twigs of any tree or plant standing on a public place, or plucks the fruits, flowers, or leaves of such tree or plant, or causes any damage thereto, shall be punishable with fine which may extend to one thousand rupees, or in case of a second of subsequent breach to two thousand rupees.

346-A. Spitting in any place other than drain or receptacle.-

Whoever spits in any place other than a drain or a receptacle provided for the purpose by the Corporation shall be punishable with fine which may extend to two hundred fifty rupees.

PART VII
Chapter XXVIII
CO-OPERATION OF POLICE

347. Co-operation of Police-

(1) The District Superintendent of Police, and his subordinates shall, as far as may be, co operate with the Commissioner for carrying out the purpose s of this Act and for the maintenance of public health, safety and convenience within the limits of the Corporation.
(2) It shall be the duty of every police officer within the limits of the Corporation-
(i) to communicate without delay to the Commissioner any formation which he receives of a design to commit or of the commission of any offence against this Act or any rule or byelaw made there under; and
(ii) to assist any corporation officer or servant reasonably demanding his aid for the lawful exercise of any power vested in the corporation or in any Corporation Officer or servant under this Act or any rules or byelaws made there under.
(3) Any officer or servant of the Corporation, when empowered so to do by a general or special order of the Government, may exercise such of the powers of a police officer for such of the purposes of this Act as may be specified in the order.

348. Power of police to arrest offenders.-

(1) Any police officer and in the absence of a police officer, any office or servant of the Corporation Empowered in this behalf by the general or special order of the Government under sub-section (3) of section 347 may arrest any person who commits any offence against, this Act or any rule or byelaws made there under—
(a) if the name and address of the person are unknown to him, and
(b) if the person declines to give his name and address or the is reason to doubt the accuracy of the name and address given.
(2) Any person arrested under this section may be detained until his name and address are correctly ascertained:
Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of the Magistrate for his detention is obtained.

349. Power of District Superintendent to arrest a person on requisition from Commissioner.-

On a written requisition from the Commissioner, the District Superintendent of Police shall order arrest of any person who obstructs any Corporation Officer or servant engaged in the discharge of any duty imposed by this Act or by any rules or byelaws made thereunder.

350. Police protection at fairs, etc.-

When special police protection is in the opinion of the Government, necessary on occasion of any fair, agricultural show or industrial exhibition managed by the Corporation, or for the purpose of guarding houses evacuated due to plague or other epidemic the Government may provide such protection, and the Corporation shall pay the charges hereof or such part of them as the Government considers equitable.

Chapter XXIX

PREVENTION OR EXTINCTION OF FIRES

351. Maintenance of fire brigade and arrangements for the prevention and extinction of fire.-

(1) For the prevention and extinction of fire the Corporation shall maintain a fire brigade and shall provide such implements, machinery or means of communication as the Corporation may think necessary for the efficiency of the brigade.
(2) In order to indicate the location of fire mains and hydrants the Commissioner may direct the fixing of plates on any building or land the painting of signs, or the erecting of appliances as he may think fit.
(3) No person shall destroy, pull down, deface, cover or conceal and such plate, sign or appliance:

Provided that if in the city any Government Department is administrating and controlling the Fire Brigade, the Commissioner shall not make any such arrangement without prior approval of the Government and the arrangement shall be subject to the terms and conditions laid down by the Government in this respect.

352. Power of fire brigade and other person for suppression of fire.-

(1) On the occasion of a fire within the limits of the city any Magistrate, the Commissioner, any member of the Corporation, any member of a fire brigade then and there directing the operations of men belonging to the brigade, and if directed so to do by a Magistrate or the Commissioner, or a member of the Corporation any police officer above the rank of constable, may-
(a remove or order the removal of any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
(b) close any street or passage in or near which any fire is burning;
(c) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down, or use for the passage houses or other appliances, any premises;
(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
(e) call on the persons in charge of any fire engine to render such assistance as may be possible; and
(f) generally, take such measures as may appear necessary for the preservation of life or property.
(2) When any building belonging to, vested or occupied by the Government is endangered by such a fire, the officer of the Public Works Department for the time being in charge of the building may exercise the power conferred on a Magistrate by sub-section (1).
(3) On the occasion of a fire, all persons assisting the fire brigade whether voluntarily or otherwise, shall be under the officer in charge of the fire brigade and shall obey all orders and directions given by such officer.
(4) No person shall be liable to pay damages in respect of anything in good faith done or intended to be done under sub-section (1).

(5) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be a damage by fire within the meaning of any policy of insurance against fire.

353. Power to make regulations for fire brigades.-

(1) When the fire brigade is maintained by Corporation the Commissioner shall make regulations for-
(a) the training discipline and good conduct of the men belonging to the fire brigade;
(b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire;
(c) the maintenance of the said brigade generally in a state of efficiency; and
(d) the submission of reports of fires.
(2) With the approval of the Mayor-in-Council and subject to the conditions and limitations prescribed by this Act, the Commissioner may make regulations for the grant of gratuities, rewards or certificates, to persons who have rendered effective service to the fire brigade on the occasion of a fire.

354. Precautionary measures for places of public entertainment-

The Commissioner may, by notice, require the manager or proprietor of any place of public entertainment to make such provision as he may direct for the prevention and extinction of fire, and for the easy exit of the audience in case of fire.

Chapter XXX
DANGEROUS ANIMALS

355. Disposal of mad and stray dogs and other animals-

(1) The Commissioner may-
(a) authorize any person-
(i) to destroy, or cause to be destroyed or confine or cause to be confined for such period as the Commissioner may direct, any dog or other animals suffering or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid , or any dog on other animals dangerous to human safety, or any bird, animal or other vermin causing a nuisance;
(ii) to confine, or cause to be confined any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property and to charge a fee for such detention and to destroy or otherwise dispose of any such dog if it is not claimed within one week and the fee paid;
(b) issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the streets or beyond the enclosure of the houses of the owners of such dogs should be destroyed and destroy or cause them to be destroyed accordingly:

Provided that before issuing such order a notice to that effect shall be published in the manner prescribed by byelaws.
(2) No damage shall be payable in respect of any dog o other animal destroyed or otherwise disposed of under this section and the carcass shall become the property of the Corporation.

356. Allowing dogs to be at large-

Whoever, being the owner or person incharge of any dog, allows it to be at large in any street without a muzzle-
(a) if such dog is likely to annoy or intimidate passers-by; or
(b) if the Commissioner has by notice in the manner prescribed by byelaws during the prevalence of rabies directed that dogs shall not be at large without muzzles;
shall be punished with fine which may extend to two hundred rupees.

357. Control of elephants, etc.-

Whoever, being in charge of any elephant, camel or bear, omits on being requested so to do to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven or any vehicle drawn by bullocks, shall be punishable with fine which may extend to two hundred rupees.

358. Letting loose horse or other animal-

Whoever willfully or negligently lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause injury, danger, alarm or annoyance to any person or damage to property, shall be punishable with fine which may extend to five hundred rupees.

Chapter XXXI

BEGGARS

359. Commencement of the chapter-

The provisions of this chapter shall come into force on such date as the Government may by notification appoint in that behalf.

360. Soliciting alms-

(1) Whenever, in any street or public place within the limits of the Corporation, begs for alms, or exposes, or exhibits with the object of exciting or extorting alms any deformity, disease or bodily ailment or any offensive sore or wound, shall be punishable with imprisonment which may extend to three months, or with a fine not exceeding five hundred rupees or with both.
(2) If the Court finds that a person has committed an offence punishable under sub-section (1), it may, if in its opinion the person is unable to earn a livelihood owing to physical infirmity or debility, or is otherwise a fit person to be committed to a poor-house, in lieu of passing, a sentence, order that he may, be committed to a poor-house maintained by the Corporation or approved by the Government, for such term and subject to such conditions as may be prescribed by byelaws made under this Act:

Provided that no such order shall be made without giving the person inn charge of the poor-house an opportunity to submit objections and be heard in support of them if he so desires.
(3) If the person committed to a poor-house under sub-section (2) escapes from it or commits a breach of any conditions subject to which he was committed to the poor-house, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.
(4) If the Court finds that the person who has committed an offence a punishable under sub-section (1) was not born within the limits of the city or has not been continuously resident there in for more than one year, it may, in lieu of passing a sentence or order referred to in the aforesaid sub-sections by order in writing direct the said person to leave the said limits within such time and by such route or routes as may b e stated in the order and not to return there to without the permission in writing of the District Magistrate. If the said person fails to comply with the order within then time specified there in , the Court may cause the said person to be removed beyond the limits of the City under such escort as it may direct.
(5) If the said person returns within the limits of the City without the permission of the authority specified in sub-section (4) he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.
(6) Until and during the trial, a person accused of an offence under this section, may be detained either in custody under section 344 of the Code of Criminal Procedure, 1898 or in a poor-house according as the Court may, from time to time, direct.
(7) An offence punishable under this Section shall be cognizable.

361. Importing beggar-

Whoever within the limits of the city employees others for the purpose of begging alms and lives wholly or in part on the proceeds of their begging shall be punishable with imprisonment of either description which may extend to six months or with fine not exceeding one thousand rupees or with both.

Chapter XXXII

DISORDERLY HOUSES

362. Power over disorderly houses and prostitutes-

(1) The Corporation may, by notice in the manner prescribed by byelaws prohibit in any specified part of the City-
(a) the keeping of a brothel;
(b) the residence of any person who practices prostitution.
(2) Whoever after the date of the notice issued under sub-section (1)-
(a) keeps or manages or acts or assists in the management of a brothel within the prohibited area;
(b) being the tenant, lessee or occupier of any premises or any part there of to be used as a brothel or for the purposes of habitual prostitution within the prohibited area; or
(c) being the lessor or landlord, of any premises or the agent to such lessor or landlord, lets the same of any part thereof, within the prohibited area with the knowledge that such premises or some part there of , are , or for the purposes of habitual prostitution, or is willfully a party to the continued use of such premises as a brothel or for the purposes of habitual prostitution; or
(d) being a practicing prostitute resides within the prohibited area; shall be punishable with imprisonment of either description for a term which may extend to six months or with the fine which may extend to five thousand rupees or with both and in the case of a continuing offence with an additional fine not exceeding five hundred rupees for every day after the first during which the offence continues.

363. Brothels-

On the complaint of the Commissioner, or of three or more persons residing within the limits of the city that a bourse within the said limits is used as brothel, or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, or that any such house is used as a brothel in the neighbour hood of a cantonment or of an educational or charitable institution or boarding house or of any place of worship, any Magistrate of the first class having jurisdiction in the place where the house is situated, may summon the owner or the occupier of the house, and on being satisfied that the house is so used and that it is a source of annoyance or offence to the neighbours, or that it is in the neighbourhood of a cantonment or of an educational or charitable institution or boarding house, or of any place of worship, may order the owner or the occupier to discontinue such use of it; and if he fails to comply with such order within five days, may impose upon him a fine not exceeding five hundred rupees for every day thereafter, the house is so used.

364. Control of prostitution.-

The Corporation may in accordance with the byelaws made in that behalf grant licences, impose fees and otherwise control the practice of prostitution within the limits of the Corporation.

364-A. Provisions of this Chapter to be supplemental to Central Act 104 of 1956 and actions under this Act to be subject to the Central Act.-

The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions of the suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956), and anything done or any action taken under this Chapter shall be subject to the provisions of the said Act.

Chapter XXXIII

WEIGHTS AND MEASURES

365. Power to inspect weights and measure and seize false weights, etc.-

(1) The Mayor or the Commissioner may authorize any person to enter into and inspect at any reasonable time, any market, building, shop, stall or place used for the sale of any goods, food, drink or drug and the person so authorized may inspect any instrument for weighting, weights, or measures founds there in and test the same with standard weights and measures and may seize any such instrument for weighting, weight or measures which he reasonably believes to be false or not in accordance with byelaws made by the Corporation under this Act, and may take the same to be examined or tested by the officer appointed for the purpose.

(2) Every person for the time being in charge of or employed in such market, building, shop, stall or place shall if so requested by the person making such inspection, produce for such inspection and comparison all instruments for weighting, weights and measures kept there in.

Chapter VIII
Chapter XXXIV

GENERAL PROVISIONS FOR THE CARRYING OF MUNICIPAL ADMINISTRATION PROCEDURE

366. Licences and permissions.-

(1) Whenever it is prescribed by or under this Act that the permission of the Commissioner is necessary for the doing of any act, such permission shall, unless it is otherwise expressly provided, by in writing.
(2) Every license and written permission granted under this Act or under any rule or byelaw made there under, shall be signed by the Commissioner and shall specify-
(a) the date of the grant thereof;
(b) the purpose and the period, if any, for which it is granted;
(c) the restrictions and conditions, if any, subject to which it is granted;
(d) the name of the person to whom it is granted;
(e) the tax or fee, if any, paid for the licence or written permission;
(f) the date by which an application for the renewal of the same may be made
(3) Except when it is otherwise expressly provided in this Act or in any rule or bye law made there under, a fee for every such licence or written permission may be charged at such rates as may be fixed by the Corporation and such fee shall be payable by the person to whom the licence is granted.
(4) Every person to whom a licence or permission has been granted shall produce it at all reasonable hours of inspection if required by the
Commissioner or any officer authorized by him in this behalf.
(5) Any licence or written permission granted under this Act, or under any rule or byelaw made there under, may at any time be suspended or revoked, by the Chief Municipal Officer if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule or byelaw made there under in any matter to which such licence or permission relates.
(6) When any such licence or written permission is suspended or revoked or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or of any rule or byelaw made there under, be deemed to be without a licence or written permission until such time, whether wihin the said period or otherwise, as the authority granting the same may see fit to cancel the order suspending or revoking the licence or written permission or until the licence or written permission is renewed, as the case may be.
(7) Pending the receipt of orders on his application made on or before the date prescribed by byelaws for application for renewal, an applicant shall be entitled to act as if it has been renewed.
(8) The acceptance by or on behalf of the Municipality of the fee for a licence or permission shall not entitle the person paying the fee to the licence or permission.
(9) Every application for a licence or permit shall be addressed to the Chief Municipal Officer.
(10) Save in cases falling under section--- and -----, if the orders of the Chief Executive Officer on an application for a licence or permission which complies with the provisions of the foregoing sub-section are not communicated to the applicant within six weeks from the date of receipt of the application by the Chief Municipal Officer the applicant may act as if the licence or permit had been granted for the year or for such shorter period as is mentioned in the application.

(11). The rate of the licence and permission fees shall be revised once in every three years.

Evidence

367. Proof of consent etc., of municipal authorities or municipal officers.-

Whenever under this Act or any rule or byelaw made there under, the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of-
(a) the Corporation, or the Mayor-in Council or the Commissioner, or
(b) of any municipal officer;
a written document purporting to have been signed in case-(a) by the Commissioner, and in case-(b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be prima facie evidence thereof.

Signature and service of notice, etc.

368. Signature on notices, etc. may be stamped.-

(1) Every licence, written permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule or byelaw made there under to bear the signature of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of such municipal officer stamped there upon.
(2) Nothing in subsection, (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract.

369. Service of notice, etc., how to be effected on owner or occupier of premises.-

When notice, bill, schedule, summons or other document is required by this Act or any rule or byelaw made there under to be served upon or issued or presented to any person as owner or occupier of any land or building, in so far as it concerns that land or building, the service, or issue or presentation thereof shall be effected either-
(a) by giving or tendering to any person whose name has been entered in the assessment list as the owners, or one of the owners of the property concerned, or to the occupier there of; or
(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier; or of any of the owners or occupiers; or
(c) by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the land or building to which the document relates; or
(d) by delivering at some post office, the said notice, bill, schedule, summons or other document under cover addressed by the description of the owner or occupier of------- (here describing the property concerned) without further name or description of then person concerned, and obtaining a certificate of posting the same from the post office; or
(e) by any one or more of these methods.

370. Service of notice, etc., how to be effected on any person otherwise than as owner or occupier of premises.-

When a notice, bill schedule, summons or other document is required by this Act or by any rule or byelaw made there under, to be served upon or issued or presented to any person, otherwise than as owner or occupier of any land or building, such service, issue or presentation shall be effected-
(a) by delivering at some post office the said notice, bill, schedule, summons or other such documents under cover bearing the address of the person concerned and obtaining therefor a certificate of posting, or
(b) by giving or tendering to such person the said notice, bill, schedule, summons or other such documents, or
(c) by both methods.

370-A. The two preceding sections inapplicable to Court's summons.-

Nothing in the two preceding sections shall apply to any summons issued under this Act by a Court.

371. Public notice how to be made known.-Whenever it is provided by or under this Act that public notice shall or may be given of anything, such public notice shall, in the absence of special provision to the contrary, be in writing under the signature of the Commissioner or of a municipal officer empowered under sub section (4) of section 69 to give the same, and shall be widely made known in the locality to be effected thereby, affixing copy thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum, or by advertisement in the local newspapers, or by two or more of these means and by any other means that the Commissioner shall think fit.

Powers of entry and inspection

372. Power of entry on premises for purposes of inspection, survey or execution of necessary work.-

(1) Any Municipal Officer duly authorized in this behalf by the Commissioner or any Councillor authorized by the Mayor may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry or execute any work which is authorized by this Act or by any rule or byelaw made there under or which, in his opinion it is necessary or expedient for any of the purposes or in pursuance of any of the provisions of this Act or of any such byelaw, to make or execute:
Provided as follows:-
(a) except when it is in this At or in any rule or byelaw made there under otherwise expressly provided, no such entry shall be made between sunset and sunrise;
(b) except when it is in this Act or in any rule or byelaw made there under otherwise expressly provided, n o building used as a dwelling house shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least six hours' previous notice in writing of the intention to make such entry, and, except where it is inexpedient to mention the purpose thereof;

(c) notwithstanding any power to enter any premises conferred upon municipal officers or councilors by this Act or any rule or byelaw made there under sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriate to women to withdraw to some part of the premises where their privacy may not be disturbed;
(d) due regard shall be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of occupants of the premises entered.
(2) Except when it is in this Act or any rule or byelaw made there under otherwise expressly provided, no claims shall lie against any person for compensation for any damage unavoidably caused by any entry made or by the use of any force necessary for effecting such entry:

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence has been or is being committed against some provisions of this Act or any rule or byelaw made there under.

373. Power of entry on lands adjacent to works.-

(1) Any Municipal Officer duly authorized to carry out works may enter upon any land adjoining or within one hundred yards of any works authorized by this Act or by any rule or byelaw made there under and deposit any earth, gravel, sand, lime, bricks, stone or other materials necessary for such works, or for any other purpose connected with the carrying on of such works.
(2) Such Officer shall, before depositing materials under sub-section (1), give the owner or occupier of the land reasonable notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in the said sub-section.
(3) The municipal officer shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and the Commissioner shall pay compensation to the owner or occupier of the land for any temporary damage that may be done in consequence of such entry, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

374. Right of entry into and inspection of premises licensed for any purpose.-

(1) Any Councillor or any Committee authorized by the in that behalf or the Commissioner, or any Municipal Officer authorized by him in that behalf may at any time by day or night and without notice, enter into or upon any place or premises used or intended to be used for any purpose for which any licence or permission is required by or under this Act or any rule or byelaw made there under in order to satisfying himself whether any provision of this Act or any rule or byelaw or any condition of any licence or permission granted or required under this Act or any rule or byelaw made there under is being contravened, and whether any nuisance is being created in or upon such place or premises.

375. Prohibition of obstructing entry.-

No person shall, in any way, obstruct any Committee or Councillor or any Municipal Officer duly authorized in that behalf in making any entry under section 365, 372, 373 or 374 any other municipal officer or any other person accompanying him at his request or acting under his orders for the purpose of such entry.

Enforcement of orders to execute works, etc.

376. Execution of works which any person is required to execute by Commissioner at such person's cost.-

(1) When any requisition order is made under this Act or any rule or byelaw made there under, by written notice issued by the Commissioner or by any municipal officer duly empowered in this behalf, a reasonable period to be determined by the Commissioner shall be prescribed in such notice for carrying such requisition or order into effect.
(2) If, within the period so prescribed, such requisition or order or any portion there of is not complied with, the Commissioner may take such measures, or cause such work to be executed or things to be done, as may, in his opinion, be necessary for giving due effect to the requisition or order so made; and unless it is in this Act or in any rule or byelaw made there under otherwise expressly provided, the expenses thereof shall be paid by the person or any one or more of the persons to whom such requisition or order was addressed.
(3) When a person is required under any provision of this Act or under any rule or byelaw made there under to supply any materials or fittings or to do any work, the Commissioner may, upon the requisition of such person in writing, supply the necessary materials or fittings or cause the necessary work to be dome in this behalf:
Provided that the said person shall first deposit as sum sufficient in the opinion of the Commissioner to cover the cost of the said materials, fittings or work.
(4) When a person is required to execute any work under the provisions of this Act or under any rule or byelaw made there under, the Commissioner may, for reasons to be recorded in writing instead of giving him the option of executing it, cause such work to be executed by municipal or other agency under his own supervision, and may recover the expenses incurred there by from the person liable to execute the work:
Provided that the Corporation may, on the advice of the Commissioner, execute the work at the coast of the municipal fund.

Recovery of Expenses

377. Power of Commissioner to accept agreement for payment of expenses in installments.-

(1) When ever under this Actor under any rule or byelaw made there under, the cost of any work executed or of any measure taken or thing done, by or under the order of a municipal authority, any magistrate or any municipal officer empowered in this behalf, is payable by any person, the Commissioner may with the approval of the Mayor-in- Council instead of recovering any such cost in any other manner provided in this Act or in any rule or byelaw made there under, take an agreement from the said person to pay the same in installments of such amount and at such intervals as will secure the payment of the whole amount due, with interest there on at the rate not exceeding six per centum per annum, within a period of not more than five years.

(2) If any installment is not paid on or before the date on which it falls due, the Commissioner may thence forward recover interest on the sum then due at such rate not exceeding nine per centum per annum as he may deem fit.

378. Power to declare certain expenses to be improvement expenses.-

If any cost or expenses removable under this Act have been incurred by the Commissioner under any provision of this Act or any rule or byelaw made there under in respect of, or for the benefit of, any land or building the Commissioner may with the approval of the Corporation declare such costs or expenses to be improvement expenses.

379. Improvement expenses how recoverable and by whom payable.-

Improvement expenses declared as such under section 378 shall be a charge on the premises in respect of which or for the benefit of which, they have been incurred, and shall be recoverable in installments of such amount, not being less than twelve rupees per annum for each separate property, and at such intervals as will suffice to discharge such expenses, together with interest there on at as rate not exceeding six per centum per annum , within such period, not exceeding thirty years, as the Municipality may in each case determine.
(2) The said installments shall be payable by the owner of the premises on which the expenses are still payable or by the occupier to the extent of the rent which has or may become due from him.
(3) If any installments is not paid on or before the date on which it falls due, the Commissioner may recover interest on the sum due at such rate not exceeding nine per centum per annum as he may deem fit.

380. Right of owner or occupier to redeem charge for improvement expenses.-

At any time before the expiry of the period for the payment of any improvement expenses, the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses as are still payable.

381.Execution of work by occupier in default of owner and deduction of expenses from rent.-

Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or under any rule or byelaw made there under, the occupier, if any, of such land or building may with the previous approval of the Commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may, without prejudice to any other right of recovery, deduct the amount thereof from the rent payable by him to the owner.

382. Limitation of liability of agent or trustee.-

No person who receives the rent of any land or building as an agent or trustee only shall be liable to do anything which by this Act or any rule or byelaw made there under is required to be done by an owner, if he proves to the satisfaction of the Commissioner that he has not in his hands funds belonging or payable to the owner sufficient for the purpose:

Provided that nothing in this sub-section shall be deemed to prevent the Commissioner from carrying out the necessary works and recovering the expenses so incurred from the actual owner.

Payment of Compensation

383. General power of Commissioner to pay compensation.-

In any case not otherwise expressly provided for in this Act, or in any rule or bylaw made there under, the Commissioner may, with the previous approval of the Mayor-in-Council, pay compensation to any person who sustain damage by reason of the exercise of any of the powers vested by this Act or by any such rule or byelaw in the Commissioner, or in any municipal officer or servant.

