The Madhya Pradesh Nagarpalik Vidhi Adhiniyam, 1961

Act 37 of 1961

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CHAPTER I
PRELIMINARY

1. **Short title, extent and Commencement**
(1) This Act may be called the Madhya Pradesh Municipalities Act, 1961.
(2) It extends to the whole of Madhya Pradesh.
(3) It shall apply to the smaller urban area or a transitional area, as the case may be, from the date on which they are notified as such order Section 5.

2. Repeal and Saving.-
(1) The Central Provinces and Berar Municipalities Act, 1922 (II of 1922), the Madhya Bharat Municipalities Act, 1954 (I of 1954), the Vidhya Pradesh Municipalities Act, 1946, and the Bhopal State Municipalities Act, 1955 (III of 1956), are hereby repealed.
(2) Notwithstanding such repeal -
(i) all Municipal Committees, Municipal Councils, Municipal Boards and Notified Area Committees constituted, Committees or Sub-Committees constituted, or appointed, limits defined, appointments, rules, orders, and bye-laws made, notifications and notices issued, taxes imposed or assessed, fees fixed, contracts entered into, suits instituted and proceedings undertaken or any other things done or action taken under the said Acts or any enactment thereby repealed shall, in so far as they are not inconsistent with the provisions of this Act, be deemed made, issued, imposed or assessed, fixed, centered into, instituted, undertaken, done or taken under this Act;
(ii) the Committees, Councils, Boards and Sub-Committees referred to in sub-clause (i) and the Presidents, Vice-Presidents, Presiding Officer by whatever designation known, members and Councillors thereof shall continue to function until the expiry of their respective terms under the repealed Act and Vacancy, Including a causal vacancy, in the office of the President, Vice-President, other Presiding Officer, member or Councillors, or as the case may be, in any of the said bodies, occurring before the expiry of the term of the body concerned, may be filled in the manner provided in such repealed Act and the rules made there under :
Provided that ---

(a) the State Government may, by a general or special order, determine the term earlier;
(b) the term of the Municipal Committees, Municipal Councils and the Municipal Boards shall, notwithstanding the expiration of their terms, be deemed to extend to and expire with, the day immediately preceding the date expire appointment under sub-section (2) of Section 55 for the first meeting of the Councils constituted under the Act for the first time in their respective places;
(c) the term of the Notified Area Committees shall, notwithstanding the expiry of their terms, be deemed to extend to, and expire with, the date immediately preceding to the date on which they are reconstituted under clause (d) of sub-section (1) of Section 341;
(d) the President, Vice-President or other Presiding Officer, by whatever designation known, of a body referred to in clause (b) and (c) shall, notwithstanding the expiry of his term, continue to carry on the duties of his office until such time as a new President, Vice-President or Presiding Officer, as the case may be, shall have been elected or appointed, and taken over charge of his duties;
(e) subject to the provision of clause (a) and (d) above, the term of Councillors or members shall not extend beyond the term of the Committee, Council or the Board, as the case may be, as specified in clause (b) or clause (c);

(iii) any action initiated for recovery of taxes under the said Acts or any enactment thereby repealed shall be continued in accordance with the provision thereof;

(iv) (a) all employees belonging to or under control of the bodies mentioned in clause (i) immediately before the commencement of this Act shall be deemed to be the employees of the Councils under this Act;

(b) the conditions of service including the salary, allowances, gratuity, annuity, pensions and other payments required to be made in accordance with the conditions of service existing in respect of the employees of the said bodies immediately before the commencement of this Act shall be deemed to be their conditions of service including the salary, allowances, gratuity, annuity, pensions and other payments required to be made in accordance with the conditions of service under this Act until altered in accordance with the provisions of this Act or the rules made there under.

Explanation I. --- For removal or doubt, it is hereby declared that any rules or bye-laws made or anything done under the enactments hereby declared that any rules or bye-laws made or anything done under the enactments hereby repealed shall not be deemed to be inconsistent with the provisions of this Act merely on the ground that the procedure followed in making such rules or bye-laws or doing such thing was different from the prescribed under this Act.

Explanation II. -- Where any authority specified by or under the repealed Acts ceases to exist after the commencement of this Act, the powers exercisable by such authority under the repealed Acts shall, for the purpose of this Act, be exercisable by such authority as the State Government may, by notification, specify in this behalf and the cases pending before the first mentioned authorities shall, on such notification, stand transferred to the authorities mentioned in such notification and be disposed of in accordance with the provisions of the repealed Acts.

3. Definitions.-

In this Act unless the context otherwise requires :-

(1) "assessment list" means any municipal assessment register prepared and maintained in accordance with the provision of this Act or rules made there under and includes any register subsidiary thereto;

(2) "building" includes a hut, shed or other enclosure whether used as a human dwelling or otherwise , and shall includes wells, walls, verandahs, fixed platforms, plinths, doorsteps and the like but shall not include a tent or a temporary shed erected on ceremonial or festival occasions;

(3) "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;

(4) "bye-law" means a bye-law made in exercise of a power conferred by this Act;

(5) “Chief Municipal Officer” means the Chief Municipal Officer for the Municipal Council appointed under Section 87 or 89 and includes any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Chief Municipal Officer to the extent to which such officer is so empowered;

(5-a) "Committee" means a Committee constituted under this Act;

(6) "Corrupt practice" means any of the practices specified in Section 28;

(7) "Councillor" means any person who is legally a member of a Council;

(8) "Council" means Municipal Council or Nagar Panchayat constituted by or under this Act.

(9) "Conservancy" means the removal and disposal of sewage, offensive matter and rubbish;

(10) "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 water, sullage, waster water, rain-water or subsoil 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 of offensive matter from any place;

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

(11) "erect or re-erect any building" includes --

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

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

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of building as effect a change in its drainage or sanitary arrangements or materially affect its security; and

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

(11-a) the expression "essential service" means the service in connection with the municipal fire brigade, the municipal air compressor, the pumping station, drainage, conservancy or water supply of the Municipality and any such other services as may be notified by the State Government and the expression "essential municipal officer or servant" means every person employed in the essential services;

(12) "explosive" and "petroleum" shall have the meanings assigned to them in the Indian Explosive Act, 1884 (IV of 1884), and the Petroleum Act, 1934 (XXX of 1934), respectively;

(13) "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; and

(b) any flavoring matter or condiments;

(13-a) "goods" means any material, commodity or article, and includes animals, electricity and electro-magnetic waves or signals transmitted through wires or wireless device;

(14) "house gully" means a passages or strip of land constructed, set apart or util fised for the purpose of serving as a drain or affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter there from;

(15) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immovable property in any municipality or in any local area which the State Government has, by notification, proposed to declare to be a municipality ;

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

(17) "market" or bazar" means ---

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

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

(18) "Municipality" means a Municipal Council or a Nagar Panchayat constituted under Section 5 of this Act.

(18-a) "Municipal area" means the smaller urban area or the transitional area, as the Governor may, by public notification, specify, in accordance with the provisions laid down in Section 5 of this Act.

(19) "municipal drain" means a drain vested in a Council;

(20) "municipal market" means a market vested in or managed by a Council;

(21) "municipal slaughter-houses" means a slaughter house vested in or managed by a Council;

(22) "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;

(23) " 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;

(24) "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 thereof were let to a tenant;

(25) "offensive matter" includes animal carcasses, dung, dirt, or putrid or putrifying substances and filth of any kind which is not included in "sewage" as defined in this section;

(25-a) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

(26) "prescribed authority" means an authority which the State Government may, by notification, generally or with respect to any provision of this Act, declare to be a prescribed authority;

(27) "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 Council or not;

(28) "public street" means any street ---

(a) over which the public have right of way, or

(b) which has been heretofore levelled, paved, metalled, asphalted, channelled, sewered or repaired out of municipal or other public funds; or

(c) which under the provisions of this 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

(29) "private street" means a street which is not a "public street"

(30) "privy" means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptable therin for human excreta and the fitting and apparatus, if any, connected therewith, and including a closet of the dry type, an aqua privy, a latrine and urinal;

(31) "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;

(32) "regular line of the street" means the line dividing the land comprised in and forming part of street from the adjoining land and includes any proposed alignment;

(33) "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 discharge from manufactories of all kinds;

(34) "sewer" includes a drain, a house drain or a drain of any other description and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water, or sub-soil water;

(35) "slaughter house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs;

(35-a) "State Election Commission" means the State Election Commission constituted under Article 243-K of the Constitution.

(35-b) "Social Audit" means the review of the impact of policies, programmes, schemes and procedure adopted or implemented by any municipal authority, by a group or groups of persons residing within the municipal area;

(36) "street" means any road, footway, square, Court, alley or passage, accessible, whether permanently or temporarily to the public whether a thoroughfare or not.

and shall 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 building about 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 if the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by the State Government or by the Council for any purpose other than a street;

(37) "tax" includes any toll, rate, cess, fee or other impost leviable or levied under this Act.

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

(39) Omitted.

CHAPTER II
CONSTITUTION OF MUNICIPALITIES

4. Omitted

5. Constitution of Municipal Councils and Nagar Panchayats.-
(1) There shall be constituted-
(a) a Municipal Council for a smaller urban area; and
(b) a Nagar Panchayat for a transitional area , that is to say an area in transition from a rural area to an urban area.

Provided that a Municipal Council or a Nagar Panchayat, as the case may be , 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 inn that area and such other factors as he may deem fit, by public notification specify to be an industrial township:

Provided further than when an area is notified to be a transitional area, the Gram Panchayat having jurisdiction over such area shall continue to function until a duly elected Nagar Panchayat is constituted under this Act.
(2) In this Section a smaller urban area, or 'a transitional 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) Omitted.

5-A. Power of State 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 a municipal area , 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, b y notification, include within or exclude from the limits of the municipal area, 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.

6. Procedure for publication of notification-
Every notification under Section 5 shall be published in the Official Gazette and in at least one Hindi newspaper having circulation in the area to which it relates and also by pasting a copy thereof-
(a) in a conspicuous place in the office of the Collector;
(b) in a conspicuous place in the office of the Municipality, if any, affected by the notification; and

(c) in such conspicuous places in the area affected by the notification as the Collector may deem fit.

7. Effect of establishing Municipality for local area which ceases to be Town area or Panchayat-

When any local area ceases to be a Town Area under the Bhopal State Town Area Act, 1954(XIV of 1954) , or a Panchayat under the Panchayat Law and immediately following such cessation a Municipality is established under Section 5 for such area then as from the date of the establishment of the Municipality (hereinafter in this section referred to as the specified date) the following consequences shall ensure, namely:-

(a) the Town Area Committee or the Panchayat, as the case may be, shall cease to exist;

(b) there shall be constituted a committee in accordance with the provision of Section 16 to exercise the powers of the Council pending its constitution;

(c) the unexpanded balance of the Town Area Fund or the Panchayat Fund and the property (including areas of rates, taxes rents, and fees) belonging to the Town Area Committee or the Panchayat and all rights and powers which prior to such notification were vested in the Town Area Committee or the Panchayat shall , subject to all charges and liabilities affecting the same, vest in the Committee until a Council is constituted under this Act;

(d) any appointment, notification, notice , tax, order, scheme licences, permission, rule, bye-law or form made, issued imposed or granted under the Bhopal State Town area Act, 1954 (XIV of 1954), or the Panchayat law before the specified date in respect of such local area shall so far as it is not inconsistent with the provisions of this Act continue, to be in force and be deemed to have been made, issued imposed or granted in respect of the Municipality until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act;

(e) all budget estimates, assessment, assessment list, valuation or measurement made or authenticated under the Bhopal State Town Area Act, 1954(XIV of 1954) , or the Panchayat law immediately before the specified date and in respect of the local area shall be deemed to have been made or the authenticated under this Act;

(f) all debts or obligations incurred and all contracts made by or on behalf of the Town Area Committee or Panchayat immediately before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the Council in exercise of the powers conferred under this Act;

(g) all officers and servants in the employ of the Town Area Committee or Panchayat as the case may be, immediately before the specified date shall be officers and servants of the Council under this Act and shall, until other provisions is made in accordance with the provisions of this Act, receive salary and allowance and be subject to conditions of service to which they were entitled or subject immediately before such date;

Provided that it shall be competent to the council to discontinue the services of any officer or servant who in its opinion , is not necessary or suitable to the requirement of the municipal service after giving such officer or servant notice as is required to be given by the terms of this employment:

Provided further that previous sanction of the State Government shall be obtained for discontinuing the services of any permanent officer or servant under the preceding proviso who on such discontinuance shall be entitled to such leave, pension provident fund and gratuity as he would have been entitled to take or receive on being invalidated from service as if the Town Area Committee or Panchayat in the employ of which he was, had not ceased to exist.

(h) all proceedings pending immediately before the specified date before, the Town Area Committee or Panchayat or any other authority, as the case may be, shall be deemed to be transferred to and continued by the Council or such authority.

(i) all appeals pending immediately before the specified date before the Town Area Committee or the Panchayat or any other authority, shall so far as may be practicable, be disposed of as if such local area had not become a Municipality when they were filed;

(j) all prosecutions institute by, or on behalf of the Town Area Committee or the Panchayat and all suits and legal proceedings instituted by or against, such Town Area Committee or Panchayat pending on the specified date shall be continued by or against the Council as if such local area had not become a Municipality when such suits of proceedings were instituted;

(k) on the application of this Act to any area under sub-section (3) of Section 1, the authority or any institution if performing the municipal functions shall cease to perform such functions and all assets and liabilities of such authority or institution shall vest in the Municipal Council or Nagar Panchayat, as the case may be, constituted under this Act;

Explanation- In this section "Panchayat Law" means a low for the time being in force for the organization and administration of Village Panchayat in the State.

8. Effect of including local area in a Municipality-

When a local area has been included in a Municipality by a notification under Section 5A all notifications, rules, bye-laws, orders, directions, notices and powers made, issued or conferred under this Act and in force throughout the Municipality at the time. Shall, unless the State Government, by notification, otherwise directs apply to such local area.

9. Effect of Excluding local area from Municipality-

(1) When a local area is excluded from a Municipality by a notification published under section 5 A –

(a) all notifications, rules, bye-law, orders, directions, notices and powers made, issued or conferred under this Act shall cases to apply thereto; and

(b) the State Government shall frame a scheme determining what portion of the balance of the Municipal Fund and all other property vested in the Council shall, on such exclusion, vest-

(i) Where such area is included within the limits of any other local authority, in such local authority; and

(ii) in any other case, in the State Government;

and in what manner the liability of the Council shall be apportioned between the Council and any such local authority or the State Government, as the case may be and on the publication of such scheme in the Gazette, such property and liability shall vest and be apportioned accordingly:

Provided that before framing any such scheme the State Government shall consult the Council and where the area is included within the limits of any other local authority, also such authority.

(2) Notwithstanding anything contained in sub-section (1) all moneys due to the Council, immediately before the date of such exclusion, on account of tax, toll, fee, rate, or otherwise may, in respect of the area so excluded, be recovered by the Council as if such area has not been excluded.

10. to 15. Omitted

16. Exercise of powers of Council pending its constitutions. ---

(1) When an area is declared to be a Municipality for the first time under this Act, the State Government, shall, by notification, constitute a Committee consisting of a President. [a Vice-President] and such number of members as it may deem fit and such a Committee shall be deemed to be a Council for the purpose of this Act:

Provided that no person shall be appointed as President or Vice-President or member of such a Committee who is ineligible to hold such office in the Council under this Act.

(2) A Committee constituted under sub-section (1) shall continue to function until a Council is constituted under this Act or until the expiration of six months from the date of its constitution which is earlier.

(3) The State Government may, by notification, at any time remove the President, Vice-President or a member of the Committee and appoint any other person eligible to be so appointed in his place.

(4) Notwithstanding anything contained in sub-section (1), the provisions of sections 41, 47 and 48 shall not apply to the Committee.

17. Erection and maintenance of boundary mark-

Every Municipality shall demarcate the boundaries of the municipality by permanent boundary marks in such manner as may be prescribed by rules and shall be responsible for the maintenance and repairs thereof.

18. Incorporation of Municipalities-

Every Municipality constituted under section 5 of this Act, shall be a body corporate by the name of the Municipal Council or Nagar Panchayat, as the case may be, and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to the provisions, of this Act or any rules made there under, to transfer any property held by it and to contract and to do all other things necessary for the purpose of this Act and may sue and be sued in its corporate name.

19. Composition of Municipal Council or Nagar Panchayat-

(1) A Municipal Council or a Nagar Panchayat, shall consist of-

(a) President, that is Chairperson, elected by direct election from the Municipal area;

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

(c) Not more than four persons in the case of Municipal Councils and not more than two persons in the case of Nagar Panchayats having special knowledge or experience in 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 Councillor 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 State, 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 Council.

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

(3) Persons referred to in clauses ©, (d), and (e) of sub-section (1) shall be deemed to be councilors, but shall not have the right to vote in the meetings of the Council.

(4) If any municipal area fails to elect a President 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 Vice-President, or any of the Committees under the Act shall not be stayed, pending the election of such seat.

20. 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 he grounds specified in section 22-

(a) by any candidate at such election or nomination; or

(b) (i) in the case of an election of a councilor, by any voter of the ward concerned;

(ii) in the case of a nomination of Councillor, by any Councillor;

(iii) in the case of election of President by any voter of the Municipal area;

to the District Judge, where such election or nomination is held within the revenue district in which the Court of the District Judge is situate, and in any other case, to the Additional District Judge having the permanent seat of his Court within the revenue district in which such election or nomination is held and if there be more than one such Additional District Judge within the said revenue district, to such one of them as the District Judge may specify for the purpose(herein after such district Judge or Additional District Judge referred to as judge.

(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 a Government Treasury receipt showing a deposit of two hundred rupees, in the case of election or nomination to Municipal Council and one hundred rupees, in the case of election or nomination to Nagar Panchayat.

(4) A petitioner shall join as respondents to his petition-

(a) where the petitioner, in addition to claiming 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 candidate 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; and

(b) any other candidate against whom allegations of any corrupt practice 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) set forthwith sufficient particulars, 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.

21. Relief that may be claimed by petitioner. ----

(1) A petitioner may claim --

(a) a declaration that the election or [nomination] of all any of the returned candidates is void; and
(b) in addition thereto a further declaration that he himself or any other candidate has been duly elected.
(c) The expression "returned candidate" means a candidate whose name is notified in the Gazette under section 45.

22. Grounds for declaring election or Nomination to be void.- (1) Subject to the provisions of sub-section (2) if he Judges 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 President or a Councillor, or
(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of 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 the improper acceptance or refusal of any vote or reception of any vote which is void; or
(iii) 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;
he shall declare the election or nomination of the returned candidate to be void.
(2) If in the opinion of the Judge 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 Judge may decide that the election or nomination of the returned candidate is not void.

23. Procedure to be followed in disposal of election petition.- An election petition shall be enquired into and disposed of according to such summary procedure as may be prescribed by rules made under this Act.

24. Decision on election petition.--
(1) At the conclusion of the trial of an election petition the Judge shall make an order ---
(a) dismissing the election petition; or
(b) declaring the election or [nomination] of all or any of the returned candidate 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 have been 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 Judge is of opinion--

(a) that in fact the petitioner or such candidate received a majority of the void votes; or
(b) that but for the voted obtained by the returned candidate the petitioner or such other candidate would have obtained a majority if the valid votes;
the Judge 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 Judge shall also make an order --
(a) where any charge is made in the petitioner of any corrupt practice having been committed at the election or [nomination], regarding --
(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 names of all person, if any, who have been proved at the trial to have been guilty if any corrupt practice and the nature of that practice; and
(b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid:
Provided that person who is not a party to the petition shall not be named in the order under sub-clause (ii) of (a) unless--

(a) he has been given notice to appear before the Judge 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 Judge and has given evidence against him of calling evidence in his defence and of being heards.

25. Procedure in case if equality of votes.--
If during the trial of an election petition it appears that there is an equality of votes between any candidates 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 Judge shall decide between them by lot and proceed as if the one on whom the lot fell had received an additional vote.

26. Finality of decision.---
(1) No appeal shall lie against the decision of the Judge on the petition.
(2) Any person aggrieved by the decision of the Judge 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 of law;
(b) that the Judge has exercised jurisdiction not vested in him by law or has failed to exercise a jurisdiction vested in him by law, but subject to such orders as the High Court may pass thereon, such decision shall be final.

COMMENT

Scope.--Under Section 26 of the Act, revision against the impugned order is limited to the extent to see the legality of the decision being not contrary to law. The jurisdiction to entertain the petition under Section 20 of the Act was vested with the Court below and on facts and

circumstances the finding recorded vide impugned order is not contrary to law. [Indrajeet Singh v.Jagdish Prasad, 2003 (3) MPHT 460 at 463 (MP) (Jabalpur Bench).]

27. Disqualification arising out of corrupt practices.--

If any person after the commencement of this Act, is, upon the trial of an election petition thereunder, found guilty of any corrupt practices, 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.

28. Corrupt practices.--

The following shall be deemed to be corrupt practices for the purpose 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 Section 123 of the Representation of the People Act, 1951 (43 of 1951);

(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 symbol, 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 the candidate or his election agent of any statement of fact which is false, and which he either believers 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 from contest 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 the candidate or his election agent for the conveyance of any elector (other than the candidate himself, and 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 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 tramcar or railway carriage by an elector at his own cost for the purpose of going to or coming from 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 vehicle or otherwise.

(vi)The holding of any meeting in which intoxicating liquors are served.

(vii) The issuing of any circular, placard or poster having a reference to the election or selection which does not bear the name and address of the printer and publisher thereof.

(vii-a) the incurring of authorising of expenditure in contravention of Section 32-A.

(viii) Any other practice which the State Government may prescribe by rules to be a corrupt practice.

29. 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 for each Municipality:

Provided that the total number of wards shall not be more than forty and not less than fifteen.

(2) Only one Councillor 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 Municipal Area and the area included in the ward is compact.

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

(5) Omitted

(6) Omitted.

29-A. Reservation of Wards

(1) Out of the total number of wards determined under sub-section (1) of Section 29, such number of seats shall be reserved for Scheduled Castes and Scheduled Tribes in every Municipality as bears as may be, the same proportion to the total number of seats to be filled by direct election in the Municipality 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 in which the 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 Municipalities 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, no nomination paper is field for election, as a Councillor by any member of the other 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 municipality shall be reserved for women and such seats shall be allotted by rotation to different wards in a Municipality in such manner as may be prescribed.

(5) The reservation of seats under sub-section (1), (2) and (3) shall cease to have effect on the expiration of the period specified in the 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.

29-B Reservation of the office of President of the Council.-

(1) Out of the total number of offices of Presidents of Municipal Councils and Nagar Panchayats, as the case may be, in the State, such number of offices of Presidents shall be

reserved for Scheduled Castes 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 Councils and Nagar Panchayats, as the case may be, in the State bears to the total population.

(2) As nearly as possible twenty five percent of the total number of offices of Presidents of Municipal Councils and Nagar Panchayats, as the case may be, shall be reserved for Other Backward Classes.

(3) As nearly as possible twenty five percent of the total number of offices of Presidents 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 President under sub-section (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 29-A 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 (Ansuchit Jatiyon, Ansuchit Janjatiyon Aur Anya Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No.21 of 1994).

30. Qualification of voters and their registration.-

Subject to the provisions of Section 31, 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 for more than one ward;

(ii) no person shall be entitled to be registered in the electoral roll for any ward more than once.

31. 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 the 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 30.

32. 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 President and Councillors of the Municipality shall be vested in the State Election Commission.

(2) The State Government shall, in consultation with the State Election Commission, make rules for the preparation of Electoral rolls and conduct of all elections of President and Councillors of the Municipality.

32-A. Account of election expenses.- (1) Every candidate at an election of President shall, either by himself or by his election agent, keep a separate and correct account of all expenditures in connection with the election incurred or authorized by him or b y his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

Explanation-I.- Any expenditure incurred or authorized in connection with the election of a President 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 Peoples Act, 1951, in the 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.

32-B. Lodging of account of election expenses.-
Every contesting candidate at an election of President shall, within thirty days from the date of election of the returned candidate lodge with the officer notified by the State Election Commission an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under Section 32-A.

32-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 no good reason or justification for the failure,
the State Election Commission shall, by order published in the official Gazette, declare them to be disqualified and any such person shall be disqualified for being chosen as, and for being Councillor or President of the Municipal Council or Nagar Panchayat, as the case may be, for a period not exceeding five years from the date of the order.

32-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) section 32-C in the official Gazette may for reasons to be recorded in writing remove any disqualification or reduce the period of any such disqualification.

33. 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.

34. Qualifications for election as President or Councillor.-
(1) Subject to the provision 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 President, if he is not less than twenty five years of age; and
(b) for the election of Councillor, if he is n ot less than twenty one years of age.
(2) No person who is a candidate for any one ward shall be candidate for any other ward.
(3) Any person who ceases to be President or 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 President and Councillor, both, he shall have to resign from one of the office within seven days from the date on which he is declared to be elected.

35. Disqualification of candidates. - No person shall be eligible for election or as a President or election or nomination as a Councilor, if he ----
(a) is not a citizen of India; or
(b) is a servant of Government and is remunerated by salary or honorarium (which expression shall not include fees or commission: or

(c) holds any office of profit under the Council or is in the service of any other local authority; or

(d) has been adjudged by a competent Court to be a unsound mind ; or

(dd) is less than twenty-five years of age, in case of President and is less than twenty one years of age in cases sf a Councilor ;

(e) is an undischarged insolvent ; or

(f) is suffering from a variety of leprosy which is infectious ; or

(g) has been dismissed from the service of the Government or any local authority for corruption or disloyalty to the State, unless a period five years has elapsed since his dismissal; or

(h) has been convicted of an offence punishable under Section 153-A or Section 171-E or Section 171-F or sub-section (2) or sub-section (3) 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 Peoples 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 (No. 13 of 1964) unless a further period of six years has elapsed since has release after undergoing the sentence ;

(hh) has been convicted by a Court in India for any offence not falling under clause (h) and sentenced to imprisonment for a period of not less than two years unless a further period of six years has elapsed since his release after undergoing the sentence; or

(hhh) for contravention of any provisions of the Madhya Pradesh Nagariya Kshetro Ke Bhoomihin Vyakti (Pattadhruiti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984), or of any law providing for the prevention of hoadings 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, rules or notification having the force of law providing for :--

(i) the regulation of production or manufacture of any essential commodity;

(ii) the control of price at which any essential commodity may be bought or sold;

(iii) the regulation of acquisition, possession, storage, transportation, distribution, disposal, use of consumption of any essential commodity;

(iv) the provision 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 Cosmetic Act, 1940 (No. 23 of 1940) ;

(c) *"essential commodity"* shall have the meaning assigned to it in the Essential Commodity 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) ;

(i) has directly or indirectly any share or interest in any contract with, by or on behalf of the Council, while owning such share or interest; or

(j) has not paid all taxes due by him to the Municipality at the end of the financial year immediately preceding that in which the election or nomination is held or made within thirty days of receipt of a notice of demand made in this behalf by the Chief Municipal Officer; or

(k) is disqualified to be a President or a Councilor under Sections 41, 41-A or 35-A as the case may be ; or

(l) is a paid employee of any educational institute receiving financial aid from the Council; or

(m) is a Government pleader ; or

(n) 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 :

Provided that a disqualification under clause (g), (h) or (k) may be removed by an order by the State Government in this behalf :

Provided further that the disqualification under clause (j) shall be deemed to have been automatically removed as soon as the Municipal dues are paid in full.

Explanation. --- A person shall not be deemed to have incurred disqualification under clause (i) by reason of his ---

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same:

Provided that in the case of sale or purchase the previous sanction of the State Government or the prescribed authority has been obtained; or

(ii) being a share-holder, in or a member of, any incorporated or registered company or society ; or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Municipality may be inserted ; or

(iv) having a share or interest in the occasional sale to the Council of any article in which he regularly trades, or in the purchase from the Council of any article, of a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the Council, with the sanction of the State Government, may fix in this behalf ; or

(v) being a party to an agreement made with the Council for ----

(a) payment of fixed charges in lieu of water-rate ; or

(b) payment of special rate in lieu of special sanitary cess ; or

(c) compounding of tax on vehicles or animals ; or

(vi) being a party, as an owner of any building or land, to an agreement made with the Council for construction of drainage and water connection where a drainage scheme or water - works scheme has been commenced by the Council ; or

(vii) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Council ; or

(viii) having a share or interest in occasional letting out on hire to the Council or in the hiring from the Council of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees, as the Council with the sanction of the State Government, may fix in this behalf.

(o) If he is so disqualified by or under any law for the time being in force, for the purpose of elections to the Legislative Assembly of the State;

(p) has been convicted of an offence against woman ;

(q) Omitted ;

(r) has been disqualified under Section 32-C ;

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.

35-A. Power to disqualify Ex-President, Vice-President 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 President, Vice-President, Chairman or Member of a Committee constituted under the Act or a Council or 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 Municipality, 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 President 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.

36. Duration of Municipality.-

(1) Every Municipality unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer.

(2) An election to constitute a Municipality 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 Municipality would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Municipality for such period.

(3) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the sub-section (1) had it not been so dissolved.

(4) Subject to the provisions of this Act, the term of President and every Councillor shall be coterminous with the terms of the Council.

36 A. Omitted

37. Filling to Casual Vacancies .-(1) As soon as the office of a President, or seat of Councillor elected from ward, becomes vacant, or is declared vacant, or the election of President or the 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 President or Councillor, as the case may be, only for the remaining period of the Council:

Provided that if the remaining period of the Council is less than six months, such vacancy shall not be filled in.

(2) Until the vacancy in the Office of President is filled in under sub-section (1), all the powers and duties of the President shall not be performed by such elected Councillor as the State Government may nominate in this behalf:

Provided that if the office of President is reserved under Section 29-B the President shall be nominated from the elected Councillors belonging to such reserved category.

38. Effect of subsequent disabilities.--

(1) If any Councillor or President--

(a) becomes disqualified under sub-section (1) of Section 31 and his name is struck off from the electoral roll under sub-section (1-A) of that section; or

(b) becomes subject to any of the disqualifications specified in Section 35 and such disqualification is not removable or being removable is not removed; or

(c) absent himself during six consecutive months from the meetings of the Council, expect with the leave of the Council; or

(cc) becomes disqualified for being chosen as and for being a President or Councillor under Section 32-C.

(d) becomes incapable of acting; or

(e) acts as Councillors or President 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 (i) of Section 35; or

(ii) in which he is professionally interested on behalf of a client, principal or other person; or

(ee) Omitted.

(f) fails to pay any arrears of any kind due by him to the Council on a demand made therefor under Section 53, within the period specified therein.

he shall, subject to the provisions of sub-section (2), cease to be a Councillors or President and his seat shall become vacant with effect from a date to be notified by the State Government except failing under clause (ee) and clause (r) of section 35;

(2) No Councillor shall cease to be a Councillor under sub-section (1) until the prescribed authority on its own motion or on application made to it any person in this behalf, decides that such a Councillors has incurred the disqualification on any of the grounds specified therein and communicates the decision in relation thereto to such Councillors:

Provided that no order shall be passed by the prescribed authority under this sub-section against any Councillors without giving him a reasonable opportunity of being heard.

39. Omitted

40. Resignation of Vice-President or Councillors.--

(1) The Vice-President or any Councillor may resign his office by tendering his resignation in writing to the President, who shall forward the same to the Collector and if the Vice-President or such Councillors, as the case may be, desires he may also send a copy of his resignation directly to the Collector.

(2) On receipt of the resignation under sub-section (1), the Collector shall,-

(i) if satisfied about it 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 its genuineness, not accept the resignation for reasons to be recorded in writing.

(3) If it appears to the State Government that the President having become liable for removal under Section 41 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 President shall be deemed to have been removed from the date he resigned his office.

41. Removal of Councillor.-(1) The Collector may, at any time remove an elected Councillor-
(a) if his continuance as a Councillor, is not, in the opinion of the Collector, desirable in the interest of the Public or of the Council; 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 Council 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.
(2) The Collector may at any time, remove any elected Councillor if he, being a legal practitioner, acts or appears on behalf of any other person against the Council in any legal proceedings or against the State Government in any such proceedings relating to any matter in which the Council or has been concerned, or acts or appears on behalf of any person in any criminal proceedings instituted by or on behalf of the Council against such person.
(3) The Collector may, while ordering the removal under this section, also order that such Councillor shall not be eligible to become a Councillor of a Municipal Council or Nagar Panchayat, as the case may be, for its next term:

Provided that no resolution recommending the removal of any Councillor shall be passed by the Municipal Council or Nagar Panchayat, as the case may be , nor any such order of removal shall be passed by the Collector unless such Councillor has been given a reasonable opportunity of showing cause.
(4) An appeal against the order passed under sub-section (1), (2), or (3) of this section 40 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.

41-A. Removal of President or Vice-President or Chairman of a Committee.-(1) The State Government may, at any time, remove a President or Vice-President or a Chairman of any Committee, if his continuance as suchn is not in the opinion of the State Government desirable in public interest or in the interest of the Council or if it is found that he is incapable of performing his duties or iworking against the provisions of the Act or any rules made there under or if it is found that he does not belong to the reserved category for which the seat was reserved.
(2) As a result of the order of removal of Vice-President or Chairman of any Committee, as the case may be, under sub-section (1) it shall be deemed that such Vice-President or a 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 President or Vice-President or Chairman of any Committee, as the case may be, shall disqualified to hold the office of President or Vice-President or Chairman of any Committee, as the case may be, shall be diaqualified to hold the office of President or Vice-President or Chairman, 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.