384. Compensation to owner for value of immovable property deteriorated.-

(1) In any case in which immovable property has deteriorated in value owing to the exercise of any powers conferred by sections 190,191, 192, 193, 211, 213, 214 and 285, Corporation may offer to the owner of the property reasonable compensation.
(2) If the owner of the property which has deteriorated in value accepts the compensation, he shall be deemed to have granted to the Corporation a perpetual rights to continue the exercise of its powers under any of the said sections in such manner as not to create greater nuisance or to cause greater damage than was being created, or caused at the time when compensation was received.

Complaint of Injury

385. Procedure on Complaint of injury.-

(1) Any person who is injuriously affected by the exercise of any power conferred by section 190,191, 192, 193, 211, 213, 214 and 285, may complaint to the First Class Magistrate having jurisdiction that more than the least practicable nuisance or damage has been created or caused.
(2) upon receipt of the complaint the Magistrate may, after making such enquiry as he deems fit, direct the Corporation-
(a) to take such measures as it may deem practicable and reasonable for preventing, abating, removing or diminishing the nuisance or damage;
(b) to pay to the complaint all reasonable costs of and relating to his complaint, which cost may include compensation for the complaint's loss of time in prosecuting the complaint.
(3) It shall be incumbent on the Corporation, the Mayor-in-Council or the Commissioner, as the case may be to obey every such order.
(4) Any appeal shall lie to the district court from an order passed by the Magistrate under this section within one month from the date of such order.

386. Compensation to be paid by offenders against this Act for any damage caused by them.-

(1) any person who has been convicted of an offence punishable under this Act or under any rule or byelaw made there under shall, notwithstanding any punishment for which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Commissioner may consider reasonable.

(2) In the event of dispute regarding the amount of compensation payable under sub-section(1) such amount shall, on application made to him, be determined by the Magistrate, before whom the said person was convicted of the said offence and on his failure to pay the amount of compensation so determined, the same shall be recovered under a warrant issued by the said Magistrate as if it were a fine inflicted by him on the person liable to pay the compensation. The amount of compensation so recovered shall be credited to the Municipal fund.

Recovery of expenses or compensation in case of disputes

387. Arbitration in cases of compensation, etc.-

(1) If an agreement is not arrived at with respect to any compensation or damages which are by this Act directed to be paid, the amount and if necessary by the apportionment of the same shall be ascertained and determined by a Panchayat of three persons of whom one shall be appointed by the Corporation, one by the party, to or from whom such compensation or damages may be payable or recoverable, and one, who shall be Sarpanch, shall be selected by the members already appointed as above.

(2) If either party or both parties fail to appoint members within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, or if the members fail to select a Sarpanch, such members as may be necessary to constitute the Panchayat shall be appointed, at the instance of either party, by the District Court.

(3) In the event of the Panchayat not giving a decision within one month or such other longer period as may be agreed to by both the parties from the date of the selection of the Sarpanch or of the appointment by the District Court of such members as may be necessary to constitute the Panchayat, the matter shall, on application by either party be determined by the District Court which shall, in cases, in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court:

Provided that-

(a) no application to the Collector for a reference shall be necessary, and

(b) the court shall have full power to give and apportion the costs of all proceedings in manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the Panchayat has given a decision, either party, if dissatisfied with the decision, may within a month of the date thereof apply to the District Court and the matter shall be determined by the District Court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building, the Corporation may after the award has been made by the Panchayat or the District Court, as the case may be, take possession of the land or building after paying the amount of the compensation determined by the Panchayat or the District Court to the party to whom such compensation, may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the appointment of it, the Corporation shall deposit the amount of the compensation in the District Court, and take possession of such property.

388. Recovery of sums ascertained under section 387 to be due.-

If the amount of any expenses, compensation or damages determined in accordance with section 387 is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under the decree of the District Court.

389. Saving of right to claim damages for injury.-

Nothing in this Act shall affect the right of any person who may suffer injury or whose property may be injuriously affected by reason of any done in exercise of any power conferred by sections 190, 191, 192, 193, 211, 213, 214 and 285 to recover damages.

Recovery of certain dues

390. Recovery of certain dues by distress and sale.-

In any case not expressly provided for in this Act or in any rule or byelaw made there under, any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or under any such rule or byelaw, shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XII.

390-A. Recovery of certain dues by distress and sale.-

In any case not expressly provided for in this Act or in any rule or byelaw made there under, any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or under any such rule or byelaw, shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XII.

391. If the defaulter is the owner of premises in respect of which expenses are payable the occupier may also be liable for payment there of.-

If the default referred to in the last preceding section is in connection with a building or land and the defaulter is the owner thereof, the sum due may be demanded from any person who at the time when the said expenses were incurred occupied the said building or land under or from the said owner. In the event of the occupier failing to pay the sum due, it may be recovered by distress and sale of the goods and chattels of the said person as if the amount there of were a property tax due by him.

Provided that-

(a) if the occupier makes a true disclosure of the name and address of the person to whom the rent is due and proves to the satisfaction of the Commissioner that the amount of rent payable by him to that person on the date of the demand, then the occupier shall not be liable to pay on account of the said demand, any sum greater than the amount payable as rent on the date aforesaid;

(b) the occupier shall be entitled to credit in account with the owner for any sum recovered from him on account of the said expenses;

(c) nothing in this section shall affect any agreement made between the occupier and the owner respecting the payment of expenses as aforesaid.

Proceedings before Court

392. Decision of the District Court.-

Notwithstanding anything to the contrary in any other law for the time being in force, the District Court, shall exercise all the powers and jurisdiction expressly conferred on or vested in it by the provisions of this Act, and unless it is otherwise expressly provided by this Act, its decision shall be subject to revision by the High Court.

393. Procedure in inquiries before Civil Courts.-

For the purpose of any appeal , inquiry or proceeding under this Act, the High Court and the District Court, may exercise all the powers conferred on them by the Code of Civil Procedure, 1908, and the Madhya Pradesh Civil Courts Act, 1958 (19 of 1958) and shall observe the procedure prescribed in the said enactments, so as it is not inconsistent with the provisions of this Act.

(2) The costs of every appeal, inquiry, or proceeding under this Act shall be payable by such parties and in such proportions as the Court may direct and the amount there of shall, if necessary, be recoverable as if it were due under a decree of the Court.

394. Fees in proceedings before Civil Courts.-

(1) The Government my by notification in the Gazette prescribe what fee, if any, shall be paid-

(a) on any application, appeal or reference made under this Act to the District Court; and

(b) for the issue in connection with any enquiry or proceeding of the Court under this Act, of any summons or other process:

Provided that the fee (if any) prescribed under clause (a) shall not, in cases in which the value of the claim or subject- matter is capable of being estimated in money exceed the fees leviable, for the time being, in cases in which the value of the claim or subject- matter is of like amount.

(2) The Government may from time to time, by a like notification, determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) no application, appeal or reference shall be received by the District Court until the fee, if any prescribed under clause (a) of sub-section (1) has been paid.

395. Limitation.-

Where no time is prescribed by this Act for the presentation of an application or appeal, such application or appeal shall be presented subject to the provisions of section 5 of the Indian Limitation Act, 1908; which is hereby made applicable to such application or appeals within thirty days after the date of the order in respect of or against which the application or appeal is made:

Provided that if the application is an application for revision to the High Court the period of limitation shall be sixty days.

Proceedings before Magistrate

396. Procedure in prosecution.-

No Magistrate shall take cognizance of any offence under this Act or under any rule or byelaw made there under, except on a complaint signed by the Commissioner or by any Municipal Officer or the officer-in-charge of a police authorized by the Commissioner in this behalf either generally in regard to all such offences or particularly in regard to specific offences or offences of a special class.

397. Power of Magistrate to hear case in absence of accused.-

If any person summoned to appear before a Magistrate to answer a charge of an offence under this Act or against any rule or byelaw made there under fails to appear at the time and place mentioned in the summons, the Magistrate may, if-
(a) service of the summons is proved to his satisfaction, and
(b) no sufficient cause is shown for the non-appearance of such person; hear and determined the case in his absence.

398.Limitation of time for prosecution.-

No Magistrate shall take cognizance of any offence under this Act or under any rule or byelaw made there under unless complaint of such offence is made-
(a) within six months next after the date of the Commission of such offence; or
(b) if such date is not known or the offence is a continuing one, within six months next after the date on which the Commissioner or of any officer or servant whose duty it is to report such offence to the Commissioner.

399. Proceedings, if any, occupier opposes the execution of the Act.-

If the occupier pf any building or land prevents the owner thereof from carrying into effect in respect of such building or land, any of the provisions of Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act may also, if he thinks fit, order the occupier to pay the owner the costs relating to such application or order, and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute any such work such occupier shall for every day during which he so continueous to refuse be punished with fine which may extend to five hundred rupees and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Legal Proceedings

400. Power of Commissioner to institute legal proceedings and obtain legal advice.-

(1) The Commissioner may on behalf of the Corporation-
(a) institute, defend or withdraw from legal proceedings under this Act, or under any rule or byelaw made there under or any other enactment for the time being in force,
(b) compound any offence under this Act or under any rule or byelaw made there under and charge such fees for compounding of offence as may be prescribed by byelaws by the Corporation
(c) admit, compromise or withdraw any claim made under this Act or under any other enactment for the time being in force; and
(d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon the Corporation, the Mayor- in- Council or any municipal officer or servant:

Provided that the Commissioner shall not admit, compromise or withdraw any claim in a suit in which the whole amount claimed exceeds five hundred rupees without the previous sanction of the Mayor-in-Council, or where the total amount claimed exceeds two thousand rupees, without the previous sanction of the Corporation,
(2) Money received by way of composition under this Section shall be credited to the Municipal Fund.

401. Notice, limitation and tender of amends in suit against Corporation etc.-

(1) No suit shall be instituted against the Corporation, the Mayor-in-Council or any Corporation Officer or servant, or any person acting under the direction of the Corporation the Mayor- in-Council or any municipal officer or servant, in respect of any act done or purporting to have been done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act or any rule or byelaw made there under until the expiration of one month next after notice in writing has been delivered or left at the Chief Corporation Officer or at the residence of such officer, standing with adequate particulars,-
(a) the cause of action;
(b) the name and residence of the intending plaintiff and of his advocate, pleader or agent, if any, for the purpose of the suit; and
(c) the relief which he claims.
(2) Every such suit shall be commenced within six months next after the accrual of the cause of action, and the plaint there in shall contain a statement that a notice has been delivered or left as required by sub-section (1).
(3) If the Corporation or any person to whom any notice is given under sub-section (1) has tendered sufficient amends so the plaintiff before the suit is instituted, the suit shall be dismissed.
(4) If the defendant in any such suit is the Commissioner or any other Corporation Officer or servant, payment of any sum or part there of payable by him or in consequences of the suit may with the sanction of the Mayor-in-Council be made from the Municipal Fund.

402. Indemnity for act done in good faith.-

No suit or prosecution shall be maintainable against the Corporation or the Mayor-in-Council or Councillor or any Municipal Officer or servant, or any person acting under or in accordance with the direction of the Municipality or Chief Councillor in Council or any Municipal Officer or servant inn respect of anything in good faith with discuss and attention done or intended to be done under this Act or under any rule or byelaw made thereunder.

Appeals

403. Appeal against the order of the Commissioner and subordinate officers.-

(1) Any person aggrieved by an order passed an officer subordinate to the Commissioner, under this Act or under any rule or byelaw made there under may appeal of the Commissioner within thirty days of the date on which the order is conveyed to him.
(2) Any person aggrieved by:-
(a) any notice or order issued or other action taken by the Commissioner under sections 174, 193, 195, 196, 197, 198, 199, 202, 204, 205, 207, 208, 209, 210, 237, 241, 243, 246, 247, 248, 249, 295, 296, 299, 301, 302, 310, 311,312, 313,315, 322, 323, or 393 of this Act or any rule or bylaw made there under,
(b) any order of the Commissioner regarding granting or refusing a licence or permission; or
(c) any other order of the Commissioner that may be made appealable by byelaws under section 427,
may appeal to the Corporation within 30 days from the date of such order.
(3) such appeal shall be heard and disposed of by a committee to be called the "Appeal Committee" appointed by the Corporation.
(4) The Appeal Committee shall consist of the Mayor and four elected Councillors elected by the Corporation in accordance with the system of proportional representation by means of a single transferable vote, in the meeting called under sub-section (1) of section 18. The Mayor shall be ex-officio Chairman of the Appeal Committee.
(4-A) The tem of Appeal Committee shall be conterminous with the term of the Corporation.
(4-B) In the event of any vacancy occurring in the Appeal Committee it shall be reported to the authority prescribed under sub-section (1) of section 18 and the vacancy shall be filled in, in accordance with the provisions of sub-section (4).
(5) The Appeal Committee may for sufficient cause extend the period prescribed for appeal.
(6) The Appeal Committee may remand any case for further enquiry or decision or may pass any other order as may be deemed just and proper; and no appeal or revision shall lie against this decision of the Committee.
(7) The Appeal Committee may review its own order:
Provided that no order under sub-section (6) or (7) shall be passed to the prejudice of any person until he has been given a reasonable opportunity of being heard.
(8) The Appeal Committee may allow any Officer deputed by the Commissioner for the purpose to appear before it in any appeal and to watch, or re-present the interests of the Corporation.
(9) The Corporation may frame byelaws for the conduct of business before the Appeal Committee.

404.Suspension of orders pending appeals.-

When an appeal has been instituted against an order under the aforesaid sections, all proceedings to enforce such order and all prosecutions for a breach thereof may, by an order of the Appellate Authority or the Mayor when the Appeal Committee is not sitting, be suspended pending the decision of the appeal.

Chapter XXXV

SUPPLEMENTAL PROVISIONS

405. Power of Governor to include or exclude certain area.-

(1) The Governor may by notification in the gazette declare the intention to include within or exclude from the limits of the city any specified area.
(2) If the local authority having jurisdiction in the said area or any person resident therein, objects to such declaration such authority or person may submit an objection in writing to the Collector "within a prescribed period and the Governor shall take such objection into consideration.
(3) When the said period has expired and the Governor has considered the objection under sub-section (2), the Governor may by notification, include within or exclude from the limits of the city any specified area:

Provided that when an area is excluded from the limits of any municipal area, such area notwithstanding such exclusion shall continue to be within the limits of the municipal area until the area so excluded is included in a duly constituted Panchayat area.

406. Effect of inclusion.-

(1) When the said area is included within the limits of the city under section 405,-
(a) the Municipal Law or any other Act dealing with local self government, as the case may be, if in force in such area shall be deemed to be repealed therein; and
(b) except as the Government may otherwise by notification in the Gazettee direct, all rules, byelaw, regulations, notifications, orders, directions and powers made, issued or conferred under this Act and in force at the date of inclusion shall apply to the said area, in supersession of all corresponding rules, byelaw, regulation, notifications, orders, directions and powers made, issued or conferred under the Act deemed to be so repealed.
(2) The Government may issue such orders as may be necessary to give effect to the inclusion of the said area and any matters incidental or ancillary thereto.

407. Exclusion of specified areas from the operation of certain provisions.-

(1) The Government after consulting the Corporation may, by notification in the Gazette and in such other manner as it may determine, declare its intention to exclude any specified area within the limits of the city from the operation of such provisions of this Act, as are, in the opinion for the Government, unsuited there to, and thereupon the said provisions shall cease to have effect in the said area.
(2) The Government may make rules for the guidance of the municipal authorities and public officers in respect of the matters covered by the said provisions while the area is excluded.

GENERAL PROVISION

408. Power of authority to require any one or more or a number of things to be done.---

Where a power is expressed as being conferred on any authority to require a person to do a number of things, that authority may from time to time in its discretion require that person to do any one or more of those things.

409. Determination of owner or occupier where there are gradation of owner or occupier.--

Whenever any right is conferred or duty is imposed, by or under this Act or by any rule or byelaws made thereunder, on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the Commissioner may, after due inquiry, determine from time to time which of such owners or occupier shall be deemed to be so entitled or bound.
Provided that if the name of any one such owners or occupiers has been entered in the assessment list in pursuance of any decision given by the Commissioner, such owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment list.

410. Councillors and Municipal Officers, etc., to be deemed public servants.--

Every officer or servant in the employ of the Corporation whether for the whole part of his time, and every Councillors of the Corporation shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

411. Prohibition of obstruction to municipal Contractors. --

No person shall obstruct or molest any person with whom the Commissioner has entered into a contract in the performance or execution of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule or byelaws made thereunder.

412. Prohibition of removal of marks.--

No person shall remove any marke set up for the purpose of indicating any level, measurement or direction necessary to the executing of works authorised by this Act or by any rule or byelaws made thereunder.

CONSTRUCTION OF REFERENCE

413. Construction of references. - In every enactment or instrument in force when the provisions of this Act are applied to a city unless a different intention appears ---

a. all references to the municipal area shall be construed in respect of the city as references to the area within the limits of the city;
b. all references to the Municipal Committee, Municipal Council, Municipal Board or the Municipality of the City shall be construed in respect of the city, as reference to the Corporation for the city constituted under this Act;
c. all references to the President or Vice-President of the Municipality shall be construed in respect of the City as reference to the Mayor or the Deputy Mayor, as the case may be ;
d. all reference to the members of a Municipality shall construed as references to the Councillors referred to in section 9; and
e. all references to any chapter or section of the Municipal Law shall as for as possible be construed in respect of the city as references to this Act or to its corresponding chapter or section.

Supplemented Provisions

414. Informalities and errors in assessment, notice, bills, etc., not to be deemed to invalidate such assessment, etc. ---

1. Any informality, clerical error, omission, or other defect, in any assessment made, or in any distress levied or attachment made or in any notice, bill, schedule, summons or other document issued under this Act or under any rule or byelaw may at any time, as far as possible be rectified.
2. No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, attachment, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the rules and byelaws have in substance and effect been complied with, but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by a suit in a court of competent jurisdiction or in any distress levied or attachment made.

415. Dispute between Corporation and local authorities.--

If any dispute arises between the Corporation and any local authorities as regards anything done or to be done under this Act, it shall be referred to the Government for decision and such decision may include an order as to the costs of any enquiry ordered by the Government, and shall be final:
Provided that it shall be competent to the Corporation and the local authority to agree in writing that any such dispute shall, instead of being referred to the Government for decision, be referred to the decision of an arbitrator or arbitrators appointed under the Arbitration Act 1940, or to a Civil Court under Section 90 of the Code of Civil Procedure, 1908.

416. Dispute between Government and Corporation. --

1. If at any time it appears to the Government that a dispute has arisen or is likely to arise between the Government and the Corporation as to the interpretation of any of the provisions of this Act or of any of the rules or byelaws made there under, which is of such a nature and of such public importance that it is expedient to obtain the decision of the High Court upon it, the Government may refer the question to the High Court for consideration and the High Court may, after such hearing as it thinks fir, give its decision on the same.
2. The decision of the High Court under sub-section (1) shall be binding on the Government and the Corporation.
3. Nothing in this section shall derogate from the authority of the Government as laid down in Chapter XXXVI.

PART IX
Chapter XXXVI

CONTROL

417. Power of Government to require returns, etc.-

(1) The Government may require the Commissioner to furnish it with-
(a) any return, statement, estimate, statistics or other information regarding any matter under the control of any Municipal authority of the city.
(b) a report on any such matter, or
(c) a copy of any document in his charge or under his control.
(2) The Government may, at any time, for the purpose of satisfying itself as to the legality or property of any order passed by the Commissioner or any officer subordinate to him in exercise of the powers conferred by or under this act, or as to the regularity of the proceedings of any meeting of the Corporation or Mayor-in-Council, held in pursuance of the provisions of this act call for and examine the record of any case pending before or disposed of by the Commissioner, the Corporation or a Mayor-in-Council and may pass such order in reference their to as it thinks fit:

Provided that no order shall be varied or reversed unless notice has been given to the parties interested to appear or to be heard in support of such order.

417-A Power of the Government to depute officers to make enquiry, inspection or examination and report,-

(1) The Government may depute Divisional Commissioner, Director, Urban Administration or Collector to make an enquiry into the affairs of a Corporation or inspection or examination of any department, office, service, work or thing under the control of any Corporation authority and to report to it the result of such enquiry, inspection or examination.
(2) any officer so deputed may, for the purpose of making such enquiry, inspection or examination, inspect the condition of any part of the city and mayrequire the commissioner.
(a) to produce any record , correspondence, plan or document which is in his possession or under his control or which is recorded or field in his office or in the office of any officer or servant of the Corporation; or
(b) to furnish any report, return, plan, estimate, statement, account or statistics, and may examine such witnesses as he thinks fit.
(3) Every requisition made under this section shall be complied with by the Commissioner, without delay.

418. Power of Government to require Municipal Authority to take action.-

If the Commissioner fails within such period as may have been fixed by the Government to comply with a requisition under section 417 or if on receipt of any report submitted under section 417-A or on any complaint or information it appears to the Government that –
(a) any of the duties imposed by or under this Act or by any other law for the time being in force has not been performed or has been performed in an imperfect, inefficient or unsuitable manner ; or

(b) the Corporation, the Mayor-in-Council the Commissioner or any other officer or servant of the Corporation has failed to take such measures in any matter as appear to the Government to be require by the circumstances of the case; or
(c) adequate financial provision has not yet been made for the performance of any such duty or the taking of any such measure; the Government may be return order, direct the Corporation, the Mayor-in-Council, the Commissioner, or any other officer or servant of the Corporation within a period specified in the order-
(i) to make arrangements to the satisfaction of the Government for the proper performance of the duties referred to in clause (a) or to take such measures as may be specified by the Government in connection with any matter referred to in clause(b), or to make financial provision to the satisfaction of the Government for the performance of any such duty or for the taking of any such measure, as the case may be, or
(ii) to show cause to the satisfaction of the Government against the making of such arrangements, the taking of such measures or the making of such provision, as the case may be,

418-A Power of State Government to issue directions for implementation of welfare measures-

(1) If the State Government desire to implement certain welfare measures in respect of housing public utility, sanitation or health of the public it may issue directions to the Corporation for implementing the welfare measures specified in the directions.
(2) On receipt of directions under sub section (1), the Corporation shall comply, with the said directions.

418-B.- Public opinion to be obtained-

Notwithstanding anything contained in this Act the Corporation shall obtain public opinion on any question of public interest and in such manner as may be directed by the State Government.

419. Procedure by Government when municipal authority fails to take action.-

(1) Within the period fixed by any order issued under section 418, or directions issue under section 418-A, any action directed there under has not been duly taken, ,or cause has not been shown as aforesaid, the Government may, by order-
(a) appoint some person to take the action so directed;
(b) fix reasonable remuneration to be paid to him, and
(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal Fund and, if necessary, that any one for more of the taxes authorized by Chapter-XI shall be levied or increased.
(2) the person appointed under sub section(1) may, for the purpose of taking the action directed under section 418 exercise any of the powers conferred on any officer of the Corporation by or under this Act, including the power to draw cheques on the account of the Municipal Fund.
(3) Any Bank or Society having the custody of any account referred to in sub-section (2) shall be bound to honor cheques drawn as aforesaid on that account to the extend of the amount standing to the credit of the Municipal Fund.

(4) The Government may , in addition to or instead of directing under sub-section(1) the levy for increase of any taxes direct by notification that any sum of money which may, in its opinion, be required for giving effect to any order issued under that sub-section be borrowed, by way of debenture on the security of all or any of the said taxes, at such rates of interest and upon such terms as to the time or repayment and otherwise as may be specified in the notification.
(5) The provisions of Chapter IX shall apply to any loan raised in pursuance of sub section (4).

420. Power to demand punishment or dismissal.-

Notwithstanding anything contained in this Act, if in the opinion of the Government any officer or servant of the Corporation is negligent in the discharge of his duties the Corporation shall, on the requirement of the Government, suspend, fine or otherwise punish him and if in the opinion of the Government he is unfit for his employment the Corporation shall dismiss him.

421. Power of Government to suspend any resolution or order.-

(1) If, the Government is of opinion that the execution of any resolution or order of the Corporation or of any other authority or officer subordinate there to or the doing of any act which is about to be done or is being done by or on behalf of the Corporation, is n ot in conformity with law or with the rules or byelaws made there under, or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body or persons or is likely to cause waste of or damage to Municipal funds, the Government may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act.
(2) A copy of the order of the Government shall be sent to the Corporation by the Government.
(3) On receipt of copy of the Order as aforesaid, the Corporation may, if it is of opinion that the resolution, order or act is not in contravention or excess of the powers conferred by any law for the time being in force, or the execution of the resolution or the doing of the act is not likely to cause waste of or damage to Municipal funds, make a representation to the Government against the said order.
(4) The Government may, after considering the said representation, either cancel, modify or confirm the order passed by it under sub-section (1) or take such other action in respect of the matter as may in the opinion of the Government be just or expedient having regard to all the circumstances of the case.

422. Dissolution of the Corporation.-

(1) The State Government may, b y and order, stating the reasons thereof, dissolve the Corporation, if –
(a) at any time upon representation mad e or otherwise the State Government is satisfied that the Corporation is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or any order law for the time being in force or exceeds or abuses its powers, or
(b) the Corporation fails to elect a Speaker within one month from the date of the publication of the election of the Councillors in the Gazette by the State Election Commission after every

general Election of the Councillors on the expiry of the term of the Speaker within one month thereof, or

(c) omitted

Provided that the Corporation shall be given a reasonable opportunity of being heard before its dissolution.

(2) An order passed under sub–section (1) shall take effect from the date of its publication in the official gazette.

422-A. Omitted

423. Consequence of dissolution.-

(1) When the Corporation is dissolved under section 422, the following consequences shall ensue:-

(a) all Councillors and Mayor shall vacate their office from the date the order of dissolution of the Corporation comes into effect.

(b) all powers and duties of the Corporation, the Mayor-in-Council and the appeal committee under this act, may, until the Corporation is reconstituted be exercised and the performed by such person or a committee of persons as the State Government may appoint in that behalf.

(c) all property vested in the Corporation shall, until the Corporation is reconstituted, vest in such person or committee in trust for the purposes of this act.

(2) The person or the committee of persons appointed under clause(b) of sub-section(1) shall be called the Administrator of the city and may sue and be sued in the name of the "the Administrator of the City".

(3) The Administrator of the City shall be subject to the control of the Government and such other person or persons as it may direct, and shall be subject also to all other restrictions, limitations, and conditions imposed by this act on the Corporation, and the Mayor-in-Council and the Appeal Committee.

(4) Any person or persons appointed under clause (b) of sub-section (1) may, at any time be removed by the State Government who shall have power to appoint another person or persons, as the case may be, in his or their place of places.

(5) The person or persons appointed under clause (b) of sub-section(1) may, if the State Government so directs, receive payment for his or their services from the Municipal Fund.

424. Omitted

425. Enforcement of order.-

In all matters connected with this Act, if the Corporation makes default in carrying out any order made by the Government or by any authority other than the Corporation in exercise of any of the powers conferred by this Act or any rule made there under, the Government shall have all the powers necessary for the enforcement of such order at the cost of the Corporation.

425.A. Certain officials entitled to attend meeting of corporation or Mayor in Council

Any officer of the Education, Public Works, Medical Sanitary and other Technical Departments whom the Government may be general or special order appoint in this behalf, shall be entitled to

attend any meeting or the Corporation or Mayor in Council and address it on any matter concerning the work of his department.

426. Rules for inspection of institution and works of Corporation

The Government may make rules authorising inspection under this Act by servants of the Government, of Institutions and works which are under the Management and control of the Corporation and regulating such inspection.

426.A. Removal of difficulties.--

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for the purpose of removing the difficulty.

426. B. Delegation of powers.--

The State Government may, by notification delegate to any officer subordinate to it all or any of the powers conferred upon it by or under this Act expect the power under section 422.

PART X
Chapter XXXVII

BYELAWS

427. Byelaws.-

The Corporation may, and if so required by the Government, shall make byelaws consistent with the provisions of this Act and the rules made there under for carrying out the provisions and intentions of this Act, and in particular and without prejudice to the generality of the foregoing power, it may, make byelaws to regulate all or any of the following matters namely:-

428. Penalties for breach of byelaws-

(1) In making a byelaw under Section 427 the Corporation may provide that a breach or any abatement of a breach of it shall be punishable-
(a) with fine may extend to five thousand rupees and in the case of a continuing breach, with fine which may extend to one hundred rupees for each day during which the breach continues after conviction for the first breach; or
(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of written notice from the Commissioner to discontinue the breach.
(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as in his power.

429. Hearing by Corporation of objections to proposed byelaw-

No byelaw shall be made by the Corporation, unless-
(a) a notice of the inten-
tion of the Corporation to take such byelaw into consideration shall be given continuously for two days in such two daily newspapers which are in the approved list of Government for advertisement purpose having circulation in the area to which it relates and a copy thereof shall be affixed in a conspicuous place in the office of the Collector, in the office of the Municipal Corporation and in the area to be affected by such byelaw and announcement of such byelaw shall also be made on loud-speaker in such area at least six weeks before the date on which the Corporation finally consider such byelaw.
(b) a printed copy of such byelaw shall have been kept at the chief municipal office and made available for public inspection free of charge by any person desiring to pursue the same at any reasonable time for at least one month from the date of the notice given under clause (a);
(c) printed copies of such byelaw shall have been delivered to any person requiring the same on payment of such fee for each copy as shall be fixed by the Commissioner;
(d) all objections and suggestions which may be made in writing by any person with respect there to within one month of the date of the notice given under clause (a) shall have been considered by the Corporation.

430. Byelaws to be subject to sanction of Government.-

(1) No byelaw made by he Corporation under this Act shall have any validity until it is confirmed by the Government.
(2) Before sanctioning any such byelaw the Government may modify it.
(3)The Government my cancel its confirmation of any such byelaw and thereupon the byelaws shall cease to have effect.

431. Publication of byelaws and rules in Gazette and effect of such publication.-

All byelaws made and confirmed under this Act shall be published in the Gazette and shall thereupon have effect as if enacted in this Act.

432. Government may modify or repeal byelaws.-

(1) If it shall at any time appear to the Government that any byelaws should be modified or repealed either wholly or in part, it shall cause its reasons for such opinion to be communicated to the Corporation and prescribe a reasonable period within which the Corporation may make any representation with regard thereto which it shall think fit.
(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Government may at any time by notification in the Gazette, modify or repeal such byelaw either wholly or in part.
(3) The modification of repeal of a byelaw under sub-section (2) shall take effect from such date as the Government shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the Gazette, except as to anything done or suffered or omitted to be done before such date.

432-A. Model byelaws.-

(1) The State Government may, from time to time make model byelaws for any matter in respect of which a Corporation is empowered to make byelaws under this Act, and publish them in the Gazette for the guidance of Municipality.
(2) It appears to the State Government that in any Corporation byelaws are necessary for any matter in respect of which model byelaws have been published under sub-section (1) it may require the Corporation to adopt such model byelaws modified to suit local conditions.
(3) If any Corporation fails to comply with a requisition made under sub-section (2) within six months of he making thereof the State Government may apply to such Corporation the model byelaws with such modifications, if any, as it thinks fit.

433. Power of State Government to make Rules.-

(1) The State Government may make Rules for the purpose of carrying into effect the provisions of this Act.
(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the following matters, namely:-

(a) the manner of making applications for permission to borrow money; the enquires to be made in relation to loans and the manner of conducting such enquiries; the inspection of any works carried out by means of loans and utilization of unexpended balances of loans etc.;
(b) the returns, statement and reports to be submitted by the Municipality;
(c) any other matter which is to be or may be prescribed.
(3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

PART XI
Chapter XXXVIII

PUNISHMENT OF OFFENCES

434. Certain offences punishable with fine -

1. Whoever ---

a. contravenes any of the provisions of this Act or of the Rules or byelaws made thereunder mentioned in the first column of the following table, or

b. fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said provisions or Rules or byelaws.

shall be punishable with fine which may extend to the amount mentioned in the third column of the said table.

c. Whoever after having been convicted of any offence under clause (a) or (b) of sub-section (1), continues to commit such offence shall be punished for each day after the first during which he continues to commit so to commit offence, with fine which may extend to the amount mentioned in the fourth column of the said table---

Section, sub section or clause	Brief reference to subject matter	Maximum fine which may be imposed	Daily fine which may be imposed when the offence is a continuing one
1	2	3	4
Section 203	New building not be erected without drains	Five thousand rupees	Two thousand rupees
Section 205	Owner of land to allow	Five thousand rupees	Fifty rupees
Sub-section (1)	other to carry drains through the land.	-	-
Section 206	Owner of land to allow use thereof right ownership therein to others.	Five hundred rupees	Fifty rupees
Section 208	Resistance to order of the Commissioner regarding use of joint ownership of a drain	Five hundred rupees	One hundred rupees
Section 209	Resistance to Commissioner draining premises in combination	Five hundred rupees	One hundred rupees
Section 210	Resistance to the Commissioner constructing drains of failure to maintain and keep in repair portion of a drain vesting in an owner.	Five hundred rupees	Fifty rupees
Section 211	Resistance to the Commissioner affixing shafts or pipes for ventilation of drains	Five hundred rupees	One hundred rupees
Section 246	Establishment of factory etc. without permission of the Commissioner.	Five hundred rupees	Five hundred rupees
Section 248	Storing dangerous or offensive article or	Five thousand rupees	Five hundred rupees

	carrying on dangerous or offensive trades.		
Section 254 Sub-section (1)	Keeping open a private market without permission	Two thousand five hundred rupees	Two hundred fifty rupees
Section 254 Sub-section (2)	Establishment, removal, opening, re-establishment or enlarging of private market without permission	Five thousand rupees	Five hundred rupees
Section 255	Selling animals, meat etc. outside market without a licence	One thousand rupees	Five hundred rupees
Section 257 Sub-section (3)	Slaughter of animals with out permission outside municipal slaughter house.	Five thousand rupees	-
Section 259	Sale of diseased or unwholesome animals or article intended for human food.	One thousand rupees for a first offence and five thousand rupees for any subsequent offence	-
Section 260	Keeping adulterations in place where butter ghee, etc. are manufactured	One thousand rupees	-
Section 261	Sale, etc. of notified article which is not of prescribed standard of purity.	One thousand rupees for a first offence and five thousand rupees for any subsequent offence	-
Section 262	Sale, etc. of substitutes	One thousand rupees for a first offence and five thousand rupees for any subsequent offence	-
Section 267 Sub-section (3)	Removing interfering or tampering with animal, food, drink, drug, etc. seized and left in custody.	One thousand rupees	-
Section 272	Failure to give information of existence of dangerous diseases.	Five thousand rupees	-
Section 289 sub section (1), clauses (a), (b), and (d)	Prohibition of burials etc. without permission	Five thousand rupees	-
Section 289 sub section (1), clauses (c)	Burial to burning of any corpse at any other place which is not a burial or burning ground.	Five thousand rupees	-
Section 291	Erection or re-erection of building in contravention of a town planning scheme.	Five thousand rupees	Five hundred rupees
Section 293	Prohibition of erection or re-erection of buildings without permission of the Commissioner	Five thousand rupees	Five hundred rupees
Section 301 Sub section (1)	Notice to be given to the Commissioner on completion of building	Five hundred rupees	-
Section 301 Sub section (4)	Prohibition of occupation of new or re-erected	Five thousand rupees	One hundred rupees

	building without permission of the Commissioner		
Section 309 Sub section (3)	Entering into or remaining in a building which has been declared unfit for human habitation	Five thousand rupees	One hundred rupees
Section 310 Sub section (1)	Requisition to remove or repair building in ruinous or dangerous state.	Five hundred rupees	Fifty rupees
Section 310 Sub section (3)	remaining in ruinous or dangerous building from which occupants have been removed.	Two thousand rupees	One hundred rupees
Section 318 Sub section (1)	Prohibition of projections upon street etc.	Two thousand rupees	One hundred rupees
Section 318 Sub section (2)	Requisition to remove the same	Two thousand rupees	One hundred rupees
Section 324	Requisition to alter ground floor doors, etc. opening on roads, or streets etc.	One thousand rupees	One hundred rupees
Section 325	Requisition to remove projections upon streets etc.	Two thousand rupees	Five hundred rupees
Section 328 Sub section (1),	Laying out of private streets otherwise than in accordance with the permission of the Commissioner.	Five thousand rupees	Five hundred rupees

435. Punishment of certain offence ---
Whoever contravenes any provisions of Section 229, 230, 285, 375, 411, or 412 or any order made thereunder, or fails to comply with any lawful direction or requesting under any of the said provisions, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

436. Power of Commissioner in the event of non-compliance----
Whenever the terms or any one of the terms of a notice are not complied with, the Commissioner may after hours' notice cause the term or terms to be complied with through Municipal agency.

437. Penalty for obstruction---
Any person who wilfully obstructs any Corporation authority, or any Corporation officer or servant, or any person authorised by any Corporation authority in the exercise of powers conferred by this Act or any rules or byelaws made thereunder shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both.

438. Punishment for acquiring share or interest in contract, etc. with Corporation.---
If any Councillor, Corporation Officer, or servant knowingly acquired, directly or indirectly by himself or a partner or employer or employee, any share or interest in any contract or employment with, by or on behalf of, the Corporation, not being a share or interest permissible under sub-section (3) of Section 59 for an officer or servant of the Corporation to have without

being thereby disqualified from employment of the Corporation, he shall be punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

439. Punishment for essential officer or servant leaving employment ---

1. Any essential officer or servant contravening any of the provisions of Section 64 or 65 shall be punishable with imprisonment which may extend to six months or with fine, which may extend to one thousand rupees or with both.
2. An offence punishable under sub-section (1) shall be cognizable and the provisions of the Code of Criminal Procedure, 1898, with respect to the cognizable offences shall, as far as may be, apply thereto.

440. General penalty.--

Whoever contravenes any provision of this Act or rules, byelaw, regulation, licence permission or notice issued thereunder or fails to comply with any requisition lawfully made under any such provision shall, if no penalty is provided in any other provision of this Act for such contravention or by punished with fine which may extend to one thousand rupees and if the contravention or failure is a continuing one with fine which may extend to two hundred rupees for every day on which such contravention or failure continues after the first conviction.
Provided that when the notice or requisition fixes a time within which a certain act is to be done and no time is specified in this Act it shall rest with the Magistrate trying an offence under this Section to determine whether the time so fixed was reasonable for purpose of compliance with the notice or requisition.

PART XII
CHAPTER XXXIX

ELECTION PETITIONS

441. Election Petitions.-

(1) No election or nomination under this Act shall be called into question except by a petition presented in accordance with the provisions of this section.
(2) Such petition may be presented on one or more of the grounds specified in section 441-B.
(a) by any candidate at such election or nomination; or
(b) (i) in the case of an election of a Councillor, by any voter of the ward concerned;
(ii) in the case of nomination of a Councillor, by any Councillor,
(iii) in the case of election of Mayor, by any voter of the Municipal area to the Principal Civil Court of original jurisdiction (hereinafter referred as the Court) within the local limits of whose jurisdiction the election or nomination was held.
(3) No petition presented under sub-section (2) shall be admitted unless-
(i) it is presented within thirty days from the date on which the result of such election or nomination was notified in the Gazette; and
(ii) it is accompanied by the Government Treasury receipt showing a deposit of two hundred and fifty rupees.
(4) a petitioner shall join as respondents to his petition-
(a) where the petitioner, in addition to claming a declaration that the election or nomination as the case may be, of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidates has been duly elected or nominated all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates;
(b) any other candidate against whom allegations of any corrupt practices are made in the petition.
(5) An election petition shall-
(a) contain a concise statement of the material facts on which the petitioner relies;
(b) with sufficient particulars, set forth the ground or grounds on which the election or nomination is called in question;
(c) be signed by the petitioner and verified in the manner prescribed in the Code of Civil Procedure, 1908 (V of 1908), for the verification of pleadings.

441-A. Relief that may be claimed by the petitioner.-

A petitioner may claim-
(a) a declaration that the election or nomination of all or any of the returned candidates is void; and
(b) in addition there to, a further declaration that he himself or any other candidates has been duly elected or nominated.
(2) The expression “returned candidate” means a candidate whose name is notified in the Gazette under section 22.

441-B Grounds for declaring elections or nomination to be void.-

(1) Subject to the provisions of sub-section (2), if the Court is of the opinion-

(a) that on the date of his election or nomination a returned candidate was not qualified or was disqualified, to be chosen as a Mayor or a Councillor; or

(b) that any corrupt practice has been committed by a returned candidate or his agent; or

(c) that any nomination paper has been improperly rejected; or

(d) that the result of the election, or nomination in so far as it concerns a returned candidate has been materially affected-

(i) by the improper acceptance of any nomination; or

(ii) by a corrupt practice having been committed in the interest of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or

(iii) by the improper acceptance or refusal of any vote or rejection of any vote which is void; or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders-made there under save the rules framed under section 14 in so far as they relate to preparation and revision of list of voters;

the Court shall declare the election of the returned candidate to be void.

(2) If the opinion of the Court a returned candidate has been guilty by an agent of any corrupt practice, but the Court is satisfied-

(a) that no such corrupt practice was committed at the election or nomination by the candidate, and every such corrupt practice was committed contrary to the instructions, and without the consent of the candidate;

(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election or nomination; and

(c) that in all other respect the election or nomination was free from any corrupt practice on the part of the candidate or any of his agents; then, the Court may decide that the election or nomination or the returned candidate is not void.

441-C. Procedure to be followed in disposal of election petition.-

An election petition shall be enquired into an disposed of according to such summary procedure as may be prescribed by rules made under this Act.

441-D. Decision of Election Petition.-

(1) At the conclusion of the trial of an election petition, the Court shall make an order-

(a) dismissing the election petition; or

(b) declaring the election or nomination of all or any of the returned candidates to be void; or

(c) declaring the election or nomination of all or any of the returned candidates to be void and the petitioner and any other candidate to have duly elected or nominated.

(2) If any person who has filed an election petition has, in addition to calling in question the election or nomination of the returned candidate, claimed declaration, that he himself or any other candidate has been duly elected or nominated and the Court is o0f opinion-

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate the petitioner or such other candidate would have obtained a majority of the valid votes;

the Court shall, after declaring the election or nomination of the returned candidate to be void , declare the petitioner or such other candidate, as the case may be , to have been duly elected or nominated.

(3) At the time of making an order under this section, the Court shall also make an order-

(a) where any charge is made in the petition of any corrupt practice having been committed at the election or nomination recording-

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election or nomination and the nature of that corrupt practice; and

(ii) the name of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

(b) fixing the total amount of costs payable, and specifying the person by and to whom costs shall be paid:

Provided that a person who is not an party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless-

(a) he has been given notice to appear before the Court and show cause why he should not be so named ; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Court and has given evidence against him, of calling evidence in his defence and of being heard**.**

441-E. Procedure in case of equality of votes.-

If during the trial of an election petition it appears that there is an equality of votes between any candidate at the election or nomination and that an addition of a vote would entitle any of those candidates to be declared elected or nominated then, the court shall decide between them by lot and proceed as if the one for whom the lot falls had received an additional vote.

441-F. Finality of decisions.-

(a) no appeal shall lie against the decision of the Court on the petition.

(2) Any person aggrieved by the decision of the Court on the petition may within thirty days from the date of such decision apply to the High Court for revision on any of the following grounds:-

(a) that the decision is contrary to law;

(b) that the Court has exercised jurisdiction not vested in it by law or has failed to exercise a jurisdiction vested in it by law;

but subject to such orders as the High Court may pass thereon, such decision shall be final.

441.G . Disqualification arising out of corrupt practices.-

If any person, after the commencement of this Act, is, upon the trial of an election petition there under, found guilty of any corrupt practice, he shall, for a period of five years from the date on which such finding takes effect, be disqualified for voting at any election.

Provided that the State Government may, by notification, remove the disqualification incurred under this section with effect from such date as may be specified therein.

441-H.Corrupt practices.-

The following shall be deemed to be corrupt practices for the purposes of this Act:-
(i) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (43 of 1951).
(ii) Undue influence as defined in clause (2) of the said section.
(iii) The systematic appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent, to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols or, the use of, or appeal to national symbols such as the national flag or the national emblem for the furtherance of the prospects of that candidate's election.
(iv) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false, or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.
(v) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by an elector at his own cost for purpose of going to or coming for any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.- In this clause the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.
(vi) The holding of any meeting in which intoxicating liquors are served.
(vii) The issuing of any circular, play card or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof.
(vii-a) The incurring or authorizing of election expenditure in excess of the amount prescribed under section 14-A.
(viii) Any other practice which the State Government may prescribe by rules to be corrupt practice.

PART XIII
Chapter XL

TRANSITORY PROVISIONS

442. Transitory provisions.-

(1) On and from the date this act is made applicable to any city, the following consequences shall ensure, namely:-
(a) the Municipal Council of the City existing immediately before the date aforesaid shall cease to exist and all the councilors thereof shall vacate their offices;
(b) the administration of the Corporation shall vest in the administrator who shall be appointed by the Government;
(c) the administrator shall be deemed to be the corporation and shall exercise the powers and perform the duties conferred or imposed by or under this Act on the corporation, the Mayor-in-Council , the Appeal Committee and the Commissioner:

Provided that the Administrator shall case to exercise the powers and perform the duties conferred or imposed by or under this Act on the Commissioner with effect from the date the Commissioner is appointed in accordance with the provisions of this Act;
(d) all municipal officers and servants employed by the Corporation under this Act, as if they had been appointed under section 58.
(3) The administrator shall cease to hold office on the date appointed for the first general meeting of the newly constituted corporation after such elections.
(4) Any person appointed Administrator under sub-section (1) shall receive from the Corporation fund for his services such pay and allowances as may be fixed by the Government.
(5) Notwithstanding anything contained in this Act or anyn rule or bye-;aw made there under, the conditions of service, pay and allowances existing in respect of all permanent officers and servants of the said Municipal Council on the date immediately before the date referred to in sub-section (1) shall be deemed to be their existing conditions of service, pay and allowances under this Act:

Provided that the service rendered by such officers and servants before the date referred to in sub-section (1) shall be deemed to be service rendered in the service of the corporation.

Chapter XLI

INDUSTRIAL TOWNSHIP

443. Industrial Township.-

(1) For every industrial township notified under the proviso to sub-section(1) of section 7, there shall be a Township Committee with shall be a body corporate by the name of Industrial Township Committee and shall have perpetual succession and a common seal and shall have power to acquire hold and dispose of property and to enter into contract and shall by the said name sue and be sued.
(2) The Township Committee shall consist of such number of members as may be prescribed.
(3) Out of the total number of members determined under section (2) one third members shall be elected from the wards of Industrial Township, one-third shall be nominated by the State Government and one-third shall be nominated by the Industrial Establishments situated in the Industrial Township in the manner prescribed.
(4) The State Government shall, by notification, in the Official Gazette, determine the number and extent of wards to be constituted within the area of each Industrial Township and only one member shall be elected from each ward.
(5) The Superintendence, direction and control of the preparation of electoral rolls for, and conduct of election of members of the Committee shall be vested in the State Election Commission and the provisions of the Madhya Pradesh Nagar Palik Nirvachan Niyam, 1994 shall apply to such election mutatis mutandis.
(6) The members of the Township Committee referred to in sub-section (3) shall, as soon as may be, elect two members from amongst themselves to be respectively President and Vice-President in the manner prescribed.
(7) Every township Committee shall have one Executive Officer to be appointed by the State Government on deputation.
(8) Every Township Committee shall continue for five years from the date of the election of its President and Vice-President.
(9) As soon as seat of a member becomes vacant it shall be filled in the following manner-
(i) if a seat of an elected member becomes vacant, the Executive Officer of the Committee shall inform the State Election Commission forthwith for filling of the vacancy;
(ii) is a seat of nominated member becomes vacant the Executive Officer shall inform the State Government or the Industrial Establishment, as the case may be:

Provided that if the remaining period of the Committee is less than six months such vacancy shall not be filled in.