41.B. Resignation of President.
(1) President may resign his office by tendering his resignation in writing to the Chief Municipal Officer, who shall forward the same to the State Government and if the President desires he may also send a copy of his resignation directly to the State Government.
(2) On receipt of the resignation under sub-section (1), the State Government shall,-

(i) if satisfied about it 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 its genuineness, not accept the resignation for reasons to be recorded in writing.
(3) If it appears to the State Government that the President having become liable for removal under Section 41-A 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 President shall be deemed to have been removed from the date he resigned his office.

42. 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 Council which he holds by virtue of his being such a Councillor.

43. Election and Term of Vice-President
(1) The President and the elected Councillors of the Council shall, at its first meeting as referred to in sub-section(1) of Section 55 elect a Vice-President from amongst the elected Councillors in the prescribed manner.

(2) The meeting under sub-section (1) shall be presided over by such officer as mentioned in sub-section (2) of Section 55.

(3) The term of the Vice-President shall be conterminous with the term of the Council.

43-A. No-Confidence motion against Speaker or Vice-President.- (1) A Motion of no – confidence may be moved against the Vice-President 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 number of elected Councillors constituting the Council, the office of the Vice- President, shall be deemed to have become vacant forthwith. A copy of such motion shall be sent by the Chief Municipal Officer to the Collector forthwith for filling up the vacancy:

Provided that no such resolution shall lie against the Vice-President within a period of –
(i) two years from the date on which the Vice-President enters upon his office;
(ii) one year from the date on which previous motion of non-confidence was rejected.
(2) For the purpose of sub-section (1) a meeting of the Council shall be convened and presided over by the Collector or a Class-I Officer in case of a Municipal Council and a Class-II Officer in case of Nagar Panchayat as nominated by him, in the following manner, namely:-
(i) the meeting shall be convened forthwith on a requisition signed by not less than one sixth of the total number of elected Councillors constituting the Council for the time being;
(ii) the notice of such a meeting specifying the date, time and place shall be dispatched to the president and every Councillor ten clear days before the meeting.
(iii) the no confidence motion moved under this Section shall be decided through secret ballot.

44. Omitted.

45. Notification of election of Councillors.-
Every election of the President and Councillors shall be notified by the State Election Commission in the official gazette.

46. Omitted.

47. Recalling of Mayor-
(1) Every President of a Council 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 Collector:
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 Collector, 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.

48. Grant of leave absence to President or Vice-President.-
(1) The Council may from time to time, grant such leave of absence to the President or a Vice-President as it may deem fit.
(2) If a President or Vice-President remains absent from office owing to illness or any other cause for the period exceeding three months without the leave of the Council, he shall cease to be a President or Vice-President, as the case may be, and his office shall become vacant.
(3) During the absence on leave of the President, the Vice-President and in the like event in the case of a Vice-President, such one of the elected Councillors as may be elected by them to act as Vice-President, shall discharge the functions of the President or the Vice-President, as the case may be.
(4) The Vice-President or the elected Councillor shall, during, and in respect of the period in which he is acting as, or discharging the functions of President or Vice-President, as the case may be, exercise the powers conferred and perform the duties imposed on a President or Vice-President by or under this Act or by any other enactment for the time being in force.

49. Penalty for refusal to handover charge by outgoing office bearers.- (1) The President and the Vice-President shall be deemed to have entered their respective offices from the date of their election and the outgoing President or Vice-President, as the case may be, shall cease to function as President or Vice-President respectively.
(2) The outgoing President or Vice-President shall forthwith handover, all papers and property, if any, to his successor, failing which the Collector may, by order, in writing direct such outgoing President or Vice-President, as the case may be, to handover the required papers and property forthwith.

(3) If the outgoing President or Vice-President to whom a direction has been issued under sub-section (2) does not comply with such direction, he shall be punishable with simple imprisonment for a term which may extend to0 one month or with fine which may extend to one thousand rupees or with both.
(4) No person shall be instituted under this section without the previous sanction in writing, of the State Government**.**

50. Municipal Government vests in Council.- (1) Subject to the provisions of this Act and the rules and bye-laws made thereunder, the Municipal Government of a Municipality shall vest in the Council.
(2) Subject to the restrictions, limitations and conditions imposed by this Act and the rules made there under the executive powers for the purpose of carrying out the provisions of this Act shall vest in the Chief Municipal Officer.

51. Powers and duties of President.- (1) It shall be the duty of the President of the Council-
(a) to preside, unless prevented by reasonable cause, at all meeting of the Council, and subject to provisions of the rules for the time being in force to regulate the conduct of business at such meetings;
(b) to watch over the financial and executive administration of the Council and perform such executive functions as may be allotted to him by or under this Act;
(c) to exercise supervision and control over the acts and proceedings of all officers and servants of the Council in matters of executive administration and in matters concerning the accounts and records of the Council;
(d) to direct, in case of emergency, the execution or stoppage of any work or the doing of any act which requires the sanction of the Council, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and that the expenses included in the execution of such work or doing of such act shall be paid from the municipal fund:
Provided that-
(a) he shall not act under clause (d) in contravention of any order of the Council prohibiting the execution of any Particular work or the doing of any particular act; and
(b) he shall report forthwith the action taken under clause (d) and the reasons therefore to the Standing Committee at its next meeting.
(2) The President may, in accordance with such rules as may be framed by the State Government, delegate all or any of the powers conferred upon him under sub-section (1) to the Vice-President.

52. Functions of Vice-President.- (1) It shall be the duty of the Vice-President of the Council-
(a) in the absence of the President and unless prevented by reasonable cause, to preside, at the meetings of the Council and he shall when do presiding exercise the same authority as is vested in the President under clause (a) of sub-section (1) of section 51;
(b) to exercise such of the powers and perform such of the duties of the President as the President may, from time to time, delegate to him; and
(c) during the absence of the President, other than casual vacancy to exercise the powers and perform the duties of the President.

53. Procedure in case of non-payment of Municipal dues by Councillors and office bearers of Council.-

Within fifteen days from the expiration of each calendar quarter, the Chief Municipal Officer shall-

(a) draw up a list of all Councillors who have failed to pay any tax due by them to the Council 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 prescribed authority.

(2) If on the receipt of the notice referred to in sub-section (1), the Councillor fails to pay within the time specified in clause (b) of sub-section (1) the arrears of any tax specified in the notice, he shall subject to the provisions of Section 35, cease to be a Councillor and his office shall become vacant and he shall be disqualified for further election, or nomination to such office until the arrears due by him are paid.

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

CHAPTER III
CONDUCT OF BUSINESS

54. Meeting of the Council and Committee.-
The Council 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.

55. First meeting after General election.-
(1) The Chief Municipal officer shall with the approval of the prescribed authority, within one month of every general election, call a meeting of the elected Councillors for the purpose of electing 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 a Municipal and not below the rank of Tehasildar in the case of Nagar Panchayat, appointed by the Collector and all provisions contained in this Chapter regarding meetings 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.

56. Convening of meeting.-
(1) A meeting of the Council shall be either ordinary or special.
(2) The date of every meeting except the meeting referred to in Section 43, 43A, 47, 55 or71, shall be fixed by the President or in the event of his being incapable of acting by the Vice-President, and in the like event in his case, by the Chief Municipal Officer.
(3) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be dispatched to every Councillor and exhibited at the Municipal Office seven clear days before an ordinary meeting and three clear days before a special meeting.
(4) No business other than that specified in the notice relating thereto shall be transacted at a meeting.

57. Power of President and Vice-President to call special meeting.- The President or in the event of his being incapable of acting, the Vice President, may whenever he thinks fit, call a special meeting and shall be bound to do so within two weeks of the receipt of a written requisition signed by 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 President or the Vice President, as the case may be, the Chief Municipal Officer shall convene such meeting under intimation to the State Government.

58. Place of meeting.- Every meeting of the Council shall ordinarily be held in the premises used as Municipal office by such Council.

59. Chairman of Meeting
At every meeting of a Council the President, if present, or in his absence or during the vacancy of his office, a Vice-President and if there be no President or Vice-President present, then such one of their member as the elected Councillors present may elect, shall preside as Chairman.

60. Public to be admitted to the meeting of Municipality.-

(1) Subject to rules framed under this Act, and regulation made by the Council every meeting of the Council shall ordinarily be open to the public:

Provided that the Council may temporarily exclude the public from a meeting as often as it may deem necessary when in the opinion of a majority of the Councillors present at such meeting, expressed by resolution, in view of the special nature of the business then being dealt with or about to be dealt with, such exclusion is advisable.

(2) Such resolution shall be put by the presiding authority of its own or at the request of any Councillor, without previous notice or discussion.

(3) Noting in this section shall be construed to limit or abridge the power of the presiding authority at any time to cause any person who interrupts the proceedings to be removed.

61. Quorum.-

(1) No business shall be transacted at a meeting unless a quorum of one-third of the total number of Councillors be present throughout the meeting.

(2) If there be no quorum present at a meeting at any time from the beginning to the end thereof the presiding authority shall, after waiting for jot less than fifteen and not more than 30 minutes, adjourn the meeting to such hour on the following or some other future day as it may reasonably fix. A notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been quorum there at shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment there of, whether there be a quorum present or not.

(3) No business other than business fixed for the original meeting shall be transacted at any such subsequent meeting except with the consent of two-third of the elected Councillors present.

(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.

62. Minutes of proceedings.-

(1) Minutes of the proceedings at each meeting of a Council or any of its Committees shall be drawn up in Hindi written in Devnagri Script and recorded in a book to be kept for the purpose separately for the Council and each of its Committees and shall be signed by the Chairmena of the meeting or of the next ensuing meeting.

(2) The minutes of the Council shall be published in the manner prescribed and shall at all reasonable times and without charge be open to the inspection by any inhabitant of the Municipality.

(3) The minutes of the proceedings recorded under sub-section (1) dhall include-

(i) the names of the Councillors present;

(ii) the decision is not unanimous, the number of votes and the names of Councillors voting for and against such question and the names of those who have remained natural , whether votes have been taken by division or otherwise:

Provided that in case of a meeting under Section 43-A, or 47, the provision relating to recording the names of Councillors voting for an against the question shall not be applicable.

(4) A copy of every resolution passed by a Council at a meeting shall within ten days from the date of the meeting be forwarded to the prescribed authority.

63. Decision of 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 President and elected Councillors 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 Vice-President or the Chairman of any committee, the presiding authority shall not exercise his casting vote and the result shall be decided by lot.

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

64. Adjournments.-
(1) Any meeting of the Council may, with the consent of majority of the elected Councillors present, be adjourned , from time to time, to later hour of the same day or to any other date; but except as provided in sub-section(3) of section 61 no business other than that left over at the adjourned meeting shall be transacted at the next meeting.
(2) Notwithstanding anything contained in sub-section(1) if the presiding authority finds it impossible to continue the proceeding do to unruly behavior of the elected Councillors it may, after making an announcement to that effect in the meeting, adjourn the meeting and business transacted in a meeting, if any, held by a majority of elected Councillors immediately after such adjournment shall be null and void.
(3) A notice of adjournment of a meeting under sub-section(1) or sub-section(2) shall contain the time, date and place of the next ensuing meeting and –
(a) shall be pasted in the municipal office on the day on which the meeting is adjourned and such pasting shall be deemed sufficient notice of the next ensuing meeting to the Councillors who were present in the meeting,
(b) shall be served on the Councillors who were not present in the meeting but where such adjournment is not for a period exceeding twenty four hours it shall not be necessary to serve such notice and the pasting of the notice in the municipal office as aforesaid, shall be deemed as sufficient notice of the next ensuing, meeting.

65.Modification and Cancellation of resolutions.-
No resolution of a Council shall be modified or cancelled within three months after the passing thereof except by a resolution supported by not less than two-third of the total number of elected Councillors and passed at an ordinary meeting, where of notice shall have been given setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

66. Notice to Government Executive Engineer.--
Except for reasons which the presiding authority deems emergent no business relating to any work which is being executed for the Council by the Government Executing Engineer shall be transacted at any meeting of a Council unless at least fifteen days previous to such meeting, a

letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business

67. Right of Government officers to attend, address and take part in meeting of Council.- The Collector and such other officers as the State Government may by general or special order, appoint in this behalf shall be entitled to attend any meeting of a Council within their jurisdiction, address it on any matter affecting the work of their departments and take part in the proceedings relating thereto but shall not be entitled to vote.

68. Power to call upon officers to tender advice, etc.- Subject to any directions that may be issued by the State Government in this behalf, a Council may require any officer of the Public Works, Education, Medical, Public Health or of such other department as the State Government may specify serving in the district in which the area of the Municipality concerned is included, to attend any meeting of such Council and to tender advice in respect of any matter which concerns the department to which such officer belongs and every such officer shall comply with such requisition.

Provided that such officer may, if he is unable to present himself at the meeting on account of sickness or any other reasonable cause, depute any one of his subordinate officers to attend the meeting.

69. Presence of Chief Municipal Officer.-The Chief Municipal officer shall be present at every meeting of the Council and may explain or make a statement in regard to any subject under discussion at such meeting, but shall not be entitled to vote.

70. Constitution of President-in-Council.--

(1) There shall be a President-in-Council for every Council which shall be constituted by the President from amongst the elected Councillors within seven days from the date of election of Vice-President under Section 43.

(2) The President-in-Council shall consist of the President and seven members in case of Municipal Council and five members in case of Nagar Panchayat.

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

(4) Each Council shall have such departments as may be prescribed and member of the President-in-Council shall be made incharge of such departments by the President.

(5) The President shall be the Ex-Officio Chairman of the President-in-Council and shall over the meeting of the President-in-Council, if present. In the absence of the President, the members present in the meeting shall choose one of them to preside over the meeting.

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

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

In case the office of the President is declared vacant under the Act, the Councillors nominated by the Government under sub-section (2) of Section 37 to perform the duties of the President or a person who is elected for the office of the President, as the case may be, either allow the existing

members of the President-in-Council to continue or appoint new members in place of them from amongst the elected Councillors.

71. Advisory Committees.-
After the first meeting of the Council under section 43 the President shall constitute the Advisory Committees for every department of the Council from amongst the elected Councillors other than the Councillors included as member in the President-in-Council to advise in the affairs of the department concerned.
(2) Each Advisory Committee shall consist of five members in case of a Municipal Council and three members in case of a Nagar Paqnchayat.
(3) The member of the President in-Council incharge of the Department shall convene and preside over the meeting of the Advisory Committee relating to the department concerned at least once in every two months. The member of the President-in-Council incharge of the department may take into consideration the suggestions made in the meeting of the Advisory Committee.

72. Consultative Committee.-A Council may also elect from time to time and for such period as it may think fit, Consultative Committees consisting of such number of Councillors as it may think fit and the Council or the President may refer to any such Committees for inquiry and report, or for opinion, any matter relating to the purposes of this Act.

72-A Constitution of Ward Committees.-(1) If the Council decides to constitute the Wards Committee, the same may be constituted in the area of a Municipal Council or Nagar Panchayat.
(2) The Council shall be competent to determine the number of Wards Committees to be constituted within the area of a Municipal Council or Nagar Panchayat, as the case may be and the territorial area of each such wards committees

Provided that the wards included in the territorial area of a ward committee shall be contiguous.
(3) Every elected councillor representing a ward within the territorial area of a ward committee and two persons residing within the territorial area of such ward committee as may be nominated by the President shall be the members of that Committee:

Provided that only a person who is otherwise not in-eligible for election as a councilor 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 committee and the persons so nominated shall not have voting rights in the meetings of the ward committee.
(4) The Ward Committee shall at 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 Council or Nagar Panchayat as the case may be,
(5) The State Government shall prescribe, the functions and powers of Ward Committes and the procedure for the conduct of their business.

72.B Constitutioon and Composition of Mohalla Committees.-(1) In every Municipal area which is notified by 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 Council 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 Committee and the procedure for the conduct of their business.

73. Absence from meeting of Committee.- Any member of a Committee, who absents himself from all meetings of any Committee of which heis a member during three consecutive months without the permission of the President shall cease to be a member thereof, and his office as such member shall become vacant, and he shall not be eligible for re-election to such Committee during the unexpired term thereof.

74. Casual vacancies in any committee.- If any casual vacancy occurs in the office of a member of any Committee, the Council shall, as soon as may be after the occurrence of such vacancy, elect one of its members to fill the vacancy and every Councillor so elected shall continue in office for the unexpired term of his predecessor.

75. Chairman of Committee.- The President or in his absence the Vice-President shall be the Chairman of every Committee, if they are members of any such committee. In case the President or the Vice-President are not members of such committee, the committee shall elect one from amongst its elected councilors to be the Chairman thereof. If the Chairman is absent, the members of the Committee shall choose one from amongst its elected Councillors to preside.

76. Procedure of committee meetings.- (1) A Committee may meet and adjourn as often as it thinks proper, but the Chairman of the Committee may whenever he thinks fit and shall upon the written request of the President of the Councillor or of at least two members of the Committee call a special meeting of such committee.
(2) If the Chairman of any Committee remains absent from the Municipal area for a period exceeding fifteen days or if he fails to call a meeting of the Committee within the prescribed period upon the written request of the President or at least two members of the Committee the President or in the absence of the President, the Vice-President may call a meeting thereof.
(3) Every meeting of a Committee shall, except for special reasons to be mentioned in the notice convening the meeting, be held in the buildings used as Municipal office.
(4) No business shall be transacted at any Committee meeting unless not less than one-half of the members of the Committee be present thereat.

77. Subordination of Committees to instructions of Council and compliance with requisitions.-
(1) Every committee shall conform to any instructions that may, from time to time, be given to it by the Council.
(2) The Council may, at any time, call for any extract from any proceedings of any committee, and for return, statement, account or report concerning of connected with any matter with which

the Committee is empowered by this Act to deal and every such requisition shall be complied with b y such Committee without unreasonable delay.

78. Deligation of Council's powers, duties and executive functions.- Any powers or duties or executive functions which may be exercised or performed by or on behalf of the council may, in accordance with the rules made under this Act, be delegated by the Council to the President or Vice-President or to the Chairman of the Committees, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on the Chief Municipal Officer by or under Section 92.

79. Joint Committee.-

(1) A Council may , from time to time :--

(a) join with any other Municipality or with any local authority or with more than one such local authorities,-

(i) in appointing out of their respective bodies, a Joint Committee for any purpose in which they are jointly interested, and in appointing Chairman of the Joint Committee;

(ii)in delegation to any such joint Committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and in delegating any power which might be exercised by either or any of such bodies; and

(iii) in framing and modifying bye-laws for regulating the proceedings of any such Joint Committee relating to the purpose for which the joint Committee is appointed; and

(b) enter, subject to the sanction of the State Government, into any agreement with any other local authority, regarding levy of octroi duty, terminal tax and tax on vehicles entering the limits of such bodies, whereby such duties and taxes leviable by the bodies so contracting may be levied together instead of separately, within the limits of the area comprising the areas subject to the authority of such bodies, and regarding the apportionment of the proceeds of such duties or taxes.

(2) Any dispute which arises between local authorities acting under sub-section (1) shall be referred to the State Government whose decision thereon shall be final:

Provided that, where one of the local authorities is a cantonment authority, the decision of the State Government shall be subject to the concurrence of the Central Government.

80. Vacancy, etc. not to invalidate proceedings.- No act or proceeding of the Council or any of its committees shall be invalid by reason merely of the existence of any vacancy in, or defeat in the constitution of the Council of the Committee, as the case may be.

81. Proceedings of meeting to be deemed to be good and valid.- Until the contrary is proved-

(i) every meeting of the Council or any of its Committees 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 the Standing 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.

82. Preservation of Order.- (1) The presiding authority shall preserve order and may, direct any Councillor whose conduct in its opinion is disorderly to withdraw immediately from the

meting of the Council, and any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting, and if he is ordered a second time within fifteen days to withdraw, the Council may suspend him for any period not exceeding fifteen days and he shall absent himself form meetings accordingly:

Provided that the Council may remit the suspension on receiving apology ton its satisfaction from the Councillor under suspension:

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

(2) The presiding authority may, in case if grave disorder arising in the meeting, suspended the meeting for a period not 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.

83. Responsibility of Councillors for misapplication of Municipal funds.-

Every Councillor shall be personally liable for the misapplication of any fund or property of the Council to which shall have been a party or which shall have happened througfh or been facilitated by gross neglect of his duty as a Councillor and may be sued for recovery of the money or property so misappropriated or loss suffered thereby either by the Council or the State Government:

Provided that no Councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by or on behalf of a Council and the Municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

84. Penalty for interest in contract or employment.- Any Councillor who knowingly acquires directly or indirectly any share or interest in any contract or employment with, under, by or on behalf of the Council of which he is a member, not being a share or interest which it is permissible under section 35 to have without being thereby disqualified from being a Councillor, shall be liable to be punished with fine which may extend to five hundred rupees.

85. Councillors not to take part in discussion in certain cases.--

No Councillors shall vote on, or take any part in the discussion of any matter in which he has directly or indirectly any pecuniary interest.

CHAPTER IV
CHIEF MUNICIPAL OFFICER AND STAFF OF MUNICIPALITY

86. Constitution of State Municipal Service.-
(1) The State Government may, for the purpose of providing officer to the Council under Section 87 or 88, constitute in the prescribed manner, the following Municipal Services for the State to be called-
(a) State Municipal Service (Executive)
(b) State Municipal Service (Health) and
(c) State Municipal Service (Engineering)
(2) The State Government may make rules in respect of recruitment, qualification, appointment, promotion, leave, scale of pay all allowances by whatever name called , loans pension, gratuity, annuity, compassionate fund, provident fund, dismissal, removal conduct, departmental punishment, appeals and other service conditions of the members of the State Municipal Service.
(3) The salary allowances, gratuity, annuity, pension and other payments required to be made to the members of the State Municipal Service in accordance with the conditions of their service shall be a charge on the Municipal fun:
Provided that in the event of transfer of a member of the State Government may, by rules, prescribe.
(4) The State Government may transfer any member of the State Municipal Service from one Council to another Council.
(5) If, at a special meeting convened for the purpose , the Council passes a resolution by a majority of more than one-half of the Elected Councillors constituting the Council for the time being requiring the transfer of a member of the State Municipal Service, the State Government may transfer such member.

87. The Chief Municipal Officer.-(1) There shall be a Chief Municipal Officer to every Council who shall be
the principal executive officer of the Council and all other officers and servants of the Council shall be subordinate to him.
(2) The Chief Municipal Officer of a Council shall be a member of the State Municipal Service (Executive) and shall be appointed by the State Government.

88. Health Officer and Engineer.-(1) Every Council having an annual income of five lacs of rupees or more shall have a Health Officer and an Engineer for the efficient discharge of its duties.(2) The Health officer and the Engineer shall be members of the State Municipal Service (Health and Engineering respectively) and shall be appointed by the state Government.

89. Appointment to State Municipal Service pending constitution thereof, etc.-(1) Pending the constitution of the State Municipal Service under sub-section (10 of section 86 or when no member of such service is available for appointment as Chief Municipal Officer, Health Officer or Engineer, as the case may be, the State Government may depute an officer of Government or appoint any person qualified to be a member of such service to act as Chief Municipal Officer, Health Officer or Engineer, as the case may be.
(1-A) The State Government shall have all powers of control over the persons appointed under sub-section (1) and may transfer any person appointed thereunder from one Council to another.

(2) The State Government may, on its own motion or if at a special meeting of the Council more than one-half of the Elected Councillors, vote in favour of a resolution to that effect withdraw the services of the Chief Municipal Officer, Health Officer, or Engineer, as the case may be, who is an officer of the State Government and has deputed to the Council under sub-section (1).

90. Arrangement during leave of absence of Chief Municipal Officer.- (1) The State Government may grant leave of absence to the Chief Municipal Officer.
(2) During any absence on leave of the Chief Municipal Officer for a period exceeding thirtyn days at a time the State Government may appoint a person to act as the Chief Municipal Officer.
(3) During any absence on leave of the Chief Municipal Officer fior a period not exceeding thirty days at a time, the State Government may make such local arrangement for carrying on the duties and functions of the Chief Municipal Officer as may be necessary.
(4) Every person appoint under sub-section (2) or (3) shall exercise all powers conferred, and perform the duties imposed, on the Chief Municipal Officer by or under this Act or by or under any enactment for the time being in force and shall be subject to the same liabilities, restrictions and conditions to which the Chief Municipal Officer is liable.

91. Arrangement during leave absence of Health Officer or Engineer.- The provisions of section 90 shall apply in case of a Health Officer and an Engineer, as they apply in the caase of a Chief Municipal Officer.

92. Special function of Chief Municipal Officer.--
(1) The Chief Municipal Officer shall-
(a) Subject to the general control of the President, watch over the financial and executive administration of the Council and perform all the duties and exercise all the powers specially imposed or conferred upon him, by or delegated to him, under this Act.
(b) give effect to the decisions taken, in accordance with the provisions of this Act and the rules or bye-laws made thereunder by the Council and submit periodical reports, if the Council so directs regarding the progress made in respect thereto.
(2) Any of the powers, duties or functions conferred or imposed upon or vested in the Chief Municipal Officer by this Act may be exercised, performed, or discharged under the Chief Municipal Officer's control and subject to his superintendence to such conditions and limitations. If any, as he may think fit to prescribe, by any Municipal Officer whom the Chief Municipal Officer may generally or specially empower in writing in this behalf.

93. Council may require Chief Municipal Officer to produce documents.--
(1) The Council may, at any time, require the Chief Municipal Officer:--
(a) to produce, any record, correspondence, plan or other document which is in his possession or under his control as Chief Municipal Officer or which is recorded or filed in his office or in the office of any Municipal Officer or servant subordinate to him:
Provided that if the Chief Municipal Officer is of the opinion that the production of any correspondence will not be in the public interest or in the interest of the municipal

administration, he shall forward the requisition alongwith his opinion to the prescribed authority and the decision of the prescribed authority thereon shall be final.

(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.

(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.

(2) Every such requisition shall be complied with by the Chief Municipal Officer without unreasonable delay and it shall be incumbent on every Municipal Officer and servant to obey any order made by the Chief Municipal Officer in pursuance of any such requisition.

94. Appointment of staff.-(1) Every Council having an annual income of five lacs of rupees or more shall subject to rules framed under Section 95, appoint a Revenue Officer and an Accounts Officer and may appoint such other officers and servants as may be necessary and proper for the efficient discharge of its duties.

(2)Every Council not falling under sub-section (10 shall, subject to rules framed under section 95, appoints a Sanitary Inspector, a Sub-Engineer, a Revenue Inspector and an Accountand may appopint such other officers and servants as may be necessary and proper for the efficient discharge of its duties:

Provided that such Council may appoint a part time Health Officer or an Engineer on such terms and conditions as the State Government may approve in this behalf.

(3) The State Government may-

(i) in case of any Council, relax the provisions of such-section (1) or sub-section (2), as the case may be, subject to such conditions as it may think fit to impose; or

(ii) grant permission to any Council to appoint whether termporaily orn otherwise one person to discharge the duties of any two or all such officers.

(4) The appointment of Revenue Officer, Accounts Officer, Sanitary Inspector, Sub-Engineer, Revenue Inspector and Accountant shall be subject to conformation by the State Government and no such post or the post of any other officer or servant as may be specified by the State Government in this behalf shall be created or abolished and no alteration in the emoluments thereof shall be made without the previous approval of the State Government, and every appointment to, and dismissal from, such post, shall be subject to a like approval.

(5) No order of suspension for a period exceeding one month shall be passed against any officer mentioned inj or specified under sub-section (1) and no resignation tendered by any such officer shall be accepted without previous approval of the State Government.

(6) Unless the State Government otherwise directs the power of appointing Municipal officers and servants other than those mentioned in or specified under sub –section (4) shall vest in the President-in-Council.

(7) The State Government may transfer any officer or servant of a Council mentioned in sub-sections (1) and (2) and in receipt of total emoluments exceeding one hundred rupees to any other Council.

(8) The State Government may prescribe the classes or grades of officers and servants who shall have the right to appeal from any decision of the Chief Municipal Officer the President-in-Council, the prescribed authority or any other authority empowered in this behalf, inflicting any departmental punishment other than censure.

(9) The authority hearing an appeal made under sub-section (8) shall have power to set aside or reduce the punishment against which the appeal is preferred.

95. State Government to make rules.- The State Government may make rules in respect of qualification recruitment , leave, scale of pay, all allowances by whatever name called, loans, pension, gratuity, compassionate fund, provident fund, annuity. Dismissal, removal conduct and other departmental punishment and appeal and service conditions for municipal employees other than a member of the State Municipal service.

96. Abstention of officers or servants from political movement, etc.-(1) No officer or servant employed under this Act shall-
(a) except in accordance with a special or general order of the Council, communicate directly or indirectly the contents of any official documents or information to any member of the Council or to any member of the general public;
(b) own, wholly or in part, or conduct the management of any newspaper of other periodical publication except in the discharge of his official duties;
(c) take part in or subscribe in aid of, or assist in any way, any political movement or organization carried on or run in any part of India or elsewhere relating to the affairs of India;
(d) canvass or otherwise interfere or use his influence in connection with, or take part in any election to a legislative body or local authority otherwise than in the exercise of his vote or in the discharge of any duty assigned to him officially.
(2) If such officer or servant contravenes any provision of sub-section (1) he shall be liable to any punishment prescribed by rul;es under Section 95.
(3) If any question arises as to whether a movement or organization is political or n ot for the purposes of this section, the question shall be referred to the State Government whose decision shall be final.

97. Liability of Municipal employees for misappropriation of funds.- Every employee of the Council shall be personally liable for the loss, waste, misapplication or misappropriation of any money or other property (held for the administration of the Council). If such loss or waste or misapplication or misappropriation is a direct consequence of the neglect or misconduct in his capacity as servant of the Council, and suit for compensation for the same may be institute against him, as if the money or the property had belonged to the State Government.

98. Municipal officer or servant not to be interested in any contract with Council.-(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 Council, other than an interest in land held on a lease from the Council, or is a Director, Secretary, Manager 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 at any time subsequent to anyb appointment it comes to the notice of the Council that any Municipal officer or servant was not eligible for employment under sub-section (1) on the date of his appointment, the Council may, terminate has service:

Provided that no order under this sub-sections shall be passed until reasonable opportunity has been given to the person concerned to furnish his explanation.

(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as is specified in the explanation below Section 35.

99. Penalty for officer or servant being interested in any contract, etc.-Any Municipal Officer or servant who knowingly acquires, directly or indirectly any share or interest in any contract or except in so far as concerns his own employment as Municipal officer or servant, not being a share or interest such as, under clause (i) of section 35, it is permissible for a person to have without being thereby disqualified for being an officer or servant of such Council, shall be liable to be punished with fine which may extend to five hundred rupees.

99-A. Essential municipal officers and servants.- No essential municipal 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 a notice in writing of not less than one month 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 subsequently cancelled; or

(c) neglect or refuse to perform any of the duties or willfully perform them in an inefficient manner.

99-B. Power of Government to declare emergency.- If the Government is of the opinion that stoppage of the cessation of the performance of any of the essential services will be prejudicial to the safety or health or the maintenance of services essential to the life of the community in the municipality, it may, by notification, declare that an emergency exist in the municipality and that in consequence there of no member of such of the essential municipal 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 and inefficient manner.

99.C. Punishment for contravention of Section 99-A and 99-B:-

(1) Any essential municipal officer or servant contravening any of the provisions of Section 99-A and 99-B shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(2) An offence punishable under sub section(1) shall be cognizable and the provisions of the Code of Criminal procedure 1898(No. 5 of 1898), with respect to the cognizable offence shall as far as may be, apply thereof.

CHAPTER V
PROPERTY, CONTRACTS AND LIABILITIES

100. Property vested in Council.-
(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 Municipality, and with all other property which has already vested, or may hereafter vest in the Municipality, shall be held and applied by it for the purposes of this Act, that is to say,-
(a) all public gates, town-walls 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 streams, tanks, reservoirs, cisterns, wells, springs, acquaducts, conduits, tunnels, pipes, pumps and other water works , and all bridges, buildings, engines, works materials and things connected therewith or an appertaining there to, and also adjacent land not being private property
appertaining to any public tank or well;
(c) all public sewers and drains, and all sewers, drains, tunnels culverts, gutters and water courses in alongside or under any streets and all works materials and things appertaining thereto;
(d) all dust, dirt, dung, ashes, refuse, animal matter, or filth , night-soil or rubbish of any kind, collected by the Council or by any customary or private sweeper from the streets, houses, privies, sewers, cesspools or elsewhere ;
(e) all public lamps, lampposts and apparatus connected therewith or appertaining thereto;
(f) all public streets, not being land owned by the State Government and the pavement, stone and other material thereof and also trees growing on and erections, materials, implements and things provided for such streets;
(g) all land or other property transferred to the Council by the State Government or acquired by gift, purchase or otherwise for public purposes;
(2) The State Government may, b y notification, direct that any property which has vested in the Council shall cease to be so vested; and thereupon the property specified in the notification shall cease to be so vested, and the State Government may pass such orders as it thinks fir regarding the disposal and management of such property.
(3) The State Government may resume any immovable property transferred to the Council by itself or any other local authority, where such property is required for a public purpose, without payment of any compensation other than the amount paid by the Council for such transfer and the market value at the date of resumption of any building or works subsequently erected or executed thereon by the Council:
Provided that before taking any such action, the State Government shall obtained take into consideration the view or objections of the Council;
Provided further that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

101. Management of nazul lands.-(1) The nazul lands transferred to the Council by the State Government shall be managed in accordance with the bye-laws made by the Council with the previous approval of the State Government.