(10) The functions and powers of Township Committees and the procedure for the conduct of their business shall be such as may be prescribed.
(11) The source of income of every committee shall be mainly the contribution from the Industrial Establishment as may be prescribed by the State Government and such taxes and fees as provided in the Act may be imposed by, the Committee with the prior approval of the State Government. For every Township Committee there shall be constituted a Township Committee Fund bearing the name of the Township and there shall be placed in the credit thereof-
(a) Contributions made by the Industrial Establishments.
(b) Taxes and fees imposed by the Township Committee.
(c) All other sums received by or on behalf of he Township Committee.

(12) The State Government may issue to the Township Committee, such general or special directions as to the policy, as it may think necessary and the committee shall be bound to follow and act upon such directions.
(13) Subject to such limitations and conditions, as may be imposed by the State Government, all other provisions of the Act shall apply to the Committee.

444. Omitted
445. Omitted
446. Omitted

मुख्य पोस्ट मास्टर जनरल डाक परिमंडल, के पत्र क्रमांक 22/153, दिनांक 10-1-06 द्वारा पूर्व भुगतान योजनान्तर्गत डाक व्यय की पूर्व अदायगी डाक द्वारा भेजे जाने के लिए अनुमत.

पंजी. क्रमांक भोपाल डिवीजन म. प्र.-108-भोपाल-09-11.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 261] भोपाल, सोमवार, दिनांक 19 अप्रैल 2010—चैत्र 29, शक 1932

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 19 अप्रैल 2010

क्र. 2522-156-इक्कीस-अ-(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 15 अप्रैल, 2010 को महामहिम राज्यपाल महोदय की अनुमति प्राप्त हो चुकी है, एतद्द्वारा, सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक १५ सन् २०१०.

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१०.

[दिनांक १५ अप्रैल, २०१० को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक १९ अप्रैल, २०१० को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ और मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के इकसठवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१० है. **संक्षिप्त नाम.**

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में,— **मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.**

(१) धारा ५ में ,—

(एक) खण्ड (१०) के पश्चात्, निम्नलिखित नए खण्ड अंत:स्थापित किए जाएं, अर्थात् :—

"(१०-क) "कालोनाइजर" से अभिप्रेत है, मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३

(क्रमांक २३ सन् १९७३) के अधीन गठित विकास प्राधिकरण, रजिस्ट्रार, फर्म्स एण्ड सोसाइटी या रजिस्ट्रार सहकारी सोसाइटी द्वारा रजिस्ट्रीकृत कोई सोसाइटी या सहकारी सोसाइटी या कोई अन्य रजिस्ट्रीकृत संस्था जिसमें सम्मिलित है कोई ऐसा व्यक्ति या संस्था जो कृषि भूमि सहित किसी अन्य भूमि को भूखण्डों या समूह आवास (ग्रुप हाउसिंग) में विभाजित करने के प्रयोजन के लिए उस क्षेत्र का विकास करते हुए कालोनी की स्थापना का काम हाथ में लेने का आशय रखता है और ऐसे भूखण्डों पर आवासीय या गैर आवासीय या संयुक्त आवासीय संनिर्माण कर बसने की वांछा रखने वाले व्यक्तियों को अंतरित करने का आशय रखता है और जो अधिनियम के अधीन सक्षम प्राधिकारी द्वारा कालोनाइजर के रूप में रजिस्ट्रीकृत है;

(१०-ख) ''कालोनी'' से अभिप्रेत है, विद्यमान भूखण्ड में से इस प्रकार विभाजित किया गया क्षेत्र जिसमें निवासियों के लिए मूलभूत सेवाओं जैसे कि सड़क, पानी, बिजली, मल-वहन निकासी आदि के उपबंध हों तथा जिसमें सम्मिलित है सामूहिक आवास तथा संयुक्त आवास के अधीन संनिर्माण;''.

(दो) खण्ड (२२) के पश्चात्, निम्नलिखित खण्ड अन्तःस्थापित किया जाए, अर्थात् :—

''(२२-क) ''आर्थिक रूप से कमजोर वर्ग'' से अभिप्रेत है राज्य सरकार द्वारा समय-समय पर इस प्रकार विनिर्दिष्ट किया गया व्यक्तियों का वर्ग;'';

(तीन) खण्ड (३३) के पश्चात्, निम्नलिखित खण्ड अन्तःस्थापित किया जाए, अर्थात् :—

''(३३-क) ''निम्न आय वर्ग'' से अभिप्रेत है राज्य सरकार द्वारा समय-समय पर इस प्रकार विनिर्दिष्ट किया गया व्यक्तियों का वर्ग;'';

(चार) खण्ड (५७) के पश्चात्, निम्नलिखित खण्ड अन्तःस्थापित किया जाए, अर्थात् :—

''(५७-क) ''उपभोक्ता प्रभार'' से अभिप्रेत है धारा १३२-क के अधीन अधिरोपित प्रभार;''.

(२) धारा १३२ में,—

(एक) उपधारा (१) में, खण्ड (ख) का लोप किया जाए;

(दो) उपधारा (४) का लोप किया जाए;

(तीन) उपधारा (६) में, खण्ड (ख) का लोप किया जाए;

(चार) उपधारा (१०) में, शब्द, कोष्ठक, अक्षर और अंक ''उपधारा (१) के खण्ड (ख), (ग) और (घ) और उपधारा (६) के खण्ड (ख)'' के स्थान पर, शब्द, कोष्ठक, अक्षर और अंक ''उपधारा (१) के खण्ड (ग) और (घ)'' स्थापित किए जाएं.

(३) धारा १३२ के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाए, अर्थात्,—

उपभोक्ता प्रभारों का अधिरोपण.

''१३२-क. (१) धारा १३२ में अंतर्विष्ट किसी बात के होते हुए भी, निगम, किसी साधारण अथवा विशेष आदेश के, जो कि राज्य सरकार इस निमित्त करे, अध्यधीन रहते हुए, निम्नलिखित सेवाओं के लिए उपभोक्ता प्रभार अधिरोपित कर सकेगा, अर्थात्:—

(क) उन भूमियों तथा भवनों के संबंध में जल प्रभार, जिन्हें जल प्रदाय निगम द्वारा किया जाता है;

(ख) जल निकास अथवा मलवहन प्रभार, जहां कि जल निकास अथवा मलवहन निपटान की प्रणाली आरम्भ की गई है;

(ग) ठोस अपशिष्ट के प्रबंध हेतु प्रभार, जहां कि निगम ने अपशिष्ट के निपटान की कोई प्रणाली आरम्भ की हो;

(घ) निगम द्वारा प्रदान की गई किन्हीं अन्य विनिर्दिष्ट सेवाओं के लिए प्रभार;

(२) उपधारा (१) के खण्ड (क), (ख), (ग) और (घ) में—

(एक) उन भवनों और भूमियों पर जो कि संपत्ति कर से छूट प्राप्त हैं, ऐसी दर से जो कि निगम द्वारा अवधारित की जाए;

(दो) उन भवनों और भूमियों पर जो कि संपत्ति कर से छूट प्राप्त नहीं हैं, उपधारा (१) के खण्ड (क), (ख), (ग) और (घ) में यथा अवधारित उपभोक्ता प्रभार और उतना प्रतिशत संपत्ति कर जो कि निगम द्वारा अवधारित किया जाए,

अधिरोपित किया जाएगा:

परन्तु उपधारा (१) के खण्ड (क) के अधीन जल उपभोक्ता प्रभार, स्वतंत्रता संग्राम सैनानी के स्वामित्व के भवन तथा भूमि पर, उनके जीवन काल के दौरान, उद्गृहीत नहीं किया जाएगा, यदि उन्हें आयकर से छूट प्राप्त है और जल संयोजन घरेलू प्रयोजन के लिए है तथा जो आधा इंच संयोजन से अधिक नहीं है.

(३) इस अध्याय में अंतर्विष्ट किसी बात के होते हुए भी, निगम धारा १३६ के खण्ड (क) में विनिर्दिष्ट संपत्तियों पर उपधारा (१) के खण्ड (क), (ख), (ग) और (घ) में विनिर्दिष्ट समस्त या कोई प्रभार ऐसी दर से अधिक दर पर जिस दर पर कि संबंधित खण्डों के अधीन अन्य संपत्तियों पर ऐसा प्रभार अधिरोपित है, अधिरोपित कर सकेगा, जैसा कि राज्य सरकार, अधिसूचना द्वारा विनिर्दिष्ट करे.".

(४) धारा २९२-क में,—

(एक) उपधारा (१) में, खण्ड (क) में, शब्द "कालोनी" के स्थान पर, शब्द "कालोनी या कालोनियां" स्थापित किए जाएं;

(दो) उपधारा (३) के पश्चात्, निम्नलिखित नई उपधारा अंत:स्थापित की जाए, अर्थात्:—

"(४) प्रत्येक व्यक्ति, जिसे उपधारा (२) के अधीन रजिस्ट्रीकरण प्रमाण-पत्र जारी किया गया है, नगरपालिक निगम क्षेत्र में एक या एक से अधिक कालोनियां स्थापित करने का पात्र होगा और उसे पृथक् से प्रत्येक कालोनी के संबंध में रजिस्ट्रीकरण प्रमाण-पत्र के लिए आवेदन करना अपेक्षित नहीं होगा किन्तु ऐसे व्यक्ति के लिए यह अनिवार्य होगा कि वह प्रत्येक कालोनी के संबंध में सक्षम प्राधिकारी से अभिन्यास (ले-आउट) योजना का अनुमोदन तथा अन्य समस्त अनुमोदन पृथकत: अभिप्राप्त करे.".

(५) धारा २९२-ख में,—

(एक) उपधारा (१) में, खण्ड (तीन) का लोप किया जाए;

(दो) उपधारा (१) के पश्चात्, निम्नलिखित उपधारा अंत:स्थापित की जाए, अर्थात्:—

"(१-क) उपधारा (१) के अधीन विकसित भू-खण्डों या आवासीय मकानों को आरक्षित करने के अतिरिक्त, कालोनाइजर अपनी आवासीय कालोनी में निम्न आय वर्ग के व्यक्तियों के लिए कम से कम दस प्रतिशत विहित आकार के पूर्ण विकसित भू-खण्ड भी आरक्षित रखेगा या संनिर्मित आवासीय मकान देने का वैकल्पिक प्रस्ताव करेगा.";

(तीन) उपधारा (२) में, शब्द "आर्थिक रूप से कमजोर वर्गों" के पश्चात्, शब्द "और निम्न आय वर्ग" अंत:स्थापित किए जाएं;

(६) धारा २९२-ग में,—

(एक) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(३) जो कोई अवैध व्यपवर्तन का या अवैध कालोनी निर्माण का कोई अपराध करेगा या उसके

किए जाने का दुष्प्रेरण करेगा तो वह कम से कम तीन वर्ष और अधिक से अधिक सात वर्ष के कारावास से तथा न्यूनतम दस हजार रुपए के जुर्माने से दण्डित किया जाएगा और ऐसे किसी अपराध के संबंध में निर्णय पारित करने में न्यायालय, अभियुक्त को, निगम को प्रतिकर की ऐसी राशि का, भुगतान करने का आदेश दे सकेगा जैसी कि वह ऐसी अवैध कालोनी के विकास के लिए उपगत होने वाली अपेक्षित राशि पर विचार कर लेने के पश्चात् निर्णय में विनिर्दिष्ट करे, और ऐसा अपराध संज्ञेय अपराध होगा.";

(दो) उपधारा (५) के स्थान पर, निम्नलिखित उपधाराएँ स्थापित की जाएं, अर्थात्:—

"(५) जो कोई अवैध संनिर्माण का अपराध करेगा वह कम से कम तीन वर्ष और अधिक से अधिक सात वर्ष के कारावास से तथा न्यूनतम दस हजार रुपए के जुर्माने से दण्डित किया जाएगा और ऐसा अपराध संज्ञेय अपराध होगा.

(६) प्रत्येक कालोनाइजर को संनिर्माण हेतु प्रस्तावित आवासीय इकाइयों के क्षेत्र के बारे में जिसमें कुर्सी क्षेत्र (कारपेट एरिया) सम्मिलित है तथा पर्चों, विवरणिकाओं, होर्डिंगों के रूप में प्रकाशित अपने समस्त विज्ञापनों में कालोनी में उपलब्ध कराई जाने वाली सुविधाओं तथा ग्राहकों को दी जाने वाली समस्त संसूचनाओं के बारे में सही जानकारी प्रदर्शित करना आवश्यक होगा तथा इसके ऊपर वह उसके रजिस्ट्रीकरण प्रमाण-पत्र के क्रमांक तथा दिनांक का सुव्यक्त रूप से उल्लेख करेगा तथा इन उपबंधों का कोई अतिक्रमण ऐसे कालोनाइजरों को उपधारा (३) तथा उपधारा (५) के अधीन दण्ड का भागी बनाएगा.".

(७) धारा २९२-घ के पश्चात्, निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्:—

अवैध कालोनी निर्माण या भूमि के अवैध व्यपवर्तन के कृत्य में सहयुक्त व्यक्तियों के उत्तरदायित्व.

"२९२-घ क. समस्त निदेशक, संप्रवर्तक तथा वित्त पोषक (फाइनेंसर), जो अवैध कालोनी निर्माण या भूमि के अवैध व्यपवर्तन के कृत्य में ऐसे व्यक्ति के साथ सहयुक्त हैं जो ऐसे अवैध कालोनी निर्माण या अवैध व्यपवर्तन का अपराध करता है या उसका दुष्प्रेरण करता है, ऐसे अपराध को कारित करने के लिए समान रूप से दायित्वाधीन होंगे तथा धारा २९२-ग के उपबंधों के अधीन दण्डित किए जाएंगे.".

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन.

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में,—

(१) धारा ३ में,—

(एक) खण्ड (५-क) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किए जाएं, अर्थात्:—

"(५-ख) "कालोनाइजर" से अभिप्रेत है, मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के अधीन गठित विकास प्राधिकरण, रजिस्ट्रार, फर्म्स एण्ड सोसाइटी या रजिस्ट्रार, सहकारी-सोसाइटी द्वारा रजिस्ट्रीकृत कोई सोसाइटी या सहकारी सोसाइटी या अन्य कोई रजिस्ट्रीकृत संस्था जिसमें सम्मिलित है कोई ऐसा व्यक्ति या संस्था जो कृषि भूमि सहित किसी अन्य भूमि को भूखण्डों या समूह आवास (ग्रुप हाउसिंग) में विभाजित करने के प्रयोजन से उस क्षेत्र का विकास करते हुए कालोनी की स्थापना का काम हाथ में लेने का आशय रखता है और ऐसे भूखण्डों को आवासीय या गैर आवासीय या संयुक्त आवासीय का निर्माण कर बसने की वांछा रखने वाले व्यक्तियों को अंतरित करने का आशय रखता है और जो अधिनियम के अधीन सक्षम प्राधिकारी द्वारा कालोनाइजर के रूप में रजिस्ट्रीकृत है;

(५-ग) ''कालोनी'' से अभिप्रेत है, विद्यमान भूखण्ड में से इस प्रकार विभाजित किया गया क्षेत्र जिसमें निवासियों के लिए मूलभूत सेवाओं जैसे कि सड़क, पानी, बिजली, मल-वहन निकासी आदि के उपबंध हों जिसमें सम्मिलित हैं सामूहिक आवास तथा संयुक्त आवास के अधीन संनिर्माण;''.

(दो) खण्ड (१०-क) के पश्चात्, निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात् :—

''(१०-ख) ''आर्थिक रूप से कमजोर वर्ग'' से अभिप्रेत है राज्य सरकार द्वारा समय-समय पर इस प्रकार विनिर्दिष्ट किया गया व्यक्तियों का वर्ग;'';

(तीन) खण्ड (१६) के पश्चात्, निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात् :—

''(१६-क) ''निम्न आय वर्ग'' से अभिप्रेत है राज्य सरकार द्वारा समय-समय पर इस प्रकार विनिर्दिष्ट किया गया व्यक्तियों का वर्ग;'';

(चार) खण्ड (३७) के पश्चात्, निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात् :—

''(३७-क) ''उपभोक्ता प्रभार'' से अभिप्रेत है धारा १२७-ख के अधीन अधिरोपित प्रभार;''.

(२) धारा १२७ में,—

(एक) उपधारा (१) में, खण्ड (ख) का लोप किया जाए;

(दो) उपधारा (४) का लोप किया जाए;

(तीन) उपधारा (६) में, खण्ड (ख) का लोप किया जाए;

(चार) उपधारा (१०) में, शब्द, कोष्ठक, अक्षर और अंक ''उपधारा (१) के खण्ड (ख), (ग) और (घ) और उपधारा (६) के खण्ड (ख)'' के स्थान पर, शब्द, कोष्ठक, अक्षर और अंक ''उपधारा (१) के खण्ड (ग) और (घ)'' स्थापित किए जाएं.

(३) धारा १२७-क के पश्चात्, निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्,—

उपभोक्ता प्रभारों का अधिरोपण.

''१२७-ख. (१) धारा १२७ में अंतर्विष्ट किसी बात के होते हुए भी, परिषद् किये गये किसी साधारण अथवा विशेष आदेश के, जो राज्य सरकार इस निमित्त करे, अध्यधीन रहते हुए, निम्नलिखित सेवाओं के लिए उपभोक्ता प्रभार अधिरोपित करेगी, अर्थात्:—

(क) उन भूमियों तथा भवनों के संबंध में जल प्रभार, जिनमें जल प्रदाय परिषद् द्वारा किया जाता है;

(ख) जल निकास अथवा मलवहन प्रभार, जहां कि जल निकास अथवा मलवहन निपटान की प्रणाली आरम्भ की गई है;

(ग) ठोस अपशिष्ट के प्रबंध हेतु प्रभार, जहां कि परिषद् ने अपशिष्ट के निपटान की कोई प्रणाली आरम्भ की है;

(घ) परिषद् द्वारा प्रदान की गई किन्हीं अन्य विनिर्दिष्ट सेवाओं के लिए प्रभार;

(२) उपधारा (१) के खण्ड (क), (ख), (ग) और (घ) में—

(एक) उन भवनों और भूमियों पर जो कि संपत्ति कर से छूट प्राप्त हैं, ऐसी दर से जो कि परिषद् द्वारा अवधारित की जाए;

(दो) उन भवनों और भूमियों पर जो कि संपत्ति कर से छूट प्राप्त नहीं हैं, उपधारा (१) के खण्ड (क), (ख), (ग) और (घ) में यथा अवधारित उपभोक्ता प्रभार और उतना प्रतिशत संपत्ति कर जो कि परिषद् द्वारा अवधारित किया जाए,

अधिरोपित किया जाएगा:

परन्तु उपधारा (१) के खण्ड (क) के अधीन जल उपभोक्ता प्रभार, स्वतंत्रता संग्राम सैनानी के स्वामित्व के भवन तथा भूमि पर, उनके जीवन काल के दौरान, उद्गृहीत नहीं किया जाएगा, यदि उन्हें आयकर से छूट प्राप्त है और जल संयोजन घरेलू प्रयोजन के लिए है तथा जो आधा इंच संयोजन से अधिक नहीं है.

(३) इस अध्याय में अंतर्विष्ट किसी बात के होते हुए भी, परिषद् धारा १२७-क की उपधारा (२)में विनिर्दिष्ट संपत्तियों पर, या उपधारा (१) के खण्ड (क), (ख), (ग) और (घ) में विनिर्दिष्ट समस्त या कोई प्रभार ऐसी दर से अधिक दर पर जिस दर पर कि संबंधित खण्डों के अधीन अन्य संपत्तियों पर ऐसा प्रभार अधिरोपित है, अधिरोपित कर सकेगा, जैसा कि राज्य सरकार, अधिसूचना द्वारा विनिर्दिष्ट करे".

(४) धारा ३३९-क में,—

(एक) उपधारा (१) में, खण्ड (क) में, शब्द "कालोनी" के स्थान पर, शब्द "कालोनी या कालोनियां" स्थापित किए जाएं;

(दो) उपधारा (३) के पश्चात्, निम्नलिखित नई उपधारा अंत:स्थापित की जाए, अर्थात्:—

"(४) प्रत्येक व्यक्ति, जिसे उपधारा (२) के अधीन रजिस्ट्रीकरण प्रमाण-पत्र जारी किया गया है, नगरपालिका परिषद् या नगर पंचायत क्षेत्र में एक या एक से अधिक कालोनियां स्थापित करने का पात्र होगा और उसे पृथक् से प्रत्येक कालोनी के संबंध में रजिस्ट्रीकरण प्रमाण-पत्र के लिए आवेदन करना अपेक्षित नहीं होगा किन्तु ऐसे व्यक्ति के लिए यह अनिवार्य होगा कि वह प्रत्येक कालोनी के संबंध में सक्षम प्राधिकारी से अभिन्यास (ले-आउट) योजना का अनुमोदन तथा अन्य समस्त अनुमोदन पृथकत: अभिप्राप्त करे".

(५) धारा ३३९-ख में,—

(एक) उपधारा (१) में, खण्ड (तीन) का लोप किया जाए;

(दो) उपधारा (१) के पश्चात्, निम्नलिखित उपधारा अंत:स्थापित की जाए, अर्थात्:—

"(१-क) उपधारा (१) के अधीन विकसित भू-खण्डों और आवासीय मकानों को आरक्षित करने के अतिरिक्त, कालोनाइजर अपनी आवासीय कालोनी में निम्न आय वर्ग के व्यक्तियों के लिए कम से कम दस प्रतिशत विहित आकार के पूर्ण विकसित भू-खण्ड भी आरक्षित रखेगा या संनिर्मित आवासीय मकान देने का वैकल्पिक प्रस्ताव करेगा.";

(तीन) उपधारा (२) में, शब्द "आर्थिक रूप से कमजोर वर्गों" के पश्चात्, शब्द "और निम्न आय वर्ग" स्थापित किए जाएं;

(६) धारा ३३९-ग में,—

(एक) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(३) जो कोई अवैध व्यपवर्तन का या अवैध कालोनी निर्माण का कोई अपराध करेगा या उसके किए जाने का दुष्प्रेरण करेगा तो वह कम से कम तीन वर्ष और अधिक से अधिक सात

वर्ष के कारावास से तथा न्यूनतम दस हजार रुपये के जुर्माने से दण्डित किया जाएगा और ऐसे किसी अपराध के संबंध में निर्णय पारित करने में न्यायालय, अभियुक्त को, परिषद् को प्रतिकर की ऐसी राशि का भुगतान करने का आदेश दे सकेगा जैसी कि वह ऐसी अवैध कालोनी के विकास के लिए उपगत होने वाली अपेक्षित राशि पर विचार कर लेने के पश्चात् निर्णय में विनिर्दिष्ट करे, और ऐसा अपराध संज्ञेय अपराध होगा.";

(दो) उपधारा (५) के स्थान पर, निम्नलिखित उपधाराएं स्थापित की जाएं, अर्थात्:—

"(५) जो कोई अवैध संनिर्माण का अपराध करेगा वह, कम से कम तीन वर्ष और अधिक से अधिक सात वर्ष के कारावास से तथा न्यूनतम दस हजार रुपये के जुर्माने से दण्डित किया जाएगा और ऐसा अपराध संज्ञेय अपराध होगा.

(६) प्रत्येक कालोनाइजर को संनिर्माण हेतु प्रस्तावित आवासीय इकाइयों के क्षेत्र के बारे में जिसमें कुर्सी क्षेत्र (कारपेट एरिया) सम्मिलित है तथा पर्चों, विवरणिकाओं, होर्डिंगों के रूप में प्रकाशित अपने समस्त विज्ञापनों में कालोनी में उपलब्ध कराई जाने वाली सुविधाओं तथा ग्राहकों को दी जाने वाली समस्त संसूचनाओं के बारे में सही जानकारी प्रदर्शित करना आवश्यक होगा तथा इसके ऊपर वह उसके रजिस्ट्रीकरण प्रमाण-पत्र के क्रमांक तथा दिनांक का सुव्यक्त रूप से उल्लेख करेगा तथा इन उपबंधों का कोई अतिक्रमण ऐसे कालोनाइजरों को उपधारा (३) तथा उपधारा (५) के अधीन दण्ड का भागी बनाएगा.".

(७) धारा ३३९-घ के पश्चात्, निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्:—

अवैध कालोनी निर्माण या भूमि के अवैध व्यपवर्तन के कृत्य में सहयुक्त व्यक्तियों के उत्तरदायित्व.

"३३९-घ क. समस्त निदेशक, संप्रवर्तक तथा वित्तपोषक (फाइनेन्सर), जो अवैध कालोनी निर्माण या भूमि के अवैध व्यपवर्तन के कृत्य में ऐसे व्यक्ति के साथ सहयुक्त हैं, जो ऐसे अवैध कालोनी निर्माण या अवैध व्यपवर्तन का अपराध करता है या उसका दुष्प्रेरण करता है, ऐसे अपराध को कारित करने के लिए समान रूप से दायित्वाधीन होंगे तथा धारा ३३९-ग के उपबंधों के अधीन दण्डित किए जाएंगे.".

भोपाल, दिनांक 19 अप्रैल 2010

क्र. 2523-156-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगर पालिक विधि (संशोधन) अधिनियम, 2010 (क्रमांक 15 सन् 2010) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT

No. 15 OF 2010

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2010.

[Received the assent of the Governor on the 15th April, 2010; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 19th April, 2010.

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the Sixty-first year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2010.

PART I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956
(No. 23 OF 1956)

Amendment to the Madhya Pradesh Act No. 23 of 1956.

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956),—

(1) In Section 5,—

(i) after clause (10), the following new clauses shall be inserted, namely:—

"(10-a) "colonizer" means Development Authority constituted under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), any society or co-operative society registered by the Registrar, Firms and Societies or the Registrar, Co-operative Societies or any other registered institution which includes any such person or institution who intends to take up the work of establishment of the colony by developing that area for the purpose of dividing any land, including agricultural land, into plots or group housing and intends to transfer such plots to persons desirous of constructing residential or non-residential or joint residence for inhabitation and who is registered as colonizer by the competent authority under the Act;

(10-b) "colony" means an area so divided from an existing plot, with the provisions of basic services such as road, water, electricity, disposal of sewerage etc. for residents and includes the construction under group housing and joint housing;";

(ii) after clause (22), the following clause shall be inserted, namely:—

"(22-a) "economically weaker section" means the group of persons so specified by the State Government from time to time;";

(iii) after clause (33), the following clause shall be inserted, namely:—

"(33-a) "lower income group" means the group of persons so specified by the State Government from time to time;";

(iv) after clause (57), the following clause shall be inserted, namely:—

"(57-a) "user charges" means the charges imposed under section 132-A;".

(2) In Section 132,—

(i) in sub-section (1), clause (b) shall be deleted;

(ii) sub-section (4) shall be deleted;

(iii) in sub-section (6), clause (b) shall be deleted;

(iv) in sub-section (10), for the words, brackets, letters and figure "clauses (b), (c) and (d) of sub-section (1) and clause (b) of sub-section (6)", the words, brackets, letters and figure "clauses (c) and (d) of sub-section (1)" shall be substituted.

(3) After Section 132, the following section shall be inserted, namely:—

Imposition of user charges.

"132-A (1) Notwithstanding anything contained in Section 132, the Corporation shall,

subject to any general or special order which the State Government may make in this behalf, impose the user charges for the following services, namely:—

(a) a water charge for provision of water supply in respect of lands and buildings to which a water supply is furnished by Corporation;

(b) a drainage or sewerage charge where a system of drainage or sewerage disposal has been introduced;

(c) a charge for management of solid waste where the Corporation has introduced a system of disposal of waste;

(d) charges for any other specified services rendered by the Corporation.

(2) The user charges in clauses (a), (b) , (c) and (d) of sub-section (1) shall be imposed—

(i) on buildings and lands which are exempted from property tax, at a rate as shall be determined by the Corporation;

(ii) on buildings and lands which are not exempted from property tax, as determined in clause (a), (b), (c) and (d) of sub-section (1) plus such percentage of the property tax, as shall be determined by the Corporation:

Provided that the user charge for water under caluse (a) of sub-section (1) shall not be levied on building and land owned by freedom fighter during their life time, if they are exempted from Income Tax and the water connection is for domestic purpose and which does not exceed half inch connection.

(3) Notwithstanding anything contained in this chapter, the Corporation may impose upon properties specified in clause (a) of Section 136, all or any of the charges specified in clauses (a), (b), (c) and (d) of sub-section (1) at a rate, in excess of the rate at which such charge is imposed, on other properties under the respective clauses, as the State Government may, by notification, specify.

(4) In Section 292-A,—

(i) in sub-section (1), in clause (a) for the word "colony", the words "colony or colonies" shall be substituted;

(ii) after sub-section (3), the following new sub-section shall be inserted, namely :—

"(4) Every person who has been issued the Registration Certificate under sub-section (2) shall become eligible to establish one or more colonies in the area of Municipal Corporation and shall not be required to apply for Registration Certificate in respect of every colony separately but it shall be mandatory for such person to obtain approval of layout plans and all other approvals separately from the competent authority in respect of each colony.".

(5) In Section 292-B,—

(i) in sub-section (1), clause (iii) shall be deleted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-a) In addition to reserving the developed plots or residential houses under sub-section (1), the colonizer shall also reserve at least ten percent fully developed plots of the prescribed size or in alternate offer constructed residential houses in his residential colony for the persons belonging to lower income group.";

(iii) in sub-section (2), after the word "the economically weaker sections", the words " and the lower income group" shall be inserted.

(6) In Section 292-C,-

(i) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Whoever commits or abets the commission of an offence of illegal diversion or illegal colonization shall be punished with an imprisonment of not less than three years and not more than seven years and with a minimum fine of ten thousand rupees, and the Court may in passing the judgment in respect of any such offence order the accused to pay to the corporation, such amount of compensation as specified in the judgment, taking into consideration the amount required to be incurred towards the development of such illegal colony, and such offence shall be a cognizable offence.";

(ii) for sub-section (5), the following sub-sections shall be substituted, namely :—

"(5) Whoever commits an offence of illegal construction shall be punished with imprisonment of not less than three years and not more than seven years and with a minimum fine of ten thousand rupees, and such offence shall be a cognizable offence.

(6) It shall be incumbent upon every colonizer to display correct information about the area (including the carpet area) of the housing units proposed for construction and facilities to be provided in a colony in all its advertisements published In the form of pamphlets, brochures, hoardings and in all communications to customers and shall explicitly mention the number and date of his Registration Certificate over it, and any violation of these provisions shall make such colonizer liable for punishment under sub-section (3) and sub-section (5).".

(7) After Section 292-D, the following section shall be inserted, namely:—

Responsibility of persons associated in the act of illegal colonization or illegal diversion of land.

"292-DA. All the directors, promoters and financers associated in the act of illegal colonization or illegal diversion of land along with the person who commits or abets the commission of an offence of such illegal colonization of illegal diversion shall be held equally liable of committing such an offence and shall be punished under the provisions of section 292-C." .

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961
(No. 37 OF 1961)

Amendment to the Madhya Pradesh Act No. 37 of 1961.

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),—

(1) In Section 3,—

(i) after clause (5-a), the following clauses shall be inserted, namely:—

"(5-b) "colonizer" means Development Authority constituted under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), any society or co-operative society registered by the Registrar, Firms

and Societies or the Registrar, Co-operative Societies or any other registered institution which includes any such person or institution who intends to take up the work of establishment of the colony by developing that area for the purpose of dividing any land, including agricultural land, into plots or group housing and intends to transfer such plots to persons desirous of constructing residential or non-residential or joint residence for inhabitation and who is registered as colonizer by the competent authority under the Act;

(5-c) "colony" means an area so divided from an existing plot, with the provisions of basic services such as road, water, electricity, disposal of sewerage etc. for residents and includes the construction under group housing and joint housing;";

(ii) after clause (10-a), the following clause shall be inserted, namely:—

"(10-b) "economically weaker section" means the group of persons so specified by the State Government from time to time;";

(iii) after clause (16), the following clause shall be inserted, namely:—

"(16-a) "lower income group" means the group of persons so specified by the State Government from time to time;";

(iv) after clause (37), the following clause shall be inserted, namely:—

"(37-a) "user charges" means the charges imposed under Section 127-B;".

(2) In Section 127,—

(i) in sub-section (1), clause (b) shall be deleted;

(ii) sub-section (4) shall be deleted;

(iii) in sub-section (6), clause (b) shall be deleted;

(iv) in sub-section (10), for the words, brackets, letters and figures "clause (b), (c) and (d) of sub-section (1) and clause (b) of sub-section (6)", the words, brackets, letters and figure "clauses (c) and (d) of sub-section (1)" shall be substituted.

(3) After Section 127-A, the following section shall be inserted, namely:—

Imposition of user charges.

"127-B. (1) Notwithstanding anything contain in Section 132, the Council shall, subject to any general or special order which the State Government may make in this behalf, impose the user charges for the following services, namely:—

(a) a water charge for provision of water supply in respect of lands and buildings to which a water supply is furnished by Council;

(b) a drainage or sewerage charge where a system of drainage or sewerage disposal has been introduced;

(c) a charge for management of solid waste where the Council has introduced a system of disposal of waste;

(d) a charge for any other specified services rendered by the Council as may be specified.

(2) The user charge in clauses (a), (b), (c) and (d) of sub-section (1) shall be imposed—

(i) on buildings and lands which are exempted from property tax, at a rate as shall be determined by the Council;

(ii) on buildings and lands which are not exempted from property tax, as determined in clause (a), (b), (c) and (d) of sub-section (1) plus such percentage of the property tax, as shall be determined by the Council:

Provided that the user charge for water under clause (a) of sub-section (1) shall not be levied on building and land owned by freedom fighter during their life time, if they are exempted from Income Tax and the water connection is for domestic purpose and which does not exceed half inch connection.

(3) Notwithstanding anything contained in this chapter, the Council may impose upon properties specified in clause (a) of sub-section (2) of Section 127-A, all or any of the charges specified in clauses (a), (b), (c) and (d) of sub-section

(1) at a rate in excess of the rate at which such charge is imposed, on other properties under the respective clauses, as the State Govemment may, by notification, specify.".

(4) In Section 339-A,—

(i) in sub-section (1), in clause (a), for the word "colony", the words "colony or colonies" shall be substituted;

(ii) after sub-section (3), the following new sub-section shall be inserted, namely :—

"(4) Every person who has been issued the Registration Certificate under sub-section (2) shall become eligible to establish one or more colonies in the area of Municipal Council or Nagar Panchayat and shall not be required to apply for Registration Certificate in respect of every colony separately but it shall be mandatory for such person to obtain approval of layouts plans and all other approvals separately from the competent authority in respect of each colony.".

(5) In Section 339-B,—

(i) in sub-section (1), clause (iii) shall be deleted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-a) In addition to reserving the developed plots or residential houses under sub-section (1), the colonizer shall also reserve at least ten percent fully developed plots of the prescribed size or in alternate offer constructed residential houses in his residential colony for the persons belonging to lower income group.";

(iii) in sub-section (2), after the words "the economically weaker sections", the words "and the lower income group" shall be inserted.

(6) In Section 339-C,—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Whoever commits or abets the commission of an offence of illegal diversion or illegal colonization shall be punished with an imprisonment of not less than three years and not more than seven years and with a minimum fine of ten thousand rupees, and the Court may, in passing the judgment in respect of any such offence, order the accused to pay to the Council, such amount of compensation as specified in the judgment, taking into consideration the amount required to be incurred towards the development of such illegal colony, and such offence shall be a cognizable offence.";

(ii) for sub-section (5), the following sub-sections shall be substituted, namely :—

"(5) Whoever commits an offence of illegal construction shall be punished with imprisonment of not less than three years and not more than seven years and with a minimum fine of ten thousand rupees, and such offence shall be cognizable offence.

(6) It shall be incumbent upon every colonizer to display correct information about the area (including the carpet area) of the housing units proposed for construction and facilities to be provided in a colony in all its advertisements published in the form of pamphlets, brochures, hoardings and in all communications to customers and shall explicitly mention the number and date of his Registration Certificate over it, and any violation of these provisions shall take such colonizer liable for punishment under sub-section (3) and sub-section (5).".

(7) After Section 339-D, the following Section shall be inserted, namely:—

Responsibility of persons associated in the act of illegal colonization or illegal diversion of land.

"339-DA. All the directors, promoters and financers associated in the act of illegal colonization or illegal diversion of land along with the persons who commits or abets the commission of an offence of such illegal colonization or illegal diversion shall be held equally liable of committing such an offence and shall be punished under the provisions of Section 339-C.".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2010.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 13] भोपाल, शनिवार, दिनांक 6 जनवरी 2018—पौष 16, शक 1939

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 6 जनवरी, 2018

क्र. 324-4-इक्कीस-अ(प्रा.)-अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 4 जनवरी, 2018 को राज्यपाल महोदय की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २ सन् २०१८

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१७

[दिनांक ४ जनवरी, २०१८ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक ६ जनवरी, २०१८ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के अड़सठवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१७ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में, धारा ३०१ में, उपधारा (४) के पश्चात् निम्नलिखित नई उपधारा जोड़ी जाए, अर्थात्:—

"(५) ऐसे मालमों में, जहां रजिस्ट्रीकृत तथा प्राधिकृत वास्तुविद् या संरचना इंजीनियर द्वारा धारा २९४ की उपधारा (५) के उपबंधों के अनुसार भवन अनुज्ञा प्रदान की गई है वहां ऐसे वास्तुविद् या संरचना इंजीनियर, कानूनी उपबंधों तथा भवन अनुज्ञा की शर्तों का अनुपालन सुनिश्चित करने के पश्चात्, ऐसे भवन के लिए पूर्ण होने का प्रमाण-पत्र तथा अधिवासित करने की अनुज्ञा जारी करने हेतु सशक्त होंगे. इस उपधारा के अधीन जारी पूर्ण होने का प्रमाण-पत्र तथा अधिवासित करने की अनुज्ञा की एक प्रति आयुक्त को उसके कार्यालय में सात दिन के भीतर उपलब्ध कराई जाएगी.".

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में, धारा १९१ में, उपधारा (२) के पश्चात्, निम्नलिखित नई उपधारा जोड़ी जाए, अर्थात्:—

"(३) ऐसे मामलों में, जहां रजिस्ट्रीकृत तथा प्राधिकृत वास्तुविद या संरचना इंजीनियर द्वारा धारा १८७ की उपधारा (३क) के उपबंधों के अनुसार भवन अनुज्ञा प्रदान की गई है वहां ऐसे वास्तुविद् या संरचना इंजीनियर, कानूनी उपबंधों तथा भवन अनुज्ञा की शर्तों का अनुपालन सुनिश्चित करने के पश्चात् ऐसे भवन के लिए पूर्ण होने का प्रमाण-पत्र तथा अधिवासित करने की अनुज्ञा जारी करने हेतु सशक्त होंगे. इस उपधारा के अधीन जारी पूर्ण होने का प्रमाण-पत्र तथा अधिवासित करने की अनुज्ञा की एक प्रति परिषद् कार्यालय में सात दिन के भीतर उपलब्ध कराई जाएगी.".

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (संशोधन) अध्यादेश, २०१७ (क्रमांक ६ सन् २०१७) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश का निरसन होते हुए भी, उक्त अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई, इस अधिनियम के तत्स्थानी उपबंधों के अधीन की गई बात या की गई कार्रवाई समझी जाएगी.

भोपाल, दिनांक 6 जनवरी 2018

क्र. 324-4-इक्कीस-अ(प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2017 (क्रमांक 2 सन् 2018) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH ACT

NO. 2 OF 2018

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2017

[Received the assent of the Governor on the 4th January, 2018; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 6th January, 2018.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the sixty-eighth year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2017. **Short title.**

PART I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (No. 23 OF 1956)

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), in section 301, after sub-section (4), the following new sub-section shall be added, namely:- **Amendment to the Madhya Pradesh Act No. 23 of 1956.**

"(5) In respect of cases, where building permission has been granted as per the provisions of sub-section (5) of section 294, by the registered and authorised architect or structural engineer, such architect or structural engineer shall be empowered to issue completion certificate and permission to occupy for such building after ensuring the compliance of statutory provisions and conditions of building permission. The copy of completion certificate and permission to occupy issued under this sub-section shall be provided to the Commissioner at his office within seven days.".

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 OF 1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), in section. 191, after sub-section (2), the following new sub-section shall be added, namely:- **Amendment to the Madhya Pradesh Act No. 37 of 1961.**

"(3) In respect of cases, where building permission has been granted as per the provisions of sub-section (3A) of section 187, by the registered and authorised architect or structural engineer, such architect or structural engineer shall be empowered to issue completion certificate and permission to occupy for such building after ensuring the compliance of statutory provisions and conditions of building permission. The copy of completion certificate and permission to occupy issued under this sub-section shall be provided to Council at his office within seven days.".

4.(1) The Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhyadesh, 2017 (No. 6 of 2017) is hereby repealed. **Repeal and saving.**

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2018.

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से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 422] भोपाल, शनिवार, दिनांक 28 जुलाई 2018—श्रावण 6, शक 1940

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 28 जुलाई 2018

क्र. 12531-253-इक्कीस-अ(प्रा.)अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 25 जुलाई 2018 को राज्यपाल महोदया की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २७ सन् २०१८

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१८

[दिनांक २५ जुलाई, २०१८ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक २८ जुलाई, २०१८ को प्रथमबार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के उनहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१८ है.

भाग एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६
(क्रमांक २३ सन् १९५६) का संशोधन.

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में, धारा १३३-क में, उपधारा (१) में,—

(एक) शब्द "दो प्रतिशत" के स्थान पर, शब्द "तीन प्रतिशत" स्थापित किए जाएं;

(दो) शब्द "नगरपालिक निगम को इस प्रकार प्राप्त होने वाली शुल्क की राशि का उपयोग अधोसंरचना विकास की परियोजनाओं को क्रियान्वित करने में अथवा ऐसी परियोजनाओं के क्रियान्वयन के लिये संबंधित नगरपालिक निगम द्वारा अथवा उसकी ओर से लिए गए ऋणों का प्रतिसंदाय करने में किया जाएगा.", के स्थान पर, शब्द "इस प्रकार प्राप्त होने वाली शुल्क की राशि का उपयोग नगरीय क्षेत्र में नगरीय अधोसंरचना विकास, किफायती आवास परियोजनाओं, मेट्रो रेल को सम्मिलित करते हुए नगरीय परिवहन या ऐसी अन्य परियोजनाओं के लिये किया जा सकेगा. इस प्रकार प्राप्त राशि का उपयोग उपरोक्त उल्लिखित परियोजनाओं के क्रियान्वयन हेतु लिए गए ऋणों के प्रतिसंदाय के लिए भी किया जा सकेगा." स्थापित किए जाएं.

भाग दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१
(क्रमांक ३७ सन् १९६१) का संशोधन.

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में, धारा १६१ में, उपधारा (१) में,—

(एक) शब्द "दो प्रतिशत" के स्थान पर, शब्द "तीन प्रतिशत" स्थापित किए जाएं;

(दो) शब्द "नगरपालिका परिषद् या नगर परिषद् को इस प्रकार प्राप्त होने वाली शुल्क की राशि का उपयोग अधोसंरचना विकास की परियोजनाओं को क्रियान्वित करने में अथवा ऐसी परियोजनाओं के क्रियान्वयन के लिये संबंधित नगरपालिका परिषद् या नगर परिषद् द्वारा अथवा उसकी ओर से लिए गए ऋणों का प्रतिसंदाय करने में किया जाएगा.", के स्थान पर, शब्द "इस प्रकार प्राप्त होने

वाली शुल्क की राशि का उपयोग नगरीय क्षेत्र में नगरीय अधोसंरचना विकास, किफायती आवास परियोजनाओं, मेट्रो रेल को सम्मिलित करते हुए नगरीय परिवहन या ऐसी अन्य परियोजनाओं के लिये किया जा सकेगा. इस प्रकार प्राप्त राशि का उपयोग उपरोक्त उल्लिखित परियोजनाओं के क्रियान्वयन हेतु लिए गए ऋणों के प्रतिसंदाय के लिए भी किया जा सकेगा." स्थापित किए जाएं.

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (संशोधन) अध्यादेश २०१८ (क्रमांक ६ सन् २०१८) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश का निरसन के होते हुए भी, उक्त अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई, इस अधिनियम के तत्स्थानी उपबंधों के अधीन की गई बात या की गई कार्रवाई समझी जाएगी.

भोपाल, दिनांक 28 जुलाई 2018

क्र. 12531-253-इक्कीस-अ (प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१८ (क्रमांक २७ सन् २०१८) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
NO. 27 OF 2018

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2018

[Received the assent of the Governor on the 25th July, 2018; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 28th July, 2018.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the sixty-ninth year of the Republic of India as follows :-

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2018.

PART I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (No. 23 OF 1956)

Amendment to the Madhya Pradesh Act No. 23 of 1956.

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), in section 133-A, in sub-section (1),-

(i) for the words "two per centum", the words " three per centum" shall be substituted;

(ii) for the words "The amount of duty so received to the Municipal Corporation shall be used for implementation of infrastructure developments projects or for repayment of loans taken for implementation of such projects by or on behalf of the concerned Municipal Corporation.", the words "The amount of duty so received may be used for urban infrastructure development, affordable housing projects, urban transport including metro rail or such other projects in urban areas. This amount so received may also be used for repayment of loans taken for implementation of aforementioned projects." shall be substituted.

PART II
AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 OF 1961)

Amendment to the Madhya Pradesh Act No. 37 of 1961.

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), in section 161, in sub-section (1),—

(i) for the words "two per centum", the words "three per centum" shall be substituted;

(ii) for the words "The amount of duty so received to the Municipal Council or Nagar Parishad shall be used for implementation of infrastructure developments projects or for repayment of loans taken for implementation of such projects by or behalf of the concerned Municipal Council or Nagar Parishad:", the words "The amount of duty so received may be used for urban infrastructure development, affordable housing projects, urban transport including metro rail or such other projects in urban areas. This amount so received may also be used for repayment of loans taken for implementation of aforementioned projects." shall be substituted.

Repeal and saving.

4. (1) The Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhyadesh, 2018 (No. 6 of 2018) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2018.

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से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 423] भोपाल, शनिवार, दिनांक 28 जुलाई 2018—श्रावण 6, शक 1940

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 28 जुलाई 2018

क्र. 12530-252-इक्कीस-अ(प्रा.)अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 25 जुलाई, 2018 को राज्यपाल महोदया की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २८ सन् २०१८

मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, २०१८

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

[दिनांक २५ जुलाई, २०१८ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक २८ जुलाई, २०१८ को प्रथम बार प्रकाशित की गई].

भारत गणराज्य के उनहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, २०१८ है. **संक्षिप्त नाम.**

भाग एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन.

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में,—

(१) धारा ५ में,—

(एक) खण्ड (१) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात् :—

"(१-क)"मनोविनोद" से अभिप्रेत है किसी मनोविनोद आर्केड या मनोविनोद पार्क या थीम पार्क या चाहे वह किसी भी नाम से जाना जाता हो, में उपलब्ध कराया गया कोई मनोविनोद जबकि वह किसी स्थानीय क्षेत्र में आर्थिक प्रतिफल के लिए उपलब्ध कराया गया हो;";

(दो) खण्ड (२२-क) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात् :—

"(२२-ख) "मनोरंजन" में सम्मिलित है निम्नलिखित जब कि वह किसी स्थानीय क्षेत्र में नकद में या किसी अन्य रीति में आर्थिक प्रतिफल के लिए उपलब्ध कराया गया हो तथा चाहे वह अग्रिम, किस्तों में या किसी अन्य रीति में प्राप्त किया गया हो :—

(एक) कोई प्रदर्शनी, प्रस्तुतीकरण, मनोविनोद, खेल या क्रीड़ा जिसमें व्यक्तियों को प्रवेश दिया जाता है;

(दो) डी.टी.एच. सेवा प्रदाता द्वारा सेटेलाईट के माध्यम से उपलब्ध कराया गया मनोरंजन;

(तीन) केबल ऑपरेटर द्वारा केबल सेवा के माध्यम से उपलब्ध कराया गया मनोरंजन;

(चार) दूरसंचार सेवा प्रदाता द्वारा दूरसंचार सेवा के माध्यम से उपलब्ध कराए गए रिंगटोन, संगीत, वीडियो, चलचित्र, एनीमेशन, खेल, जोक्स आदि;

(पांच) दूरसंचार सेवा प्रदाता या किसी व्यक्ति द्वारा दूरसंचार सेवा के माध्यम से आयोजित प्रतियोगिता;

(छह) किसी अन्य तकनीकी साधन या उपकरण के माध्यम से उपलब्ध कराया गया मनोरंजन.