(2) The Council may, with the previous approval of the State Government from time to time, add to vary or rescind the bye-laws, made under sub-section (1).

102. Acquisition of land.-

(1) When any land, whether within or without the limits of a Municipality, is required for the purposes of this Act and the Council is unable to acquire it by agreement the State Government , may at the request of the Council, proceed to acquire such land under the provisions of the Land acquisition Act, 1894(1 of 1894; and, on the payment b y the Council of the compensation awarded under that Act, and of any other charges incurred by the State Government in connection with the acquisition, the land shall vest in the Council.

Explanation- When any land is required for a new street, or for the improvement of an existing street, the Council may proceed to acquire , in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street, and such land shall be deemed to be required for the purposes of this Act.

(2) A Council shall not, without the previous sanction of the State Government, transfer any land which has been acquired for and vests in the Council under sub-section (10 or divert such land to a purpose other than the purpose for which it has been acquired.

(3) Notwithstanding any thing contained in the Indian Stamp Act, 1899 (II of 1899) , all instruments of transfer of land in favour of a Council for the purposes of this Act shall be exempt from payment of Stamp duty.

103. Transfer of Municipal Property to Central Government.- The Council may, with the sanction of State Government, transfer to the Central Government any property vested under Section 1000 or 102, but not so as to affect any trust or public right subject to which the property is held.

104. Formation of Municipal Fund and it shall be held in trust by Council.- There shall be formed for each municipality a Municipal Fund, and it shall be held by the Council in trust for the purposes of this Act, subject to the provision there in contained.

105. 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 Council under the provisions of this Act or of any other law for the time being in force or under any contract;

(b) the balance, if any standing at the commencement of this Act, at the credit of the Municipal Fund;

(c) all proceeds of the disposal of property by, or on behalf of the Council;

(d) all rent accruing from any property of the Council;

(e) all moneys raised by any tax levied for the purposes of this act;

(f) all fees payable and levied under this Act;

(g) all moneys received by way of compensation or for compounding offences under the provisions of this Act;

(h) all moneys received by, or on behalf of the Council from the State Government or private individuals by way of grant or gift or deposits; and

(i) all interest and profits arising from any investment or from any transaction in connection with, any money belonging to the Council;

(2) Nothing in this section of in this act shall affect any obligations of a Council arising from a trust legally imposed upon or accepted by a Council.
(3) A Council may, for the purpose of efficient discharge of any of the duties imposed upon it under clauses(d), (j) and (l) of section 123 by a resolution passed in that behalf, earmark for each such purpose a specified portion of its income every year for a specified number of years for being credited to a fund called the Public Utility Scheme Fund. The amount so credited shall be expended for the purposes for which it has been earmarked.

106. Application of Municipal property and fund.- (1) All property vested in Council under this Act, all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall, subject to the provisions of this Act, be applied for the purposes of this Act, within the limits of the Municipality.
(2) Notwithstanding anything contained to sub-section (1), it shall be lawful; for a Council , subject to rules framed under this act:-
(a) to incur expenditure beyond the Municipal limits on the acquisition of land, or on the contraction , maintenance or repair of works, for the purpose of obtaining a supply of water required for the inhabitants of the Municipality or on providing the supply of electrical energy for the use of the inhabitant of the said Municipality or on establishing slaughter houses or places for the disposal of night soil or sewage or carcasses of animals or for drainage works , or for the purpose of providing mechanically propelled transport facilities for the convenience of the public or for to the purpose of setting up of diaries or parks for the supply, distribution and procuring of milk or milk product for the benefit of the inhabitants of the Municipality or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of then said Municipality; or
(b) to make a contribution towards expenditure incurred by any other local authority or out of an public Fund for measures affecting to the health, instruction, safety or convenience of the public calculated to benefit the residents within the limits of the contributing Municipality or
(c) to create scholarship tenable outside the limits of the Municipality, or
(d) to utilize the Municipal fire brigade and other mechanical appliance beyond the Municipal limits ; or
(e) to make with the previous sanction of the State Government, any other kind of contribution as may be deemed necessary by the Council:

Provided that nothing in this section or in any other provision of this act, shall be deemed to make it unlawful for a Council when it has constructed works beyond the limits of the Municipality for the supply of water or electrical energy or for drainage as aforesaid.-
(a) to supply or extend to or for the benefit of any person or building or lands in any place, whether such place is or is not within the limits of the said Municipality, any quantity of water of electrical energy not required for the purpose of this Act within the said Municipality or the advantages afforded by the system of drainage-works on such terms and conditions with regard to payment and to the continuance of such supply or advantages as shall be settled by agreement between the Council and such persons or the occupier or owner of such buildings or land, or
(b) to incur any expenditure on such terms with regard to payment as may be settled as aforesaid for the construction, maintenances, repair or change of any connection pipe or any electric supply lines or other works necessary for the purpose of such supply or for the extension of such advantages.

107. Repayment of loans.-Notwithstanding anything contained in Section 106, it shall be the duty of a Council to apply annually out of the Municipal fund first such as may be required for the payment of any amount falling due on any loan legally contracted by it.

108. Custody and investment of Municipal Fund.-(1) In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the Municipal fund shall be kept in such treasury, sub-treasury or bank.
(2) In places where there is no such treasury or sub-treasury or banks, the Municipal fund may, with the previous approval of the State Government, be deposited with any banker who furnishes such security for the safe custody and repayment on demand of the fund so deposited as the State Government may, in each case , think sufficient.
(3) A Council may, from time to time with the previous sanction of the State Government, invest any portion of its Municipal fund in securities of the Government of India or in such other securities, including fixed deposits in banks, as the State Government may approve in this behalf, and may vary such investments for others of the like nature; and the income resulting from the securities and proceeds of the sale of the same shall be credited to the Municipal Fund.
(4) Notwithstanding anything contained in sub-sections (1), (20 and (3), a Council shall maintain cash balance not less than such amount as may be prescribed by rules in the office for meeting the current charges and may recoup the same as and when such cash balance in depleted on account of expenditure therefrom.

109. Provisions governing the disposal of Municipal property vesting in or under the management of Council.- 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 Chief Municipal Officer may, in his discretion, grant a lease of any immovable property belonging to the Council, 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 Chief Municipal Officer, other than the lease of the class in respect of which the President-in-Council has by resolution exempted the Chief Municipal Officer from compliance with the requirements of this proviso, shall be reported by him to the President-in-Council within fifteen days after the same has been granted.
(b) with the sanction of the President-in-Council, the Chief Municipal Officer 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 Council, the Chief Municipal Officer may lease, sell or otherwise convey any immovable property belonging to the Council.
(3) The sanction of the President-in-Council or of the Council under sub-section (2) may be given either generally for any class of cases or specially in any particular case:

Provided that-
(i) no property vesting in the Council 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 exceeding fifty thousand rupees in value 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 the time being in force.

110. Contracts by or on behalf of the Council.- The contracts by or on behalf of the Council shall be expressed to be made by the Chief Municipal Officer in accordance with the rules made in this behalf.

111 to 113. Omitted.

114. Cancellation or modification of arrangement binding permanently or for a number of years.- Where a Council has entered into any arrangement or made any promise, purporting to bind it or its successors for a number of years or for an unlimited period, to continue to any educational or charitable institutions, a yearly contribution from the Municipal property or fund, it shall be lawful for the Council or its successors with the sanction of the State Government to cancel such arrangement or promise, or to discontinue, or to diminish such yearly contribution:
Provided that it shall have given at least 12 months' notice of its intention to do so to the Manager or Managers of such institution.

115. Power of Council to borrow money.- Subject to the restrictions contained in any enactment relating to raising of loans by local authorities for the time being in force a Council may, in pursuance of a resolution passed at a special meeting convened for the purpose, raise a loan of any moneys required for carrying out the purpose of this Act:
Provided that-
(i) no loan shall be raised without the previous sanction of the State Government ; and
(ii) 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 State Government.

116. Annual estimate of income and expenditure.-
(1) The Chief Municipal Officer shall, on or before the first day of January each year, cause in the prescribed form and manner, to be prepared and laid before the finance committee and if there is no finance committee before the President-in-Council an estimate of the income and expenditure of the Council for the next financial year.
(2) The finance committee or the President-in-Council as the case may be, shall, as soon as may be, consider the budget estimates prepared by the Chief Municipal Officer and make such modifications and additions there to as it shall think fit and submit the same to the Council not later than the thirty-first day of January.
(3) the Council shall, as soon as may be consider the budget estimates as submitted by the Finance Committee or the President-in-Council as the case may be, and may adopt them without any change or subject to such alternations as it may deem expedient and shall forthwith submit the copies of the budget estimates as adopted by it to the prescribed authority and the State Government:
Provided that no estimates shall be approved unless provisions is made there in for the council having at its credit at the end of the year a balance of not less than such amount as may be prescribed in this behalf.

Provided further that if for any reasons the budget estimates could not be finally adopted by the Council before 31st day of March, as budget estimates.

(a) recommended by the Finance Committee or the President-in-Council as the case may be, or

(b) prepared by the Chief Municipal Officer, if the Finance Committee or President-in-Council has not considered the budget estimates,

shall be deemed to be the budget estimates finally adopted by the Council until then estimates are so adopted.

Provided also that if, in the opinion of the State Government, the condition of indebtedness of any Council is such that it is desirable to have control of the State Government over its budget the State Government may direct that the budget of such Council shall be subject to the prior sanction of the State Government and the power to vary or alter budget grants under section 117 and 118 shall be subject to such conditions as may be prescribed.

117. Power of Council to alter budget grants.-The Council 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 meeting 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 limit prescribed under the first proviso to sub-section (3) of section 116.

118. Power of Council to readjust income and expenditure during year.-(1) If any time during the financial year it appears to the Council that 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 Council 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 Council may either diminish the sanctioned expenditure of he year , so far as it may be possible so to do with due regard to all the requirements of this Act, or have reccurse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation or to an increase of the rates, or adopt all or any of those methods.

119. Publication of accounts.- The annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection free of charge and shall be published in Hindi language in Devnagari Script.

120. Quarterly abstracts of accounts-(1) The Chief Municipal Officer shall draw up a quarterly abstract of the receipt and expenditures of the preceding quarter and such abstract shall be examined by the prescribed authority.

(2) The abstract of the Municipal accounts drawn up under sub-section (1) shall be placed before the Council.

(3) For the purpose of examining the accounts by the Council, the Council shall have access to all the Municipal accounts and to all records and correspondence relating there to, and the Chief Municipal Officer shall furnish to the Council any explanation concerning the receipts and expenditure which it may call for.

(4) Any Councillor may, with the permission of the President and in the presence of the Chief Municipal Officer inspect any document relating to accounts of the Council within two days before the meeting of the Council in which they are to be considered.

121. Audit of Municipal Accounts-

(1) Notwithstanding anything contained in Section 3 of the Madhya Pradesh Local Fund Audit Act, 1933 (IX of 1933), the annual accounts of every Council shall be subject to audit under the said Act and the Council shall be liable to pay such audit fee as the State Government may from time to time, specify in this behalf.

(2) Copies of the Audit Report of the Auditor on the annual account of the Council under sub-section (1) shall be furnished to the State Government or such other authority as may be specified by the State Government in this behalf in addition to the President and Chief Municipal Officer.

(3) If the accounts of the Council are not audited under the sub-section (1) by the Local Fund Audit Department, the Council, shall have the option, subject to sanction of the State Government, to get its accounts audited by an outside agency.

122. Municipal authorities to remedy defects and report.

(1) The Council or the Chief Municipal Officer, as the case may be, shall forthwith remedy any defects or irregularities that may be communicated by the prescribed authority or Local Fund Audit Department or the outside auditing agency, as the case may be, and shall send a report to the State Government directly or through such authority as the State Government may prescribe, of the action taken by the Municipal authorities concerned within a period of three months from the date of receipt of the Audit Report:

Provided that if there is difference of opinion between the Municipal authorities and the prescribed authority or the Local Fund Audit Department, or if the Municipal authority does not remedy any defect or irregularity within the said period of three months, the matter shall be referred to the State Government within such time and in such manner as may be prescribed by rules, and the State Government may pass such orders thereon as it thinks fit. The orders of the State Government shall be final and the Municipal authorities shall take action in accordance therewith.

(2) If within any period fixed by an order made by the State Government under sub-section (1), the Municipal authority concerned fails to comply with such orders, the provisions relating to defaults contained in Section 327, shall with all necessary modifications, be deemed to apply to this case and the State Government shall act accordingly.

122-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.

CHAPTER VI
DUTIES OF COUNCIL

123. Duties of Council.-

(1) In addition to the duties imposed upon it by or un der this Act or anyn other enactment for the time being in force, it shall be the duty of a Council to undertake and made reasonable and adequate provision for the following matters within the limits of the Municipality, namely:-

(a) lighting public streets, places and buildings;

(b) cleansing public streets, places and sewers, and places, not being private property, which are open to the enjoymewnt of the public whether such places are vested in the Council or not; removing noxious vegetation, and abating all public nuisances;

(c) disposing of night soil and rubbish and preparation of compost manure from night soil and rubbish;

(d) extinguishing fire and protecting life and property when fire occurs;

(e) regulating or abating offensive or dangerous trades or practices;

(f) removing obstruction and projection in public streets or places and in spaces not being private property, which are open to the enjoyment of public; whether suchspaces are vested in the Council or in the State Government;

(g) acquiring, maintaining, changing and regulating places for the disposal of the dead;

(h) taking special measures as may be required by the prescribed authority or any other authority empowered to issue a direction in this behalf under any law for the time being in force for disposalo of dead bodies during epidemics and other unforeseen emergencies;

(i) securing or removing dangerous building or places, and reclaiming unhealthy localities;

(j) constructing , altering and maintaining public streets, culverts, Municipal boundary marks, markets, hats, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(k) establishing and managing cattle pounds, including, where the Cattle Trespas Act, 1871 (1 of 1871), is in operation, all the functions of the State Government and the Magistrate of the district under sections 4, 5, 6, 7, 12, 14, 17 and 19 of the Act.

(l) obtaining a supply or an additional supply of water, proper and sufficient, for preventing danger to the health of the inhabitants and domestic cattle on account of insufficiency or unwholesomeness, of the current supply when such supply or additional supply can be obtained at a reasonable cost and having such water analysed periodically;

(m) naming streets and parks and humbering houses;

(n) registering births, marriages and deaths;

(o) public vaccination;

(p) providing suitable accommodation for any calves, cows or buffaloes required within the Municipal limits for the supply of anu=imal lymph;

(q) registration of cattle and carrying out the census of agricultural cattle at such intervals as may be prescribed;

(r) taking such measures as may be required to prevent the out-break or spread or recurrence of infectious disease;

(s) preparing such annual reports on the Municipal administration as the State Government may, by general or special orders, require the Council to submit;

(t) erecting substantial boundary marks of such description and in such position as shall be approved by the Collector, defining the limits or any alteration in the limits of the Municipality;

(u) constructing and maintaing residential quarters for the conservancy staff of the Council;

(v) establishing and maintaining primary schools;

Provided that the State Government may, by notification and subject to such conditions as it may like to impose, exempt any Municipality from any of the provisions of this section.

(2) In addition to the duties imposed under sub-section (1) a Council shall, in times of distress such as out-break of an epidemic of famine or other natural clamity, render such assistance and co-operation as the State Government may require for the following matters, namely:-

(a) providing special medical aid and accommodation for then sick;

(b) giving relief to, and establishing and maintaining relief works for destitute persons within the limits of Municipality.

(3) No suit for damages or for specific performance shall be maintainable against any Council or any officer or Councillor thereof, on the ground that any of the duties specified in this section has not been performed.

124. Descretionary Powers of Council.-A Council may, at its discretion provide, either wholly or partly out of the Municipal property and fund, for all or any of the following matters namely:-

(a) reclaiming unhealthy localities, laying out, whether in area previously built upon or not, new public streets, andacquiring land for that purpose, including plots of aland for building to abut on such streets.

(b) constructing, establishing or maintaining public partks, gardens, play-grounds andnopen spaces, libraries, museums, lunatic asylums, halls, offices, dharamshalas, rest-house and other public buildings;

(c) furthering educational objects;

(d) planting and maintaing roadside and other trees'

(e) watering public streets and places;

(f) playing of music in squares, gardens or other places of public resort;

(g) taking a census, for local purposes and granting rewards for information which may tend to secure the correct registration of vital statistics;

(h) making a survey;

(i) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate, or any portion of any such charges;

(j) destruction or the detention of dogs and pigs which may be destroyed or detained under the provision of this Act or under any other enactment for the time being in force in the State.

(k) securing or assisting to secure suitable places for the carrying on of the dangerous and offensive trades specified by or under this Act;

(l) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises for receiving and conducting the sewage thereof into sewers under control of the Council; (m) establishing and maintaining a farm or factory for the disposal of sewage;

(n) promoting the well-being of Municipal employees or class of employees and of their dependents;

(o) providing housing accommodation for any class of employees of the Council other than the conservancy staff;

(p) the construction of sanitary dwelling houses for the poorer classes;

(q) making contribution towards the construction, establishment or maintenance of education institutions including libraries and museums, hospitals, dispensaries or similar institutions providing public medical relief or engaged in social work or other institutions of a charitable nature;

(r) the acquisition and maintenance of pasture lands or grazing grounds and the establishment and maintenance of dairy farms and breeding stud;
(s) the setting up of dairies or farms for the supply, distribution and processing of milk or milk products for the benefit of the inhabitants of the Municipal area;
(t) securing and distribution either free or at reduced price, particularly for the use of expectant and nursing mothers, children and invalids, full-cream or skimmed milk, condensed milk, evaporated milk, milk power and synthetic or soyaben milk;
(u) establishing and running lodging and boarding houses;
(v) establishing and running eating houses such as refreshment rooms tea shops, sweetmeat shops, restaurants, cafes, canteens, hotels and any such place where food and drinks are served;
Explanation.- For the purpose of this clause "drinks" shall n ot include such drinks to which provisions of the Madhya Pradesh Excise Act, 1915 (II of 1915), or the Madhya Pradesh Prohibition Act, 1938 (VII of 1938), apply;
(w) providing and maintaining public bathing places or swimming pools with sheds, booths and other convenieneces;
(x) undertaking any commercial enterprises;
(y) constructing and maintaining such roads, buildings and other Government works other than irrigation works, as the State Government may, in accordance with rules made under this Act, transfer to the Council;
(z) providing for the maintenancwe and treatment of lunatics and lepers residing within or removal from the Municipal area at an asylum, hospital or house approved by the State Government;
(aa) arranging for the removal of lunatics, le[ers and persons needing anti-rabic treatment to an asylum, hospital or house whether within or without the Municipallimits set up for the treatment of such persons;
(bb) holding meals and fairs;
(cc) establishing ashrams for destitutes, blind, crippled, lame disabled and old persons;
(dd) establishing and maintaining veterinary dispensaries;
(ee) any public reception, ceremony, entertainment or exhibition within the Municipality at a cost not exceeding such amount as may be prescribed by rules in this behalf:

Provided that a resolution in that behalf is passed by the Council at an ordinay meeting;

(ff) any matter likely to promote the public health, education, safety and convenienece of the public not otherwise provided for;
(gg) establishing and maintaing hospitals and dispensaries;
(hh) Establishing and maintaining poor houses; and
(ii) urban planning including town planning;
(jj) regulation of land use and construction of buildings;
(kk) planning for economic and social development;
(ll) urban forestry, protection of the environment and promotion of ecological aspects;
(mm) safeguarding the interest of weaker sections of society including the handicapped and mentally retarded;
(nn) urban poverty alleviation; and
(oo) any other matter with the previous approval of the State Government.

125. Management of Public Institutions.-(1) The Management control and administration of every public instiution maintained out of Municipal fund shall vest in the Council:

Provided that the management of such public institution shall be regulated by rules framed by the State Government in this behalf.

(2) When any public institution has been placed under the direction, management and control of the Council, all property, endowments and funds belonging thereto shall be held by the Council 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 nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890 (VI of 1890)

CHAPTER VII

MUNICIPAL TAXATION

1. Imposition of Taxes

126. 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).

127. 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.

127.-A Imposition of Property Tax.-
(1) Notwithstanding anything contained in this Act, the tax under clause (i) of sub-section (1) of section 127 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.
(2) 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.

128. Omitted.

129. Imposition of Taxes and Fees.-

(1) The Council 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 (i) of sub-section (1) of Section 127, which shall be charged and levied in accordance with Section 127-A.

130. Abolition or variation in tax.- The Council may, with the prior approval of the State Government, abolish, suspend or reduce the rate of any tax.

131. Power of State Government in regard to relief in taxes.- If, on a complaint made to it or otherwise, it appears to the State Government that any tax levied by a Council is unfair in its incidence or that such levy or any part thereof is obnoxious to the interest of the inhabitants of the Municipality, it may, by an order, require the Council to remove the objections to any such tax within such time as may be specified therein, and on the failure of Council to comply with the order within the time so specified to the satisfaction of the State Government, the State Government may, by notification and subject to such conditions or restrictions as may be specified therein, abolish, suspend or reduce the amount or rate of any tax.

132. Power of State Government to grant exemption from taxes.- The State Government may, on it own motion or otherwise, after giving the Council an opportunity of expressing its views in the matter, by order, exempt from payment of any tax in whole or in part any person or class of persons or any property or description of properties for the purpose of granting protection to any industry or for any other purpose in public interest subject to such conditions as may be specified in such order.

132-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 of assist the Municipalities 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 in Municipalities shall be such as may be prescribed.

133. Refund of taxes.--

(1) The State Government may make rules under this Act regulating the refund of taxes and such rules may impose limitation on such refunds.

(2) No refund of any tax shall be claimable by any person otherwise than that in accordance with the provisions of this Act, and the rules and bye-laws made thereunder.

2. Assessment and its liability

134. Preparation of assessment list.- (1) When a tax on buildings or lands or bioth is imposed, the Chief Municipal Officer shall cause an assessment list of all buildings or lands and buildings in the Municipality to be prepared containing-
(a) the name of the street or division in which the property is situated;
(b) description of the property sufficient for identification;
(c) the name of the owner or occupier; if known;
(d) the valuation based on capital or annual letting value, as the case may be, on which the property is assessed;
(e) the rate of tax applicable;
(f) the amount of tax assessed thereon;
(g) If the property is exempted from tax, a note to that effect.
(2) In assessing a tax on buildings or lands where the valuation as determined under clause (d) of sub-section (1) is the annual letting value, a sum equal to ten per cent of the said valuation shall be deducted therefrom in lieu of an allowance for repairs or any other account whatsoever.
(3) For the purpose of preparing such assessment list the Chief Municipal Officer or any person acting under his authority may inspect any building or land in the Municipality and on the requisition of the Chief Municipal Officer the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief of the name and place of abode of the owner or occupier or of both and the annual letting value and his estimate of the value of such building or land, duly signed by him.

135. Person liable how to be designated if name is not known.- (1) When the name of the person primarily liable for the payment of the tax on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the Assessment list as "the holder" of such premised, without further description and to serve upon the said person any notice which it may be necessary to serve under this Act.
(2) If, any such case, any person in occupation of the premises fails to furnish such information as may be requisite for determining as to who is primarily liable as aforesaid, such person shall, until such information is made available to the Chief Municipal Officer be himself liable for all taxes on buildings or lands or both leviable on the premises of which he is in occupation.

136. Publication of notice of assessment list.- When the assessment list has been completed, the Chief Municipal Officer shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person duly authorized by him in writing may inspect that list and take extracts there from free of any charge.

137. Public notice of time fixed for lodging objections.-(1) The Chief Municipal Officer shall, at the time of the publication of the assessment list under Section 136, give public notice of a date not earlier than thirty days from the publication of such notice by which objections to the valuation or assessment in such lists may be delivered at his office.
(2) The Chief Municipal Officer shall, in all cases in which the property is for the first time assessed or the assessment is increased as a result of increase in the valuation of the property give special notice there of to the owner or occupier of the property, if known and if the owner or

occupier of property is not known, shall cause such notice to be affixed in a conspicuous place on the property.

(3) Any person , dissatisfied with a valuation or assessment made under this Chapter, may file an objection at the Municipal office stating the grounds to such valuation or assessment on or before then last day fixed in this behalf in public notice referred to in sub-section (1) or (2).

138. Investigation of objections by Chief Municipal Officer.-(1) All such objections shall be entered in a register to be maintained for the purpose and on receipt of any objection the Chief Municipal Officer shall give a notice in writing to the objector of the time and place at which his objection will be investigated.

(2) At the time and place so fixed, the Municipal Officer 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 in the assessment list in accordance with the result of the objection.

(4) If the Chief Municipal Officer fails to determine the objection within a period of one year from the date of its filing, it shall be deemed that the objection so filed has been disallowed and the objector may prefer an appeal under section 139 of the Act.

139. Appeal to Civil Judge.- (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 an appeal shall lie from the decision n of the Council to the Civil Judge Class I having jurisdiction over the Municipal area and if there be no Civil Judge Class I at the headquarter of the Municipality to the Civil Judge Class II having jurisdiction at such headquarter and if there be no Civil Judge Class II at such headquarter to the Civil Judge Class II having jurisdiction, and in case more than one such Civil Judges at the headquarter or having jurisdiction, as the case may be, to such of them as the District Judge may specify.

(2) Such appeal shall be presented to the Civil Judge within thirty days from the date of the order passed under Section 138 and shall be accompanied by an extract from the register of objections containing the order objected to.

(3) The provisions of Part-II and III of the Indian Limitation Act, 1908 (IX of 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 137.

(5) The decision of the Civil Judge in an appeal made under sub-section (1) shall, subject to the decision in revision by the Court to which appeals against the decisions of such Civil Judge ordinarily lie, be final and effect shall be given by Council to such decision.

(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.

Explanation.- A reference to a Council in the Section shall be read and construed as a reference to the Chief Municipal Officer.

140. Authentication of assessment list when all objections disposed of- (1) When all objections made under Section 137 have been disposed of and all amendments required by Section 138 have been made in the assessment list, it shall be authenticated by the Chief Municipal Officer 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 valuation and assessment as entered in the said list:

Provided that where the function of the Council under sub-section (2) of Section 138 is under the provisions of this Act performed by the President-in-Council or any other Committee, such list shall, in addition, be authenticated and certified as aforesaid by not less than two members of such Committee.

(2) The Council may, with the previous sanction of the State Government, appoint any Government officer to perform the functions of the Council under this Act and where any officer is so appointed, the list shall be authenticated and certified as aforesaid by such officer.

Explanation: For the purpose of this section "Government officer" shall include retired Government officer.

(3) The list so authenticated shall be kept in the Municipal Office, and shall be open to inspection during office hours to all owners and occupiers of property entered therein or to the agents of such persons and the notice that it is so open shall be forthwith published.

(4) Subject to such alterations as may be made therein under the provisions of Section 138 and to the result of any appeal under Section 139, the entries in the assessment list so authenticated and deposited and the entries, if any, inserted in the said list under the provisions of Section 141 shall be accepted as conclusive evidence-

(i) for the purposes of all Municipal taxes of valuation, or annual letting value on the basis prescribed in the rule regulating the tax, of buildings, lands and both buildings and lands to which such entries respectively refer; and

(ii) for the purposes of the tax for which such assessment list has been prepared, of the amount of the tax leviable on such buildings or lands or both buildings and lands in any official year in which such list is in force**.**

141. Power of Council to amend assessment list.- (1) The Council may, at any time, amend the assessment list by the inclusion, omission or substitution of any matter:

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

Provided further that nothing in this section shall empower the Council to vary the valuation of any premises determined on appeal.

(2) If any amendment be made in respect of any matter other than the correction of an arithmetical error, any person on whom a notice is served may object by a written application addressed to the Chief Municipal Officer and delivered at the Council office before the date fixed in the said notice; and the provisions of Sections 138 and 140 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 Council may add the particulars of the Building to then list and in such case the provisions of

Sections 135, 136 and 137 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 then 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.

142. Entries in assessment list to be final.-Subject to the provisions of Section 141 and decision in appeal, if any preferred under Section 139 every entry in the assessment list authenticated under Section 140 shall be final.

143. Notice of increase of rent.-(1) When an owner has furnished information or a written return as provided by sub-section (3) of Section 134,he shall give notice in writing the Chief Municipal Officer of any subsequent increase in the rent.
(2) If an owner of any land or building or any portion thereof has, after he has been assessed for same, made an increase in the rent thereof, he shall give notice in writing to the Chief Municipal Officer of such increase.
(3) The Council shall, on receipt of such notice as to increase of rent, amend the assessment list by alerting the assessment of such land or building or portion thereof as provided by Section 141:
Provided that no revision of assessment shall be made during the year unless the increase in rent is due to material addition or alteration in the building.

144. Notice to be given of demolition of building.-(1) When any building or any portion of a building, which is liable to the payment of property tax is demolished or removed, otherwise than by order of the Council or has fallen down or has been destroyed by fire or any other cause the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Chief Municipal Officer.
(2) Until such notice is given the person aforesaid shall continue to be liable to pay the property tax as if same of portion thereof, has not been demolished or removed or has not fallen down or been destroyed by fire or otherwise.

145. Failure to give notice of an increase of rent.-Whoever fails to give notice of an increase of rent required by sub-sections (1) and (2) of Section143 or gives notice of an increase of rent which in substance is untrue, he shall be punishable with fine which may extend to two hundred rupees.

146. New assessment list need not be prepared every year.-(1) The Council may, instead of making a new assessment every year, adopt the existing assessment, with such alteration as it thinks fit, as the assessments for each new year, giving to persons affected by such alterations the same notice of the altered valuation and assessment as would have been required if a new assessment had been prepared.
(2) The Council shall arrange for a survey for the purposes of assessments of each part of the Municipality at least once in four years.
(3) The provisions of Sections 134 to 140 shall, so far as may be, apply for the purposes of this section.

147. Responsibility for payment of property tax.-
The property tax leviable upon any land or building shall be paid by the owner thereof.

Explanation- For the purpose of this section a tenant of land or building or both, under a lease for any agreed period with a covenant for its renewal thereafter, shall be deemed to be owner thereof.

148. Right of occupier to recover from owner.- Any tax or sum leviable under this Act from the owner may be recovered from the occupier, and in such case such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from any rent then or thereafter due by him to the owner:

Provided that the occupier shall not be liable for any such tax or sum due for a period prior to the date of commencement of his occupy.

149. Omitted.

150. Notice of transfer of titles, 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 transferor 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 within ninety days after the transfer is effected, give notice in writing of such transfer to the Council.

(2) Every person liable for the payment of a tax on any property, who transfers his title to or over such property without giving notice of such transfer to the Council as aforesaid, shall, in addition to any other liability with 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 Council's books:

Provided that nothing in this section shall affect the liability of the transferee for payment of the said tax or the prior claim of the Council on the property for the recovery thereof:

Provided further that the Council shall not recover more than the amount of the tax due in respect of the said property.

(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 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 this title to the Council in writing.

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

151. Form of notice of transfer of titles.-(1) The notice to be given under Section 150 shall be in such forms as may be prescribed by rules.

(2) On receipt of any such notice the Council may, if it thinks necessary, require the production of the instrument of transfer, if any, or a copy thereof.

152 to 155. Omitted.

156. Tables for tolls to be shown on demand-A Coouncil imposing any toll under this Act shall cause to be kept, at each place where such toll is to be collected, a table in Hindi Language, written in Devnagri Script , showing the amount leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by

periodical payment, and it shall be the duty of every person authorized to demand payment of a toll to show such table on the request of any person to whom such demand is made.

157. Procedure in case of non-payment of tolls or octroi.- (1) If any toll leviable under this Act is not paid on demand, the person appointed to collect it may seize and detain such portion of the load of any animal or vehicle on which the toll is chargeable, as will, in his opinion suffice to defray the amount due in respect of suchn toll and in the absence of any load on an animal or vehicle on which the toll is chargeable, or in the event of its valuable being insufficient to defray the amount due, he may seize and detain the animal or vehicle.

(2) The person on seizing or detaining the goods or animal or vehicle, as the case may be, shall, on such seizure or detention give a list of the property seized or detained to the person in charge of such property at the time of its seizure or detention and shall along with such list deliver to him a notice in the form prescribed by rules to the effect that the property so seized or detained shall be sold by auction at the place and time to be specified therein. A copy of each list of the property and the notice shall fortheiwth be sent to the Chief Municipal Officer or to such other officer as he may authorize in this behalf.

(3) When the property sezed under sub-section (1) is subject to speedy and natural decay, or when the expense of keeping it together with the amount of octroi or toll chargeable is likely to exceed its value, the same shall be taken forthwith to the Chief Municipal Officer or such officer shall proceed to sell it forthwith.

(4) If at any time before the sale is completed the amount due, together with all charges incurred in connection with the seizure or detention is tendered to the Chief Municipal Officer or to the officer authorized as aforesaid the property seized shall forthwith be released.

(5) If no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of-

(i) the amount due on account of toll;

(ii) the charges incurred in connection with the seizure, detention and sale.

(6) The surplus proceeds shall be forthwith credited to the Municipal fund and notice of such credit shall be given at the same time to the person in whose possession then property was at the time of seizure or detention. If such person claims the surplus by written application to the Chief Municipal Officer within one year from the date of the notice given under this sub-section, the Chief Municipal Officer shall refund the surplus to him.

(7) Any such surplus not so claimed shall be the property of the Council.

158 to 159. Omitted.

160. Recovery of public auction or private contract.- Notwithstanding anything contained in this Act, the Municipality may, by public auction or private contract, lease the recovery of any of the taxes and fee which may be imposed under this Act, subject to the condition and limitation, if any, prescribed by the State Government in this behalf.

161. Method of assessment of 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 mortagage, respectively of immovable property, shall in the case of instruments affecting immovable property, shall in the case of instruments affecting immovable property situated within the limits of any Municipality and executed on or after the date on which the provisions of this Act come into force within Municipality 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 setforth in the instrument:

Provided that nothing herein shall apply in case of the transfer of property where the value of the property so transferred or in the case of usufructuary mortgage the amount so secured does not exceed two thousand rupees.

(2) For the purpose of this section, Section 27 of he Indian Stamp Act 1899 (II of 1899), shall be read as if it specifically required the particulars referred to therein to be set forth separately in respect of-

(a) property situated in any Municipal area;

(b) property not situated in any Municipal area.

(3) The State Government shall, every year, pay to each Council 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 situate within the are of each such Municipality.

(4) The State Government may make rules for carrying out the purposes of this section.

162. Power of State Government to require Council to impose taxes.- Whenever it appears to the State Government that the balance of Municipal fund of any Council or its revenue is insufficient for the discharge of its duties or obligatory functions imposed upon it by the Act or for meeting the expenditure incurred under Section 324 or for the performance of any duties in respect of which it shall have been declared under section 327 to have committed default, the State Government may require the Council to impose within the Municipal are any tax which it is empowered to impose under Section 127 or to enhance any existing tax in such manner or to such extent as the State Government considers, fit, and the Council shll 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 Council had been passed for the purpose under Section 129 or 130, as the case may be:

Provided that-

(a) the State Government shall take into consideration any objection which the Council or any inhabitant of the Municipality may make against the imposition or enhancement of such tax;

(b) it shall not be lawful for he Council 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 thereupon cease or be modified accordingly.

163. Tax not invlaid for defect of form.- A tax imposed under this Act shall not invalid for defect of form and where any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known and it shall not be necessary to name the owner or occupier.

CHAPTER VIII
RECOVERY OF MUNICIPAL CLAIMS

164. Presentation of bills for taxes, rent and other claims-

(1) when any amount-

(a) which by or under any provisions of this Act, is declared to be recovered in the manner provided by this Chapter; or

(b) which, not being leviable under (1) of Section 157 or payable on demand on account of an octroi or a toll, is claimable as an amount or installment on account of any other tax which is being imposed or may hereafter be imposed in any Municipality; or

(c) which, on account of rent of any Municipal land, buildings, shops, gumits or any other property;

shall have become due , the Chief Executive Officer shall with the least practicable delay cause to be presented to the person liable for the payment thereof a bill for the sums claimed as due,

(2) 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 appeal may be preferred as hereinafter provided against such claim.

(3) If the person to whom a bill has been presented as aforesaid does not, within 15 days from the presentation thereof, either-

(a) pay the sum claimed as due in the bill; or

(b) show cause to the satisfaction of the Chief Executive Officer or of such officer as the Municipality may appoint in this behalf, why he should not pay the same; or

(c) prefer an appeal in accordance with the provisions of Section 172 against the claims;

the Chief Executive Officer may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form prescribed by rules.

(4) The sum claimed as due in the bill shall carry interest at the rate of 6 ¼ per centum per annum till the date it is paid and shall be recoverable along with the bill.

165. General power of recovery of arrears.

(1) If a person on whom a notice of demand has been served under sub-section (1) of Section 164 does not within fifteen days from the service of such notice pays the sum demanded in the notice, such sum with all cost of recovery and interest may be recovered on application of the Council to a Magistrate having jurisdiction within the limits of the Municipality, and such Magistrate may order recovery by distress and sale of any movable property or attachment and sale of immovable property belonging to such person within the limits of his jurisdiction:

Provided that no interest shall be so recovered in any case in which the Magistrate, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

(2) When there is no sufficient movable or immovable property belonging to such person within the jurisdiction of such Magistrate, the Magistrate may, on the application of the Council, grant a certificate, of the amount due on account of arrears, with fees, and interest, if any, and shall forward the certificate to the Magistrate within whose jurisdiction any movable or immovable property belonging to such person is or is believed to be; and the Magistrate receiving such certificate shall proceed to recover, by distress and sale of any movable property or attachment and sale of any immovable property belonging to the defaulter within the limits of his

jurisdiction, the amount certified, with any further sum leviable on account of fees and shall remit the amount recovered to the Magistrate by whom the certificate was granted.

(3) The following property shall not be distrained under this section, namely--

(a) the necessary wearing apparel and bedding of the defaulter, his wife and children, and utensils used for cooking and drinking;

(b) the tools of artisans;

(c) when the defaulter is an agriculturist, his implements of husbandry, seed grain and such cattle as may be necessary to enable him to earn his livelihood;

(d) books of account;

(e) religious books and idols of worship.

166. Extent of special provisions of recovery taxes.--

(1) The provisions of Sections 167 to 170 shall apply to such Municipalities to which they have been specially applied by the State Government, by notification, and on such application the provisions of Section 165 shall not apply in respect of such Municipality.

(2) The State Government may by a like notification, suspend the operation of Section 167 to 170 in respect of Municipality and from such date as may be specified therein, and on and from the due date so specified every amount due on account of any tax therefore recoverable under the said section shall be recoverable on application to a Magistrate in the manner provided in Section 165.

167. ***(1) In what cases warrant may issue.--***

If a person on whom a notice of demand has been served under sub-section (3) of Section 164 does not, within 15 days from the service of such notice pay the sum demanded in the notice, such sum with all cost of recovery may be recovered under a warrant in the form prescribed by rules or to the like effect signed by the Chief Municipal Officer --

(i) by distress and sale of 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 State Government for the recovery of any sum claimed by it, no proceedings shall be taken or continued under this chapter, in respect of such property until the State Government's claim has been paid off.

(2) ***To whom the warrant should be addressed ---***

The warrant shall be addressed--

(a) where the property is in the Municipality, to an officer of the Municipality;

(b) where the property is in another Municipality, to the Chief Municipal Officer to such Municipality;

(c) where the property is within the limits of a Municipal Corporation, to the Municipal Commissioner of such Corporation;

(d) where the property is in a Cantonment, to the Chief Officer of the Cantonment;

(e) where the property is not within the limits of a Corporation, Municipality or Cantonment, to a Government Officer not below the rank of a Tehsildar;

Provided that such Chief Municipal Officer, Municipal Commissioner, Chief Officer or Government Officer may endorse such warrant to a subordinate officer.

(3) ***Power of entry under special order.---***

It shall be lawful for any officer to whom a warrant issued under sub-section (1) is addressed if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open at any time between sunrise and sunset, any outer or inner door or a window of the building in order to make the distress directed in the warrant, if he has a reasonable ground for believing that such building contains property which is liable to seizure under the warrant, and 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 of any apartment appropriated to the use of woman until he has given not less than three hours' notice of his intention and had given such woman an opportunity to withdraw.

(4) ***Warrant how to be executed.--***

It shall also be lawful for such officer to distrain, wherever it may be found, any movable property or attach any immovable property of the person therein named as defaulter subject to the following conditions, exceptions and exemptions, namely:-

(a) the following property shall not be distrained :-

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children, and utensils used for cooking and drinking;

(ii) the tools of artisans;

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable him to earn his livelihood;

(iv) book of account;

(v) religious books and idols of worship;

(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 articles have been distrained which, in the opinion of the Chief Municipal Officer or of the persons to whom the warrant was addressed should not have been so distrained, they shall forthwith be returned to the person from whom it was distrained;

(c) the officer shall on distraining or attaching the property forthwith make an inventory thereof, and give to the person in possession thereof at the time of distress or attachment, a written notice in the form prescribed by rules that the said property will be sold as shall be specified in such notice;

(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 Municipal office and also when the property is land paying revenue to the State Government, in the office of the Tahsildar of the tahsil in which the land is situate;

(e) any transfer of, charge on, the property attached or of any interest therein made without the written permission of the Council shall be void as against all claim of the Council enforceable under the attachment.

168. Sale of goods distrained.--

(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 Chief Municipal Officer 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 Chief Municipal Officer 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 removed.

(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 State Government in that behalf.

(5) The sale proceeds or such part thereof as may be sufficient shall be applied, first, in discharge of any sum due to the State Government in respect of such property and secondly, in discharge of the sum due to the Council and all such incidental costs as aforesaid.

(6) After sale of the immovable property auction as aforesaid, the Chief Municipal Officer 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.

(7) It shall be lawful for the Council to offer a bid in the case of any immovable property put up for auction, provided the previous approval of the Collector is obtained to such bidding.

(8) The surplus proceeds shall be forthwith credited to the Municipal Fund 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 Chief Municipal Officer within three years from the date of the notice given under this sub-section, the Chief Municipal officer shall refund the surplus to him.

(9) Any such surplus not so claimed shall be the property of the Council.

169. Sale outside Municipal area.--

Where the warrant is to be executed outside the Municipal area the Chief Municipal Officer may, by endorsement, direct the officer to whom the warrant is addressed, to sell the property distrained or attached; and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale in accordance with the provisions of the preceding section and to exercise the powers and perform the duties of the Chief Municipal Officer under sub-section (1) and (2) of section 168 in respect of such sale except the power of suspending the warrant. Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Chief Municipal Officer who shall dispose of the same in accordance with the provisions of the preceding section.

170. Fees and costs chargeable.-

The fees for ---

(a) every notice issued under section 164;

(b) every warrant issued under sub-section (1) of Section 167, or distress or attachment made under sub-section (4) of the said section;

(c) the maintenance of any live-stock seized under sub-section (4) of Section 167.

shall be chargeable at such rates as the Council may, by bye-laws, determine and they shall be included in the costs of recovery to be levied under Section 167.

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

(1) If the Chief Executive Officer shall, at any time, have reason to believe that any person from whom any sum, recoverable under the provisions of this chapter, is due or is about to become due, is about to leave the Municipal limits the Chief Municipal Officer may cause a bill for the sum due or about to become due to be presented to him directing the immediate payment thereof.

(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 Chief Municipal Officer, the amount shall be levied by distress and sale of his movable property or by attachment and 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 Chief Executive Officers warrant for distress and sale may be issued and executed without any delay.

172. Appeal to Civil Judge.--

(1) Appeals, against any claim included in a bill presented in accordance with the provisions of this Act, or the rules made thereunder, be made to the Civil Judge, Class I, having jurisdiction over the Municipal area and if there be no Civil Judge, Class I, at the headquarters of the Municipality the Civil Judge, Class II having jurisdiction at such headquarters if there be no such Civil Judge Class II at the headquarters to the Civil Judge at the headquarters having jurisdiction and in case of more than one such Civil Judge at the headquarters having jurisdiction, as the case may be, to such one of them as the District Judge may specify.

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

(a) the appeal is brought within 15 days next after presentation of the bill complained of ;

(b) an application, in writing, stating the ground on which the claim of Council is disputed, has been made to the Council in the case of a rate on building or land within the time fixed in the notice given in accordance with the provisions of the Act or the rules made thereunder or of the assessment or alteration thereof, according to which the bill is prepared;

(c) the amount claimed from the appellant has been deposited by him in the Municipal office.

(3) The decision of the Civil Judge in an appeal made under sub-section (1), shall, subject to the decision in revision by the Court to which appeals against the decision of such Civil Judge ordinarily lie, be final.

173. Amount of tax, etc. to be final.--

(1) The amount of every sum claimed from any person under the Act on account of tax or otherwise, shall, subject and decision in appeal or revision, if any, preferred under Section 172, be final.

(2) Effect shall be given by the Council to every decision in any appeal or revision against any such claim.

174. 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.

175. 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**.**

176. Omitted

177. Saving.-(1) No distress or sale made under this Act shall be deemed unlawful on account of an error, defect or want of form in the bill, notice, warrant of distress, inventory, or other proceeding relating thereto.

178. Writing off of irrecoverable sums due to Council.--
The irrecoverable sums due to the Council shall be written off in such manner and by such authority as may be prescribed by rules.

CHAPTER IX
MUNICIPAL POWERS AND OFFENCES

1. *Powers in respect of streets*

179. Powers regarding public streets, etc.-(1) A Council may-
(a) lay out make new public street; or
(b) widen, open, enlarge or otherwise improve any public street and construct tunnels and other works subsidiary to such streets; or
(c) divert, discontinue or close permanently any public street; or
(d) sell or lease the land forming such street or any part thereof or acquired for the purpose of forming such street, if not required for the purpose of such street or for any other purpose of this Act:

Provided that no public street shall be discontinued, permanently closed or used for any other purposes without the previous sanction of the State Government.

(2) In laying out, making, turning, diverting, widening, opening, enlarging or otherwise improving any public street, the Council may, in addition to the land required for the carriage-way and foot-ways and drains thereof, acquire the land required for the construction of houses and buildings to form the said street and, subject to the provisions of Section 109, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulation as to the class and description of houses and buildings to be created thereon as it may think fit.

(3) If any person who has purchased or taken on lease the additional lands, subject to stipulation referred to in sub-section (2) fails to observe such stipulations he shall, without prejudice to any liability which he may have incurred under the agreement of sale or lease of the said land, be liable to be punished with a fine which may extend to five hundred rupees.

(4) The President may close temporarily any public street or part thereof for the purpose of repairs or of constructing any sewer, drain, culvert or bridge or for any other public purpose.

180. Power to require repairs, etc., of private streets.- (1) Where a Council considers that in any street not being a public street, or in any part of such street, within the Municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, playing metalling, flagging, channeling, draining, lighting or cleaning thereof, the Council may, by the written notice, require the owner of owners of the street and the owners of the several lands or buildings fronting or adjoining the said street or abutting thereon, to carry out such work in such manner and with such time as may be specified in such notice.

(2) If the notice under sub-section (1) is not complied with such work may be executed by the Council, between such owners, and in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands and buildings.

(3) After such work has been carried out by the owner or by the owners or on the failure of the owners to do so by the Council at the expenses of such owners, the street or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall, be declared by public notice, put up therein by the Council to be a public street.

181. Power to declare private street a public street.-(1) A Council may, at any time, by a notice exhibited in any private street or part thereof give intimation to declare the same a public street, and unless within one month next after such notice in first exhibited, the owner or the

majority of the several owners of such private street or a part of the street, lodges or lodge objections thereto with the Council may, by a notice exhibited in such a street, or such part thereof, declare the same to be public street vested in the Council.

(2) If the owner or in case there are more than one owner a majority of owners of any private street request in writing to the Council to declare such street to be a public street, the Council may declare it to be so and on such declaration such street shall vest in the Council and become a public street.

(3) If in spite of the opposition of he majority of the owners of any private street, the Council considers it necessary to declare such street a public street it may do so on paying a reasonable compensation, which shall be determined in accordance with the provisions of this Act, to the owners of the street.

182. Notice to be given of intention to lay out lands for buildings or for private streets.--

(1) Every person who intends--

(a) to sell or lease out any land, subject to a convenant 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 to allow the public a right of passage or access over such street or not,

shall give notice of his intention so to do, in writing, to the Council and shall along with such notice, furnish plans and sections showing the intended level, means of drainage, direction and width of such land, building or street, and such other particulars as the Council may, bye-laws, prescribe and save as hereinafter provided, the level, means of drainage, direction and width of every such land, building or street shall be used as may be fixed or approved by the Council.

(2) Before passing orders under sub-section (1), the Council may pass a provisional order-directing that for a period, not exceeding one month as may, be specified therein, the intended work shall not be proceeding with, or demand, further particulars.

(3) If--

(a) within two months from the receipt of the notice given under sub-section(1), the Council fails to---

(i) pass orders under the said sub-section and to serve notice thereof; or

(ii) issue a provisional order or demand further particulars under sub-section (2); or

(b) the Council, having issued such demand for, and having received in accordance with the demand such further particulars fails to issue further orders within one month from the receipt of such particulars,

then the land may be divided into building plots or used for building purposes or street may be laid out and made, in such manner as may have been specified in the notice under sub-section (1) and as in not inconsistent with any provisions of this Act or of any bye-law for the time being in force thereunder.

(4) Whoever divides land into building plots or uses land for building purpose or lays out or makes any such street either without giving the notice required by sub-section (1) or except in accordance with the orders of the Council under the sub-section (1) or (2) or the provisions of sub-section (3), or in any manner contrary to the provisions of this Act or of any bye-laws in force thereunder shall be punished with fine which may extend to five hundred rupees and the Council may cause such land so divided or used for building purposes or street so laid out or laid

out or made, to be altered, demolished or removed and the expense thereby incurred shall be paid to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

183. Regular line of public street.-

(1) A Council may, after giving not less than one month's notice of its intention so to do and having considered the objections, if any, received by it, prescribe a line on each side of public street with the Municipal area to be called the regular line of the public street and may, from time to time in the like manner, prescribe a fresh line in substitution for the line so prescribed or any part thereof:

Provided that no such regular line of public street shall be prescribed except with the previous sanction of the State Government:

Provided also that if in the opinion of the State Government it is necessary to prescribe a regular line of a public street within the Municipal area and the Council has failed to prescribe the same in respect of such street so far, the State Government may, by a written requisition, require the Council to prescribe the same in respect of the said street within a period specified therein.

(2) Notice under sub-section (1) shall be published by pasting copies thereof in the street or part of the street to which it relates.

(3) On the regular line of the public street being prescribed under sub-section (1)-

(i) no person shall, except in accordance with the provisions of this Act, construct or reconstruct any building or portion thereof within such line;

(ii) all open lands or land consisting of Khandher lying within such line shall be deemed to be part of the public street and shall vest in the Council.

(4) The Council shall pay such reasonable compensation to the owner as may be determined in accordance with the provisions of Section 303 for loss which he may sustain in consequence of 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.

(5) In the event of contravention of sub-section (3), the Council-

(a) shall direct that the construction of the building be stopped;

(b) may by written notice, require such building or portion thereof to be altered or demolished in accordance with the provisions of such notice within such reasonable time as may be specified therein.

(6) Whoever contravenes the provisions of the sub-section (3) shall be punished with fine which may extend to five hundred rupees; and in the case of a continuing contravention with an additional fine which may extend to ten rupees for every day during which such contravention continued after the first conviction for the first such contravention.

2. *Powers to regulate buildings, etc.*

184. Setting back projecting buildings.--
(1) If 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 the building on either side thereof, the Council may--

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building 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 whenever any material portion of such projecting part has been taken down or burnt down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof shall be removed or that such building then being rebuilt shall be set back to or towards the said regular line, or the front of such building, and the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Council:
Provided that the Council shall make reasonable compensation to the owner in accordance with the provisions of Section 303 for any land vesting in the Council for the damage, he may sustain in consequence of his building or any part thereof being set back.
(2) The Council may, upon such terms as it thinks fir, allow any building to be set forward for improving the regular line of any public street in which such building is situated.

185. Roofs and external walls of building not to be made of inflammable materials.--
(1) The external roofs and walls of the buildings constructed or renewed after the coming into force of this Act, shall not be made of grass, wood, canvas, leaves, mats or other inflammable materials excepts with the written consent of the Council which may be given either specially in individual cases, or generally in respect of any area specified therein.
(2) If the Council is of the opinion that it is necessary so to do in public interest it may at any time by written notice of not less than fifteen days, require the owner of any building which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such reasonable time as shall be specified in the notice whether such roof or wall was or was not made before the time at which this Act come into force and whether it was made without the consent of the Council.
(3) Whoever without such consent as is required by sub-section (1), makes or causes to be made, or disobeys the requirements of a notice given under sub-section (2) and suffers to remain any roof or wall of such materials as aforesaid shall be punished with fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

186. Level of buildings.- Every building shall hereafter be constructed upon such level as will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Council, or into some stream or river or into some cesspool or other suitable place which may be approved by the Council.

187. Notice of new buildings.--
(1) No person shall erect or re-erect or construct or build or commerce to erect or re-erect or construct or build any building without the sanction of the Council.

(2) Before beginning to erect any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the Council is empowered by Section 184, to enforce a removal or set-back, the person intending so to build, alter, add or reconstruct shall give to the Council notice thereof, in writing and shall, of required by a bye-law or by special order to do so furnish along with such notice a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Council and all such information as may be required regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closers and cesspools, if any, to be used in connection therewith and the location of the building with reference to any existing or projected streets and the purpose for which the building will be used.

(3) Save as otherwise provided in this Act or the rules and bye-laws made thereunder, the Council may either refuse to give permission or give permission to erect, alter, add to or reconstruct the building according to the plan and information furnished or may impose, in writing, such conditions as to level, drainage, sanitation, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected or with reference to the location of the building is to be used as they think proper or may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

(4) The Council may, before any work has been commenced in pursuance of any permission granted under sub-section (3) revoke such permission and may give fresh permission in lieu thereof on such conditions, in accordance with this Act and the rules, and bye-laws made thereunder, with reference to the matters mentioned in the said sub-section, as it thinks proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

(5) Before issuing any orders under sub-section (3), the Council may, within one month from the receipt of such notice, either issue--

(a) a provisional order directing that for a period not exceeding one month from the issue thereof the intended work shall not be proceeded with; or

(b) may demand further particulars.

(6) A work proposed in a notice is given under sub-section (2) may be proceeded with in the manner specified in such notice, provided that such manner is not inconsistent with any provision of this Act, or of any bye-law for the time being in force threunder, in the following cases, namely:--

(a) in case the Council, within one month from receipt of such notice has neither--

(i) passed orders under sub-section (3) and served notice thereof in respect of the intended work; or

(ii) issued under sub-section (5) any provisional order or any demand for further particulars;

(b) in case the Council having issued such demand for and having received such further particulars, has issued no further orders within one month from the receipt of such particulars.

(7) No person who becomes entitled under sub-section (3) or sub-section (6) to proceed with any intended work of which notice is required by sub-section (2) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed

therewith, unless he shall have again become so entitled by fresh compliance with the provisions of the proceeding sub-section.

(8) Whoever begins any construction, alteration, addition or reconstruction without obtaining permission or giving the notice required by sub-section (2) or without furnishing the documents or affording information above prescribed, in any manner contrary to such orders of the Council as may be issued under this section or contrary to the provisions of sub-section (7), or in any other respect contrary to the provisions of this Act or any bye-laws in force thereunder, shall be punished with fine which may extend to one hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

Provided that the Chief Municipal Officer may, without prejudice to his right to take proceedings for line in respect of the contravention, require the owner by written notice:--

Provided that the Chief Municipal Officer may, without prejudice to his tight to take proceedings for line in respect of the contravention, require the owner by written notice:--

(a) either to pull down or remove the work or if he so elects to effect such alteration therein as may be necessary to make it in conformity with the requirement as shown in the notice; or
(b) 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 Municipal Officer, to show sufficient cause why such building or work shall not be removed, altered or pulled down; or
(c) on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

If such person fails to show sufficient cause, to the satisfaction of the Chief Municipal Officer, why such building or work shall not be removed, altered or pulled down, the Chief Municipal Officer may remove, alter or pull down the building or work and the expenses thereof shall be paid by the persons.

(9) The Council or any officer deputed by it may, at any time, inspect the erection of any building at any time during the erection of building or the execution of any such work as aforesaid or at any time not later than one month after being informed, in writing by the person reasonable for giving a notice under sub-section (2) that the erection of the building, or the execution of any such work as aforesaid has been completed, may by a written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provisions of this Act or any bye-laws made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed such building or work or if the person who has erected or executed such building or work, is not at the time of notice the owner thereof, then the owner of such building or work to cause anything which is contrary to any such provision or bye-law to be altered or to execute such work, which may be required to be executed by him n accordance with such provision or bye-law.

Explanation.--The expression "to construct a building" throughout this chapter includes--

(a) any material alteration, enlargement or reconstruction of any building or of any wall, including compound wall and fencing, verandah, fixed platform, plinth, door-step or the like, whether constituting part of a building or not;
(b) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
(d) the conversion of two or more places of human habitation into a greater number of such places;
(e) such alteration of the internal arrangement of a building, as effect its drainage, ventilation or other sanitary arrangement, or its security or stability; and
(f) the addition of any rooms, buildings or their structures to any buildings,

and a building so altered, enlarged, reconstructed, converted, or added to shall be deemed to be "a new building" for the purposes of this Chapter.

187-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) such construction does not come within the area notified by the State Government as a hill station or a place of tourist importance or sensitive from the point of ecology ; or
(d) such construction does not come within the area specified for parking of vehicles; or
(e) such construction does not come within the area boundary of roads or within the area affecting alignment of Public Roads; or
(f) such construction does not come within the area specified for tanks (talab);
(g) such construction does not come within thirty metres or such further distance from the river bank as may be specified in the master plan of the concerned town;
(h) such construction does not come within the area of any nallah and water stream;
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 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.

187-B. 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.

187-C. 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):

(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 ne specified in the master plan of the concerned town;

(vii) area of any nallah and water stream.

188. Right of compensation.--

(1) Save as otherwise provided no compensation shall be claimable by an owner for any damage which he may sustain in consequence of a prohibition under this Act of the erection of any building.

(2) The Council shall make reasonable compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building:

Provided that the Council shall not be liable to make any compensation in respect of the prohibition of six years or more immediately preceding such prohibition, has ceased to be fir for occupation or to exist or, having been demolished or destroyed has not been re-erected.

189. Procedure where bye-laws not framed.--
In any case in which no bye-laws have been made for the purpose of Section 187 the Council may, within fourteen days of the receipt of notice, required under the said section, require a person who has given such notice to furnish within one week of the receipt by him of the requisition, information, on all or any of the members in respect of which bye-laws might have been made and in such case the notice shall not be valid until such information has been furnished.

190. Power to refuse permission if land is proposed to be acquired.--
When a person has given notice to the Council under Section 187 in regard to his intention to construct a building, it shall be lawful for the Council to refuse the permission applied for if the Council or any other local authority decides to acquire the land on which any building is proposed to be constructed, and the Council or such other local authority, as the case may be, institutes the acquisition proceedings within four months of the date of such refusal:
Provided that such refusal shall be subject to the following conditions namely:--

(a) if the property is acquired and no agreement is arrived at, as regards the amount of compensation payable to the person giving notice of his intention to construct a building, the same shall be determined in accordance with the provisions of this Act, regard being had to the likely benefit which would have accrued to such person if the permission had not been refused;
(b) if within a period of four months from the date of resolution of the Council proposing to acquire the land :-
(i) the land is not acquired by the Council by agreement; or
(ii) an application has not been made to the State Government for the institution of proceedings for compulsory acquisition under the provisions of the Land Acquisition Act, 1894 (I of 1894) ; or
(iii) if the Council abandons the proposal to acquire the land,

the notice given under Section 187 shall be deemed to have been revived with effect from the date on which the said period of four months expires, or with effect from the date on which the decision of the Council to abandon the proposal is arrived at, as the case may be;

(c) a decision in the matter shall be communicated to the person giving notice within fifteen days from the decision; and the notice shall be dealt with as if the Council had not passed a resolution to acquire the land;
(d) the Council shall be liable to pay compensation to the said person in respect of the loss which he may prove to have incurred by reason of refusal by the Council to grant the permission:

Provided further that the Council shall not be liable to pay compensation if the notice under Section 187 was given to the passing of the resolution by the Council to acquire the land.

191. Completion certificate and permission to occupy or use.-
(1) Every person who-
(i) erects or re-erects any building ; or
(ii) makes 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 184 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 Council at his office a notice in writing of such completion and shall give to the Council all necessary facilities for the inspection of such work.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any buildings or part thereof affected by any such work until permission has been granted by the Council in this behalf in accordance with the bye-laws made there under this Act:

Provided that if the Council fails, within a period of fifteen days after the receipt of notice of completion under sub-section (1), to communicate its refusal to grant such permission, such permission shall be deemed to have been granted.

192. Regulation of huts.--

(1) No person shall, without giving previous to the Council of his intention so to do, erect any hut, shed or range or block of huts or sheds or add any hut or shed to any range or block of huts of shed already existing at the time this Act comes into operation.

(2) A Council may require such huts or sheds to be built so that they may stand in regular limes with a free passage or way in front of and in between every two lines of such width as the Council thinks proper for ventilation and to facilitate scavenging and at such a level as well admit of sufficient drainage and may require such huts to be provided with such number of privies and such means of drainage as it may consider necessary.

(3) If any hut or shed or range or block be built without due notice to the Council as required under sub-section (1), or otherwise than as required by the Council, the Council may be a notice, in writing, served upon the owner or builder thereof, or to the owner or occupier of the land on which the same is erected, or is being erected, require him within such reasonable time as shall be specified in the notice demolish and remove the same or to make such alterations therein additions thereto as having regard to sanitary considerations the Council may think fit.

193. Improvements of huts.--

(1) Whenever the Council is of the opinion that any huts or sheds, whether used as dwelling or stables or for any other purpose, and whether existing at the time when this Act comes into operation or subsequently erected, ate by reason of --

(a) insufficient ventilation or the manner in which such huts or sheds are crowded together; or
(b) the want of a plinth or sufficient drainage; or
(c) the impracticability of scavenging, attended with risk of disease to the persons residing in such huts or in the neighbourhood thereof,

it shall cause a notice to be affixed to some conspicuous parts of each such huts or sheds, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Council for that purpose, to demolish and remove such hut or shed, or to execute such operation for its improvements as the Council may deem necessary to prevent such risk.

(2) If any owner or occupier refuse or neglects to demolish and remove such huts or sheds or to execute such operations within the time appointed, the Council may cause the said huts or sheds to be demolished or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) No action for removal or demolition of hut or shed shall be taken under sub-section (1) or (2) until the Council provides suitable alternative site or accommodation, for occupation by the dwellers of such hutments or sheds on such terms and conditions as may be prescribed.
(4) If such huts or sheds be demolished by the Council, the Council shall cause the materials of such hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Council until the person interested therein shall obtain the order of a competent Court for the payment of the same:
Provide that in case any huts or sheds, existing at the time when the land on which they are situated first become part of a Municipality, should be demolished under this section by order of the Council, or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in Section 303.

3. ***Powers regarding external structures, etc..***

194. Permission necessary for certain projections.-
(1) The Council may, subject to any bye-laws made under the provisions of this Act, give written permission to the owners or occupiers of buildings in public street to put open verandahs, balconies or rooms, to project from any upper story thereof at such height from the surface of the street as the Council may fix and to ann extent not exceeding four feet beyond the line of plinth or basement wal, and may prescribe the extend to which and the conditions subject to which, roofs, eaves, weather boards, dasses, shop boards and the like may be allowed to project over such streets.
(2) (a) any such owner or occupier putting up any such projections as aforesaid withoutnsuch permission or in contravention of such orders, shall be punished with fine which may extend to two hundred and fifty rupeesn andnif any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall he punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.
(b) Notwithstanding any proceedings which may be taken under clause (a), the Council may, by written notice, require the owner or occupier of any such building to remove or alter any such projections which has been constructed either without or contrary in any manner to the permission or order given or issued by or on behalf of the Council.
(b) The Council may, by written notice, require the owner or the occupier of any building to remove or alter any projections, encroachment or obstructions which, whether erected before or after the site of such building became part of a Municipality, shall have been erected or placed against or in front of such buildings, and which-
(a) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenienet passage along such street; or
(b) project and encroached into or upon any uncovered aqueduct, drain or sewer in such street so as to obstruct or interfere with such aqueduct, drain or sewer, or the proper working thereof:
Provided that the Council shall, if such projection, encroachement, or obstruction shall have been made in any place before the date on which such places became part of a Municipality, or after such date with written permission of the Council, make reasonable compensation to every person who suffers damage by such removal or alteration; and if any such dispute shall arise touching

the amount of such compensation, the same shall be ascertained and determined in the manner provided in Section 303.

195. Troughs and pipes for water.--
(1) The Council may, by written notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water from the roof and other parts of such buildings, and for discharging the same, in such manner as they think fit, in order that such water shall not fall upon the persons passing along the street.

196. Fixing of brackets, etc to houses.--
A Council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas or subject to the provisions of the Indian Electricity Act. 1910 (IX of 1990) ; for lamps to be lighted with electricity or otherwise or subject to the provisions of the Indian Telegraph Act, 1885 (XIII of 1885), for telegraph wires or telephone wires or wires for the conduct of electricity or such pipes as it may deem necessary for the proper ventilation of sewers and water works. Such brackets, wires and pipes shall be erected so as not to occasion any danger, inconvenience or nuisance to the occupants of the said building, or of any others in the neighbourhood or to the public.