स्पष्टीकरण.—मध्यप्रदेश के किसी स्थानीय क्षेत्र में किसी व्यक्ति द्वारा प्राप्त की गई सेवाएं उस स्थानीय क्षेत्र के भीतर उपलब्ध कराई गई समझी जाएंगी;";

(२) धारा १३२ में,—

(एक) उपधारा (१) में, खण्ड (च) के स्थान पर निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(च) किसी नगरपालिक निगम क्षेत्र में किसी व्यक्ति द्वारा उपलब्ध कराए गए मनोरंजन एवं मनोविनोद पर कर.";

(दो) उपधारा (२) का लोप किया जाए;

(तीन) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

"(३) उपधारा (१) के खण्ड (च) में विनिर्दिष्ट कर के निर्धारण और संग्रहण की रीति तथा कर की राशि ऐसी होगी जैसी कि विहित की जाए.".

भाग दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन.

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में,—

(१) धारा ३ में,—

(एक) खण्ड (१) को खण्ड (१-क) के रूप में पुनर्क्रमांकित किया जाए और इस प्रकार पुर्नक्रमांकित किए गए खण्ड (१-क) के पूर्व, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात् :—

"(१) "मनोविनोद" से अभिप्रेत है किसी मनोविनोद आर्केड या मनोविनोद पार्क या थीम पार्क या चाहे वह किसी भी नाम से जाना जाता हो, में उपलब्ध कराया गया कोई मनोविनोद जबकि वह किसी स्थानीय क्षेत्र में आर्थिक प्रतिफल के लिए उपलब्ध कराया गया हो;";

(दो) खण्ड (१०-ख) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात् :—

"(१०-ग) "मनोरंजन" में सम्मिलित है निम्नलिखित जब कि वह किसी स्थानीय क्षेत्र में नकद में या किसी अन्य रीति में आर्थिक प्रतिफल के लिए उपलब्ध कराया गया हो तथा चाहे वह अग्रिम, किस्तों में या किसी अन्य रीति में प्राप्त किया गया हो :—

(एक) कोई प्रदर्शनी, प्रस्तुतीकरण, मनोविनोद, खेल या क्रीड़ा जिसमें व्यक्तियों को प्रवेश दिया जाता है;

(दो) डी.टी.एच. सेवा प्रदाता द्वारा सेटेलाईट के माध्यम से उपलब्ध कराया गया मनोरंजन;

(तीन) केबल ऑपरेटर द्वारा केबल सेवा के माध्यम से उपलब्ध कराया गया मनोरंजन;

(चार) दूरसंचार सेवा प्रदाता द्वारा दूरसंचार सेवा के माध्यम से उपलब्ध कराए गए रिंगटोन, संगीत, वीडियो, चलचित्र, एनीमेशन, खेल, जोक्स आदि;

(पांच) दूरसंचार सेवा प्रदाता या किसी व्यक्ति द्वारा दूरसंचार सेवा के माध्यम से आयोजित प्रतियोगिता;

(छह) किसी अन्य तकनीकी साधन या उपकरण के माध्यम से उपलब्ध कराया गया मनोरंजन.

स्पष्टीकरण.—मध्यप्रदेश के किसी स्थानीय क्षेत्र में किसी व्यक्ति द्वारा प्राप्त की गई सेवाएं उस स्थानीय क्षेत्र के भीतर उपलब्ध कराई गई समझी जाएंगी;".

(२) धारा १२७ में,—

(एक) उपधारा (१) में, खण्ड (च) के स्थान पर निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(च) किसी नगरपालिक क्षेत्र में किसी व्यक्ति द्वारा उपलब्ध कराए गए मनोरंजन एवं मनोविनोद पर कर.";

(दो) उपधारा (२) का लोप किया जाए;

(तीन) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

"(३) उपधारा (१) के खण्ड (च) में विनिर्दिष्ट कर के निर्धारण और संग्रहण की रीति तथा कर की राशि ऐसी होगी जैसी कि विहित की जाए.".

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अध्यादेश २०१८ (क्रमांक ७ सन् २०१८) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश के निरसन के होते हुए भी, उक्त अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई, इस अधिनियम के तत्स्थानी उपबंधों के अधीन की गई बात या की गई कार्रवाई समझी जाएगी.

भोपाल, दिनांक 28 जुलाई 2018

क्र. 12530-252-इक्कीस-अ(प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, 2018 (क्रमांक 28 सन् 2018) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
NO. 28 OF 2018
THE MADHYA PRADESH NAGARPALIK VIDHI (DWITIYA SANSHODHAN)
ADHINIYAM, 2018

[Received the assent of the Governor on the 25th July, 2018; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 28th July, 2018].

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the sixty-ninth year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Dwitiya Sanshodhan) Adhiniyam, 2018.

PART I
AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (No. 23 OF 1956)

Amendment to the Madhya Pradesh Act No. 23 of 1956.

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956),—

(1) In Section 5,—

(i) after clause (1), the following clause shall be inserted, namely:—

"(1-a) "amusement" means any amusement provided in any amusement arcade or amusement park or theme park or by whatever name called, when provided in a local area for monetary consideration;";

(ii) after clause (22-a), the following clause shall be inserted, namely:—

"(22-b) "entertainment" includes the following when provided in a local area for monetary consideration in cash or in any other manner, and whether received in advance, in instalments or in any other manner:—

(i) any exhibition, performance, amusement, game or sport to which persons are admitted;

(ii) entertainment provided by a direct to home (DTH) service provider through satellite;

(iii) entertainment provided by a cable operator through cable service;

(iv) ring tones, music, videos, movies, animations, games, jokes, etc. provided by a telecom service provider through telecom service;

(v) contests organised through telecom services by the telecom service provider or any person;

(vi) entertainment provided by any other technological means or device.

Explanation.- Services received by a person situated in a local area of Madhya Pradesh shall be deemed to have been provided within that local area;".

(2) In Section 132,—

(i) in sub-section (1), for clause (f), the following clause shall be substituted, namely:—

"(f) a tax on entertainments and amusements provided by any person into a municipal corporation area.";

(ii) sub-section (2) shall be deleted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The mode of assessment and collection and amount of the tax specified in clause (f) of sub-section (1) shall be such as may be prescribed.".

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 OF 1961)

Amendment to the Madhya Pradesh Act No. 37 of 1961.

3. In the Madhya Pradesh Municipalities Act, 1961(No. 37 of 1961),—

(1) In Section 3,—

(i) clause (1) shall be renumbered as clause (1-a) and before clause (1-a) as so renumbered, the following clause shall be inserted, namely:—

"(1) "amusement" means any amusement provided in any amusement arcade or amusement park or theme park or by whatever name called, when provided in a local area for monetary consideration;";

(ii) after clause (10-b), the following clause shall be inserted, namely:—

"(10-c) "entertainment" includes the following when provided in a local area for monetary consideration in cash or in any other manner, and whether received in advance, in instalments or in any other manner—

(i) any exhibition, performance, amusement, game or sport to which persons are admitted;

(ii) entertainment provided by a direct to home (DTH) service provider through satellite;

(iii) entertainment provided by a cable operator through cable service;

(iv) ring tones, music, videos, movies, animations, games, jokes, etc. provided by a telecom service provider through telecom service;

(v) contests organised through telecom services by the telecom service provider or any person;

(vi) entertainment provided by any other technological means or device.

Explanation.-Services received by a person situated in a local area of Madhya Pradesh shall be deemed to have been provided within that local area;".

(2) In Section 127,—

(i) in sub-section (1) for clause (f), the following clause shall be substituted, namely:—

"(f) a tax on entertainments and amusements provided by any person into a municipal area.";

(ii) sub-section (2) shall be deleted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The mode of assessment and collection and amount of the tax specified in clause (f) of sub-section (1) shall be such as may be prescribed.".

Repeal and saving.

4.(1) The Madhya Pradesh Nagarpalik Vidhi (Dwitiya Sanshodhan) Adhyadesh, 2018 (No. 7 of 2018) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2018.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 404] भोपाल, सोमवार, दिनांक 30 सितम्बर 2019—आश्विन 8 शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 30 सितम्बर 2019

क्र. 16325-261-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 16 सितम्बर, 2019 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २२ सन् २०१९

मध्यप्रदेश नगरपालिका (संशोधन) अधिनियम, २०१९

[दिनांक १६ सितम्बर, २०१९ को राज्यपाल की अनुमति प्राप्त हो हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक ३० सितम्बर, २०१९ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के सत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिका (संशोधन) अधिनियम, २०१९ है. **संक्षिप्त नाम.**

२. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) की धारा ३५ में, खण्ड (च) का लोप किया जाए. **धारा ३५ का संशोधन.**

भोपाल, दिनांक 30 सितम्बर 2019

क्र. 16325-261-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश नगरपालिका (संशोधन) अधिनियम, 2019 (क्रमांक 22 सन् 2019) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
NO. 22 OF 2019

THE MADHYA PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2019

[Received the assent of the Governor on the 16th September, 2019; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 30th September, 2019.]

An Act further to amend the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the Seventieth year of the Republic of India as follows:—

Short title.

1. This Act may be called the Madhya Pradesh Municipalities (Amendment) Act, 2019.

Amendment of Section 35.

2. In Section 35 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), clause (f) shall be omitted.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2019.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 30] भोपाल, सोमवार, दिनांक 27 जनवरी 2020—माघ 7 शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 27 जनवरी 2020

क्र. 1615-24-इक्कीस-अ-(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 27 जनवरी 2020 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ११ सन् २०२०

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१९

[दिनांक २७ जनवरी, २०२० को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक २७ जनवरी, २०२० को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के सत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१९ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में,—

(१) धारा ९ में,—

(क) उपधारा (१) में, खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(क) नगरपालिक वार्डों से निर्वाचित पार्षदों द्वारा निर्वाचित महापौर;";

(ख) उपधारा (४) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(४) यदि किसी नगरपालिक क्षेत्र का कोई वार्ड, पार्षद् का निर्वाचन करने में असफल रहता है, तो ऐसे वार्ड के स्थान को भरने के लिए छह माह के भीतर नई निर्वाचन कार्यवाहियां प्रारंभ की जाएंगी और जब तक उस स्थान को भरा नहीं जाता, उसे आकस्मिक रिक्ति समझा जाएगा:

परंतु अध्यक्ष, महापौर, किन्हीं विभागीय समितियों या समितियों में से किसी के निर्वाचन की कार्यवाहियां ऐसे स्थान का निर्वाचन लंबित रहते स्थगित नहीं की जाएंगी.".

(२) धारा १० में, उपधारा (४) में, प्रथम परन्तुक में, शब्द "छह मास" के स्थान पर, शब्द "दो मास" स्थापित किए जाएं.

(३) धारा १२ में,—

(एक) खण्ड (ग) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात्:—

"(घ) किसी पंचायत या किसी नगरपालिका के नगरपालिक क्षेत्र से संबंधित किसी निर्वाचक नामावली में रजिस्ट्रीकृत नहीं है;";

(दो) परंतुक के पश्चात्, निम्नलिखित स्पष्टीकरण जोड़े जाएं, अर्थात्:—

"**स्पष्टीकरण.** १—इस धारा के प्रयोजन हेतु "पंचायत" का वही अर्थ होगा जैसा कि मध्यप्रदेश पंचायत राज एवं ग्राम स्वराज अधिनियम, १९९३ (क्रमांक १ सन् १९९४) की धारा २ के खण्ड (सत्रह) में इसके लिए समनुदेशित किया गया है.

"**स्पष्टीकरण. २**—इस धारा के प्रयोजन हेतु "नगरपालिक क्षेत्र" का वही अर्थ होगा जैसा कि मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) की धारा ३ के खण्ड (१८-क) में इसके लिए समनुदेशित किया गया है.".

(४) धारा १४ में,—

(क) उपधारा (१) में, शब्द "तथा महापौर" का लोप किया जाए;

(ख) उपधारा (२) में, शब्द "तथा महापौर" का लोप किया जाए.

(५) धारा १४-क में, उपधारा (१) में, शब्द "महापौर" के स्थान पर, शब्द "पार्षद" स्थापित किया जाए.

(६) धारा १४-ख में, शब्द "महापौर" के स्थान पर, शब्द "पार्षद" स्थापित किया जाए.

(७) धारा १४-ग में, शब्द "या महापौर" का लोप किया जाए.

(८) धारा १५ में,—

(क) शब्द "या महापौर" का लोप किया जाए;

(ख) परंतुक के स्थान पर, निम्नलिखित परंतुक स्थापित किया जाए, अर्थात्:—

"परन्तु कोई भी व्यक्ति पार्षदों के किसी निर्वाचन में एक से अधिक बार मतदान नहीं करेगा.".

(९) धारा १६ में, उपधारा (४) का लोप किया जाए.

(१०) धारा १७ में,—

(क) उपधारा (१) में,—

(एक) पार्श्व शीर्ष में, शब्द "या महापौर" का लोप किया जाए;

(दो) प्रारंभिक पैरा में, शब्द "या महापौर" का लोप किया जाए;

(तीन) खण्ड (ख ख) में, शब्द "या महापौर" का लोप किया जाए;

(ख) उपधारा (२) में,—

(एक) पार्श्व शीर्ष में, शब्द "या महापौर" का लोप किया जाए;

(दो) प्रारंभिक पैरा में, शब्द "या महापौर" का लोप किया जाए;

(तीन) खण्ड (ङ) में, शब्द "या महापौर" का लोप किया जाए;

(ग) उपधारा (३) में, शब्द "पार्षद या महापौर" जहां कहीं भी वे आए हों, के स्थान पर, शब्द "पार्षद" स्थापित किया जाए.

(११) धारा १७-ख में,—

(क) पार्श्व शीर्ष में, शब्द "महापौर तथा" का लोप किया जाए;

(ख) उपधारा (१) में, प्रारंभिक पैरा के स्थान पर, निम्नलिखित पैरा स्थापित किया जाए, अर्थात्:—

"प्रत्येक पार्षद्, यथास्थिति, निगम के प्रथम सम्मिलन में अध्यक्ष (स्पीकर) के चुनाव में भाग लेने के पूर्व या अपना पद ग्रहण करने के पूर्व राज्य निर्वाचन आयोग द्वारा प्राधिकृत अधिकारी के समक्ष निम्नलिखित प्ररूप में शपथ या प्रतिज्ञान पर हस्ताक्षर करेगा:—";

(ग) उपधारा (२) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(२) यदि पार्षद् उपधारा (१) के अधीन शपथ नहीं लेता है, तो यह समझा जाएगा कि ऐसे पार्षद् ने अपना पद ग्रहण नहीं किया है:

परंतु यदि पार्षद्, संभागीय आयुक्त की अनुमति के सिवाय, उसके निर्वाचित या नामनिर्दिष्ट होने की तारीख से तीन माह के भीतर शपथ नहीं लेता है तो उसका स्थान स्वयंमेव ही रिक्त हुआ समझा जाएगा.".

(१२) धारा १८ में,—

(क) पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:—

"अध्यक्ष तथा महापौर का निर्वाचन";

(ख) उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(१) राज्य निर्वाचन आयोग, धारा २२ के अधीन निर्वाचन की अधिसूचना की तारीख से पन्द्रह दिन के भीतर, अध्यक्ष तथा महापौर के निर्वाचन के प्रयोजन के लिए निर्वाचित पार्षदों का सम्मिलन बुलाएगा.";

(ग) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(३) उपधारा (१) के अधीन सम्मिलन, ऐसी रीति में बुलाया जाएगा, जैसी कि राज्य निर्वाचन आयोग द्वारा अवधारित की जाए, जिसकी अध्यक्षता राज्य निर्वाचन आयोग द्वारा प्राधिकृत अधिकारी द्वारा की जाएगी. अध्यक्षता करने वाले अधिकारी को मत देने का अधिकार नहीं होगा और मत बराबर होने की दशा में परिणाम लाट द्वारा ऐसी रीति में विनिश्चत किया जाएगा, जैसी कि विहित की जाए.".

(१३) धारा २० में, स्पष्टीकरण में, शब्द "अध्यक्ष" के पश्चात्, शब्द "तथा महापौर" अन्त:स्थापित किए जाएं.

(१४) धारा २३-क में,—

(क) पार्श्व शीर्ष में तथा उपधारा (१) में, शब्द "अध्यक्ष" जहां कहीं भी आया हो, के पश्चात्, शब्द "या महापौर" अन्त:स्थापित किए जाएं;

(ख) उपधारा (२) के खण्ड (दो) में, शब्द "महापौर" के स्थान पर, शब्द "अध्यक्ष, महापौर," स्थापित किए जाएं.

(१५) धारा २४ का लोप किया जाए.

(१६) धारा ४४१ में, उपधारा (२) में, खण्ड (ख) में, उपखण्ड (तीन) के स्थान पर, निम्नलिखित उपखण्ड स्थापित किया जाए, अर्थात्:—

"(तीन) महापौर के निर्वाचन की दशा में, किसी निर्वाचित पार्षद् द्वारा.".

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में,—

(१) धारा १९ में,—

(क) उपधारा (१) में, खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(क) नगरपालिका परिषद् या नगर परिषद् के निर्वाचित पार्षदों द्वारा निर्वाचित अध्यक्ष अर्थात् सभापति (चेयरपर्सन);

(ख) उपधारा (४) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(४) यदि किसी नगरपालिक क्षेत्र का कोई वार्ड, पार्षद् का निर्वाचन करने में असफल रहता है तो ऐसे वार्ड के स्थान को भरने के लिए छह माह के भीतर नई निर्वाचन कार्यवाहियां प्रारंभ की जाएंगी और जब तक उस स्थान को भरा नहीं जाता, उसे आकस्मिक रिक्ति समझा जाएगा:

परंतु अधिनियम के अधीन अध्यक्ष या उपाध्यक्ष या किन्हीं समितियों के निर्वाचन की कार्यवाहियां ऐसे स्थान का निर्वाचन लंबित रहते हुए स्थगित नहीं की जाएंगी.".

(२) धारा २० में, उपधारा (२) में, खण्ड (ख) में, उपखण्ड (तीन) के स्थान पर, निम्नलिखित उपखण्ड स्थापित किया जाए, अर्थात्:—

"(तीन) अध्यक्ष के निर्वाचन की दशा में, किसी पार्षद् द्वारा;".

(३) धारा २९ में, उपधारा (४) में प्रथम परन्तुक में, शब्द "छह मास" के स्थान पर, शब्द "दो मास" स्थापित किए जाएं.

(४) धारा ३० में,—

(एक) खण्ड (ग) के पश्चात्, निम्नलिखित खण्ड अंत:स्थापित किया जाए, अर्थात्:—

"(घ) किसी पंचायत या किसी नगरपालिक निगम के नगरपालिक क्षेत्र से संबंधित किसी निर्वाचक नामावली में रजिस्ट्रीकृत नहीं है;";

(दो) परंतुक के पश्चात्, निम्नलिखित स्पष्टीकरण जोड़े जाएं, अर्थात्:—

"**स्पष्टीकरण. १**—इस धारा के प्रयोजन हेतु "पंचायत" का वही अर्थ होगा जैसा कि मध्यप्रदेश पंचायत राज एवं ग्राम स्वराज अधिनियम, १९९३ (क्रमांक १ सन् १९९४) की धारा २ के खण्ड (सत्रह) में इसके लिए समनुदेशित किया गया है.

स्पष्टीकरण. २—इस धारा के प्रयोजन हेतु "नगरपालिक क्षेत्र" का वही अर्थ होगा जैसा कि मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) की धारा ५ के खण्ड (३४-क) में इसके लिए समनुदेशित किया गया है.".

(५) धारा ३२ में,—

(क) उपधारा (१) में, शब्द "अध्यक्ष तथा" का लोप किया जाए;

(ख) उपधारा (२) में, शब्द "अध्यक्षों तथा" का लोप किया जाए;

(६) धारा ३२-क में, उपधारा (१) में, शब्द "अध्यक्ष" जहां कहीं भी आया हो, के स्थान पर, शब्द "पार्षद" स्थापित किया जाए.

(७) धारा ३२-ख में, शब्द "अध्यक्ष" के स्थान पर, शब्द "पार्षद" स्थापित किया जाए.

(८) धारा ३२-ग में, शब्द "या अध्यक्ष" का लोप किया जाए.

(९) धारा ३३ में,—

(क) प्रारंभिक पैरा में, शब्द "या अध्यक्ष"' का लोप किया जाए;

(ख) विद्यमान परंतुक के स्थान पर, निम्नलिखित परंतुक स्थापित किया जाए, अर्थात्:—

"परन्तु कोई भी व्यक्ति पार्षद के किसी निर्वाचन में एक से अधिक बार मतदान नहीं करेगा.".

(१०) धारा ३५ में, शब्द "अध्यक्ष के रूप में निर्वाचन या" का लोप किया जाए.

(११) धारा ४३ में,—

(क) पार्श्व शीर्ष में, शब्द "उपाध्यक्ष" के पूर्व, शब्द "अध्यक्ष तथा" अंत:स्थापित किए जाएं;

(ख) उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(१) राज्य निर्वाचन आयोग, नगरपालिका परिषद् एवं नगर परिषद् के प्रत्येक निर्वाचन के तुरंत पश्चात् अध्यक्ष तथा उपाध्यक्ष का निर्वाचन, ऐसी रीति में, जैसी कि विहित की जाए, करवाएगा. परिषद् के निर्वाचित सदस्य धारा ५५ में यथाविनिर्दिष्ट अपने प्रथम सम्मिलन में निर्वाचित सदस्यों में से, विहित रीति में एक अध्यक्ष तथा एक उपाध्यक्ष का निर्वाचन करेंगे.";

(ग) उपधारा (३) में, शब्द "उपाध्यक्ष" के पूर्व, शब्द "अध्यक्ष तथा" अंत:स्थापित किए जाएं.

(१२) धारा ४३-क में,—

(क) पार्श्व शीर्ष में, शब्द "उपाध्यक्ष" के पूर्व, शब्द "अध्यक्ष या" अंत:स्थापित किए जाएं;

(ख) उपधारा (१) में, शब्द "उपाध्यक्ष" जहां कहीं भी वे आए हों, के पूर्व, शब्द "अध्यक्ष या" अंत:स्थापित किए जाएं;

(ग) उपधारा (२) में, खण्ड (दो) में, शब्द "अध्यक्ष" के स्थान पर, शब्द "अध्यक्ष, उपाध्यक्ष" स्थापित किए जाएं.

(१३) धारा ४७ का लोप किया जाए.

(१४) धारा ५५ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

साधारण निर्वाचन के पश्चात् प्रथम सम्मिलन.

"५५. (१) राज्य निर्वाचन आयोग, धारा ४५ के अधीन निर्वाचन की अधिसूचना की तारीख से १५ दिन के भीतर, अध्यक्ष तथा उपाध्यक्ष के निर्वाचन के प्रयोजन के लिए निर्वाचित पार्षदों का सम्मिलन बुलाएगा.

(२) उपधारा (१) के अधीन सम्मिलन, ऐसी रीति में बुलाया जाएगा, जैसी कि राज्य निर्वाचन आयोग द्वारा अवधारित की जाए, जिसकी अध्यक्षता राज्य निर्वाचन आयोग द्वारा प्राधिकृत अधिकारी द्वारा की जाएगी. अध्यक्षता करने वाले अधिकारी को मत देने का अधिकार नहीं होगा और मत बराबर होने की दशा में परिणाम लाट द्वारा ऐसी रीति में विनिश्चित किया जाएगा, जैसी कि विहित की जाए.".

(१५) धारा ५६ में, अंक "४७" का लोप किया जाए.

(१६) धारा ६२ में, उपधारा (३) में, खण्ड (तीन) के परंतुक में, शब्द, अंक तथा अल्पविराम "या ४७," का लोप किया जाए.

(१७) धारा ६३ में, परन्तुक में, शब्द "उपाध्यक्ष या" का लोप किया जाए.

(१८) धारा ३२८ में, उपधारा (१) में, खण्ड (ख) में, शब्द "उपाध्यक्ष" जहां कहीं भी वे आए हों, के पूर्व, शब्द "अध्यक्ष तथा" अंत:स्थापित किए जाएं.

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (संशोधन) अध्यादेश, २०१९ (क्रमांक ७ सन् २०१९) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश के निरसन के होते हुए भी, उक्त अध्यादेश के अधीन की गई कोई बात या कार्रवाई इस अधिनियम के तत्स्थानी उपबंध के अधीन की गई समझी जाएगी.

भोपाल, दिनांक 27 जनवरी 2020

क्र. 1615-24-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2019 (क्रमांक 11 सन् 2020) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
No. 11 OF 2020

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2019

[Received the assent of the Governor on the 27th January, 2020; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 27th January, 2020.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the seventieth year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2019.

PART I
AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (No. 23 of 1956)

Amendment to the Madhya Pradesh Act No. 23 of 1956.

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956),—

(1) In Section 9,—

(a) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) a Mayor elected by the elected Councillors from the municipal wards;";

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) If any ward of any municipal area fails to elect a Councillor, fresh election proceedings shall be commenced for such ward within six months to fill the seat and until the seat is filled it shall be treated as casual vacancy:

Provided that proceedings of election of Speaker, Mayor, any departmental Committees or any of the Committee shall not be stayed, pending the election of such seat.".

(2) In Section 10, in sub-section (4), in the first proviso, for the words "six months", the words "two months" shall be substituted.

(3) In Section 12,—

(i) after clause (c), the following clause shall be inserted, namely:—

"(d) is not registered in any electoral roll related to a Panchayat or municipal area of a municipality,";

(ii) after the proviso, the following explanations shall be added, namely:—

"**Explanation**. 1—For the purpose of this section "Panchayat" shall have the same meaning as assigned to it in clause (xvii) of section 2 of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994).

Explanation. 2—For the purpose of this section "municipal area" shall have the same meaning as assigned to it in clause (18-a) of section 3 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).".

(4) In Section 14,—

(a) in sub-section (1), the words "and Mayors" shall be omitted;

(b) in sub-section (2), the words "and Mayors" shall be omitted.

(5) In Section 14-A, in sub-section (1), for the word "Mayor", the word "Councillor" shall be substituted.

(6) In Section 14-B, for the word "Mayor", the word "Councillor" shall be substituted.

(7) In Section 14-C, the words "or a Mayor" shall be omitted.

(8) In Section 15,—

(a) the words "or Mayor" shall be omitted;

(b) for the proviso, the following proviso shall be substituted, namely:—

"Provided that no person shall vote more than once in any election of the Councillors.".

(9) In Section 16, sub-section (4) shall be deleted.

(10) In Section 17,—

(a) in sub-section (1),—

(i) in the marginal heading, the words "or Mayor" shall be omitted;

(ii) in the opening paragraph, the words "or Mayor" shall be omitted;

(iii) in clause (bb), the words "or Mayor" shall be omitted;

(b) in sub-section (2),—

(i) in the marginal heading, the words "or Mayor" shall be omitted;

(ii) in the opening paragraph, the words "or Mayor" shall be omitted;

(iii) in clause (e), the words "or Mayor" shall be omitted;

(c) in sub-section (3), for the words "Councillor or Mayor" wherever they occur, the word "Councillor" shall be substituted.

(11) In Section 17-B,—

(a) in the marginal heading, the words "the Mayor and" shall be omitted;

(b) in sub-section (1), for the opening paragraph, the following paragraph shall be substituted, namely:—

"Every Councillor shall before taking part in the election of Speaker in the first meeting of the Corporation or before entering upon his office, as the case may be, shall make and subscribe in the presence of the officer authorised

by the State Election Commission an oath or affirmation in the following form:—";

(c) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If the Councillor does not take an oath under sub-section (1), it shall be deemed that such Councillor has not assumed his office:

Provided that except with the permission of the Divisional Commissioner, if any Councillor does not take an oath within three months from the date of his election or nomination, his seat shall be deemed to have been vacant ipso facto.".

(12) In Section 18,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Election of Speaker and Mayor";

(b) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Election Commission shall, within fifteen days of the notification of election under section 22, call a meeting of the elected Councillors for the purpose of electing a Speaker and Mayor.";

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Meeting under sub-section (1) shall be called in such manner as may be determined by the State Election Commission, which shall be presided over by the officer authorised by the State Election Commission. The presiding officer shall not have the right to vote and in case of equality of votes the result shall be decided by lot in such manner as prescribed.".

(13) In Section 20, in the Explanation, after the words "the Speaker", the words "and the Mayor" shall be inserted.

(14) In Section 23-A,—

(a) in the marginal heading and in sub-section (1), after the word "Speaker" wherever it occurs, the words "or Mayor" shall be inserted;

(b) in clause (ii) of sub-section (2), for the word "Mayor", the words "Speaker, Mayor", shall be substituted.

(15) Section 24 shall be deleted.

(16) In Section 441, in sub-section (2), in clause (b), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

"(iii) in the case of election of Mayor, by any elected Councillor.".

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961
(No. 37 of 1961)

Amendment to the Madhya Pradesh Act No. 37 of 1961.

3. In the Madhya Pradesh Municipalities Act, 1961(No. 37 of 1961),—

(1) In Section 19,—

(a) in sub-section (1), for clause (a), the following clause shall be substituted,

namely:—

"(a) President, that is chairperson, elected by the elected Councillors of Municipal Council or Nagar Parishad;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) If any ward of any municipal area fails to elect a Councillor, fresh election proceedings shall be commenced for such ward within six months to fill the seat and until the seat is filled, it shall be treated as casual vacancy:

Provided that proceedings of election of President or Vice-President, or any of the Committees under the Act shall not be stayed, pending the election of such seat.".

(2) In Section 20, in sub-section (2), in clause (b), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

"(iii) in the case of election of President by any Councillor;".

(3) In Section 29, in sub-section (4), in the first proviso, for the words "six months", the words "two months" shall be substituted.

(4) In Section 30,—

(i) after clause (c), the following clause shall be inserted, namely:—

(d) is not registered in any electoral roll related to a Panchayat or municipal area of a municipal corporation;";

(ii) after the proviso, the following explanations shall be added, namely:—

"**Explanation**. 1—For the purpose of this section "Panchayat" shall have the same meaning as assigned to it in clause (xvii) of section 2 of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994).

Explanation. 2—For the purpose of this Section "municipal area" shall have the same meaning as assigned to it in clause (34-a) of Section 5 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956).".

(5) In Section 32,—

(a) in sub-section (1), the words "President and" shall be omitted;

(b) in sub-section (2), the words "Presidents and" shall be omitted.

(6) In Section 32-A, in sub-section (1), for the word "President" wherever it occurs, the word "Councillor" shall be substituted.

(7) In Section 32-B, for the word "President", the word "Councillor" shall be substituted.

(8) In Section 32-C, the words "or President" shall be omitted.

(9) In Section 33,—

(a) in the opening paragraph, the words "or President" shall be omitted;

(b) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that no person shall vote more than once in any election of the Councillor.".

(10) In Section 35, the words "election as a President or" shall be omitted.

(11) In Section 43,—

(a) in the marginal heading, before the words "Vice President", the words, "the President and" shall be inserted;

(b) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Election Commission shall cause the election of President and Vice President immediately after every election of Municipal Council and Nagar Parishad in such manner as may be prescribed. The elected members of the Council shall elect a President and a Vice-President in the prescribed manner, from elected members in its first meeting as specified in Section 55.";

(c) in sub-section (3), before the words "Vice-President", the words "the President and" shall be inserted.

(12) In Section 43-A,—

(a) in the marginal heading, before the words "Vice-President", the words, "the President or" shall be inserted;

(b) in sub-section (1), before the words "Vice-President" wherever they occur, the words, "the President or" shall be inserted;

(c) in sub-section (2), in clause (ii), for the word "President", the words "President, Vice-President" shall be substituted.

(13) Section 47 shall be deleted.

(14) For Section 55, the following Section shall be substituted, namely:—

First meeting after general election.

"55.(1) The State Election Commission shall, within 15 days from the date of the notification of election under Section 45, call a meeting of the elected Councillors for, the purpose of electing a President and Vice-President.

(2) Meeting under sub-section (1) shall be called in such manner as may be determined by the State Election Commission, which shall be presided over by the officer authorised by the State Election Commission. The presiding officer shall not have the right to vote and in case of equality of votes, the result shall be decided by lot in such manner as prescribed.

(15) In Section 56, the figure "47" shall be omitted.

(16) In Section 62, in sub-section (3), in the proviso to clause (iii), the word, figure and comma "or 47," shall be omitted.

(17) In Section 63, in the proviso, the words "Vice President, or", shall be omitted.

(18) In Section 328, in sub-section (1), in clause (b), before the word "Vice- President" wherever they occur, the words "President and" shall be inserted.

Repeal and saving.

4. (1) The Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhyadesh, 2019 (No. 7 of 2019) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2020.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 552] भोपाल, गुरुवार, दिनांक 6 अक्टूबर 2022—आश्विन 14, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 6 अक्टूबर 2022

क्र. 15014-246-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 3 अक्टूबर, 2022 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा, सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २२ सन् २०२२

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०२२

[दिनांक २९ सितम्बर, २०२२ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'' में दिनांक ६ अक्टूबर २०२२ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के तिहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम. १. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०२२ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में,—

(१) धारा ९ में,—

(क) उपधारा (१) में, खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(क) नगरपालिक क्षेत्र से प्रत्यक्ष निर्वाचन द्वारा निर्वाचित महापौर अर्थात् सभापति;'';

(ख) उपधारा (४) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(४) यदि कोई नगरपालिक क्षेत्र महापौर का निर्वाचन करने में असफल रहता है, या कोई वार्ड पार्षद् का निर्वाचन करने में असफल रहता है, तो यथास्थिति, ऐसे नगरपालिक क्षेत्र या वार्ड के स्थान को भरने के लिए छह माह के भीतर नई निर्वाचन कार्यवाही प्रारंभ की जाएगी और जब तक उस स्थान को भरा नहीं जाता, उसे आकस्मिक रिक्ति समझा जाएगा:

परंतु अधिनियम के अधीन अध्यक्ष या समितियों में से किसी के निर्वाचन की कार्यवाहियां, ऐसे स्थान का निर्वाचन लंबित रहते स्थगित नहीं की जाएंगी.''.

(२) धारा १० में, उपधारा (४) में, प्रथम परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात्:—

''परंतु किसी भी नगरपालिक निगम के कार्यकाल की पूर्णता के दो माह पूर्व क्षेत्र के सम्मिलित किए जाने या हटाए जाने अथवा वार्डों के सुधार की प्रक्रिया पूर्ण कर ली जाएगी, जिसमें असफल होने पर राज्य निर्वाचन आयोग प्रचलित परिसीमन के आधार पर निर्वाचन प्रक्रिया प्रारंभ कर सकेगा.''.

(३) धारा १४ में,—

(क) उपधारा (१) में, शब्द ''पार्षदों'' के पश्चात्, शब्द ''तथा महापौर'' अंत:स्थापित किये जाएं.

(ख) उपधारा (२) में, शब्द ''पार्षदों'' के पश्चात्, शब्द ''तथा महापौर'' अंत:स्थापित किये जाएं.

(४) धारा १४-क में, उपधारा (१) में, शब्द ''पार्षद्'' के स्थान पर शब्द ''महापौर अथवा पार्षद्'' स्थापित किए जाएं.

(५) धारा १४-ख में, शब्द ''पार्षद्'' के स्थान पर, शब्द ''महापौर अथवा पार्षद्'' स्थापित किए जाएं.

(६) धारा १४-ग में, शब्द ''पार्षद्'' के पश्चात् शब्द ''या महापौर'' अंत:स्थापित किए जाएं.

(७) धारा १५ में,—

(क) शब्द ''पार्षदों'' के पश्चात् शब्द ''या महापौर'' अंत:स्थापित किए जाएं.

(ख) परंतुक के स्थान पर, निम्नलिखित परंतुक स्थापित किया जाए, अर्थात्:—

''परन्तु कोई भी व्यक्ति यथास्थिति, पार्षदों के किसी निर्वाचन में या महापौर के निर्वाचन में, एक से अधिक बार मतदान नहीं करेगा.''.

(८) धारा १६ में, उपधारा (३) के पश्चात्, निम्नलिखित उपधारा जोड़ी जाए, अर्थात्:—

''(४) यदि कोई व्यक्ति महापौर और पार्षद् दोनों पदों के लिए निर्वाचित हो जाता है, तो उसे निर्वाचित घोषित किए जाने की तारीख से सात दिन के भीतर किसी एक पद से अपना त्यागपत्र देना होगा.''.

(९) धारा १७ में,—

(क) पार्श्व शीर्ष में, शब्द ''पार्षद्'' के पश्चात्, शब्द ''या महापौर'' जोड़े जाएं.

(ख) उपधारा (१) में,—

(एक) प्रारंभिक पैरा में, शब्द ''पार्षद्'' के पश्चात्, शब्द ''या महापौर'' अन्त:स्थापित किए जाएं;

(दो) खण्ड (ख ख) में, शब्द ''पार्षद्'' के पश्चात्, शब्द ''या महापौर'' अन्त:स्थापित किये जाएं.

(ग) उपधारा (२) में,—

(एक) शीर्ष में, शब्द ''पार्षद्'' के पश्चात्, शब्द ''या महापौर'' जोड़े जाएं;

(दो) प्रारंभिक पैरा में, शब्द ''पार्षद्'' के पश्चात्, शब्द ''या महापौर'' अन्त:स्थापित किए जाएं;

(तीन) खण्ड (ङ) में, शब्द ''पार्षद्'' के पश्चात्, शब्द ''या महापौर'' अन्त:स्थापित किए जाएं;

(घ) उपधारा (३) में, शब्द ''पार्षद्'' जहां कहीं भी वह आया हो, के स्थान पर, शब्द ''पार्षद् या महापौर'' स्थापित किए जाएं.

(१०) धारा १७-ख में,—

(क) पार्श्व शीर्ष में, शब्द ''पार्षद्'' के स्थान पर, शब्द ''महापौर तथा पार्षद्'' स्थापित किए जाएं;

(ख) उपधारा (१) में, प्रारंभिक पैरा में, शब्द ''प्रत्येक पार्षद्'' के स्थान पर, शब्द ''महापौर तथा प्रत्येक पार्षद्'' स्थापित किए जाएं;

(ग) उपधारा (२) में,—

(एक) प्रारंभिक पैरा में, शब्द ''पार्षद्'' जहां कहीं भी आया हो, के स्थान पर, शब्द ''महापौर तथा पार्षद्'' स्थापित किए जाएं;

(दो) परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात्:—

''परन्तु संभागीय आयुक्त की अनुमति के सिवाय, यदि कोई महापौर या पार्षद्, यथास्थिति, अपने निर्वाचन या नामनिर्देशन की तारीख से तीन माह के भीतर शपथ नहीं लेता है तो उसका स्थान स्वयंमेव ही रिक्त हुआ समझा जाएगा.''.

(११) धारा १८ में,—

(क) पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:— ''अध्यक्ष (स्पीकर) का निर्वाचन'';

(ख) उपधारा (१) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(१) निगम का महापौर तथा निर्वाचित पार्षद्, धारा २२ के अधीन निर्वाचन की अधिसूचना की तारीख से पन्द्रह दिन के भीतर, विहित रीति में, सम्मिलन में, निर्वाचित पार्षदों में से अध्यक्ष निर्वाचित करेंगे, जिसे कलक्टर द्वारा बुलाया जाएगा तथा वह उसकी अध्यक्षता करेगा.'';

(ग) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(३) उपधारा (१) के अधीन सम्मिलन, कलक्टर द्वारा बुलाया जाएगा और जिसकी अध्यक्षता कलक्टर द्वारा की जाएगी. पीठासीन अधिकारी को मत देने का अधिकार नहीं होगा और मतों के बराबर होने की दशा में, परिणाम का विनिश्चय, ऐसी रीति में, जैसी की विहित की जाए, लॉट द्वारा किया जाएगा.''.

(१२) धारा २० में, स्पष्टीकरण में, शब्द ''तथा महापौर'' का लोप किया जाए.

(१३) धारा २३-क में,—

(क) पार्श्व शीर्ष में तथा उपधारा (१) में, शब्द ''या महापौर'' जहां कहीं भी वे आए हों, का लोप किया जाए;

(ख) उपधारा (२) के खण्ड (दो) में, शब्द ''अध्यक्ष, महापौर'' के स्थान पर, शब्द ''महापौर'' स्थापित किया जाए.

(१४) धारा २३-क के पश्चात्, निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्:—

''२४. महापौर का वापस बुलाया जाना—

(१) किसी निगम के प्रत्येक महापौर द्वारा अपना पद तत्काल रिक्त कर दिया गया समझा जाएगा यदि उसे ऐसी प्रक्रिया के अनुसार, जो कि विहित की जाए, निगम क्षेत्र के मतदान करने वाले मतदाताओं की कुल संख्या के आधे से अधिक मतदाताओं के बहुमत द्वारा गुप्त मतदान से वापस बुलाया जाए:

परन्तु वापस बुलाने की ऐसी कोई प्रक्रिया तब तक आरम्भ नहीं की जाएगी जब तक कि निर्वाचित पार्षदों की कुल संख्या के कम से कम तीन चौथाई पार्षदों द्वारा प्रस्ताव पर हस्ताक्षर न कर दिए जाएं और उसे संभागीय आयुक्त को प्रस्तुत न कर दिया जाए:

परन्तु यह और कि ऐसी कोई प्रक्रिया:—

(एक) उस तारीख से, जिसको कि ऐसा महापौर निर्वाचित होता है और अपना पद धारण करता है, दो वर्ष की कालावधि के भीतर; और

(दो) यदि महापौर उप चुनाव में निर्वाचित होता है तो उसकी पदावधि की आधी कालावधि का अवसान न हो गया हो,

आरंभ नहीं की जाएगी:

परन्तु यह और भी कि महापौर को वापस बुलाए जाने की प्रक्रिया उसकी संपूर्ण पदावधि में एक बार ही आरम्भ की जाएगी.

(२) संभागीय आयुक्त अपना समाधान कर लेने और यह सत्यापित कर लेने के पश्चात् कि उपधारा (१) में विनिर्दिष्ट तीन चौथाई पार्षदों ने वापस बुलाए जाने के प्रस्ताव पर हस्ताक्षर कर दिए हैं, प्रस्ताव राज्य सरकार को भेजेगा और राज्य सरकार उसे राज्य निर्वाचन आयोग को निर्देशित करेगी.

(३) राज्य निर्वाचन आयोग निर्देश प्राप्त होने पर, वापस बुलाए जाने के प्रस्ताव पर, ऐसी रीति में, जैसी कि विहित की जाए, मतदान कराने की व्यवस्था करेगा.''.

(१५) धारा ४४१ में, उपधारा (२) में, खण्ड (ख) में, उपखण्ड (तीन) के स्थान पर, निम्नलिखित उपखण्ड स्थापित किया जाए, अर्थात्:—

''(तीन) महापौर के निर्वाचन की दशा में, नगरपालिक क्षेत्र के किसी मतदाता द्वारा.''.

भाग–दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में,—

(१) धारा २९ में उपधारा (४) में, प्रथम परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात्:—

''परन्तु किसी भी नगरपालिक परिषद् के कार्यकाल की पूर्णता के दो माह पूर्व क्षेत्र के सम्मिलित किए जाने या हटाए जाने अथवा वार्डों के सुधार की प्रक्रिया पूर्ण कर ली जाएगी, जिसमें असफल होने पर राज्य निर्वाचन आयोग प्रचलित परिसीमन के आधार पर निर्वाचन प्रक्रिया प्रारंभ कर सकेगा:''.

(२) धारा ३४ में,—

(क) उपधारा (१) में, खण्ड (क) में, अंक तथा शब्द ''२५ वर्ष'' के स्थान पर, अंक तथा शब्द ''२१ वर्ष'' स्थापित किए जाएं;

(ख) उपधारा (४) का लोप किया जाए.

(३) धारा ३५ में, खण्ड (घ घ) के स्थान पर निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(घ घ) अध्यक्ष तथा पार्षद की दशा में आयु २१ वर्ष से कम हो;''.

(४) धारा ४३ में, उपधारा (१) में, शब्द ''राज्य निर्वाचन आयोग'' के स्थान पर, शब्द ''कलक्टर'' स्थापित किया जाए.

(५) धारा ५५ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

आम निर्वाचन के पश्चात् प्रथम सम्मिलन.

''५५. (१) कलक्टर, धारा ४५ के अधीन पार्षदों के निर्वाचन की अधिसूचना की तारीख से पन्द्रह दिन के भीतर, अध्यक्ष तथा उपाध्यक्ष का निर्वाचन करने के प्रयोजन के लिए निर्वाचित पार्षदों का सम्मिलन बुलाएगा.

(२) उपधारा (१) के अधीन बुलाए गए परिषद् के प्रथम सम्मिलन की अध्यक्षता कलक्टर द्वारा नियुक्त किए गए ऐसे अधिकारी द्वारा, जो नगरपालिका परिषद् के मामले में डिप्टी कलक्टर की पद श्रेणी से निम्न पद श्रेणी का न हो तथा नगर परिषद् के मामले में तहसीलदार की पद श्रेणी से निम्न पद श्रेणी का न हो, की जाएगी और इस अध्याय में अंतर्विष्ट वे समस्त उपबंध जो परिषद् के सम्मिलनों के बारे में है, यथाशक्य ऐसे सम्मिलन के संबंध में लागू होंगे:

परन्तु अध्यक्षता करने वाले अधिकारी को ऐसे सम्मिलन में मत देने का अधिकार नहीं होगा और मतों के बराबर होने की दशा में परिणाम का विनिश्चय लॉट द्वारा किया जाएगा.''.

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (संशोधन) अध्यादेश, २०२२ (क्रमांक ३ सन् २०२२) तथा मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अध्यादेश, २०२२ (क्रमांक ५ सन् २०२२) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश के निरसन के होते हुए भी, उक्त अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई, इस अधिनियम के तत्स्थानी उपबंधों के अधीन की गई बात या की गई कार्रवाई समझी जाएगी.

भोपाल, दिनांक 6 अक्टूबर 2022

क्र. /242-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगर पालिक विधि (संशोधन) अधिनियम, 2022 (क्रमांक 22 सन् 2022) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
No. 22 OF 2022

THE MADHYA PRADESH NAGARPALIK VIDHI(SANSHODHAN) ADHINIYAM, 2022

[Received the assent of the Governor on the 3rd October, 2022; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 6th October, 2022.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the seventy-third year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2022. **Short title.**

PART—I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956)

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956),—

(1) In section 9,—

(a) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) a Mayor that is chairperson elected by direct election from the municipal area;";

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) If any municipal area fails to elect a Mayor or any ward fails to elect a Councillor, fresh election proceedings shall be commenced for such Municipal area or ward, as the case may be, within six months to fill the seat, and until the seat is filled it shall be treated as casual vacancy:

Provided that proceedings of election of Speaker, or any of the Committee under the Act shall not be stayed, pending the election of such seat.".

(2) In section 10, in sub-section (4), for the first proviso, the following proviso shall be substituted, namely: —

"Provided that the process of inclusion or exclusion of area or reformation of wards shall be completed two months before the completion of the tenure of any Municipal Corporation failing which the State Election Commission may start electoral process on the basis of prevailing delimitation.".

(3) In section 14,—

(a) in sub-section (1), after the word "Councillors", the words "and Mayors" shall be inserted;

(b) in sub-section (2), after the word "Councillors", the words "and Mayors" shall be inserted.

(4) In section 14-A, in sub-section (1), for the word "Councillors", the words "Mayor or Councillor" shall be substituted.