197. Naming streets and parks and numbering houses.-(1) A council may cause a name to be given to any street, parks and may from time to time cause to be put up or painted on a conspcious part of any building at or near each end corner or entrance to evry street, the name by which such street, is to be known, and may from time to time cause a number to be affixed in a conspicuous part on the outer side of any building or at the entrance of the enclosure thereof fornting the street.
(2) Any person who destroys, pulls down or defaces any such name or number or puts any name or number different from that put by the Council shall be punished with fine which may extend to twenty-five rupees.

198. Penalty for defacing buildings, etc.--
Any person--
(a) who without the permission, in writing, of the Council affix on the Municipal property any poster, bill, placard, or any other paper or means of advertisement against or upon any building, wall, board, fence or pole, lamp-post, or the like; or
(b) who without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall board, fence or pole with chalk or paint or in any other way whatsoever.
shall be punished with fine which may extend to twenty-five rupees.

199. Removal and trimming of hedges, trees, etc.--
The Council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet; and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger or obstruct or which the Council deems likely to overhand endanger or obstruct any public street or to cause damages thereto, or which so overhang any public well, public tank or other provision for water supply as to pollute, or likely to pollute the water thereof.

4. *Powers connected with drainage, etc..*

200. Municipal control over drains, etc.,- All sewers, drains, privies, water-closets, house gallies and cesspools within the Municipality which are not under the survey and control of the State Government shall be under the survey and control of the Council.
(2) All covered sewers and drains and all cesspools, whether public or private, shall be provided by the Council or other persons to whom they severally belong, with proper traps, or other coverings or means of ventilation and the Council may, by written notice, call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

201. Power for making and repairing drains.-(1) It shall be lawful for a Council, for any drainage purposes, to carry any drain, sewer, conduit, tunnel, culvert, pipe or watercourse through, across or under, any street or any place laid out as, or intended for, street, or under any cellar or vault which may be under any street, and after giving reasonable notice, in writing, to the owner or occupier, into, through or under, any land whatsoever within the Municipal area.
(2) A council, or any person acting under its authority for such purpose may enter upon and construct any new drain in place of an existing drain in any land wherein any drain vested in the Council has been already constructed or may repair or alter any drain vested in the Council.
(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute be ascertained and determined in the manner provided in Section 303 shall be paid by the Council to any person who sustains damage by the exercise of such powers.

202. Consent of other local authority.-(1) Where it is necessary for the execution of a scheme under the provisions of this Act to carry a sewer or drain into across or under, the land within the limits of the area of any other local authority for the purpose of the ultimate disposal of the sewage, the consent of such other local authority shall be obtained on such terms and conditions as may be mutually agreed upon, or in default of agreement, as may be decided by the State Government.
(2) No drains or sewers or channels shall be constructed or any out-fall or disposal be carried into, across or under the land vesting in the State Government or the Central Government except with their prior permission.

203. Powers to require sufficient drainage of houses.- If any building or land or both be at any time undrained or not drained to the satisfaction of the Council, the Council may, by a written notice, call upon the owner to construct or lay from such building or land or both a drain or pipe of such size and materials, at such levels, with such falls as it thinks necessary for the drainage of such building or land or both into-
(a) some drain or sewer, if there be a suitable drain or sewer within 50 feet of any part of such building or land; or
(b) a covered cesspool to be provided by such owner as approved by the Council.

204. Septic tanks and sanitary latrines.- Any owner or occupier of any, house or premises or any factory or business concern may, withy the written permission of the Council, provide, in lieu of or in addition to water-carriage system, a septic tank or sanitary latrine for the disposal of the night-soil. The effluent from the septic tank or sanitary latrine for the disposal of the night soil. The effluent from the septic tank or sanitary latrine after proper treatment may be

discharged into the main sewer or disposed of in such manner as may be approved by the Council.

205. New Building not to be erected without drains.--

(1) It shall not be lawful to erect any building or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until--

(a) a drain be constructed of such size, materials and description, at such level, and with such fall, as shall appear to the Council to be necessary for the effectual drainage of such building;

(b) there have been provided for any set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Council to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain, to be constructed as aforesaid, shall empty into a Municipal drain, or into some place set apart by the Council for the discharge of the drainage situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the Council may direct.

206. Power of owner and occupiers of buildings or lands to drain into Municipal drains.- The owner or occupier of any building or land within the Municipality shall be entitled to cause his drains to empty into the sewers of the Council:

Provided that he first obtain the written permission of the Council and that he complies with such conditions as the Council may prescribe as to the mode in which and the superintendence under which the communications are to be made between the drains not vested in the Council and drains which are so vested.

207. Right to carry drain through land or into drain belonging to other persons.--

(1) If the owner or occupier of any building or land desires to connect the same with any Municipal drain, by means of drain to be constructed through land or to be connected with the drain belonging to or occupied by or in the use of some other person, he may make a written application to the Council.

(2) The Council may, thereupon, after giving to such other person a reasonable opportunity of stating any objections to such application, and if no objection is raised or if any objection which is raised is in its opinion insufficient, by an order in writing, authorise the applicant to carry his drain into, through, or under the said land, or into the said drain, as the case may be, in such manner and on such condition as to the payment of rent or compensation and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains as may appear to it to be adequate and equitable.

(3) Every person is whose favour such order is made, or any agent, or other person employed by him for this purpose shall be entitled after giving or tendering to the owner, occupier or user of the said land or drain the compensation or rent, if any specified in the said order, and otherwise fulfilling, as far as possible the condition of the said order, and after giving to the said owner, occupier, or user reasonable notice, in writing, to enter upon the land specified in the said order

with assistants and workman at any time between sunrise and sunset and, subject to all provisions of this Act, to all such work as may be necessary--

(a) for the construction or connection of the drain, as may be authorised by the said order;
(b) for renewing, repairing or altering the same as may be necessary from time to time; or
(c) for discharging any responsibilities attaching to him under the term of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part therof.

(4) In executing any work under this section as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall--

(a) cause the work to be executed with the least practicable delay;
(b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any 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 damage by the execution of the said work.

(5) If the owner of any land into, through or under which a drain has been carried under this section whilst such was unbuilt upon, shall at any subsequent time desire to construct a building thereon, the Council shall, if it sanctions the construction of such buildings, by written notice, require the owner or the occupier of the building or land, for the benefit of which drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem necessary in order to admit of the construction or safe enjoyment of the proposed building.

208. Provisions of privies etc.-(1) Where the Council is of the opinion that-

(a) any drain, privy, latrine, urinal absorption pt, disposal work, cesspool or other receptacle for fifth 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 watern closet system has been introduced such water closets 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 land within the limits of Municipality;

it may by written notice call upon the owner or occupier of such building or land,-

(i) in cases falling under clause (a) to move or remove such drain, privy, latrine, urinal absoption pit, disposal work cesspools or other receptacle for filth or refuse;

(ii) in cases falling under clause (b) to provide such privies, cesspool or water closets;

(iii) in cases falling under clause ©, 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 nortice or within such period as may be, extended by the Council by order in writing.

(2) The Council may, by written notice, require any person or persons, employing workmen or labourers exceeding twenty in number or owning or managing any market, school or theatre or other place of public resort, to provide such latrines our urinals at such sites as it may direct and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The Council may, by written notice, require the owner or the occupier of any land upon which there is a privy or urinal, to have such privy or urinal shut out by sufficient roof and a wall or fence, from the view of persons passing by or residing in the neighbourhood, or to alter as it may direct any privy, door or trap-door which opens on to any street, and which it deems to be a nuisance.

(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 ouot the work mentioned there in within the period specified in the notice or order, as the case may be, shall be punished with a fine which may, extend to one thousand rupees and in case he does not pay the fine with imprisonment which may extend to three months:

Provided that without prejudice to the right to take proceedings to the punishment 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 VIII.

209. Power to require owners to keep drains, etc., in proper order, or to demolish or close or cesspool.- (1) All sewers, drains, privies, water-closets,urinals, house-gullies and cesspools within a Municipality shall, unless constructed at the cost of the Council be altered, repaired, and kept in proper order at the cost and charge of the owner of lands or buildings to which they belong, or for the use of which they have been constructed or continuing, and the Council may, by written notice, require any such owner to alter, repair, and put the same in good order in such manner as it may deem fit.

(2) The Council may , by written notice, require the owner to demolish or close any privy or cesspool whether constructed before or after the coming into operation of this Act, which in the opinion of the Council is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being property cleaned or kept in good order.

210. Power to close existing private drains.-When any building or land within the Municipality has a drain communicating with any cesspool or sewers, the Council, if it considers that such drain, though it may sufficient for the drainage of such building or land and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the locality, may close such drain and cesspools or sewers, whether they are or are not on the land vested in the Council, on providing a drain or drains equally effectual for the drainage of such building or land and the Council may, subject to as aforesaid, do any work necessary for the purpose.

211. Power in respect of sewers, etc. un-authorisedly constructed, rebuilt or unstopped.- The Council may, by written notice, require that any such sewers, drain, privy, water-closet, house-gully or cesspool on any land within Municipal limit constructed, rebuilt or unstopped-

(a) after such land became part of a Municipality; and

(b) either without the consent or contrary to the orders, directions or general regulations or bye-laws of the Municipality, or contrary to the provisions of any enactment in force at the time when it was constructed, rebuilt or unstopped;

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped and every person so constructing, rebuilding or unstopping any such sewers, drain, privy, water-closet, house-gully, or cesspool, whether he does or does not receive such notice or does or does not comply therewith shall, in addition to any penalty to which he may extend to twenty-five rupees**.**

212. Encroachment on Municipal drains.- (1) Whoever, without the written consent of the Council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Council, shall be punished with fine which may extend to twenty-five rupees, and the Council may, by written notice, require such person to demolish, alter, remake or otherwise deal with such drain as it may think fit.
(2) No building shall be newly constructed or reconstructed over any sewer or drain, culvert, or gutter vested in a Council, without the written consent of Council and the Council may, by written notice, require any person who has so constructed or reconstructed any building without such written consent, to demolish or otherwise to deal with the same as it may deem fit.

213. Inspection of drains etc.- (1) The Council or any officer appointed by it for such purposes may, after due notice to the owner and subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose at any time between sunrise and sunset, may enter upon any land or buildings, with assistants and workmen, and cause the ground to be opened wherever necessary for such inspection causing as little damage as may be.
(2) The expenses of such inspection, and of restoring the ground to its former position shall be borne by the Council unless the sewer, drain, privy, water-closet, urinal, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment or of any bye-law or orders thereunder in force at the time or issued in respect of such construction in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, urinal, house-gully of cesspool and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter-VIII.

214. Municipal Council may execute certain works without allowing person concerned to do so.--
(1) The Council may, if it thinks fit, cause any work the execution of which may be ordered by or on behalf of the Council under the provisions of this chapter to be executed by Municipal or other agency under its own orders, without first of all giving the persons by whom the same would otherwise have to be executed the opinion of doing the same.
(2) The expenses of any work so done shall be paid by person aforesaid, unless the Council shall, by a general or special order or resolution, sanction. as it is hereby empowered to sanction, the execution of such work at the charge of the Municipal Fund.
(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or elected at the expense of the Council, be deemed to be Municipal property unless the Council shall have transferred its interest therein to the owner of such buildings or lands.

215. Sanitary and dug-well latrines.- In a Municipal area without any sewers, the Council may require the construction of septic tanks, dug-well privy, or sanitary latrines or other methods of hygienic disposal of night-soil.

216. Service privies.- In every house in any sewered area where a septic tank, dugwell privy, sanitary latrine, or any other method of hygienic disposal of night-soil is ot feasible, the owner of the house shall provide the service privy of the type approved by the Council.

Explanation: Service privy means a fixed privy which is cleaned by hand but does not include a movable commode.

217. Common privies.- A Council may permit the construction of common privies, urinals and drains for any group of houses or huts in such manner as may be prescribed by bye-laws.

218. Distance from water supply.- (1) No person shall construct a drain, privy, latrine, urinal, cesspool, or other receptacles within fifty feet of any source of water supply, except with the permission of the Council and on such conditions as may be prescribed by the Council.
(2) The Council may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty 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 then same within one week from the service of the notice.

5. ***Powers in respect of water supply***

219. Power of carrying water-mains.- For the purpose of obtaining a supply or an additional supply of water or of distributing the same, the Council shall have the same powers and be subject to the same restrictions for carrying, renewing, repairing and altering water-mains, pipes and ducts within or without the Municipal area as it has and is subject to under the provisions hereinforce contained for carrying, renewing and repairing drain within the Municipal area.

220. Powers and duties with regard to dangerous, stagnant or in sanitary sources of water supply.-(1) The Council may, at any time, by written notice, require the owner or any person who has the control over any well, stream, channel, tank or other sources of water supply, whether such sources are private property or not within a reasonable time to be specified in the notice, or in any case falling under clause (d) within 24 hours of such notice-
(a) to keep and maintain any such source of water supply other than a stream, in good repair; or
(b) to cleanse any such source of water supply from silt, refuse and decaying vegetation; or
(c) to protect any such source of water supply from pollution by surface drainage in such manner as the Council may direct; or
(d) to repair, protect or enclose in such manner as the Council may approve, any such source of water supply other than stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water supply is in the opinion of the Council dangerous to health or safety of the public or any person having occasion to use or to pass or approach the same; or
(e) to desist from using and from permitting others to use for drinking purposes any such source of water supply, other than stream in its natural flow, which is proved to the satisfaction of the Council to be unfit for drinking ; or
(f) if, notwithstanding any such notice under clause (e) such use continues and cannot in the opinion of the Council be otherwise prevented, to close either temporarily or permanently or fill up or enclose or fence in such manner as the Council considers sufficient to prevent such use of such source of water supply as aforesaid; or
(g) to drain off or otherwise remove from any source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent there to, any stagnant water which the Council considers injurious to health or offensive to the neighbourhood.
(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition, within the time specified by or under the provisions of sub-section (1), the Council

may, and if in its opinion immediate action is necessary to protect the health or safety of any person, shall at once proceed to execute the work required by such notice ; and all the expenses incurred therein by the Council shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII:

Provided that in the case of any well or private stream or any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Council or necessarily incurred by such owner or person having such control may be paid from the Municipal fund.

6. *Powers for promotion of public health, safety and convenience*

221. Ruinous or dangerous buildings, precautionary measures.-(1) Where any building or anything affixed thereon or any tree standing within the premises is deemed by the Council to be in a ruinous state or likely to fallen or in any other way dangerous to any inhabitant of such building or of any neighbouring building or to ahy occupier thereof or to passers by, the Council shall immediately, if it appears to it to be necessary, cause proper hoard or fence to be put up for the protection of passers by:

Provide3d that if the danger be not of hourly imminence, the Council may, instead of causing a hoard or fence to be put up, issue in the first instance, notice in writing to the owner or occupier failing to put up, within two days from the service of such notice, a hoard or fence, which the Council considers sufficient in the circumstances of the case, the Council shall at once cause such hoard or fance to be put up.

(2) The Council shall also cause notice, in writing to be given to the owner or occupier requiring such owner or occupier forthwith to take down, secure or repair such building or thingss affixed thereon, or to remove suchn tree as the case shall require; and if such owner or occupier does not begin to repair, take down or secure such building or thing or to remove such tree within three days after the service of such notice, and complete such work with due diligence, the Council shall cause all or so much of such building or thing as it shall think necessary, to be taken down repaired or secured or removed, as the case may be.

(3) In case of imminent danger the Council shall have power without giving notice to demolish such portion of the building or structure as is likely to endanger the life or property of the inhabitants of such or of any neighbouring building or the life of the passers by.

(4) All expenses incurred by the Council under this section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

222. Displacing pavements, etc.- (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags of other materials or any public street or the fences, walls posts, Municipal lamps, lamp posts, brackets, water-posts, hydrants or other Municipal property, therein, without the written consent of the Council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags or other materials or in such fences, walls, posts, Municipal lamps, lamp posts, brackets, water-posts, hydrants or other Municipal property, shall fail to replace or restore the same to the satisfaction of Council after notice to do so, shall be punished with fine which may extend to fifty rupees and shall pay any expense which may be incurred in replacing or restoring the same;

and such expenses shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

223. Prohibition of obstruction in streets.-(1) No person shall, except with the written permission of the Chief Municipal Officer 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 set up 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 any open channe, drain or well in any street upon any public place, any stall, chair bench, box lader bale or other things whatsoever, so as to form an obstruction thereto 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 Chief Municipal Officer 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 Chief Municipal Officer under sub-section (3) shall, unless the owner thereof turns up to take back such things and pays to the Chief Municipal Officer the charges for the removal and storage of such things, be disposed of by the Chief Municipal Officer by public auction orn in such other manner and within such time as the Chief Municipal Officer 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 Chief Municipal Officer.

224. Boards to be set up during repairs, etc.- (1) A person intending to construct or take down any building or to alter or repair any building externally shall if the position or circumstances of the work is or are likely to cause or may cause obstruction, danger or inconvenience in any street, before being such work-

(a) obtain the permission from the Council; and

(b) cause sufficient boards or fences to be put up in order to separate the area where the work is to be carried on from the street and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Council during such time as the Council considers necessary for the public safety or convenience and shall cause the same to be sufficiently lighted during the night and shall remove the same when directed by the Council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extended to ten rupees for every day, on which such contravention continues, after the date of such conviction for such offence.

225. Fencing and lighting during repairs etc.-(1) The Council shall, during the construction or repair of any of the streets, sewers drains or other premises vested in the Council, take proper precaution, for guarding against accident by shoring up and protecting the adjoining building, and shall cause such bars, chains or posts as it shall think fit, to be fixed across or in any street to

prevent the passage of carriages, carts or other vehicle, or of cattle or horses when such construction or repair is being carried on and shall cause any such construction or repair work in a street to be sufficiently lighted and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts or removes or extinguishes any such light without the authority or consent of the Council shall be punished with fine which may extend to fifty rupees.

226. Timber, etc., not to be deposited or hole made in street without permission.-(1) No person shall, without the written permission of the Council or otherwise than in accordance with the conditions of such permission, make a hole in any street or deposit on any street any timber, stone, brick, earth or other material that has been or intended to be used for building. Such permission shall be terminable at the discretion of the Council, and when such permission is granted to any person, he shall, at his own expense, cause such material or such hole to be sufficiently fenced and enclosed to the satisfaction of the Council until the materials are removed, or the hole is filled up or otherwise made secure, and shall cause such material or hold to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day on which such contravention continues after the date of the conviction for such offence.

227. Dangerous quarrying.---

(1) If, in the opinion of the Council, the working of any quarry or the removal of stone, earth or other material from the soil in any place is dangerous to person residing in or having a right of access to the neighborhood thereof, creates or is likely to create a nuisance, the Council may by written notice, require the owner of the said quarry or place or the person responsible for such working or the removing of such material not to continue or permit the working of such quarry or to make such order with such quarry or place as the Council shall direct for the purpose of preventing the danger or of abating the nuisance arising or likely to arise therefrom:

Provided that is such quarry or place is vested in the State Government or if such working, thereof or removal therefrom, as aforesaid, is being carried on by or on behalf of the State Government or any person acting with the permission or under the authority of the State Government or of any servant or the Government acting as such, the Council shall not take such action, unless and until the Collector has consented to its doing:

Provided further that the Council shall immediately cause a proper hoard or fence to be put for the protection of passengers near such quarry or place, if it appears to it to be necessary, in order to prevent imminent danger.

(2) Any expense incurred by the Council in taking action under this section shall be paid by such owners or the person responsible for such working or removal, and shall be recoverable in the same manner as an amount of any tax recoverable under Chapter VIII.

228. Prohibiting lopping of branches etc. of trees.---

Whoever, with the permission of the Council 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 the case of second or subsequent breach, to [two thousand rupees].

229. Building or rooms in buildings unfit for human habitation.-(1) If, for any reason, it shall appear to the Council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the Council shall given to the owner or occupier of such building notice, in writing, stating such reasons, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, and shall in such notice call upon the owner or occupier aforesaid to state, in writing, any objection thereto within 30 days after the receipt of such notice and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Council invalid or insufficient, the Council may, by order in writing prohibit the further use of such building or room as a dwelling.
(2) When any such objection as aforesaid has been made, the Council shall cause notice of such prohibition to be affixed to, and then leters 'U.H.H.' to be painted on the door or some conspicuous part of such building or room, as then case may be, and the owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Council certifies, in writing, that the building or room, as the case may be, has been rendered fir for human habitation.

230. Power to enter and inspect etc., buildings.-It shall be lawful for the President, Vice-President, Chairman of President-in-Council Chief Municipal Officer or Councillor or any officer, authorized by the Council in this behalf, at any time between sunrise and sunset after due notice to enter into and inspect all buildings and lands, and by written notice to direct for sanitary reasons all or any part thereof to be forthwith internally and externally lime-washed or otherwise cleansed.

231. Special powers which may be conferred by State Government in respect of over crowded area.-(1) If the State Government is of opinion that risk of disease has arisen either to any occupier in, or to any habitant in the neighbourhood of any area by reason of the following defects, namely:-
(a) themanner in which either buidings or blocks of buildings already existing or projected therein, are, or are likely to become, crowded together; or
(b) the impracticability of cleaning any such building or blocks or buildings, already existing or projected; or
(c) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavengingnor any such buildings or blocks or areas as aforesaid; or
(d) the narrowness, closeness, bad arrangement or bad condition of the street or buildings or group buildings;
it may, by notification, confer on the Council to which such area is subject all or any of the powers specified in sub-section (2) and may, if it deems necessary at any time make rules prescribing any limitations, restrictions, modifications conditions or regulations subject to which the Council shall exercise within that area, all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the State Government.
(2) The powers, all or any of which may be conferred on a Council under sub-section (1) are as follows:-
(a) power when any building or block already existing or in coursen of erection by reason of any defect specified in sub-section (1), has given or is in the opinion of the Council likely to give rise to such risk as aforesaid to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed, as the Council deems fit, either to the owners thereof or to

the owners of the land on which such building of erection that the persons so addressed shall, within such reasonable time as shall be specified in the otice, either pull down or remove such building or block or execute such works or take such action in connection therewith as the Council deems necessary to prevent all such risk of disease;

(b) power to Council or any other agency authorized in writing by the Council to pull down to remove such building or block, or to execute such works or take such action as aforesaid, if the persons addressed in the said notice neglect so to do within the time specified therein;

(c) power, subject to right of appeal as herein after provided, to prohibit, by written notice addressed to the owners and occupiers of any site or space hereinafter described and by general notice published in the manner provided in sub-section (3) of Section 294, the erection of any building, or of any building exceeding such dimensions as may be specified in such notice-

(i) on the site of any building which has, in whole or in part, under the provisions of this section been pulled down; or

(ii) on any space not occupied by buildings whether such space is private property or not and whetherit is enclosed or not, if the Council considers that order to prevent such risk as aforesaid such site or space should not be built upon in whole or in part; and either to acquire such site or space or to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof:

Provided that in every case compensation, the amount of which shall in case of dispute, be ascertained and determined in the manner provided in Section 303, shall be paid to any person whose rights are affected by such prohibition.

(3) When, in pursuance of any notice under sub-section (2) any building has been pulled down, the Council shall, unless such building has been erected contrary to any provision of this Act or of any bye-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in Section 303.

(4) The State Government may prescribe by rule a fine not exceeding five hundred rupees, for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the Council in exercise of any powers conferred upon it under this section.

7. *Powers in regard to nuisances*

232. Investigation and action.--

The Council shall, as far as possible arrange for detection, inspection, abatement and removal of nuisance.

233. Removal of nuisances.--

On receipt of any information about the existence of a nuisance in any locality, the Council shall cause the matter to be investigated and if it appears to it that the nuisance is wholly or partly caused by any act or default of the owner, lessee or occupier of the premises or of any person or persons outside the premises, the Council may require the owner, lessee or occupier of the premises or other person or persons responsible for causing the nuisance to take such measures as may be specified in the notice, within the period specified therein.

234. Person responsible for causing nuisance.--
Every such owner, lessee or occupier of the premises or other person responsible for causing the nuisance shall forthwith comply with the directions of the notice, falling which the Council may, without prejudice to any penalty to which he may be liable under this Act, take such action for restraint, abatement and removal of the nuisance as may be considered necessary and realize the expenses incurred by the Council from the owner, occupier or the person or persons concerned in the manner provided in Chapter VIII.

235. Condition causing nuisance to be rectified by alternation reconstruction or demolition.--
If any house, building, shed or structure or any factory, workshop, workplace or any manufactory or place of trade is in such a condition that the nuisance cannot be abated or removed without structural alteration, reconstruction or demolition of such house, building, shed or structure, the Council may direct the owner, lessee or occupier to make the alteration or reconstruction in the manner specified in the direction or to demolish the house, building, shed or structure within the period penalty to which he may be liable under this Act, after giving due notice, the improvement or with permission of a Magistrate exercising not less than second class power, demolish the house, building, shed or structure and recover the expenses from the party concerned in such manner as the Council may decide and no compensation shall be payable by the Council for any such prohibition, improvement or demolition made by the Council.

236. Depositing dust etc., commiting nuisance.- (3) Whoever deposits, or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter , or any broken glass or earthen ware or other rubbish or any other thing that it is or may be nuisance in any street or in any arch under a street or in any drain beside a street or on any open space or on the blank of any river, water-course or nullah, except at such places, innsuch manner and itn such hours as shall be fixed by the Council, and whoever commits, or suffers any member of his family or household to commit nuisance in any such place as aforesaid shall be punished with fine which may extend to fifty rupees.
(2) Whoever throws or puts or cause or sufferes any member of his family or household to throw or put any of the mattersn described in sub-section (1) except night soil or except with the permission of the Council any night soil, into any sewer, drain, culvert, tunnel, gutter or watercourse and whoever commits nuisance or suffers any member of his family or household to commit nuisance in any such sewer, drain, culvert, tunnel, gutter or watercourse, or in such close proximity there to as to pollute the same, shall be punished with fine which may extend to fifty rupees.

237. Power to prohibit collection of inflammable materials or lighting fires.--
The Council may, where it appears to it to be necessary for the prevention of danger to life or property by public notice, prohibit all persons from stacking or collecting grass, cotton, wood, timber or other inflammable materials or placing mats or thatched huts or lighting fires, in any place or within any limits specified in the notice.

238. Power to prohibit unsanitary cultivation.--
If, in the opinion of the Council, the cultivation of any description of crop, or the use of any kind of manure or the irrigation of land in any specified manner---

(a) in any place within the limits of the Municipality, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood; or
(b) in any place within or without the limits of the Municipality, is likely to contaminate the water-supply of the Municipality or otherwise render it unfit for drinking purposes,

the State Government may, by notification, prohibit the cultivation of such crop, the use of such manure, or the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury:
Provided that, if the act prohibited has been practiced in the ordinary course of husbandry at any time during the five years next proceeding the date of the prohibition, compensation shall be paid from the Municipal Fund to all persons interested therein for any damages caused to them by such prohibition.

239. Discharging sewage, etc.-whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control to run, drain, nor be thrown or put upon any street or open space, or to soak through external wall, or causes or allows, any offensive matter from any sewer or privy to run, drain or to be thrown into a surface drain in any street without the permission in writing of the Council or who fails to comply with any condition prescribed in such permission shall be punished with fine which may extend to twenty-five rupees.

240. Non-removal of filth, etc.- Whoever, being the owner of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or noxious or offensive matter in or upon such building or land or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause nuisance, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to five rupees for every day on which such offence is continued after the date of the first conviction for such offence.

241. Removal of night soil, etc.(1) The Council may from time to time fix the hours within which only it shall be lawful to remove any night soil or any other offensive matter.
(2) Whoever-
(a) when the Council has fixed such hours, and given public notice thereof by beat of drum removes, or causes to be removed along any street any such offensive matter at any time except within the hours so fixed; or
(b) at any time, whether such hours have been fixed by the Council or not-
(i) use for any such purpose any cart, carriage, receptacle or vessel not having a covering adequate for preventing the escape of the contents thereof, and of the stench therefrom; or
(ii) willfully or negligently slops or spills any such offensive matters in the removal thereof; or
(iii) does not carefully sweep and clean every place in which any offensive matter has been slopped or spilled; or
(iv) places or sets down in any public place any vessel containing any such offensive matter; or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall, from time to time, be appointed for that purpose by the Council by public notice;
shall be punishable with fine which may extend to twenty five rupees.

242. (1) Filthy building, etc.--
Whoever, being the owner or the occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, or in the opinion of the Council, a nuisance to persons residing in the neighbourhood, or over-grown with prickly-pear or rank and noisome vegetation and who shall not, within a reasonable time after notice, in writing, by the Council to cleanse, clear or otherwise to put such building or land in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued after the date of the first conviction for such offence.

(2) Deserted and offensive buildings.--
Where any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of being vacant has--

(a) become a resort of idle and disorderly person or of persons who have no ostensible means of subsistence or who cannot give satisfactory account of themselves;
(b) come into use for any unsanitary or immoral purpose; or
(c) been affording a shelter to snakes, rate or other dangerous or offensive animals,

and is therefore open to objection that it is a nuisance, or so unwholesome or unsightly as to be source of discomfort, inconvenience, or annoyance to the neighbourhood or to persons passing by such building, the Council, if it considers that such objection cannot under any other provision of this Act be otherwise removed, may, if there is any person known or resident within the Municipality who claims to be a owner of such building, by written notice directed to such person, require such person, or in any other case by written notice, fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed. In the event of non-compliance with such requirements, the Council may, on the expiration of the period specified as aforesaid, forthwith cause the building to be taken down and the materials to be removed and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing. All such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.
(3) If, in the opinion of the Council, the land or building under question requires to be enclosed, it may, for getting the enclosure put up, give notice to the procedure laid down in sub-section (2). In the event of non-compliance with such requirement, the Council may, on the expiration of the period specified, get the enclosure put up and recover the cost from the person concerned in the manner prescribed in Chapter VIII.

243. Dust-bin for refuse and garbage.- A Council shall cause public dust-bin or other convenient receptacles to be provided at suitable intervals and in proper and convenient places and shall direct by public notice, that all sweepings in any house or premises, and all rubbish,

garbage or offensive matter accumulating therein, shall be collected by the occupier of the house or premises and deposited in such public dustbin.

244. Cleansing of road and roadside drains.- Every Council shall make arrangements for daily sweeping of the public streets under its control and for removing the rubbish, dirt and other matter from such street and from the public dust-bins and other receptacles, and for cleansing and flushing of then roadside drains.

245. Equipments and vehicles.-The Council may arrange for controlled tipping or dumping of refuse and offensive matter in low lands without causing any nuisance or injury to health of the people of the locality or in lands away from the inhabited areas or may arrange for their satisfactory disposal by incineration or by composting on scientific lines.

246. Using offensive manure, etc.--
Whoever, expect with the written permission of the Council, and in accordance with the conditions of such permissions, stores or uses night-soil or other manure or substance emitting offensive smell shall be punished with fine which may extend to twenty-five rupees.

247. Provision of bathing places.--
(1) A Council may provide and maintain public bathing places or swimming pools with sheds, booths and other convenience and may permit any person, club or association to provide and maintain such bathing places and swimming pools open to general public or to members only of the clubs or associations.
(2) All public bathing places expect those maintained by the Council shall be licensed by the Council and every such licence shall be renewable every year, but may be revoked or cancelled by the Council if in its opinion the management of any public bathing place is not satisfactory from the hygienic point of view.
(3) The Council may fix the use of the sheds, booths and other conveniences provided by the Council at any bathing place.
(4) The Council may order the closure of any bathing place under its control or licensed by it which, in the opinion of the Council, is unsafe for use or is likely to endanger the life or health of the bathers or people generally.

248. Bathing places.--
(1) The Council may set apart sufficient public places, not being private property for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of tanks or runs of water for the inhabitants to bath in, and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants and may prohibit the use of any purpose mentioned in this section of any or all other public places within the Municipality.
(2) Copies of all orders passed and notice issued by the Council and for the time being in force under this section shall be kept at the Municipal office and shall be open to inspection by the public at all reasonable times.

249. Regulation of washing of clothes by washermen.--
(1) The Council may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, expect at such places as it shall appoint for this purpose and when any

such prohibition has been made, no person who is, by calling, a wahsermen shall wash clothes at any place not appointed for this purpose by the Council, expect for such person himself or for the owner or occupier of such place.

(2) The Council may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time determined by it.

(3) The Council shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion be sufficient for the information of persons likely to be affected thereby a list of washing places proposed to be provided under sub-section (2), together with a notice specifying a date on or after which the list shall be taken into consideration; and shall before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made, in writing, by any person before the date so specified.

250. Fouling water.--

Whoever, in disobedience of any order of the Council, under Section 248 or of any bye-laws, baths in any stream, pool, tank, reservoir, well, cistern, conduit or aqueduct belonging to the Council or washes, causes to be washed therein, any animal or anything whatsoever, or throws, puts or casts or causes to enter therein any animal or anything cause or suffers to run, drain, or be brought there into anything that is, or may become, a nuisance, does anything, whatsoever, whereby any water therein shall be in any degree fouled or polluted, and whoever, without permission of the Municipality any animal, vegetable or mineral matter likely to render the water of such tank, stream, or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

251. Abatement of nuisance from wells, etc.--

(1) If in the opinion of the Council :-

(a) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, watercourse, or any collection of water; or

(b) any cistern or other receptacle for water whether within or outside the building; or

(c) any land on which water accumulates and which is situated within a distance of 100 yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance or otherwise injurious to the health of the inhabitants, the Council may, by notice in writing, require the owner thereof to fill up, cover or drain up the same in such manner and with such materials as the Council shall prescribe, or to take such measures for removing or abating the nuisance as the Council shall prescribe.