(5) In section 14-B, for the word "Councillors", the words "Mayor or Councillor" shall be substituted.

(6) In section 14-C after the word "Councillors", the words "or a Mayor" shall be inserted.

(7) In section 15,—

(a) after the word "Councillors", the words "or Mayor" shall be inserted;

(b) for the proviso, the following proviso shall be substituted, namely:—

"Provided that no person shall vote more than once in any election of the Councillors or an election of the Mayor, as the case may be.".

(8) In section 16, after sub-section (3), the following sub-section shall be added, namely:—

"(4) If a person is elected for the Office of Mayor and Councillor both, he shall have to resign from one of the offices within seven days from the date on which he is elected.".

(9) In section 17,—

(a) in the marginal heading, after the word "Councillor", the words "or Mayor" shall be added;

(b) in sub-section (1),—

(i) in the opening paragraph, after the word "Councillor", the words "or Mayor" shall be inserted;

(ii) in clause (bb), after the word "Councillor", the words "or Mayor" shall be inserted;

(c) in sub-section (2),—

(i) in the heading, after the word "Councillor", the words "or Mayor" shall be added;

(ii) in the opening paragraph, after the word "Councillor", the words "or Mayor" shall be inserted;

(iii) in clause (e), after the word "Councillor", the words "or Mayor" shall be inserted;

(d) in sub-section (3), for the word "Councillor" wherever it occurs, the words "Councillor or Mayor" shall be substituted.

(10) In section 17-B, —

(a) in the marginal heading, for the word "the Councillor", the words "The Mayor and the Councillor" shall be substituted;

(b) in sub-section (1), in the opening paragraph, for the words "Every Councillor", the words "Mayor and every Councillor" shall be substituted;

(c) in sub-section (2), —

(i) in the opening paragraph, for the word "Councillor" wherever it occurs, the words "the Mayor or Councillor" shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely: —

"Provided that except with the permission of the Divisional Commissioner, if any Mayor or Councillor, as the case may be, does not take an oath within three months from the date of his election or nomination, as the case may be, his seat shall be deemed to have been vacant ipso facto.".

(11) In section 18,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Election of Speaker";

(b) for sub-section (1), the following sub-section shall be substituted, namely: —

"(1) The Mayor and the elected Councillors of the Corporation shall, within 15 days from the date of notification of the election under section 22, in the prescribed manner, elect Speaker from the elected Councillors in a meeting, which shall be called and presided over by the Collector.";

(c) for sub-section (3), the following sub-section shall be substituted, namely: —

"(3) The meeting under sub-section (1) shall be called by the Collector, and the same shall be presided over by the Collector. The presiding officer shall not have the right to vote and in case of equality of votes the result shall be decided by lot in such manner as may be prescribed.".

(12) In section 20, in the Explanation, the words "and the Mayor" shall be omitted.

(13) In section 23-A,—

(a) in the marginal heading and in sub-section (1), the words "or Mayor" wherever they occur shall be omitted;

(b) in clause (ii) of sub-section (2), for the words "Speaker, Mayor", the word "Mayor" shall be substituted.

(14) After section 23-A, the following section shall be inserted, namely:—

"**24. Recalling of Mayor.**—(1) Every Mayor of Corporation shall forthwith be deemed to have vacated his office if he is recalled through a secret ballot by a majority of more than half of the total number of voters of the Corporation area casting the vote in accordance with the procedure as may be prescribed:

Provided that no such process of recall shall be initiated unless a proposal is signed by not less than three fourth of the total number of the elected Councillors and presented to the Divisional Commissioner:

Provided further that no such process shall be initiated:—

(i) within a period of two years from the date on which such Mayor is elected and enters his office;

(ii) if half of the period of tenure of the Mayor elected in a by-election has not expired:

Provided also that process for recall of the Mayor shall be initiated once in whole term.

(2) The Divisional Commissioner, after satisfying himself and verifying that the three fourth of the Councillors specified in sub-section (1) have signed the proposal of recall, shall send the proposal to the State Government and the State Government shall make a reference to the State Election Commission.

(3) On receipt of the reference, the State Election Commission shall arrange for voting on the proposal of recall in such manner as may be prescribed.".

(15) In section 441, in sub-section (2), in clause (b), for sub-clause (iii), the following sub-clause shall be substituted, namely: —

"(iii) in case of election of Mayor, by any voter of the Municipal area.".

PART—II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961
(NO. 37 OF 1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),—

(1) In section 29, in sub-section (4), for the first proviso, the following proviso shall be substituted, namely:—

"Provided that the process of inclusion or exclusion of area or reformation of wards shall be completed two months before the completion of tenure of any Municipal Council failing which the State Election Commission may start electoral process on the basis of prevailing delimitation.".

(2) In section 34,—

(a) in sub section (1), in clause (a), for the figure and word "25 years", the figure and word "21 years" shall be substituted;

(b) sub-section (4) shall be deleted.

(3) In section 35, for clause (dd), the following clause shall be substituted, namely:—

"(dd) is less than twenty-one years of age, in case of President and Councillor;".

(4) In section 43, in sub-section (1), for the words "State Election Commission", the word "Collector" shall be substituted.

(5) For section 55, the following section shall be substituted, namely:—

"**55. First meeting after general election.**—(1) The Collector shall, within fifteen days from the date of notification of election of Councillors under section 45, call a meeting of the elected Councillors for the purpose of electing a President and a Vice-President.

(2) The first meeting of the Council called under sub-section (1) shall be presided over by such officer not below the rank of Deputy Collector in the case of Municipal Council and not below the rank of Tehsildar in the case of Nagar Parishad, appointed by the Collector and all provisions contained in this Chapter regarding meeting of the Council, shall, as far as may be, apply in respect of such meeting:

Provided that the presiding officer shall not have right to vote at such meeting and in case of equality of votes, the result shall be decided by lot;.

Repeal and saving.

4. (1) The Madhya Pradesh NagarpalikVidhi (Sanshodhan) Adhyadesh, 2022 (No. 3 of 2022) and the Madhya Pradesh NagarpalikVidhi (Dwitiya Sanshodhan) Adhyadesh, 2022 (No. 5 of 2022) are hereby repealed.

(2) Notwithstanding the repeal of the said Ordinances, anything done or any action taken under the said Ordinances shall be deemed to have been done or taken under the corresponding provisions of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2022.

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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 553] भोपाल, गुरुवार, दिनांक 6 अक्टूबर 2022—आश्विन 14, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 6 अक्टूबर 2022

क्र. 15012-245-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 3 अक्टूबर, 2022 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा, सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २३ सन् २०२२

मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, २०२२

[दिनांक ३ अक्टूबर, २०२२ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक ६ अक्टूबर २०२२ को प्रथमबार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के तिहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

संक्षिप्त नाम. १. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, २०२२ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) की धारा ९ में उपधारा (१) में, खण्ड (ग) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए,—

"(ग) दस लाख से अधिक जनसंख्या वाले नगरपालिक निगमों में बारह से अनधिक व्यक्ति तथा दस लाख से कम जनसंख्या वाले नगरपालिक निगमों में आठ से अनधिक व्यक्ति जिनके पास नगरपालिक प्रशासन का ज्ञान अथवा अनुभव हो, राज्य सरकार द्वारा नामनिर्दिष्ट किए जाएंगे :

परन्तु केवल नगरपालिक क्षेत्र के भीतर निवास करने वाला व्यक्ति और जो पार्षद के रूप में निर्वाचन के लिए अन्यथा अपात्र न हो, नामनिर्दिष्ट किया जा सकेगा.".

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) की धारा १९ में, उपधारा (१) में, खण्ड (ग) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए,—

"(ग) नगरपालिक परिषद् की दशा में छह से अनधिक व्यक्ति तथा नगर परिषद् की दशा में चार से अनधिक व्यक्ति, जिनके पास नगरपालिक प्रशासन का ज्ञान अथवा अनुभव हो, राज्य सरकार द्वारा नामनिर्दिष्ट किए जाएंगे :

परन्तु केवल नगरपालिक क्षेत्र के भीतर निवास करने वाला व्यक्ति और जो पार्षद के रूप में निर्वाचन के लिए अन्यथा अपात्र न हो, नामनिर्दिष्ट किया जा सकेगा.".

भोपाल, दिनांक 6 अक्टूबर 2022

क्र. /245-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगर पालिक विधि (द्वितीय संशोधन) अधिनियम, 2022 (क्रमांक 23 सन् 2022) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
No. 23 OF 2022

THE MADHYA PRADESH NAGARPALIK VIDHI (DWITIYA SANSHODHAN) ADHINIYAM, 2022

[Received the assent of the Governor on the 3rd October, 2022; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 6th October, 2022.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the seventy-third year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh NagarpalikVidhi (Dwitiya Sanshodhan) Adhiniyam, 2022. **Short title.**

PART—I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956)

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), in Section 9, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

"(c) not more than twelve persons in the Municipal Corporations having population of more than ten lakhs and not more than eight persons in the Municipal Corporations having population of less than ten lakhs, having knowledge or experience in the municipal administration, nominated by the State Government:

Provided that only a person residing within the municipal area and being otherwise not ineligible for election as Councillor may be nominated;".

PART—II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (NO. 37 OF 1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), in Section 19, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

"(c) not more than six persons in case of Municipal Councils and not more than four persons in case of Nagar Parishads having knowledge or experience in the municipal administration, nominated by the State Government:

Provided that only a person residing within the municipal area and being otherwise not ineligible for election as Councillor may be nominated;".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2022

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 31] भोपाल, शुक्रवार, दिनांक 27 जनवरी 2023—माघ 7, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 27 जनवरी 2023

क्र. 1565-35-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 25 जनवरी 2023 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राघवेन्द्र भारद्वाज, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ६ सन् २०२३

मध्यप्रदेश नगरपालिक विधि (चतुर्थ संशोधन) अधिनियम, २०२२

[दिनांक २५ जनवरी, २०२३ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'' में दिनांक 27 जनवरी, २०२३ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के तिहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (चतुर्थ संशोधन) अधिनियम, २०२२ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में, धारा ३५८ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

''३५८. **मवेशियों अथवा अन्य पशुओं को सार्वजनिक सड़कों अथवा स्थानों पर खुला छोड़ना अथवा बांधना .—** जो कोई भी जानबूझकर अथवा उपेक्षापूर्वक किसी मवेशी अथवा अन्य पशु को सार्वजनिक सड़क अथवा स्थान पर खुला छोड़ता है अथवा बांधता है, जिसके कारण किसी व्यक्ति को क्षति होती है या संपत्ति को नुकसान होता है या लोक यातायात को बाधा पहुंचती है या संकटापन्न होता है या लोक न्यूसेंस कारित होता है, तो वह, राज्य सरकार द्वारा विहित जुर्माने से, जो एक हजार रुपये से अधिक का नहीं होगा, दंडनीय होगा.''.

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में, धारा २५४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

''२५४. **मवेशियों अथवा अन्य पशुओं को सार्वजनिक सड़कों अथवा स्थानों पर खुला छोड़ना अथवा बांधना .—** जो कोई भी जानबूझकर अथवा उपेक्षापूर्वक किसी मवेशी अथवा अन्य पशु को सार्वजनिक सड़क अथवा स्थान पर खुला छोड़ता है अथवा बांधता है, जिसके कारण किसी व्यक्ति को क्षति होती है या संपत्ति को नुकसान होता है या लोक यातायात को बाधा पहुंचती है या संकटापन्न होता है या लोक न्यूसेंस कारित होता है, तो वह, राज्य सरकार द्वारा विहित ऐसे जुर्माने से, जो एक हजार रुपये से अधिक का नहीं होगा, दंडनीय होगा.''.

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (संशोधन) अध्यादेश, २०२२ (क्रमांक ६ सन् २०२२) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश के निरसन के होते हुए भी, उक्त अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई, इस अधिनियम के तत्स्थानी उपबंधों के अधीन की गई बात या की गई कार्रवाई समझी जाएगी.

भोपाल, दिनांक 27 जनवरी 2023

क्र. 1565-35-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (चतुर्थ संशोधन) अधिनियम, 2022 (क्रमांक 6 सन् 2023) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राघवेन्द्र भारद्वाज, अतिरिक्त सचिव.

MADHYA PRADESH ACT
No. 6 OF 2023

THE MADHYA PRADESH NAGARPALIK VIDHI (CHATURTH SANSHODHAN) ADHINIYAM, 2022

[Received the assent of the Governor on the 25th January, 2023; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 27th January, 2023.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the seventy-third year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh NagarpalikVidhi (Chaturth Sanshodhan) Adhiniyam, 2022. **Short title.**

PART—I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956)

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), for Section 358, the following Section shall be substituted, namely:— **Amendment to the Madhya Pradesh Act No. 23 of 1956.**

"358. Letting loose or tethering cattle or other animals at public street or place.— Whosoever wilfully or negligently lets loose or tethers cattle or other animal at any public street or place, so as to cause injury to any person, or damage property, or obstruct or endanger the public traffic, or cause public nuisance, shall be punishable with such fine as may be prescribed by the State Government, not exceeding one thousand rupees.".

PART—II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (NO. 37 OF 1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), for Section 254, the following Section shall be substituted, namely:— **Amendment to the Madhya Pradesh Act No. 37 of 1961.**

"254. Letting loose or tethering cattle or other animals at public street or place.— Whosoever wilfully or negligently lets loose or tethers cattle or other animal at any public street or place, so as to cause injury to any person, or damage property, or obstruct or endanger the public traffic, or cause public nuisance, shall be punishable with such fine as may be prescribed by the State Government, not exceeding one thousand rupees.".

4. (1) The Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhyadesh, 2022 (No. 6 of 2022) is hereby repealed. **Repeal and saving.**

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2023.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 32] भोपाल, शुक्रवार, दिनांक 27 जनवरी 2023—माघ 7, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 27 जनवरी 2023

क्र. 1576-34-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 25 जनवरी 2023 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा, सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राघवेन्द्र भारद्वाज, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ७ सन् २०२३

मध्यप्रदेश नगरपालिक विधि (तृतीय संशोधन) अधिनियम, २०२२

[दिनांक २५ जनवरी, २०२३ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक २७ जनवरी, २०२३ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के तिहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (तृतीय संशोधन) अधिनियम, २०२२ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में, धारा १३३-क में उपधारा (१) में, द्वितीय पैरा में, पूर्ण विराम के स्थान पर, कोलन स्थापित किया जाए और तत्पश्चात् निम्नलिखित परन्तुक जोड़ा जाए, अर्थात् :—

"परन्तु उन मामलों में, जहां राज्य सरकार किसी स्थावर संपत्ति के हस्तांतरण या अंतरण के लिए किसी लिखत पर प्रभार्य स्टांप शुल्क से छूट प्रदान करती है, वहां अतिरिक्त स्टांप शुल्क अधिरोपित नहीं किया जाएगा.".

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में, धारा १६१ में, उपधारा (१) में, विद्यमान परन्तुक में, पूर्ण विराम के स्थान पर, कोलन स्थापित किया जाए और तत्पश्चात् निम्नलिखित परन्तुक जोड़ा जाए, अर्थात् :—

"परन्तु उन मामलों में, जहां राज्य सरकार किसी स्थावर संपत्ति के हस्तांतरण या अंतरण के लिए किसी लिखत पर प्रभार्य स्टांप शुल्क से छूट प्रदान करती है, वहां अतिरिक्त स्टांप शुल्क अधिरोपित नहीं किया जाएगा.".

भोपाल, दिनांक 27 जनवरी 2023

क्र. -34-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (तृतीय संशोधन) अधिनियम, 2022 (क्रमांक 7 सन् 2023) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राघवेन्द्र भारद्वाज, अतिरिक्त सचिव.

MADHYA PRADESH ACT
No. 7 OF 2023

THE MADHYA PRADESH NAGARPALIK VIDHI (TRITIYA SANSHODHAN) ADHINIYAM, 2022

[Received the assent of the Governor on the 25th January, 2023; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 27th January, 2023.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the Seventy-third year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Tritiya Sanshodhan) Adhiniyam, 2022. **Short title.**

PART—I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956)

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), in Section 133-A, in sub-section (1), Second paragraph, for full stop, colon shall be substituted and thereafter the following proviso shall be added, namely :— **Amendment to the Madhya Pradesh Act No. 23 of 1956.**

"Provided that in case where the State Government exempts stamp duty chargeable on any instrument for conveyance or transfer of any immovable property, the additional stamp duty shall not be imposed.".

PART—II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (NO. 37 OF 1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), in Section 161, in sub-section (1), in existing proviso, for full stop, colon shall be substituted and thereafter the following proviso shall be added, namely :— **Amendment to the Madhya Pradesh Act No. 37 of 1961.**

"Provided that in case where the State Government exempts stamp duty chargeable on any instrument for conveyance or transfer of any immovable property, the additional stamp duty shall not be imposed.".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2023.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 121] भोपाल, बुधवार, दिनांक 19 अप्रैल 2023—चैत्र 29, शक 1945

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 19 अप्रैल 2023

क्र. 34-98-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 18 अप्रैल 2023 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक १४ सन् २०२३

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०२३

[दिनांक १८ अप्रैल, २०२३ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक १९ अप्रैल, २०२३ को प्रथमबार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ तथा मध्यप्रदेश नगरपालिका अधिनियम, १९६१ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के चौहत्तरवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में अधिनियमित हो :—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०२३ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६ का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) में, —

(१) धारा १९५ में उपधारा (५) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(५) यदि किसी भवन या भूमि का स्वामी या अधिभोगी इस धारा के अधीन सूचना या आदेश की तामील के बावजूद उसमें उल्लिखित कार्य, यथास्थिति, उस सूचना या आदेश में विनिर्दिष्ट कालावधि के भीतर करने में असफल रहता है, तो आयुक्त, जुर्माना, जो पांच हजार रुपये तक का हो सकेगा और सूचना में उल्लिखित कार्य पूर्ण नहीं होने तक और अतिरिक्त जुर्माना, जो दो सौ रुपए प्रतिदिन तक का हो सकेगा, अधिरोपित करेगा:

परन्तु इस धारा के उल्लंघन के संबंध में जुर्माने के लिए कार्यवाहियां करने के अधिकार पर प्रतिकूल प्रभाव डाले बिना, आयुक्त अपने अभिकरण के माध्यम से उक्त कार्य करवा सकेगा और बारहवें अध्याय में उपबंधित रीति में, यथास्थिति, उसके स्वामी या अधिभोगी से, इससे संबंधित उपगत व्यय वसूल कर सकेगा."

(२) धारा २९० का लोप किया जाए.

(३) धारा ३६० का लोप किया जाए.

(४) धारा ३६२ का लोप किया जाए.

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में,—

(१) धारा २०८ में, उपधारा (५) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

"(५) यदि किसी भवन या भूमि का स्वामी या अधिभोगी इस धारा के अधीन सूचना या आदेश की तामील के बावजूद उसमें उल्लिखित कार्य, यथास्थिति, उस सूचना या आदेश में विनिर्दिष्ट कालावधि के भीतर करने में असफल रहता है तो परिषद्, जुर्माना, जो पांच हजार रुपये तक का हो सकेगा और सूचना में उल्लिखित कार्य पूर्ण नहीं होने तक और अतिरिक्त जुर्माना, जो दो सौ रुपए प्रतिदिन तक का हो सकेगा, अधिरोपित करेगी:

परन्तु इस धारा के उल्लंघन के संबंध में जुर्माने के लिए कार्यवाहियां करने के अधिकार पर प्रतिकूल प्रभाव डाले बिना, परिषद् अपने अभिकरण के माध्यम से उक्त कार्य करवा सकेगी और बारहवें अध्याय में उपबंधित रीति में, यथास्थिति, उसके स्वामी या अधिभोगी से, इससे संबंधित उपगत व्यय वसूल कर सकेगी.''

(२) धारा २८८ का लोप किया जाए.

(३) धारा २९० का लोप किया जाए.

भोपाल, दिनांक 19 अप्रैल 2023

क्र. 34-98-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2023 (क्रमांक 14 सन् 2023) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH ACT
No. 14 OF 2023

THE MADHYA PRADESH NAGARPALIK VIDHI(SANSHODHAN) ADHINIYAM, 2023

[Received the assent of the Governor on the 18th April, 2023; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 19th April, 2023.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the Seventy-fourth year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2023. **Short title.**

PART—I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956)

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956),— **Amendment to the Madhya Pradesh Act No. 23 of 1956.**

(1) In Section 195, for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) If the owner or occupier of a building or land in spite of service of notice or order under this section fails to carry out the work mentioned therein within the period specified in the notice or order, as the case may be, the Commissioner shall impose a fine which may extend to five thousand rupees and further additional fine which may extend to two hundred rupees per day till the work mentioned in the notice is not complete:

Provided that without prejudice to the right to take proceedings for fine in respect of the contravention of this section, the Commissioner may get the said work done through his agency and recover the cost incurred in connection therewith, from the owner or occupier thereof, as the case may be, in the manner provided in Chapter XII.".

(2) Section 290 shall be deleted.

(3) Section 360 shall be deleted.

(4) Section 362 shall be deleted.

PART—II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (NO. 37 OF 1961)

Amendment to the Madhya Pradesh Act No. 37 of 1961.

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),—

(1) In Section 208, for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) If the owner or occupier of a building or land in spite of service of notice or order under this section fails to carry out the work mentioned therein within the period specified in the notice or order, as the case may be, the Council shall impose a fine which may extend to five thousand rupees and further additional fine which may extend to two hundred rupees per day till the work mentioned in the notice is not complete:

Provided that without prejudice to the right to take proceedings for fine in respect of the contravention of this section, the Council may get the said work done through its agency and recover the cost incurred in connection therewith, from the owner or occupier thereof, as the case may be, in the manner provided in Chapter XII.".

(2) Section 288 shall be deleted.

(3) Section 290 shall be deleted.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2023.

इसे वेबसाईट www.govtpressmp.nic.in
से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 26] भोपाल, गुरुवार, दिनांक 16 जनवरी 2025—पौष 26, शक 1946

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 16 जनवरी 2025

क्र. 1170—6—इक्कीस—अ (प्रा.).— मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 15 जनवरी 2025 को राज्यपाल महोदय की अनुमति प्राप्त हो चुकी है, एतद्द्वारा, सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
भरत कुमार व्यास, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ३ सन् २०२५

मध्यप्रदेश नगरपालिक निगम (संशोधन) अधिनियम, २०२४

[दिनांक १५ जनवरी, २०२५ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक १६ जनवरी, २०२५ को प्रथमबार प्रकाशित की गई.]

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के पचहत्तरवें वर्ष में मध्यप्रदेश विधान-मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक निगम (संशोधन) अधिनियम, २०२४ है. संक्षिप्त नाम.

२. नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) की धारा २३-क में, उप-धारा (१) में,- धारा २३क का संशोधन.

उप-धारा (१) में,-

(एक) प्रारंभिक पैरा में, शब्द "दो तिहाई" के स्थान पर, शब्द "तीन चौथाई" स्थापित किए जाएं;

(दो) परन्तुक के खण्ड (एक) में, शब्द "दो वर्ष" के स्थान पर, शब्द "तीन वर्ष" स्थापित किए जाएं.

भोपाल, दिनांक 16 जनवरी 2025

क्र. 1170–6–इक्कीस–अ (प्रा.).– भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक निगम (संशोधन) अधिनियम, 2024 (क्रमांक 3 सन् 2025) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
भरत कुमार व्यास, अतिरिक्त सचिव.

MADHYA PRADESH ACT
No. 3 OF 2025

THE MADHYA PRADESH MUNICIPAL CORPORATION (AMENDMENT) ACT, 2024

[Received the assent of the Governor on the 15th January, 2025; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 16th January, 2025.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956.

Be it enacted by the Madhya Pradesh Legislature in the seventy-fifth year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Municipal Corporation (Amendment) Act, 2024.

Amendment of Section 23-A.

2. In Section 23-A of the Municipal Corporation Act, 1956 (No. 23 of 1956), in Sub-section (1),-

(1) in the opening paragraph, for the words "two thirds" the words "three fourths" shall be substituted;

(2) in clause (i) of the proviso, for the words "two years" the words "three years" shall be substituted.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित–2025.