(2) (a) No new well, tank, pond, cistern, or fountain shall be dug or constructed without the previous permission, in writing, of the Council.

(b) If any such work is begun or completed without such permission, the Council may either--

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Council may direct; or

(ii) grant written permission to retain such work but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

252. Provisions as to dogs.--
(1) The Council may, by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dogs freely to breath and to drink, while actually preventing it from biting.
(2). Subject to the provisions of sub-section (3), the Council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it, and has paid all the expenses of its detention or cause it to be destroyed.
(3) When a dog which has been detained under the last proceeding sub-section is wearing a collar with owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to said address and the dog has remained unclaimed for three clear days provided that any dog which is found to be rabid may be destroyed at the time.
(4) Any unclaimed dog and a dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having detained for the said period of thee clear days.
(4) All expenses incurred by the Council under this section may be recovered, from the owner of any dog which has been taken possession of or detained, in the manner provided by Chapter VIII.

253. Provisions as to keeping of pigs.--
(1) If it shall appear to the Council, at any time that nuisance or annoyance is caused to the public by the keeping of pigs within the limits of the Municipal area the Council may direct by public notice that no person shall, without the written permission of the Council or otherwise than in conformity with the terms of such permission keep any pigs in any part of the Municipal area.
(2) Whoever shall, after such direction, keep any pigs in any place within the Municipal area without the permission required as aforesaid, or otherwise than in accordance with the terms thereof. shall be punishable with fine which may extend to fifty rupees.
(3) Any pigs, found, straying, may be forthwith destroyed and the carcass thereof disposed as the Council shall direct, No claim shall lie for compensation for any pig so destroyed.

254. Tethering cattle, etc.- Whoever tethers cattle or other animals or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause nuisance, or whoever causes or suffers such animals to stray about without a keeper shall, on conviction, be punishable-
(a) for a first offence, with fine which may extend to twenty five rupees;
(b) for any subsequent offence, with fine which may extend to fifty rupees.

255. Consumption of smoke.--
(1) It shall be lawful for the Council to direct by public notice that every furnace employed or to be employed in any works or building used for the purpose of any trade or manufacture whatsoever, within the limits of the Municipality whether a stream engine be or be not used or employed therein, shall in all cases be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable the smoke arising from such furnace.
(2) If any person shall, after such direction, use or permit to be used any such furnace not so constructed, supplemented or altered or shall so negligently use, or permit to be used, any such furnace that smoke, arising therefrom, shall not be effectually consumed or burnt as far as may

be practicable, such person, being the owner or occupier of the said works or buildings or an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees and upon such subsequent conviction to five hundred rupees:

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon railways or for the repair of roads.

256. Feeding animals on filth.--

Whoever feeds any animal which is kept for dairy purposes or is intended for human food, on excrementitious matter, stale, refuse, filth or other offensive matter, or permits such animals to feed or be fed on such matter shall be punishable with fine which may extend to fifty rupees.

257. Playing any game causing annoyance.--

Whoever files kites, or discharges fire-arms or lets fireworks for fire-baloons or engages in any game in such a manner as to cause or 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 twenty five rupees.

258. Prohibition spitting on public streets, etc.--

Whoever spits in any place other than a drain or receptacle provided for the purpose by the Council shall be punishable with fine which may extend to twenty five rupees.

8. *Markets*

259. Establishment of markets.- A Council may establish and maintain market at suitable place for the convenience of the people of the Municipal area and may permit, by issue of licences to private persons, to establish and maintain such markets. For this purpose the Council may acquire, purchase or take on lease any land, building or structure for establishing a market or may take over an existing market from the owner thereof on payment of such compensation as may be determined under the provisions of this Act.

260. Licensing markets.-(1) It shall be lawful for the Council to direct that no place other than a Municipal market shall be used for the sale of animals, meat, fish, fruits, vegetable or such other articles as the Council may, with the prior sanction of the prescribed authority, specify in this behalf except under and in accordance with the conditions of a licence from the Council which may, at its discretion from time to time, grant, suspend, withhold or withdraw such licences either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction or without the licence required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such licence, shall be punished with fine which may extend to fifty rupees.

(3) Upon a conviction being obtained inn respect of any place under sub-section (2), the Magistrate shall, on the application of the Chief Municipal Officer or any officer authorized by him but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used; and every persons or take other steps to prevent such

place after it has been so ordered to be closed shall be punished with fine which may extend to five rupees for each day during which he continues so to use, or permits such use of the place after it has been so ordered to be closed.

261. Water supply and sanitary convenience.- Every market shall be provided with sufficient water supply, drainage, sanitary latrines and urinals; and stalls for sale of meat, fish, fruits or vegetables and shall be on raised plinth with, as far as practicable, such impervious floor as may be specified by the Council. An owner of a private market who does not comply with the aforesaid provisions as regards the plinth or floor of stalls shall be liable to have his licence cancelled in addition to any penalty to which he may be liable under this Act.

262. Opening, closing and letting of markets and slaughter houses.- The Council may, from time to time , open or close any market or slaughter house. It may also either take stallage or other rent fees for the use by any person of any such market or slaughter house or from time to time sell, by public auction or otherwise, the privilege of occupying any stall or space in or of otherewise, using any such markets or slaughter-house.
(2) Whoever, without the permission of the Council, sells or exposes for sale any article in the said market or uses the said slaughter-house, shall be punished with fine which may extend to twenty five rupees.
(3) It shall be lawful for the Council to lease by public auction or private contract the collection of any rent of fees which may be imposed under this section or Sections 264:

Provided that the lessee shall give security for the due fulfillment of conditions of the lease.

263. Power to remove persons from Municipal markets.- If any officer specially empowered in this behalf by the Council is satisfied that any person occupying any stall or space in any Municipal Market is in unauthorized occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the previous sanction of the Council, require such person to vacate the stall or space within such time as may be mentioned in the requisition and such person may, in addition to any penalty to which he may be liable under this Act, be summarily removed from the stall or space.

264. Places for slaughter of animals for sale.- (1) The Council may, as and when required by State Government, shall fix places, with the approval of the State Government either within or without the limits of the Municipality, 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 Council may charge rent or fees for the use of the same.
(2) When such places have been fixed by the Council beyond Municipal limits it shall have the same power to make bye-laws 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 Municipal area at any other place.
(4) Any person who slaughter for sale any animal at any place within the Municipal area other than the one fixed by the Council under this section shall be punishable with fine which may extend to fifty rupees.
(5) Nothing in this section shall apply to the killing of cattle or animals as part of religious offerings.

265. Power to regulate slaughter of animals not for sale.- The Council may with previous sanction of the Collector and by notification published in accordance with rules, made under this Act, fix premises within the limits of the Municipality in which the slaughter of animals of the any particular kind not for sale shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within those limits:

Provided that the provisions of this section shall not apply to animals slaughtered for any religious purpose.

266. Inspection before and after slaughter.- A Municipality shall arrange for inspection of the animals by a Veterinary Surgeon or a competent person before the animal is liked and may also arrange for inspection of the meat and organs for the purpose of certification, as may be prescribed by bye-laws, of the meat for use as food.

267. Licensing of butcher.- No person shall carry on the profession of a butcher expect under a licence from the Council.

9. *Control of food stuffs*

268. Licensing and condition for sale of certain articles of food and drinks.-(1) No person shall sell or offer or expose for sale at any place within the Municipality-

(i) any animal or any meat or fish intended for human food; or

(ii) any milk or dairy product, sweetmeet, fruits, vegetables, betels (ready for chewing) ice, ince-cream, aerated waters, syrups or soft drink, fruit juice or neera, confectionary and prepared food or drink of any kind;

except under and in accordance with the conditions of a licence granted by the Council.

(2) No sale of any such articles shall be permitted at any place near any stable, public latrine, drain or manhole.

(3) The provisions of sub section (2) shall apply to sale of any such article from any house, shop or stall (movable or otherwise) and to sale on roads and roadside.

(4) The Council may, as its direction from time to time, grant, suspend withhold or withdraw such licences, either generally or in individual cases.

(5) Whoever uses or permits the use of any place without the licence required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such licences, shall be punishable with fine which may extend to fifty rupees.

(6) Upon a conviction being obtained in respect of any place under sub-section (5) the Magistrate shall on the application of the Chief Municipal Officer or any officer authorized by him but not otherwise order such place to be closed and thereupon appoint person or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punishable with fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

269. Search for and inspection of unwholesome articles.-(1) The President Chairman of the Presiden-in-Council, Chief Municipal Officer, Health Officer, Assistant Veterinary Surgeon of the Agriculture (Veterinary) Department of the Government or any Councillor or officer authorized by the Council in this behalf-

(a) may, at all reasonable times, enter into any place for the purpose of inspecting and may inspect any animals, carcasses, meat, poultry, game, flesh, fruit, vegetable, corn, bread, flour, milk, ghee, butter or other articles intended for human consumption or drink or for medicine, whether exposed or brought to any place for the purpose of sale of preparation for sale, or may enter into and inspect any place used as a slaughter house, and may examine anything which may be therin; and

(b) in case any such animals, carcasses or other articles hereto before mentioned appears to be diseased or unsound or unwholesome or unfit for human consumption or drink or medicine or it is adulterated in such a manner as to lesson its efficiency or to change its operation may seize the same.

(2) Any aricle seized under sub-sectionn(1) which is perishable nature may, under the order of the President, Chief Municipal Officer or Municipal Health Officer, forthwith be destroyed. Every animal and every article which is not of perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

(3) If it appears to the Magistrate, upon sufficient evidence, that any such animal or article is diseased or unsound or unfit for human consumption, drink or medicine or it is adulterated in such a manner as to lesson its efficacy or to change its operation the owner to person in whose possession it was found not being merely a bailee or carrier there of shall if in suchncase the provisions of Section 273 of the Indian Peal Code, 1860 (XLV of 1860) do ot apply, be punishable with fine which may extend to five hundred rupees and the Magistrate shall cause such animal or article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption or drink or medicine.

270. Presumption in prosecution.- In any prosecution for adulterated and misbranded food the Court shal, unless and until the contrary is proved, presume that any article of food found in the possession of person who is in the habit of manufacturing, preparing, selling, storing, distributing or carrying on in transit like articles, has been manufactured, stored or carried for sale of distribution or carryingn on in transit like articles, has manufactured, stored or carried for sale of distribution or carrying on in transit like articles, has manufactured, stored or carried for sale of distribution for human consumption by such persons.

10. *Milk supply, dairies and cattle- sheds*

271. Model Dairy by Council.- A Council may establish a model dairy with farm for production and supply of good milk and the State Government may lay down standard requirements for such establishment.

272. Licensing of dairies.- (1) No person shall for the purposes of trade use to permit to be used any place for stabling milk cattle or for storing or selling milk or for making, or selling butter except under and in accordance with the terms of a licence from the Council.

(2) The Council may grant such licence subject to such condition as it may deem fit and may at ny time withdraw such licence on giving one month's notice to the licensee:

Provided that where the licence has contravened any of the licence, the licence may be withdrawn without any such notice.

(3) Whoever so uses or permits to be used any place for any of the aforesaid purposes without or in contravention of any of the conditions of, or after the withdrawal of, or during the suspension of, such licence shall be punished with fine which may extend to fifty rupees and in

the case of a continuing offence with additional fine which may extend to ten rupees for each day during which such offence is continued after the date of the conviction for the first such offence.

(4) Upon a conviction being obtained in respect of any place under sub-section (3), the Magistrate shall on the application of the Chief Municipal Officer or any other officer authorized by him but not otherwise, order such place to be closed and thereupon, appoint persons or take other steps to prevent such place being so used.

273. Inspection of dairies and domestic cattle.- Any officer of the Council when so authorized by the Council shall have the power to inspect dairies and the milch cattle so as to ensure that proper sanitary arrangements are made-

(a) for securing the purity of milk;

(b) for the health of good condition of the milch cattle;

(c) for cleanliness of milk vessels and used therein; and

(d) for protection of milk against infection or contamination.

274. Duties of Council in respect of diseases among cattle, sheep or goats.-If any Municipality any infectious disease amongst cattle, sheep or goats breaks out of if the introduction of any such disease appears to be likely, the Council shall take all such measures as it deems necessary of the purpose of preventing meeting mitigating or suppressing then disease or the outbreak or introduction thereof.

11. *Registration of births, deaths and marriages*

275. Registration of Births, Deaths and Marriages.- All births, deaths and marriages occurring within the Municipal area shall be registered in the manner prescribed by rules.

276. Reporting of births and deaths.-(1) It shall be the duty of the father or of the mother of every child born within the limits of any Municipality or in the case of death, absence or diability of the father or mother, the head of the family in which the child is born, or the occupier of the house or any person assisting at the time of birth of such child to give information within 8 days of such birth either in person or in writing to the Chief Municipal Officer with such particulars as are required for the registration of the birth of such child.

(2) It shall be the duty of the head of the family in which death has occurred or the occupier of the house of any neighbour to give information within 8 days of such death either in person or in writing to the Chief Municipal Officer, with such particulars as are required for the registration of the death.

277. Reporting by medical attendants.- Any Medical practitioner (which terms shall include any person practicing any system of medicine) or any midwife, nurse, Dai, or any person attending a case of birth or of death shall duly notify to the Chief Municipal Officer, the birth or death attended by him or her. The information shall be given either personally or in such manner as may be convenient with 8 days of the occurrence of the birth or the death.

278. Penalty for neglect or refusal.-Any person who neglects or refuses to give any information which it is his duty to give under Section 276 or Section 277 shall be liable to punishment which may extend to fifty rupees.

12. *Park, playground and open spaces*

279. Council to provide places for recreation.--
(1). The Council may provide open place, park, playgrounds, commons, swimming tanks and amenities for the use and employment of the people and may frame bye-laws regulating their use.
(2). The Council may reserve any such place for the exclusive use of women and children.
(3). Two or more local authorities may jointly provide and maintain open spaces, park, playgrounds and swimming pools.

280. Pasture lands.--
(1) The Council may likewise provide common pasture lands for the use of domestic cattle.
(2) Common pasture land may be let out at such fees as the Council may, from time to time, prescribe. No person shall graze his cattle on such common pasture land without permission from the Council and payment of such fees as may be fixed by the Council.
(3) In all common pasture lands there shall be adequate water supply for the cattle to drink and for washing of cattle.

281. Hours and closures of Gardens, play grounds and General Pasture land.--
The Council may prescribe the hours and restrictions for the use of any park, playground or common pasture land and may, at any time prohibit the use of any such place for any purpose other than games and recreation or close any such place.

13. *Power to develop certain areas*

282. Reservation of certain areas for special purpose of public utility.-(1) The State Government may, either on its own motion or on the request of a Council in respect of any Municipality, and after making such inquiry as it deems necessary, notify, by a notice published in the official gazette any are or areas to be served from a date fixed therein, for use in the futuren for any special purpose of public utility such as public parks play-grounds, educational and medical or public health institutions markets, stands for vehicles and animals, public recreation centres and housing colonies.
(2) After such reservation has been notified-
(a) no construction shall take place on any area or areas so declared without the special permission of the State Government in this behalf; and
(b) if any construction, structure or building is sought to be transferred by the owner to another party, an option to purchase shall be first given to the State Government, and on its refusal to exercise the option, the owner may transfer the property.
(3) The State Government may cancel such notification at its discretion after consulting the Council.
(4) If any construction takes places on any area in contravention of sub-section (2) the Council may without prejudice to any other action that might be taken under this Act or rules framed thereunder or under any other law for the time being in force demolish such construction and recover the cost incurred in such demolition from the owner or occupier of the land, building or structure.

14. *Offensive or dangerous trades*

283. Regulation of certain trades.-(1) if it be shown to the satisfaction of the Council that any building or place used or intended by any person to be used-
(a) for boiling or storing offal, blood, bone or rags;
(b) for salting, curing and storing fish;
(c) for storing hides, horns and skins;
(d) for tanning;
(e) for the manufacture of the leather or leather goods;
(f) for dyeing;
(g) for melting tallow or sulphur;
(h) for washing or drying wool or hair;
(i) as a brick' pottery or lime-kiln;
(j) for soap making;
(k) for oil-boiling or oil-extracting;
(l) as a distillery;
(m) for storing hay,straw, fodder, wood, coal or other combustible material;
(n) as a manufactory or place of business of any other kind from which offensive or unwholesome smell arise, or which may arise, or which may involve risk of fire;
(o) as a manufactory of snuff;
(p) for the manufacture or sale of sweetmeats;
(q) as a factory, workshop or place of business in which animals are employed or intended to be employed for doing work of in which steam, water or any mechanical power is used or intended to be used;
(r) as a hair dressing saloon or a barber's shop or a Hammamkhana; is or is likely by reason of such use of, and of its situation to become a nuisance to the neighbourhood or is so used or is so situated as to be likely to be dangerous to life' health or property, the Council may, by written notice, require the owner or the occupier-
(i) at once to discontinue the use of or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such building or place; or
(ii) to use it in such manner, or after such structural alterations as the Council in such notice prescribe, so that it may not become, or may be no longer, a nuisance or dangerous.
Explanation.- For the purpose of this section, nuisance shall include any contamination of the atmosphere where by a deposit of soot is caused or any mechanical noise.
(2) Whoever, after notice has been given under sub-section (1), uses any building or place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property, shall be punished with fine which may extend to two hundred rupees and with further fine which may extend to two hundred rupees amd with fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of first conviction.
(3) Upon a conviction being obtained under this section the Magistrate shall on the application of the Chief Municipal Officer or any officer authorized by him but not otherwise, order such place to be closed and thereupon appoint persons or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).
(4) Whoever uses without a licence, or during the suspension or after the withsrawal of a licence, any place for any purpose mentioned in sub-section (1) in any Municipality in which bye-laws are for the time being in force prescribing the conditions on or subject to which, the

circumstances in which, and the areas or locality in respect of which licence for such use may be granted, refused suspended or withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

284. Provision of sanitary conveniences.- The owner, keeper or manager incharge of offensive or dangerous trade shall made adequate provision for sanitary conveniences in all premises and houses used for such trades and maintain them in good condition.

285. Prohibition of use of steam whistles, etc.-(1) No person shall use or employ in any Factory or any other place any whistle or trumpet operated by steam or by mechanical means for the purpose of summoning or dismissingn workmen or persons employed except under and in accordance with the condition of a licence from the Council.
(2) The Council may grant such licence subject to such condition as it may deem fit and may at any time withdraw such licence on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the licence, the licence may be withdrawn without any such notice.
(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions or after the withdrawal of such licence, shall be punishable with fine with may extend to fifty rupees.

15. ***Powers in case of fire***

286. Establishment and maintenance of Fire Brigade.-(1) A Council may and if directed by the State Government shall establish and maintain a Fire-Brigade and provide any implements, machinery or means of communicating intelligence which it thinks necessary for prevention and exitenction of fire.
(2) It shall be the duty of all Police Officers and all Munciipal officers and servants to aid a Fire-Brigade in the execution of its duties.

287. Power of Fire Brigade and other persons for suppression of fires.- (1) On the occasion of a fire, within the limits of the Municipality, any Magistrate, the President of the Council, Chief Municipal Officer, or any belonging to the Brigade then and there directing the operations of men belonging to the Brigade, and, if directed so o do by a Magistrate or the President of the Council, or Chief Municipal Officer, any Police Officer above the rank of Constable, may-
(a) remove or order the removal of any person who, by his presence, interferes or impedes the operations of extinguishing the firs or for saving life or property;
(b) clause 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 or cause to be used for the passage of 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 then place where the fire has occurred;
(e) call on the person in charge of any fire engine to render such assistance as may be possible; and
(f) generally take such measure as may appear necessary for the preservation of life and property.

(2) No person shall be liable to pay compensation for any act done by him in good faith under sub-section (1) but the State Government may direct that such compensation as it may decide to be reasonable shall be paid from the Municipal fund.
(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within meaning of any policy of Insurance against fire.
(4) the powers conferred by sub-section (1) shall be subject to such regulations, conditions and restrictions as may be prescribed, by rules.

16. *Begging for alms*

288. Prohibition from begging for alms.-(1) whoever, in any street or public place within the limits of a Municipality to which the provisions of this section may be applied by the State Government, by notification, begs for alms, or exposes or exhibits any sore or wound or any deformity disease or bodily ailment with the object to exacting or extorting alms, shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine which may extend to fifty 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 in 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) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence punishable under this Section shall be cognizable.

17. *Disposal of dead animals*

289. Special provision with respect to disposal of bodies 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, if any fixed by the Council for the disposal of the dead animals or if no such place had been fixed to any place at least one mile beyond the limit of the Municipality where such bodies may lawfully be deposited;
(b) give notice of death to the Chief Municipal Officer who shall cause the carcass to be disposed of.
(2) For the disposal of dead animals under clause (b) of sub-section (1) the Chief Municipal Officer may charge such fees as the Council may fix by public notice.
(3) For the purposes of this section the word "animal" shall include horned cattle elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

18. *Disorderly houses*

290. Power over disorderly houses and prostitutes.-(1) The Council may, by a notice in the prescribed manner, prohibit in any specified part of the Municipal area-
(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 thereof to be used as a brothel or for the purposes of habitual prostitution with the prohibited area; or
(c) being the lessor or landlord, of any premises or the agent to such lessor or landlord, lets, the same or any part thereof, within the prohibited area with the knowledge that such premises or some part thereof, are, or is used as a brothel, or for the purpose of habitual prostitution or is willfully a party to the continued use of such premises as a brothel or for the purpose 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 fine which may extend to five hundred rupees, or with both, and in the case of a continuing offence with an additional fine not exceeding fifty rupees for every day after the first during which the offence continues.

291. Brothels- On the complaint of the President , or of three or more persons residing within the Municipal limits, that a house within the said limits, is used as brothel, or by disorderly persons of any description, to the annoyance of the 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.

292. Control of prostitution.- The Council may , in accordance with the byelaws made in that behalf, control the practice of prostitution within the Municipality.

293. Provision of this part to be in addition to Central Act, No, 104 of 1956.- The provisions contained in section 290, 291 and 292 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 these sections shall be subject to the provisions of the said Act.

19. *Service of notices, penalties on non-compliance therewith and execution of works on default*

294. Service of notice, addressed to individuals.-(1) The service of every notice, and presentation of every bill under this Act, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for in this Act, be effected by a Municipal Officer, servant or other person authorized by the Council in this behalf-

(a) by giving or tendering the notice or bill to the person to whom it is addressed; or

(b) if such person is not found by leaving the notice or bill at his last known place of abode, if within the Municipal limits, or by giving or tendering the notice or bill to some adult member or servant of his family; or

(c) if such person does not reside within the Municipal limits, and his address elsewhere is known to the President or other person directing the issue of the notice or bill, then by forwarding the notice or bill, by Registerd Post Acknowledgement due under cover bearing the said address; or

(d) if n one of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(2) When any notice, under this Act, is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act shall be effected either-

(a) by giving or tendering the notice to the owner or occupier or if there be more owners or occupiers than one, to any one of them; or

(b) if no such owner or occupier be found, then by giving or tendering the same to some adult member or servant of the family of such owner or occupier as aforesaid; or

(c) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a Council or any Municipal Authority or Officer to give or to serve either as a public notice or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the Municipal office during such period and in such other public buildings and places, or is published in such local papers or in such other manner, as the Council in bye-laws in this behalf prescribes.

(4) No notice or bill shall be invalid for defect of form.

(5) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, the Notice shall fix a reasonable time for doing the same.
(6) In the event of non-compliance with the terms of any notice under this Chapter, it shall be lawful, for the Council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses incurred therein by the Council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in Chapter VIII.

295. Relief to agent receiver and trustees.-(1) If person by reason of his receiving the rent of immovable property as agent, receiver or trustee, or of his being as agent receive or trustee of the person who would receive the rent, if the property were let to a tenant is under this Act, bound to discharge any obligation unless he has or but for his own improper act or default might have had in his hands funds belonging to the owner sufficient for the purpose.
(2) The burden of proving the fact entitling an agent, receiver or trustee to relief under this section shall lie on him.
(3) If any agent receiver or trustee has claimed and established his right to relief under this section, the Council may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf, or for the use, of the owner and should be fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

296. Punishment for disobedience to orders and notices not punishable under any other section.- Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a Council under any power conferred by this Chapter or fails to comply with the conditions subject to which any permission was given to him by the Council under any power conferred shall, if the disobedience or failoure is not an offence punishable under any other section be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence with further time which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:
Provided that when the notice fixes a time within a certain act is to be done, and no time is specified in the Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

297. General penalty.- Whoever does or omits to do an act in contravention of any provision of this Act or the rules or bye-laws made thereunder or the conditions of a licence or permission granted by Council or any of its officers under the said provisions or rules or bye-laws shall, if such act or omission is not an offence under the said provision or rules or byelaws, be punished with fine which may extend to fifty rupees and with further fine which may extend to five rupees for every day on which such act or omission continuous after the date of the first conviction.

298. Council, in default of owner or occupier, may execute works and recover expenses.--
(1) Whether under the provisions of this Act any work is required to be executed by the owner or occupier of any building or land and default is made in execution of such work, the Council whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in

the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by installment as the Council may deem fit:

Provided that--

(a) where any Drainage Scheme or Water Work Scheme has been commenced by any Council, it shall be lawful for the Council without prejudice to its power under Section 201 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the Drainage and Water connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the Council shall render, and any payment, agreed upon by the owner shall be recovered in accordance with the terms of such agreement or in default, in the manner prescribed in sub-section (2) and (3);

(b) where an order or requisition has been passed under sub-section (1) of Section 180, sub-section (3) of Section 187, or under Section 200, 203, or 209 or where permission has been given under Section 207 or where an arrangement has been made under clause (a) the Council may, without prejudice to any other powers under this Act, if it thinks fit, declare any expenses incurred by the Council, in the execution of order or in the carrying out of such requisition, permission or arrangement to be improvement expenses, Improvement expenses shall be charged upon the premises of land, and shall be levied in such instalments as the Council may decide including interest at the rate of 6-1/4 per cent per annum, and shall be recoverable in the manner prescribed in sub-sections (2) and (3).

(2) If the defaulter be the owner of the building or land the Council may by way of additional remedy whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or any time thereafter occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount claimed on account so leviable shall be recoverable in the same manner as an amount claimed on amount of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such expenses.

(3) No occupier of any land or building shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable, at the time of demand made upon him or which at any time after such demand and notice not to pay rent to the landlord as accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for this purpose by the Council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provide that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of any such expenses as aforesaid.

299. Occupier, in default of owner, may execute work and deduct expenses from his rent.-- Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Council, cause such work to be executed and expense thereof shall be paid to him by the

owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

300. Proceedings, if any occupier opposes the execution of the Act.--
If the occupier of any building or land prevents the owner thereof from carrying into effect in respect of such building or land, any provisions of this Act, after notice of his intention so as to carry them into effect has been given by the owner to such occupier; any Magistrate upon proof thereof, 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, and may also, if he thinks fit, order the occupier the costs relating to such application or order, and if, after the expiration of 8 days from the date of the order, such occupier continues to refuse to permit such owner to execute any such work, such occupier for every day during which he so continues to refuse be punished with fine which may extend to fifty 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 to execute such work.

20. *Summary power regarding certain offences*

301. Summary powers regarding certain offences.- The Government may appoint an officer of the Council to be a Magistrate under the Code of Criminal Procedure, 1898 (V of 1898) to try offences with regard to matters relating to Sections 211, 212, 236, 240, 241, sub-section(1) of Sections 242, 246, 250 and 269, and may empower to try them summarily.

21. *Miscellaneous*

302. Entry for Inspection.-It shall be lawful for the President, Chief Municipal Officer, Municipal Health Officer or Municipal Engineer or any Councillor authorized by the council or any officer or servant authorized by the Chief Municipal for such purposes to enter for the purposes, of this Act, between sunrise and sunset with such assistants as he may deem necessary, into and upon any building or land, as well for the purpose of making any survey or inspection they may be entitled to make for the purpose of executing any work authorized by this Act to be executed by them:

Provided that except when herein otherwise provided no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof without 24 hour' written notice thereof having been given to the said occupier:

Provided further that in the case of building used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

303. Arbitration in cases ofcompensation, 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 the appointment of the same shall be ascertained and determined by a Panchayat of three persons of whom one shall be appointed by the Council, 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 b the nmembers 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 from the date of the section 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 in the Land acquisition Act, 1894 (1 of 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 appropriation the costs of all proceedings in the 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 Council 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 Colurt to the party to whom such compensation may be payable. If such party refuses to building or if there is any dispute as to the title to the compensation or as to the appointment of it, the Council shall deposit the amount of the compensation in the District Court.

(6) In the absence of any express provision to the contrary, the compensation payable under this Act shall determined in accordance with the principles laid down in the Land acquisition Act 1894 (1 of 1894).

304. Costs or expenses how determined and recovered.-If a dispute arises with respect to any costs or expenses which are by this Act directed to be paid, the amount and if necessary the appointment of the same shall save where it is otherwise expressly provided in this Act, be ascertained and determined by the Council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

305. Certain sections when to take effect in the case of [Nagar Panchayat].--

In the case of [Nagar Panchayats] all or any of the sections will take effect only when so notified by the State Government in this behalf:--

180, 181, 185, 207, 229, 243, 255, 272 and 273.

306. Certain powers of Council to be exercised by President and Chief Municipal Officer.- Notwithstanding anything contained in this Act, all the powers and functions of the Council under-

(a) Section 183(5), 184, 185, 186, 190, 203, 205, 206, 207, 209, 210, 211, 212, 218, 229, 268, and 283 shall be exercised and discharged by the President; and

(b) Section 180 (1) and (2), 185, [187, 187-A], 191, 192, 194, 195, 196, 198, 199, 200 (2), 204, 208, 213, 215, 216, 217, 220, 221, 222, 223, 224, 225, 226, 227, 232, 233, 234, 236, 239, 241, 242, 246, 250, 251, 252 and 285 shall be exercised and discharged by the Chief Municipal Officer.

CHAPTER X
APPEALS

307. Appeals against orders of President and Chief Municipal Officer.-(1) In the case of a Municipal Council any person aggrieved by-

(a) a notice or order issued or other action taken by the President under section 183(5)(a) and (b), 184, 190, 203, 205, 206,207, 209,210, 211, 212, 229, 268 and 283 or any rules or bye-laws made for the purpose of the said sections for any order made appealable by such rules or bye-laws or any order granting or refusing to grant a licence or permission, may appeal to the Council within thirty days from the date of such order and such appeal shall be heard and disposed of by the Council in the prescribed manner;

(b) any notice or order issued or other action taken by the Chief Municipal officer under Sections 180(1) and (2), 185, 187,191,192, 194,208, 220,221,223, 227, 242, 251 and 285 or any rules or bye-laws made for the purpose of the said sections or any order made appealable by such rules or bye-laws or any order granting or refusing to grant a licence or permission, may appeal to the Appeal Committee within thirty days from the date of such order and such appeal shall be heard and disposed of by the Appeal Committee in the prescribed manner.

(2) The Appeal Committee shall consist of President, Vice President and two elected in this prescribed manner by the Council in accordance with the system of proportional representation by means of a single transferable vote in the first meeting of the Council after every general elections. The President shall be ex-officio Chairman of the Appeal Committee.

(2-a) In the event of any vacancy occurring in the Appeal Committee, it shall be reported to the authority prescribed under section----- and the vacancy shall be filled in, in accordance with the provisions of sub-section (2).

(3) The Council or the Appeal Committee may for sufficient reasons to be recorded in writing admit any appeal, after the expiry of the period specified in sub-section(1).

(4) the Council or the Appeal Committee, as the case may be, remand any case for further enquiry or decision or may pass any other order that may be deemed just and proper, and no appeal or revision shall lie against this decision:

Provided that no orders shall be passed to then prejudice of any person until he has been given a reasonable opportunity of being heard.

(5) The Council or the Appeal Committee as the case may be, may allow any Executive Officer or any other official deputed by the Chief Municipal Officer for the purpose to appear before it in any appeal and to watch or represent the interest of he Council.

(6) In case the Chief Municipal Officer himself or any other person is appointed to exercise all the powers and duties of the Council under section 328 an appeal against orders passed by him pertaining to matters mentioned in sub-section (1) shall lie to such person or committee of persons as the State Government may by notification, from time to time appoint in this behalf and such person shall exercise all the powers of the Appeal Committee mentioned in this section.

308. Appeals against orders of Council, President and Chief Municipal Officer in Nagar Panchayats.- (1) In the case of Nagar Panchayat any person aggrieved by-

(a) any notice or order issued or other action taken by the Council under Sections 193,197,219 and 231 or under any rules or bye-laws made for the purpose of the said sections, and any order made appealable by such rules or bye-laws;

(b) any notice or order or other action taken by the President under Sections 183,(5)(a) and (b) 184,187,190,203,205,206,207,209,210,211, 212, 218, 2229,268 and 283 or under any rules or bye-laws made for the purpose of the sadi sections and any order made appealable by such rules or bye-laws;
(c) any notice of order or other action taken by the Chief Municipal Officer under Sections 180 (1) and (2), 185, 191, 192, 194, 208,220, 221, 223, 227, 242, 251 and 285 or under any rules, or bye-laws made and any order made appealable by such rules or bye-laws;
(d) any order of the Council, President or the Chief Municipal Officer as the case may be, granting or refusing to grant a licence or permission;
may appeal to the Collector within thirty days from the date of such order and such appeal shall be heard and disposed of by the /collector in the prescribed manner.
(2) The Collector may, for sufficient reasons to be recorded in writing, admit any appeal after the expiry of the period specified in sub-section (1),
(3) The Collector m ay remand any case for further enquiry or decision or may pass any other order that may be deemed just and proper and no appeal or revision shall lie against this decision:

Provided that no order shall be passed to the prejudice of any person until he has been given a reasonable opportunity of being heard.
(4) The Collector may allow an Executive Officer or any other official deputed by the Council for the purpose to appear him in any appeal and to watch or represent interest of the Council.

309. An appeal under Section ---- or section ---- or any other provisions of this Act or rules made thereunder shall not operate as a stay of proceedings under a notice or order appealed from except so far as the appellate authority may order, nor shall execution of a notice or order by stayed by reason only of an appeal having been preferred from the notice or order but the appellate authority may, for sufficient cause, order stay of execution of such notice or order.
(5) No order for stay of execution shall be made under sub-section (4) unless the appellate authority making it is satisfied-
(a) that substantial loss may result to the party applying for stay of execution unless the order is made; and
(b) that the application has been made without un reasonable delay.
(6) Notwithstanding anything contained in sub-section (5) the appellate authority may make an ex-pert order for stay of execution pending the hearing of the application.

310. Procedure to be followed by Council, Appeal Committee or Collector.- The appellate authority shall follow such procedure as may be prescribed.

311. Pending cases.--
Notwithstanding anything contained in this Act:--

(a) an appeal or revision pending before any authority under any of the enactments repealed by this Act immediately before the commencement of this Act; or
(b) where a right for appeal or revision has accrued against a notice issued or an order passed immediately before the commencement of this Act and the limitation set out therefor under any of the enactments repealed by this Act, has not expired.

such appeal to revision shall be heard and disposed of by the authority competent to hear such appeal or revision in accordance with the provisions of the enactment so repealed.

(2) Notwithstanding any subsequent change in the classification of a Municipality under Section 4 an appeal pending before any authority competent to hear the appeal under this Act immediately before such change shall be heard and disposed of by such authority.

CHAPTER XI
PROSECUTIONS, SUITS AND POWERS OF POLICE

312. Power to institute legal proceedings and obtain legal advice.- With the previous sanction of the Council, the Chief Municipal Officer, or such other officer, as may be authorized by the Council in this behalf, may on behalf of the Council-

(a) institute, defend or withdraw frim legal proceedings under this Act, or under any rule or bye-law made thereunder, or under any other enactment for the time being in force;

(b) admit, compromise or withdraw any claim made under this Act or under any rule or bye-law made thereunder, or under any other enactment for the time being in force; and

(c) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain for any purpose 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 Council, any of its committees or any municipal officer or servant.

313. Council may prosecute.-

(1) The Counci, the Chief Municipal Officer or any other officer authorized by the Council in this behalf in the case of Municipal Council and the Council or any other officer authorized by the Council in this behalf in the case of Nagar Panchayat may direct-

(i) any prosecution for any offence under this Act or under any rule or bye-law made thereunder;

(ii) Proceedings to be taken for the recovery of any penalties and for the punishment of any person offending against the provisions of this Act or of any rule or bye-law made thereunder;

(iii) that the expenses of such prosecutions or other proceedings be paid out of the Municipal fund:

Provided that no prosecution for an offence under this Act or under any rule or bye-law made thereunder shall be instituted except-

(i) within 12 months next after the date of the commission of such offence; or

(ii) if such date is not known or the offence is a continuing one, within twelve months next after the date of which the commission or existence of such offence was first brought to the notice of the Council or of any officer or servant whose duty it is to report such offence to the Council.

(2) Any prosecution under this Act or under any rule or bye-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate; and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder, and any compensation expenses, charges or damages for the recovery of which no special provision is otherwise made in this Act may be recovered on application to any Magistrate by the distress or sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

314. Distress lawful though defective in form.--

No distress or attachment made by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser on account of any defect or want of form in any summons, conviction or want of distress or attachment or other proceedings relating thereto, nor shall such party be deemed a trespasser an initio on account of any irregularly afterwards committed by him; but all persons aggrieved by such irregularly may recover full satisfaction fir the special damage in any Court of competent jurisdiction.

315. Damage to Municipal property how made good.- If through any act, neglect or default, on account whereof any person shall have incurred penalty imposed by or under this Act, any damage to the property of a Municipality shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty and the amount of damage shall incase of dispupte, on the application, in writing of the Chief Municipal Officer, be determined by the Court by whom the person incurring such penalty is convicted; and on non-payment of such amount on demand the same shall be levied by distress and such Court shall issue the warrant accordingly.

316. Alternative procedure by suit.- In lieu of any process of recovery allowed by or under this Act or in case of failure to realize by such process the whole or any part of any amount recoverable under the provision of Chapter VIII or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for the Council to sue in any Court of competent jurisdiction the person liable to pay the same.

317. Power to compound offence.-(1) The Council or, with the authorization of the Council , its President, Vice President, Chief Municipal Officer or Health Officer or any committee thereof, may accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law made thereunder, a sim of money by way of composition for such offence.
(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compound for.
(3) Sums paid by way of composition under this section shall be credited to the Municipal Fund.
(4) Authorisation under sub-section (1) to accept composition for alleged offences may be given by the Council either generally in regard to all offences under this Act and rules and bye-laws made thereunder or particularly in regard only to specified offences or offences of a specified class, and may, at any time, be withdrawn by the Council.
(5) The State Government may make rules under this Act regulating the procedure to be followedn by persons empowered to accept composition for offences.
(6) The provisions of this section shall apply such Council as the State Government may, by notification, specify.

318. Indemnity for acts done in good faith.- No suit shall be maintainable against the Council or any of its committees, or any Municipal officer or servant or any person acting under or in accordance with the direction of the Council or any of its committees or any Municipal officer or servant, or of a Magistrate, in respect of anything in good faith done or intended to be done under this Act or under any rrule or bye-law made thereunder.

319. Bar of suit in absence of notice.- (1) No suit shall be instituted against any Council or any Councillor, officer or servant thereof or any person acting under the direction of any such Council,Councillor, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after a notice,in writing, stating the cause of action, the name and place of abode o fthe intending plaintiff and the relief which he claims has been, in the case of a Council delivered or left at its office and in the case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be dimissed unless it is instituted within eight months from the date of the accrual of the alleged cause of action.
(3) Nothing in this section shall be deemed to apply to any suit instituted under Section 54 of the Specified Relief Act, 1877 (1 of 1877)

320. Powers of police to arrest offenders.-Any police officer may arrest any person who commits any offence under this Act or any rule or bye-law 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 there is reason to doubt the accuracy of the name and address given.
(2) Provided that 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 Magistrate for his detention is obtained.
(3) It shall be the duty of every police officer employed within the limits of the Municipality-
(i) to communicate without delay to the Council any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or bye-law made there under.
(ii) to assist any Municipal officer or servant reasonable demanding his aid for the lawful exercise of any power vested in the Council or in any Municipal Officer or servant under this Act or any rule or bye-law made thereunder.

321. Police protection at fairs, etc.,- When special police protection is, in the opinion of the Council, necessary on occasion of any fair, agricultural show or industrial exhibition managed by the Council, or on the occurrence of any epidemic disease, theState Government may, on the request of the Council, provide such protection.

CHAPTER XII
CONTROL

322. Power of inspection and supervision.- The Divisional Commissioner, Collector or any officer authorized by the State Government in this behalf by general or special order may-

(a) enter on and inspect or authorize any other person to enter on and inspect any immovable property occupied by Council or any of its Committees or any institution under its control or management or any work in programmes under its direction.

(b) call for or inspect any record or extra from the proceedings of any meeting of the Council or of any of its Committees and any book or document in the possession of or under the control of a Council;

(c) call for an y return, statement ,account or report which he may think fit to require such Council to furnish;

(d) require a Council to take into its consideration any objection which appears to him to exist to the doing for anything which is about to be done or if being done by or on behalf of such Council or any information which it is able to furnish and which appears to him to necessitate the doing of a certain thing by the Council, and to make written reply to him within a reasonable time stating its reason for not desisting from doing, or for not doing such thing.

323. Power to suspend execution of orders, etc., of Council-(1) If in the opinion of the Divisional Commissioner, the Collector, or any other officer authorized by the State Government in this behalf, the execution of any order or resolution of a Council, or of any of its Committee or any other authority or officer subordinate thereto, or the doing of any act which is about to be done or is being done by or on behalf of the Council, is not in conformity with law or with the rules or bye-laws made there under and is detrimental to the interests of the Council or the public or is causing or is likely to cause injury or annoyance to public or any class or body of persons or is likely to lead to a breach of the peace, he may, by order or prohibit the doing of any such act.

(2) When any order under sub-section (1) is passed the authority making the order, shall forthwith forward to the State Government and to the Council affected thereby a copy of the order with a statement of reasons for making it; and it shall be in the discretion of the State Government to rescind the order, or to direct that it shall continue in force with or without modification, permanently or for such period as it thinks fit:

Provided that the order shall not be revised, modified or confirmed by the State Government without giving the Council reasonable opportunity of showing cause against the order.

324. Extraordinary powers in case of emergency.-(1) In case of emergency the State Government or any officer, authorized by the State Government in this behalf may direct or provide for the execution of any work, or the doing of any act, which a Council is empowered to execute or do, and the immediate execution or doing of which is in its or his opinion, necessary for the health or safety of the public and may direct that the expense of executing the work of doing the act with a reasonable remuneration to the person appointed to execute or do it shall be forthwith paid bythe Council.

(2) If the expenses and he remuneration are not so paid, the State Government or any officer authorized in this behalf may make an order directing any person, who for the time being has custody of any moneys on behalf of the Council, to pay such expense and remuneration from

such moneys as he may have in his hands or may, from time to time, receive, and such person shall be bound to obey such order.
(3) Provisions of sub-section (2) of Section 323 shall, so far as may be apply to any order made under this section.

325. Power to prevent extravagant establishment.-If in the opinion of the State Government the number of persons who are employed by the Council as officers or servants, or whom the Council may propose to employ as such or the remuneration assigned by the Council to those persons, or to any of them is excessive, the Council shall on the requirement of the State Government reduce the number of those persons or the remuneration, as the case may be.

325-A.-Public opinion to be obtained- Notwithstanding anything contained in this Act, the Council shall obtain public opinion on any question of public interest and in such manner, as may be directed by the State Government.

326. Enquiry into Municipal matters.-(1) The State Government may order an enquiry to be held by any officer appointed by it in this behalf into any matter concerning the municipal administration of any Council or any matter with respect to which it sanction, approval or consent is required under this act.
(2) The officer holding such enquiry under section (64) of this Act shall for the purpose there of have the powers which are vested in a Court under the Code of Civil procedure, 1908 (V of 1908) in respect of the following matters:-
(a) discovery and inspection
(b) enforcing the attendance of witnesses; and requiring the deposit of their expenses;
(c) compelling the production of documents;
(d) examining the witnesses on oath;
(e) granting adjournments;
(f) reception of evidence taken on affidavit; and
(g) issuing commission for the examination of witness;
and any summon and examine sue motu any person whose evidence appears to him to be material , and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure , 1898 (V of 1898).

Explanation.- For the purpose of enforcing the attendance of witnesses the local limits of such officer's jurisdiction shall be limits of Madhya Pradesh State.
(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.
(4) Costs shall be in the discretion of the State Government and the State Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding 6 per cent annum and such cost and interest shall be leviable as an arrear of land revenue.

327. Power to provide for performance of duties in default of Council.- (1) If on a complaint made to it otherwise, of State Government is satisfied, after such enquiry, if any, as it may deem necessary, that a Council has made default in performing any duty imposed on it or undertake by

it by or under this Act, or by or under any enactment for the time being in force, the State Government may, by an order in writing, fix a period for the performance of that duty:

Provided that no order shall be passed until reasonable opportunity has been given to the Council to furnish an explanation of showing cause against the proposed order.

(2) If that duty is not performed within the period so fixed, the State Government or any officer authorized in this behalf, may appoint some person to perform it, and may direct that the expense of performing it, and with reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Council.

(3) If the expense and remuneration are not so paid, the State Government or any officer authorized by the State Government in this behalf may make an order directing the Bank in which any moneys of the Council are deposited or the person in charge of the Government Treasury or of any other place of security in which the moneys of the Council are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the Council in such Bank or may be in the hands of such persons or as may, from time to time, be received from or on behalf of the Council by way of deposit by such Bank or person; and such Bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such Bank or person from all liability to the Council in respect of any sum or sums so paid by it or him out of the moneys of the Council so deposited with such Bank or person.

328. Power to dissolve council.--

(1) The State Government may, by an order stating the reasons thereof dissolve the Municipality, if :--

(a) at any time upon representation made or otherwise the State Government is satisfied that the Municipality 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 other law for the time being in force, or exceeds or abuses its powers, or

(b) the Municipality fails to effect a Vice-President 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 under sub-section (1) of Section 43 or on the expiry of the term of the Vice-President within one month thereof; or

(c) Omitted

Provided that the Municipality 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.

(3) If the Council is dissolve as provided in the preceding sub-sections, the following consequences shall ensue:--

(a) all the [Councillors and President] of the Council shall, as from the date of the order, vacate their offices as [Councillors and President]

(b) all powers and duties of the Council, the [President-in-Council] Appeal Committee, [Advisory Committees] and President under this Act , until the Council is reconstituted, be exercised and performed by such person as may be appointed as Administrator by the State Government in this behalf:

Provided that ---

(i) in place of Administrator the State Government may appoint an Administrative Committee consisting of Chairman, Vice-President and such number of members as it

may deem fit, but the total number of such members including Chairman and Vice-Chairman shall not be more than five;

(ii) for the purpose of this Act, such Administrative Committee shall exercise and perform all the powers and duties of the Council [President-in-Council], Appeal Committee, [Advisory Committees] and its Chairman and the Vice-Chairman shall exercise and perform such powers and duties as provided under this Act for the President and Vice-President of the Council.

(iii)no person shall be appointed as Chairman, Vice-Chairman or member of such Administrative Committee who is not eligible to hold such office in the Council under this Act.

(c) all the properties vested in the Council shall, until the Council is reconstituted, vest in the Administrator or the Administrative Committee, as the case may be, appointed under clause (b) for the purpose of this Act:

Provided that the exercise of the powers of the Council or [President-in-Council] regarding the management or disposal of the property shall be subject to the Control of the Collector.

(d) the State Government may, at any time remove the Administrator, Chairman, Vice-Chairman or any member appointed under clause(b) and may appoint any other person eligible to be so appointed in his place.

(4) Any person or persons appointed by the State Government to exercise and perform the powers and duties of a Council during the period of its dissolution may receive payment, if the State Government so directs, for his or their services from the Municipal Fund.

329. Power to demand punishment and dismissal.--
Notwithstanding anything contained in this Act, it in the opinion of the State Government, any officer or servant of the Council is negligent in the discharge of his duties the Council shall, on the requirement of the State Government suspend, fine or otherwise punish him and if in the opinion of the State Government he is unfit for his employment the Council shall dismiss him from service:

Provided no such order shall be passed until reasonable opportunities has been given to the person concerned to furnish his explanation and the same has been considered.

330. Control of State Government.-The State Government may, at any time, for the purpose of satisfying itself, as to the legality or propriety of any order passed by the Chief Municipal Officer or the President in exercise of the powers conferred by this Act, or as to the regularity of the proceedings of any meeting of the Council or any of its Committees 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 Chief Municipal Officer, the President the Council or such Committee and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or reserved unless notice has been given to the parties interested to appear and to be heard in support of such order.

331. Power of State Government of Revision.- (1) The State Government may, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by a Divisional Commissioner, Collector, prescribed authority or any officer appointed or authorized by the State Government under this Act, call for the connected records and may in doing so direct that pending the examination of the record such order be held in abeyance.

(2) On examining the records the State Government may modify or reverse the order of a Divisional Commissioner, Collector, prescribed authority or any other officer appointed or authorized by the State Government under this Act as it deems fir:

Provided that no order shall be varied or reversed unless notice has been given to the parties interested to appear and to be heard in support of such order.

332. Power of review.- (1) The State Government may, either on its own motion or on the application of any party interested, review any order passed by itself, and the Commissioner, the Collector, the prescribed authority or any other officer authorized under this Act may, similarly, review any order passed himself and pass such order in reference there to as it or he thinks fit:

Provided that-

(i) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order;

(ii) no order from which an appeal has been made, or which is the subject of any revision proceedings, shall, so long as such appeal or proceedings are pending, be reviewed;

(iii) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings and no application for the review of such order shall be entertained unless it is made within ninety days from the passing of the order.

(2) An order which has been dealt with by the State Government in appeal, revision or review shall not be reviewed by the Commissioner or the Collector or the prescribed authority or the officer authorized under this Act and an order which has been dealt with in appeal or revision shall not be reviewed by any of such authorities.

333. Enforcement of orders.- In all matters connected with this Act, if a Council makes default in carrying out any order made by the State Government or by any authority order than the Council in exercise of any of the powers conferred by this Act or any rule made there under, the State Government shall have all the powers necessary for the enforcement of such order at the cost of the Council.

334. Dispute between Council and other local body-(1) In the event of any dispute arising between an Council and any other local authority established under any State Act on any matter in which they are jointly interested such dispute shall be referred to the State Government, whose decision shall be final.

(2) The State Government may, by rules made under this Act, regulate the relations between Councils and other local authorities as aforesaid in matters in which they are jointly interested.

335. Deputation of Government servants.--

Subject to the provisions of Section 89 where any Government servant is deputed to the service of the Council, the terms and conditions of deputation of such servant shall be determined by the State Government in constitution with the Council and the terms and conditions so determined shall be binding on the Council.

336. Powers of Chief Municipal Officer to be exercised by President in certain cases- The State Government may, by notification, direct that all or any of the powers conferred on the Chief Municipal Officer by or under this Act shall, in respect of such Municipalities, as may be

specified therein, be exercised by the President thereof and such powers shall thereupon be exercised by the President to the exclusion of the Chief Municipal Officer.

337. & 337-A. Omitted.

338. Agency for execution of Public Works.- (1) Such public works as in the opinion of the State Government require a degree of professional skill which may not be at the disposal of the Council shall be carried out by the State Government or by such agency as the State Government may direct.

(2) All other works of the Council shall be executed by such agency and subject to such supervision as the Council thinks fit, subject to then rules prescribed in this behalf.

(3) When any work is executed for a Council by the State Government or by any other agency under the orders of the State Government, the expenses incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the State Government from time to time, unless waived by the State Government, be payable to the State Government.

(4) If the amount due to the State Government under sub-section (3) is not paid within a reasonable time, the State Government may make an order directing the person having the custody of the Municipal fund to pay it in priority to any other charge against such fund, and such person shall, so far as the funds to the credit of the Council admit, be bound to comply with such order.

339. Requisition of services in case of emergencies.- On occurrence of war, floods or any similar emergency, the Council shall immediately comply with any requisition made by the State Government for the services of any of the Municipal employees and shall meet such proportion of the expenses with respect to traveling and daily allowances as the State Government may determine.

CHAPTER XII - A
COLONIZATION

339-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 Council or Nagar Panchayat 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 persons desirous of settling down on those plots by constructing residential or non-residential or composite accommodation ; or

(b) as a building constructs or causes to be constructed on any land in a Municipal area, whether held by him or any other person, independent buildings or a single building with apartments ; or converts or causes to be converted as 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 such competent authority as may be appointed by the State Government for the grant of a Registration Certificate.

(2) On receipt of the application for registration under sub-section (1), the such competent authority, as may be appointed by the State Government shall, subject to the rules made in this behalf, either issues or refuses to issue the Registration Certificate, within thirty days :

Provided that if the such competent authority, as may be appointed by the State Government refuses 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 307 within 30 days from the date of rejection of application of registration by the competent authority.

(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.

339-B. Development of colonies.---

(1) The Registration certificate granted under Section 339-A shall entitle the colonizer to undertake 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 per cent of the prescribed size shall have to be reserved for person 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 shielder fund.

(iv) In respect of the land on which the Urban Land (Ceiling and Regulation) Act, 1946 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 development shall be given by the Competent Authority and an appeal shall lie to the State Government against the order of the Competent Authority.

339-C. Punishment for illegal colonization.---

(1) A colonizer who, in contravention of the provisions of Section 172 of Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and the rules made thereunder, diverts the land or part thereof, commits an offence of illegal diversion of land.

(2) A colonizer who diverts his lands into plots or the land of any other person with the object of establishing a colony in branch 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 imprisonment of not less than three years and not more than seven years or with 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 minimum fine of ten thousand rupees or with both. Such offence shall be a cognizable offence.

339-D. Punishment for abetment 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 sanction or in omitting to make a report of such illegal diversion of land.

shall be punished a simple imprisonment which may extend to three years or with a fine 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 such competent authority as may be appointed by the State Government certifies that in the public interest there is no objection to provide electrical and water supply connections to the building in the area of illegal diversion or illegal colonization.

339-E. Competent Authority to take over the management of the land of illegal colonization.---

(1) Notwithstanding anything contained in 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 colonization shall be void.

(2) The competent authority, as may be appointed by the State Government, shall cause to be published a public notice three times in the local newspaper for the purpose of taking over the management of land of illegal colonization. After publication of such notice if any objection is received from the colonizer or the plot holder it shall be considered by the competent authority and if no objection is received then the competent authority 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 the conditions be deemed to be a valid transferee of the plot and the power of the competent authority as manager of the plot shall come to an end.

(4) Once the competent authority 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 in accordance with the master plan of the city.

339-F. Forfeiture 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) of Section 339-E stand forfeited and vested in the Council free from all encumbrances.

339-G. Punishment for not taking action against illegal colonization.--- Any officer or servant subordinate to the competent authority who has been authorised by him either to inspect, report, stop or to remove any construction or 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 XIII
OMITTED

340 to 344. Omitted.

CHAPTER XIV
MISCELLANEOUS

345. Deligation of powers.-(1) The State Government may, by notification, delegte to any officer subordinaten to it all or any of the powers conferred upon it by or under this Act except the powers under Sections 5,35,36,40(3), 41, 43, 96(3), 129, 131, 162, 328, 335, 336, 346 and 356.

(2) The State Government may, by notification, confer on any officer subordinate to it, the powers conferred by or under this Act on the Commissioner, , Collector, or the prescribed authority.

(3) The exercise of any power delegated or conferred under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be specified in the notification.

346. **Power to remove 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 on this Act which appears to it to be necessary or expedient for the purpose of removing the difficulty.

347. Mode of proof of municipal records.- A copy of any receipt, application, plan, notice order, entry in a register or other document in the possession of a Council shall if duly certified by the legal keeper therof or other person authorized by any bye-law in this behalf, be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where and to the same extend as, the original entry or document would,nif produced, have been admissible to prove such matter.

348. Restriction on the simmoning of Municipal servants to produce documents.- No Municipal officer or servant shall, in any legal proceedings to which a Council is not a party, be required to produce any register or document the contents of which can be proved under the proceeding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the Court made for special cause.

349. Free for licences and permissions.--

The Council may charge such fee as may be prescribed by bye-laws for---

(i) any licence granted under this Act.

(ii) any permission granted under this Act, for making any temporary erection or for putting up any projection or for the temporary occupation of any public street or any land or building belonging to the Council; and

(iii)any application or appeal made to or filed before the Council under this Act, and for giving copies of its orders or other documents.

(iv)the rate of the licence and permission fees shall be revised once in every three years.

350. Contribution by State Government to Municipal fund in certain cases.- All fines imposed by a Court under the provisions of this Act or any rule or bye-law framed thereunder or under any other enactment which may be notified by the State Government in this behalf in respect of offences committed within a Municipality shall be credited to the revenue of the state and the total amount so credited during any financial year shall, after making such deduction on account of cost of collectoion and other incidental expenses as the State Government may determine, be contributed by the State Government to the fund of the Council of such Municipality.

351. Power of State Government to delare any area to be sanitary zone.- The State Government may, by notification, declare any area round about any Municipal area, as may be specified therein, to be a sanitary zone attached to such Municipal area, for purposes of sanitation and public health and upon such declaration the Council shall exercise all powers relating to sanitation in that zone.

352. Public servants.- Every Councillor and every officer or servant employed by a Council, every contractor or agent appointed by it for the collection of any tax and every person employed by such contractor or agent for the collection of such tax shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (XLV of 1860).

353. Prohibition of remuneration of Councillors.- No Councillor shall be granted any remuneration or allowance of any kind whatsoever by the Council except with the previous sanction of the State Government and in accordance with the rules made by the State Government in this behalf.

354. Inspection of Munici[al works by Councillors.-With the previous sanction to the President and Councillor may inspect any work or institution constructed or maintained in whole or in part out of the Municipal fund.

CHAPTER XV
RULES AND BYE-LAWS

355. Power to make rules.-(1) In addition to any power specially conferred by this Act, the State Government may prescribe forms and make rules generally 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 all or any of the following matters, namely:-

(i) procedure to be followed in disposal of election petition;

(ii) conditions subject to which the President in Council is to exercise the powers of the Council;

(iii) conditions subject to which the powers of the Council are to be delegated to the President or Vice-President , Chairman of the President in Council or other Committees;

(iv)(a) constitution of Municipal service for the State and recruitments and appointments thereto;

(b) qualifications, scale of pay, leave, leave allowance, acting allowance, loan, pension, gratuity, annuity, compassionate fund, provident fund, dismissal, removal, conduct, department and punishments, appeals and other service conditions of the members of the State Municipal service;

(c) the proportion in which the contributions shall be made by Councils concerned under the proviso to sub-section (3) of Section 86;

(v) classes or grades of officers who shall have tight to appeal in case of any departmental punishment other than censure;

(vi) formation and working of Municipal fire brigade and utilisation of Municipal fire brigade within or without Municipal limits;

(vii) minimum case balance to be maintained by a Council;

(viii) regulation of transfer of Municipal property;

(ix) form and manner in which budget estimates shall be prepared and laid before the Council;

(x) closing balance which a Council shall maintain at its credit at the end f the year;

(xi) the manner in which accounts shall be kept and publication of such accounts;

(xii) the time within which and the manner in which matter shall be referred to the State Government with respect to audit report under Section 122;

(xiii) maximum cost which may be incurred on any public reception, ceremony, entertainment or exhibition;

(xiv) extent to the independent authority of the Council in respect of management of public institutions maintained out of the Municipal Fund;

(xv) the manner of making applications for permission to borrow money; the enquiries to be made in relation to loan and the manner of conducting such enquiries; the inspection of such works carried out by means of loans; and the utilization of unexpected balances of loans;

(xvi) the manner of publication of notice and the form in which notice under Section 129(2) shall be punished;

(xvii) manner of publication of notice under Section 130 (3) ;

(xviii) form in which notice to transfer of title shall be given;

(xix) form in which notice of demand shall be served on the person liable for payment of tax;

(xx) (i) form in which warrant for recovery shall be issued under Section 167 (1) ; and
(ii) form in which notice regarding sale of property distrained shall be given
(xxi) regulation of procedure for sale of immovable property;
(xxii) manner of registration of births, deaths and marriages;
(xxiii) regulation of powers conferred under Section 287 (1) and conditions and restriction subject to which such powers shall be exercised;
(xxiv) term for which and condition subject to which a person shall be committed to a poor house;
(xxv) regulation of establishment, maintenance and management of primary schools and other educational institutions;
(xxvi) rules regulating the procedure to be followed and the maximum amount which may be accepted by way of compensation by the persons empowered to accept compensation for offences;
(xxvii) manner in which the appointment of the Appeal Committee shall be made;
(xxviii) intermediate office or offices through which correspondence between Councils or their subordinate agencies and the State Government or Government authorities shall pass;
(xxix) regulation of representations made under this Act;
(xxx) manner of preparation and submission of returns, statements and reports to the State Government and Government authorities ;
(xxxi) control which may be exercised over Council in respect of financial matters generally and as to the authority which may exercise such control;
(xxxii) cases in which, and the authorities to whom, and the conditions subject to which, orders and decisions given under the provisions of this Act, and not expressly provided for as regards appeal, shall be appealable;
(xxxiii) authorising inspection by servants of Government or institutions and works which are done under the management or control of a Council and regulating such inspection;
(xxxiv) preparation of plans and estimates for work which are to be partly or wholly constructed at the expense of the Council;
(xxxv) all matters required to be prescribed by rules under this Act.

356. General provision regarding rules.- (1) All rule for which provision is made in this Act shall be made by the State Government and shall be consistent with this Act.
(2) A rule may be general for all Municipalities or for all Municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more Municipalities, as the State Government may direct.
(3) All rules shall be subject to publication in the gazette.
(4) All rules shall be laid on the table of the Assembly.
(5) In making any rule the State Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

357. General provisions regarding byelaws-(1) All byelaws for which provisions is made in this Act shall be made by the Council and shall be consistent with this Act and with the rules made there under.

(2) A byelaw may be general for the whole Municipality under the jurisdiction of the Council making it, or special for any part of such Municipality, as the Council may direct.
(3) Unless specially expected in this Act from the operation of this sub-section, no bye-law shall take effect until it has been confirmed by State Government.
(3-a) The State Government may cancel its confirmation of any such bye-law and thereupon such byelaws shall cease to have effect.
(4) Unless specially expected in this Act from the operation of this sub-section, no byelaw shall take effect until it has been published in the manner
prescribed by rules made under this Act.
(5) In making any byelaw the Council may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees, and where the breach is a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

358. Power to make bye-laws.- In addition to any power specially conferred by this Act, the Council may, and if so required by the State Government shall, make bye-laws for-

(1) Municipal administration ----
(a) regulating the conduct of its business ;
(b) regulating the appointment and constitution of Consultative Committees ;
(c) regulating the conduct of business of Committees ;
(d) regulating the mode of asking and answering of questions connected with the administration of this Act, at the meetings of the Council and its Committees ;
(e) regulating the inspection of minute books and the supply of copies of minutes to Councilor or other persons on payment of fees or otherwise ;
(f) fixing the amount and the nature of security to be furnished by any officer or servant from whom it may be deemed expedient to require security in view of the nature of duties performed by such officer or servant ;
(g) regulating the contracts made by, or on behalf of a Council ;
(h) determining the rates of fees for notice, warrant or maintenance of livestock under Chapter VIII ;
(i) regulating entry and inspection for the purpose of this Act ;
(j) generally for the guidance of Municipal officers and servants in all matters relating to Municipal administration.

(2) Taxation ---
(a) the maintenance of tax books and registers by Chief Municipal Officer and the particulars which such books and registers should contain;
(b) the inspection of and the obtaining of copies and extracts from such books and registers and fees, if any, to be charged for the same ;
(c) the requisition by the Chief Municipal Officer of information and returns from persons liable to pay taxes ;
(d) the notice to be given to the Council by any person who becomes the owner of possessor of a vehicle or animal in respect of which any tax is payable under this Act ;
(e) the submission of returns by person liable to pay any tax under this Act ;
(f) Omitted

(g) fixing terminal limits and stations providing for the exhibition of tables of terminal tax, and regulating the mode of recovering such tax;
(h) any other matter regulating to the levy, assessment, collection, refund or remission of taxes under this Act ;

(3) Buildings ----
(a) the regulation or restriction of the use of sites for building for different areas ;
(b) the regulation or restriction of buildings in different areas;
(c) the form of notice of erection of any building or execution of any work and the fee in respect of the same ;
(d) the plans and documents to be submitted together with such notice and the information and further information to be furnished ;
(e) the level and width of foundation level of lowest floor and stability of structure ;
(f) the construction of buildings and the materials to be used in the construction of buildings;
(g) the height of buildings whether absolute or relative to width of streets or to different areas;
(h) the number and height of storeys composing a building and height of rooms and the dimension of rooms intended for human habitation ;
(i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried ;
(j) the provision of open spaces, external and internal, and adequate means of light and ventilation ;
(k) the provision of means of egress in case of fire, fire-escapes and water-lifting devices;
(l) the provision of secondary means of access for the removal of house refuse ;
(m) the materials and methods of construction of external and party walls, roofs and floors;
(n) the position, materials and methods of hearths, smoke, escapes, chimneys, staircases, latrines, drains and cesspools ;
(o) the provision of lifts;
(p) the paying of yard ;
(q) the restriction on the use of inflammable materials for buildings ;
(r) the restriction on construction of foundation on certain sites ;
(s) the measures to be taken to protect buildings from dams arising from sub-soil ;
(t) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings ;
(u) in the case of wells, the dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes the means which shall be used to prevent pollution of the water;
(v) the supervision of buildings;
(w) the setting back of garages and shops from the regular line of a street ;
(x) the construction of portable structures and permission for such construction ;
(y) requiring an owner of a building divided into two or more separate tenements to provide adequate means of lighting at night time at staircase, passage, private, court of or any such building, the space near or leading to latrines or urinals and washing places therein and of extinguishing such lights ;
(z) the qualification of surveyors or persons by whom plans required under Section 187 are to be prepared, or of plumbers, for licensing persons to be surveyors or plumbers and, fixing the fees chargeable for such licences; and for modifying the provisions of or

revoking such licences; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house connection to be carried out or made expect by such persons ;

(aa) preventing the erection of buildings, without adequate provision being made for location and laying of streets, and for the payment of compensation in such cases, when necessary;

(bb) regulating in any manner not specifically provided for in this Act, the erection of any enclosure wall, fence, tent, awning or other structure of whatsoever kind or nature on any land within the Municipal limits;

(4) Streets----

(a) determining the information and plans to be submitted to the Council in connection with application for permission to lay out new street or to construct or reconstruct buildings ;

(b) regulating the conditions subject to which permission may be given for temporary occupation of or erection of temporary structures, on public streets or for projections over public streets and places ;

(c) the closure of streets when any work is in progress and alternative passage during the progress of such work ;

(d) the erections of a temporary nature during festivals;

(e) the setting up of hoards on buildings adjacent to streets during their construction or repair ;

(f) the precautions to be taken when permission is granted to any private individual for opening or braking up any public street and the fees to be paid for the restoration of a street in its original condition;

(g) the permission, regulation or prohibition of use or occupation of any street or place by itinerant vendors or hawkers or by any persons for the sale of articles or the exercise of any calling or the setting up of any booth or stall and the fees chargeable for such occupation ;

(h) any other matter in connection with the construction, repair, maintenance, naming, numbering, and lighting of streets for which provision is necessary or should be made.

(5) Drains, privies, cesspools, sewage disposal and scavenging ---

(a) regulating in any particular way not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts for dung and manure, cesspools, water-closets, privies, latrines, urinals and drainage of sewage works of every description, whether the property of the Council or not ;

(b) prescribing the conditions for construction of a drain, privy, latrine, urinal, cesspool or other receptacle within fifty feet of any source of water ;

(c) the regulation or prevention of the discharge into Municipal drains of sewage, spoilage, polluted water and other offensive matter from private buildings, land and factories;

(d) for controlling and regulating the duties of sweepers and other persons employed by the Council or any other agency for the purpose of sanitation and conservancy ;

(e) provision for any other matter relating to house scavenging;

(6) Water-supply ---

Conserving and preventing injury to source and means of water-supply and appliance for the distribution of water, whether within or without the limits of the Municipality and

regulating all matters and things connected with the supply and use of water and turning on or turning off and preventing the waste of water and the construction, maintenance and control of Municipal water-works, and of pipes and fittings in connection therewith the property of the Council or not ;

Explanation.-- Sources and means of water-supply shall include private wells which are used by the public ;

(7) Public Health, Safety, Nuisance and Sanitation.---

(a) regulation of sanitation and conservancy of Municipal agency or otherwise;

(b) Controlling and regulating the use and management of burial and burning grounds and fixing the fees to be charged where such grounds have been provided by the Council and prescribing or prohibiting routes for the removal of corpses to burial or burning grounds;

(c) declaring that no place, unless specially exempted, shall be used as a lodging house unless it has been duly licensed as such by the Council, and prescribing the conditions subject to which such licences may be granted, refused, suspended or withdrawn and fixing the fees payable for such licences ;

(d) providing, in default of a bye-laws made under the preceding sub-hand, for the registration of overcrowding, the promotion of cleanliness and ventilation and prescribing the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out therein, and generally for the proper regulations of lodging-houses ;

(e) prohibited the digging of excavations, cesspools, tanks or pits within specified areas excepts with the permission of the Council, and specifying the conditions subject to which such permission may be given;

(f) prohibiting or regulating with a view to sanitation or the preventions of diseases, any act which occasions or which is likely to occasion a public nuisance and for the prohibition or regulation of which no provision is made under this heading;

(g) regulating or prohibiting any particular description of traffic in a street;

(h) prescribing the conditions on or subject to which licence may be granted, refused, suspended or withdrawn, for the use of any vehicles and barrows, and providing for the seizure and detention of any vehicles or barrows, which have not been duly licensed in pursuance of the bye-laws made under this section;

(i) (a) vehicles or animals plying for hire within the limits of the Municipality, the issue of licences to proprietors or drivers of such vehicles or animals, the prescription of types and specification of vehicles or animals to be licensed and the fixing of fees payable for such licence and the conditions on which they may be granted, suspended or revoked;

(b) the rates which may be demanded for the hire of any carriage, cart of other conveyance or animals hired to carry loads or persons, and restriction on the loads or persons which may be carried by any animals or carriage, cart of other conveyance plying for hire, within the limits of the Municipality:

Provided that no bye-laws made under clauses (a) and (b) shall apply to vehicle to which the Hackney Carriage Act, 1879 (XIV of 1879) applies in any area where that Act is in force :

Provided further that the operation of any bye-laws made under the provisions of clause (a) or (b) or of any rules made under the Hackney Carriage Act, 1879 (XIV of 1879), may with the sanction of the State Government, be extended to :---

(i) any railway station ;
(ii) the whole or any part of any street so far as such street is situate within ten miles of the limits of the Municipality ;
(iii) the whole or any part part of any street leading from the limits if the Municipality to the limits of any Municipality, notified area, Cantonment or Panchayat if the distance between the limits if the Municipality and the boundaries of these authorities does not exceed fifty miles and the Municipality and the authorities concerned each consent to the extension of such bye-laws or rules ;

(j) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such streets or portion of such streets prohibiting the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldly object as may be deemed likely to cause injury to the roadways or to any construction thereon or risk of obstruction to other vehicles or to pedestrians along or over any street, except under such condition as to time, mode of traction or locomotion, use of appliances for protection of the roadways, number of lights and assistance and other general precaution as may be prescribed either generally in such bye-laws or in special licence to be granted in each case upon terms as to time of application and payment of fees thereof as may be prescribed in such bye-laws:

Provided that no such bye-laws relating only to any particular street or portion shall be deemed to be in force, unless and until notices if such prohibition shall have been posted up by the Council in conspicuous place at or near both ends of such street or portion of a street;

(k) measures to be taken with stray animals or animals likely, if at large in any street or public place, to cause annoyance or intimidation;
(l) regulating transport of animals within Municipal limits;
(m) regulating and prohibition the stationing of carts or picketing of animals on any ground under the control of the Council or the using of such ground as halting place of vehicles or animals or as a place for encampment or the causing or permitting of any animal to stray and imposition of fees for such use;
(n) the seizure and confiscation of ownerless animals straying within the limits of the Municipality;
(o) providing for the registration of cattle and dogs and imposition of fees for the same;
(p) search of inflammable materials;
(q) prohibiting except under certain conditions and on payment of fees, if any, the letting of fire-works, fire-balloons, etc, ;
(r) regulating the beating of drums and the sounding of musical instruments;
(s) regulating the abetment of nuisance ;
(t) regulating the use of public bathing and washing places within the Municipality;
(u) the safety, sanitation and internal arrangements of theatres or other places of public entertainment or resort and the control and inspection thereof, in order to ensure the safety, health and convenience of persons employed in or visiting, attending or resorting to the same;
(v) inspecting and regulating the use of encamping grounds and halting places;

(8) Markets, Slaughter-houses, Trades, Occupations and Sale of Foodstuffs.--

(a) the regulation and inspection of markets and slaughter-houses for the proper and cleanly conduct of business therein and for inspection of animals before slaughter and of organs and meat after slaughter for the purpose of certification;

(b) fixing the rent and other charges to be levied for the use of markets and slaughter-houses belonging to the Council and for regulating the conduct of business therein;

(c) prescribing the conditions on or subject to which, and the circumstances in which and the area or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any land, premises or place not belonging to Council ---

(i) as a market

(ii) for the slaughter-house;

(iii) for the manufacture, preparation, storing, sale or supply for the purpose of trade of any article or thing intended for human food or drink whether such food or drink is to be consumed in such place or not;

(iv) for carrying on any offensive or dangerous trade and providing for the inspection and regulation of the conduct of business in any land, premises or place used as aforesaid, so as to secure cleanliness therein and to minimize any injuries, offensive or dangerous effect arising or likely to arise therefrom;

(d) the regulation and inspection of all places used by for animals which are for sale or hire or the produce of which is sold and for the proper and cleanly conduct of business therein;

(e) licensing and conditions for sale of articles of foods and drinks mentioned in Section 268;

(f) licensing of butchers;

(g) the regulation and inspection of places used for manufactures and/or sale of sweet-meats;

(h) prescribing the conditions on or subject to which licensing may be granted, refused, suspended or withdrawn for hawking, exposing for sale in any public place or street any article whatsoever, whether it be for human consumption or not;

(i) for licensing brokers, commission agents, measures and weighmen practising their calling in public places within the Municipality, and fixing the fees payable fir such licences and the conditions on which they are to be granted and may be revoked;

(j) for regulating the posting of bills and advertisement and the position, size, shape and style of name-boards, sign-boards and signposts;

(k) prescribing the conditions on and subject to which permission may be granted, renewed, suspended or withdrawn for erecting, exhibiting, fixing or retaining any business advertisement, over any land, building or structure, or for announcing any business advertisement by loudspeaker ;

(l) regulation of smoke and sanitation in factories, workshops and trade premises;

(m) prescribing the conditions on and subject to which and the circumstances in which and the areas of localities in respect of which licences may be granted, refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical mans in factories and other places for the purposes of summoning or dismissing workmen or persons employed;

(n) prevention of nuisance in any market building, market place, slaughter-house or any factory, workshop or trade premises;

(9) Miscellaneous.----

(a) prevention and extinction of fire;

(b) prohibiting stalling or herding of horses, cattle, donkeys, sheep or goats otherwise than in accordance with regulation prescribed in such bye-laws in regard to the number thereof, and the places to be used for the purposes as may be necessary to prevent danger to the public health ;

(c) the inspection of milch cattle, and prescribing, and regulating the construction, dimension, ventilation, lighting, cleaning, drainage and water-supply to dairies and cattle sheds in the occupation of persons following the trade of dairyman or milk-sellers;

(d) prescribing the conditions subject to which and the circumstances in which, and the areas and localities in respect in which licences may be granted, refused, suspended or withdrawn for the use of any place or building for use as sarai or dharamshala and providing for the inspection and regulation of such places or buildings ;

(e) regulating the management of Nazul lands transferred to the Council by the State Government ;

(f) protecting from injury or interference anything within the limits of the Municipality being the property of the State Government or of the Council or under the control or management of the Council ;

(g) (i) securing the protection of public parks, gardens, open spaces, play-grounds, commons, swimming tanks, vested in or under the control of the Council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

(ii) regulating the use of common pasture land provided by the Council and rates of fees for use thereof;

(h) the holding of fairs and industrial exhibitions within the Municipality or under the control of the Council and fixing the fees to be levied thereat;

(i) prohibiting, in any specified street or area, the residing of public prostitutes and the keeping of a brothel, or the letting or otherwise disposal of house or building to public prostitutes or for a brothel ;

(j) inspection and control of brothels;

(k) fixing and regulating the use of places, at which boats may be moored, loaded and unloaded, prohibiting the mooring, loading and unloading of boats, excepts at such places as may be prescribed by the Council ;

(l) prohibiting or regulating, with a view to promoting the public safety or convenience, any act which occasions, or is likely to occasion, a public nuisance, and the prohibition or regulation of which no provision is made ;

(m) providing for the installation and maintenance of radio receiving stations ;

(n) providing for the establishment and maintenance of body-folds and rescue homes for woman ;

(o) providing for the removal of social disabilities of Scheduled Castes and Backward classes;

(p) taking measures for the control of beggary ;

(q) taking measures for the removal if prostitutes from a specified area to another specified area ;

(r) generally for the regulation of matters relating to Municipal administration.

359. Model bye laws.-

(1) The State Government may, from time to time, make , model byelaws for any matter in respect of which a Council is empowered to make bye-laws under this Act and publish them in the Gazette for the guidance of Councils.

(2) It appears to the State Government that in any Municipality byelaws are necessary for any matter in respect of which model byelaws have been published under sub-section (1) it may require the Councils to adopt such model byelaws modified to suit local conditions.
(3) If any Council fails to comply with a requisition made under sub-section (2) within six months of the making thereof the State Government may apply to such Municipality the model byelaws modified as it thinks fit.

360. Copies of rules and bye-laws etc. to be kept for inspection and sale.-- Copies in English and Hindi in Devnagari script of all rules and bye-laws made for the Municipality under this Act shall be kept in the office of the Council and shall be open during office hours without charge, to the inspection of any inhabitant of the Municipality and they shall also be made available for sale on payment.

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 १७ में, उपधारा (१) में, खण्ड (एन) में, पूर्ण विराम के स्थान पर, अर्द्धविराम स्थापित किया जाए और उसके पश्चात्, निम्नलिखित नया खण्ड अंत:स्थापित किया जाए, अर्थात् :—

"(ओ) जिसके नाम से, मध्यप्रदेश राज्य विद्युत् मंडल या उसकी उत्तरवर्ती कम्पनियों को देय, छह मास से अधिक कालावधि के कोई शोध्य हों.".

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 ३५ में, खण्ड (आर) में पूर्ण विराम के स्थान पर, अर्द्धविराम स्थापित किया जाए और उसके पश्चात्, निम्नलिखित नया खण्ड अंत:स्थापित किया जाए, अर्थात् :—

"(एस) जिसके नाम से, मध्यप्रदेश राज्य विद्युत् मंडल या उसकी उत्तरवर्ती कम्पनियों को देय, छह मास से अधिक कालावधि के कोई शोध्य हों.".

भोपाल, दिनांक 22 जनवरी 2010

क्र. 517-37-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2009 (क्रमांक 5 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. 5 OF 2010.

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2009.

[Received the assent of the Governor on the 13th January, 2010; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 22nd January, 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 Sixtieth year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2009.

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 17, in sub-section (1), in clause (n), for full stop, the semicolon shall be substituted and thereafter the following new clause shall be inserted, namely :—

"(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.".

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 35, in clause (r), for full stop, the semicolon shall be substituted and thereafter the following new clause shall be inserted, namely :—

"(s) 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.".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2010

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

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 236] भोपाल, सोमवार, दिनांक 2 मई 2011—वैशाख 12, शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 2 मई 2011

क्र. 2720-169-इक्कीस-अ-(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 29 अप्रैल 2011 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 १७ सन् २०११

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०११

[दिनांक २९ अप्रैल, २०११ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'', में दिनांक २ मई, २०११ 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 बासठवें 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, २०११ है.

भाग-एक

मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६

(क्रमांक २३ सन् १९५६) का संशोधन.

मध्यप्रदेश अधिनियम क्रमांक २३ सन् १९५६का संशोधन.

२. मध्यप्रदेश नगरपालिक निगम अधिनियम, १९५६ (क्रमांक २३ सन् १९५६) की धारा १३० में, उपधारा (४) के पश्चात्, निम्नलिखित नई उपधारा अंत:स्थापित की जाए, अर्थात् :—

''(५) निगम के वार्षिक लेखे पर, अंकेक्षक की अंकेक्षण रिपोर्ट की प्रतियां राज्य सरकार को या ऐसे अन्य प्राधिकारी को, जैसा कि राज्य सरकार द्वारा इस निमित्त विनिर्दिष्ट किया जाए, प्रस्तुत की जाएंगी.''.

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१

(क्रमांक ३७ सन् १९६१) का संशोधन.

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

३. सम्पूर्ण मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में, शब्द ''नगर पंचायत'' जहां कहीं भी आए हों, के स्थान पर, शब्द ''नगर परिषद्'' स्थापित किए जाएं.

भोपाल, दिनांक 2 मई 2011

क्र. 2721-169-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2011 (क्रमांक 17 सन् 2011) 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. 17 OF 2011.

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2011

[Received the assent of the Governor on the 29th April, 2011; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 2nd May, 2011.]

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-second year of the Republic of India as follows:—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2011.

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 Section 130 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), after sub-section (4) the following new sub-section shall be inserted, namely:—

"(5) Copies of the audit report of the auditor on annual accounts of the Corporation shall be furnished to the State Government or such other authority as may be specified by the State Government in this behalf.".

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. Throughout the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), for the words "Nagar Panchayat" wherever they occur, the words "Nagar Parishad" shall be substituted.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2011.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 3] भोपाल, बुधवार, दिनांक 4 जनवरी 2012—पौष 14, शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 4 जनवरी 2012

क्र. 46-06-इक्कीस-अ-(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 28 दिसम्बर 2011 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 ३ सन् २०१२.

मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, २०११

[दिनांक २८ दिसम्बर, २०११ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)", में दिनांक ०४ जनवरी, २०१२ 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 बासठवें 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, २०११ 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 १२९ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

नगरपालिक लेखाओं की संपरीक्षा.

"१२९. (१) मध्यप्रदेश स्थानीय निधि संपरीक्षा अधिनियम, १९७३ (क्रमांक ४३ सन् १९७३) की धारा ४ में अन्तर्विष्ट किसी बात के होते हुए भी, प्रत्येक निगम के वार्षिक लेखे उक्त अधिनियम के अधीन संचालक, स्थानीय निधि संपरीक्षा द्वारा संपरीक्षा के अध्यधीन होंगे तथा निगम ऐसे संपरीक्षा शुल्क के भुगतान का दायी होगा जैसा कि राज्य सरकार, समय-समय पर, इस निमित्त विनिर्दिष्ट करे.

(२) यदि उपधारा (१) के अधीन, निगम के लेखाओं की संपरीक्षा संचालक, स्थानीय निधि संपरीक्षा द्वारा नहीं की जाती है तो निगम को राज्य सरकार की स्वीकृति के अध्यधीन रहते हुए बाहरी अभिकरण से अपने लेखाओं की संपरीक्षा कराने का विकल्प होगा.".

(२) धारा १३०-क एवं १३०-ख को क्रमशः धारा १३०-ख एवं १३०-ग के रूप में पुनर्क्रमांकित किया जाए तथा इस प्रकार पुनर्क्रमांकित धारा १३०-ख के पूर्व निम्नलिखित धारा अन्तःस्थापित की जाए, अर्थात्:—

नियंत्रक-महालेखा परीक्षक द्वारा संपरीक्षा का तकनीकी मार्गदर्शन तथा पर्यवेक्षण.

"१३०-क (१) धारा १२९ के अधीन, निगम के लेखे, संचालक, स्थानीय निधि संपरीक्षा द्वारा संपरीक्षित किए जाएंगे तथा भारत के नियंत्रक-महालेखा परीक्षक निगमों की संपरीक्षा पर तकनीकी मार्गदर्शन एवं पर्यवेक्षण प्रदान करेंगे.

(२) निगमों की, संचालक, स्थानीय निधि संपरीक्षा की वार्षिक संपरीक्षित रिपोर्ट, भारत के नियंत्रक-महालेखा परीक्षक की वार्षिक तकनीकी निरीक्षण रिपोर्ट के साथ राज्यपाल को प्रस्तुत की जाएगी जो उक्त रिपोर्टों को विधान सभा के पटल पर रखवाएगा.".

(३) धारा २९२-ख के स्थान पर निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

कालोनियों का विकास.

"२९२-ख. (१) कालोनियों के विकास की अनुज्ञा आयुक्त द्वारा दी जाएगी और आयुक्त के आदेश के विरुद्ध अपील राज्य सरकार को होगी.

(२) (क) इस अधिनियम और इस निमित्त बनाए गए नियमों के उपबंधों के अधीन कालोनी का विकास करते समय कोई कालोनाइजर, जिसे धारा २९२-क के अधीन रजिस्ट्रीकरण प्रमाण-पत्र जारी किया गया है, आर्थिक रूप से कमजोर वर्ग तथा निम्न आय वर्ग के व्यक्तियों के लिए पूर्ण विकसित भू-खण्ड या निर्मित आवास गृह उपलब्ध कराएगा.

(ख) ऐसे भू-खण्डों या आवास गृहों का आकार, संख्या तथा अवस्थिति ऐसी होगी, जैसी कि राज्य सरकार द्वारा विहित की जाए.

(३) उपधारा (२) में उल्लिखित ऐसे भू-खण्डों या आवास गृहों का मूल्य, तथा उन व्यक्तियों के चयन की प्रक्रिया जिन्हें कि वे कालोनाइजर द्वारा बेचे जा सकेंगे, ऐसी होगी, जैसी कि राज्य सरकार द्वारा विहित की जाए.

(४) ऐसी भूमि के संबंध में, जिस पर कि नगर भूमि (अधिकतम सीमा और विनियमन) अधिनियम, १९७६ (१९७६ का ३३) लागू था, कालोनाइजर को आर्थिक रूप से कमजोर वर्गों के व्यक्तियों के लिए विहित क्षेत्र में, विहित आकार के विकसित भू-खण्डों को आरक्षित रखना होगा.

(५) इस अधिनियम में अन्तर्विष्ट किसी बात के होते हुए भी, उपधारा (२) में उल्लिखित भू-खण्डों या आवास गृहों के अतिरिक्त या उनके बदले में, राज्य सरकार, ऐसे मामलों में, जिनमें कि वह समुचित समझे, आश्रय शुल्क अधिरोपित कर सकेगी, जो ऐसी रीति में अवधारित किया जाएगा जो कि विहित की जाए.

(६) आश्रय शुल्क ऐसी रीति में संग्रहीत किया जाएगा और उसका उपयोग किया जाएगा जो कि विहित की जाए.".

(४) धारा ३०८-ख के पश्चात्, निम्नलिखित धारा अन्त:स्थापित की जाए, अर्थात्:—

औद्योगिक क्षेत्रों और विकास केन्द्रों के संबंध में भवन नियंत्रण की शक्ति.

"३०८-ग. (१) अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, धारा २९३ से २९९ और धारा ३०० से ३०८-क के अधीन भवन नियंत्रण के संबंध में आयुक्त की शक्तियां, किसी औद्योगिक क्षेत्र अथवा विकास केन्द्र के अन्तर्गत आने वाले भवनों के संबंध में, यथास्थिति, जिला व्यापार और उद्योग केन्द्र के महाप्रबंधक या औद्योगिक केन्द्र विकास निगम के प्रबन्ध संचालक या औद्योगिक अधोसंरचना विकास निगम के प्रबंध संचालक की अध्यक्षता वाली समिति में, निहित होंगी. कलक्टर और संबंधित निगम के आयुक्त, प्रत्येक का एक-एक प्रतिनिधि ऐसी समिति का सदस्य होगा.

(२) उपधारा (१) के अधीन समिति में निहित शक्तियों का ऐसी रीति में प्रयोग किया जाएगा जैसी कि विहित की जाए.

(३) उपधारा (१) के अधीन भवन अनुज्ञा और उसके विनियमन के संबंध में उद्गृहीत समस्त शुल्क तथा प्रभार नगरपालिक निधि में जमा 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 १२१ की उपधारा (१) में, शब्द, अंक तथा कोष्ठक "मध्यप्रदेश स्थानीय निधि लेखा परीक्षा अधिनियम, १९३३ (क्रमांक ९ सन् १९३३) की धारा ३", के स्थान पर, शब्द, अंक तथा कोष्ठक "मध्यप्रदेश स्थानीय निधि संपरीक्षा अधिनियम, १९७३ (क्रमांक ४३ सन् १९७३) की धारा ४" स्थापित किए जाएं.

(२) धारा १२२-क तथा १२२-ख को धारा १२२-ख तथा धारा १२२-ग के रूप में क्रमशः पुनर्क्रमांकित किया जाए तथा इस प्रकार पुनर्क्रमांकित धारा १२२-ख के पूर्व, निम्नलिखित धारा अन्तःस्थापित की जाए, अर्थात्:—

नियंत्रक-महालेखा परीक्षक द्वारा संपरीक्षा का तकनीकी मार्गदर्शन तथा पर्यवेक्षण.

"१२२-क (१) धारा १२१ के अधीन परिषदों के लेखे संचालक, स्थानीय निधि संपरीक्षा द्वारा संपरीक्षित किए जाएंगे तथा भारत के नियंत्रक-महालेखा परीक्षक परिषदों की संपरीक्षा पर तकनीकी मार्गदर्शन एवं पर्यवेक्षण प्रदान करेंगे.

(२) परिषदों की, संचालक, स्थानीय निधि संपरीक्षा की वार्षिक संपरीक्षित रिपोर्ट, भारत के नियंत्रक-महालेखा परीक्षक की वार्षिक तकनीकी निरीक्षण रिपोर्ट के साथ राज्यपाल को प्रस्तुत की जाएगी जो कि उक्त रिपोर्टों को विधान सभा के पटल पर रखवाएगा.".

(३) धारा १८७-ग के पश्चात्, निम्नलिखित धारा अन्तःस्थापित की जाए, अर्थात्:—

औद्योगिक क्षेत्रों और विकास केन्द्रों के संबंध में भवन नियंत्रण की शक्ति.

"१८७-घ. (१) अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, धारा १८७, १८७-क, १८८, १८९, १९० और १९१ के अधीन भवन नियंत्रण के संबंध में परिषद् की शक्तियां, किसी औद्योगिक क्षेत्र अथवा विकास केन्द्र के अन्तर्गत आने वाले भवनों के संबंध में, यथास्थिति, जिला व्यापार और उद्योग केन्द्र के महाप्रबंधक या औद्योगिक केन्द्र विकास निगम के प्रबंध संचालक या औद्योगिक अधोसंरचना विकास निगम के प्रबंध संचालक की अध्यक्षता वाली समिति में निहित होंगी. कलक्टर का एक प्रतिनिधि और संबंधित नगरपालिका का मुख्य नगरपालिका अधिकारी ऐसी समिति का सदस्य होगा.

(२) उपधारा (१) के अधीन समिति में निहित शक्तियों का ऐसी रीति में प्रयोग किया जाएगा जैसी कि विहित की जाए.

(३) उपधारा (१) के अधीन भवन अनुज्ञा और उसके विनियमन के संबंध में उद्गृहीत समस्त शुल्क तथा प्रभार नगरपालिक निधि में जमा किए जाएंगे.".

(४) धारा ३३९-ख के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

कालोनियों का विकास.

"३३९-ख. (१) कालोनियों के विकास की अनुज्ञा सक्षम प्राधिकारी द्वारा दी जाएगी और सक्षम प्राधिकारी के आदेश के विरुद्ध अपील राज्य सरकार को होगी.

(२) (क) इस अधिनियम और इस निमित्त बनाए गए नियमों के उपबन्धों के अधीन कालोनी का विकास करते समय कोई कालोनाइजर, जिसे धारा ३३९-क के अधीन रजिस्ट्रीकरण प्रमाण-पत्र जारी किया गया है, आर्थिक रूप से कमजोर वर्ग तथा निम्न आय वर्ग के व्यक्तियों के लिए पूर्ण विकसित भू-खण्ड या निर्मित आवास गृह उपलब्ध कराएगा.

(ख) ऐसे भू-खण्डों या आवास गृहों का आकार, संख्या तथा अवस्थिति ऐसी होगी जैसी कि राज्य सरकार द्वारा विहित की जाए.

(३) उपधारा (२) में उल्लिखित ऐसे भू-खण्डों या आवास गृहों का मूल्य, तथा उन व्यक्तियों के चयन की प्रक्रिया जिन्हें कि वे कालोनाइजर द्वारा बेचे जा सकेंगे, ऐसी होगी, जैसी कि राज्य सरकार द्वारा विहित की जाए.

(४) ऐसी भूमि के संबंध में, जिस पर कि नगर भूमि (अधिकतम सीमा और विनियमन) अधिनियम, १९७६ (१९७६ का ३३) लागू था, कालोनाइजर को आर्थिक रूप से कमजोर वर्गों के व्यक्तियों के लिए विहित क्षेत्र में, विहित आकार के विकसित भू-खण्डों को आरक्षित रखना होगा.

(५) इस अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, उपधारा (२) में उल्लिखित भू-खण्डों या आवास गृहों के अतिरिक्त या उनके बदले में, राज्य सरकार, ऐसे मामलों में, जिनमें कि वह समुचित समझे, आश्रय शुल्क अधिरोपित कर सकेगी, जो ऐसी रीति में अवधारित किया जाएगा जो कि विहित की जाए.

(६) आश्रय शुल्क ऐसी रीति में संग्रहीत किया जाएगा और उसका उपयोग किया जाएगा जो कि विहित की जाए.''.

भोपाल, दिनांक 4 जनवरी 2012

क्र. 47-06-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, 2011 (क्रमांक 03 सन् 2012) 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. 3 OF 2012.

THE MADHYA PRADESH NAGARPALIK VIDHI (DWITIYA SANSHODHAN) ADHINIYAM, 2011

[Received the assent of the Governor on the 28th December, 2011; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 04th January, 2012.]

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-second year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Dwitiya Sanshodhan) Adhiniyam, 2011.

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) For Section 129, the following Section shall be substituted, namely:—

Audit of Municipal Accounts.

"129. (1) Notwithstanding anything contained in Section 4 of the Madhya Pradesh Sthaniya Nidhi Sampariksha Adhiniyam, 1973 (No. 43 of 1973), the annual accounts of every Corporation shall be subject to audit by the Director, Local Fund Audit under the said Act and the Corporation shall be liable to pay such audit fee as the State Government may, from time to time, specify in this behalf.

(2) If the accounts of Corporation are not audited under sub-section (1) by the Director, Local Fund Audit, the Corporation, shall have the option, subject to sanction of the State Government, to get its accounts audited by an outside agency.".

(2) Sections 130-A and 130-B shall be renumbered as Sections 130-B and 130-C respectively and before Section 130-B as so renumbered, the following Section shall be inserted, namely:—

Technical guidance and supervision of audit by the Comptroller and the Auditor General.

"130-A. (1) The accounts of the Corporation shall be audited by the Director, Local Fund Audit under section 129 and the Comptroller and Auditor General of India shall give technical guidance and supervision over the audit of Corporations.

(2) The annual audit reports of Director, Local Fund Audit on Corporations along with the annual technical inspection report of the Comptroller and Auditor General of India shall be submitted to the Governor, who shall cause the said reports to be laid on the table of the Legislative Assembly.".

(3) For Section 292-B, the following Section shall be substituted, namely:—

Development of colonies.

"292-B. (1) The permission of the development of colonies shall be given by the Commissioner and appeal shall lie to the State Government against the order of the Commissioner.

(2) (a) While developing the colony under the provisions of this Act and the rules made in this behalf a colonizer, who has been issued the registration certificate under section 292-A, shall provide fully developed plots or constructed residential houses for the persons belonging to economically weaker section and low income group.

(b) The size, number and location of such plots or houses shall be such as may be prescribed by the State Government.

(3) The cost of such plots or houses mentioned in sub-section (2) and the process of selection of the persons to whom they may be sold by the colonizer shall be such as may be prescribed by the State Government.

(4) In respect of the land on which the Urban Land (Ceiling and Regulation) Act, 1976 (No. 33 of 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.

(5) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or houses mentioned in sub-section (2), the State Gvoernment may, in such cases as it may consider appropriate, impose a shelter fee to be determined in such manner as may be prescribed.

(6) The shelter fee shall be collected and utilised in such manner as may be prescribed.".

(4) After Section 308-B, the following Section shall be inserted, namely:—

Powers of building control in respect of industrial areas and growth centres.

" 308-C. (1) Notwithstanding anything contained in the Act, the powers of Commissioner in respect of building control under sections 293 to 299 and Sections 300 to 308-A shall vest in the committee headed by the General Manager of the District Trade and Industry Centre or the Managing Director of the Audhyogik Kendra Vikas Nigam or the Managing Director of the Industrial Infrastructure Development Corporation, as the case may be, in respect of buildings falling under an industrial area or a growth centre. A representative each of the Collector and the Commissioner of concerned Corporation shall be the members of such committee.

(2) The powers vested in the committee under sub-section (1) shall be exercised in such manner as may be prescribed.

(3) All the fees and charges levied in respect of building permission and regulation thereof under sub-section (1) shall be deposited into the Municipal Fund.".

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 sub-section (1) of Section 121, for the words, figures and bracket "Section 3 of the Madhya Pradesh Local Fund Audit Act, 1933 (IX of 1933)", the words, figures and bracket "Section 4 of the Madhya Pradesh Sthaniya Nidhi Samparikisha Adhiniyam, 1973 (No. 43 of 1973)" shall be substituted.

(2) Section 122-A and 122-B shall be renumbered as Section 122-B and 122-C respectively and before Section 122-B as so renumbered, the following Section shall be inserted, namely:—

Technical guidance and supervision of audit by the Comptroller and the Auditor General.

"122-A. (1) The accounts of the Councils shall be audited by the Director, Local Fund Audit under Section 121 and the Comptroller and Auditor General of India shall give technical guidance and supervision over the audit of Councils.

(2) The annual audit reports of Director, Local Fund Audit on Councils along with the annual technical inspection report of the Comptroller and Auditor General of India shall be submitted to the Governor, who shall cause the said reports to be laid on the table of the Legislative Assembly.".

(3) After Section 187-C, the following Section shall be inserted, namely:—

Powers of building control in respect of industrial areas and growth centres.

"187-D. (1) Notwithstanding anything contained in the Act, the powers of Council in respect of building control under Sections 187, 187-A, 188, 189, 190 and 191 shall vest in the committee headed by the General Manager of the District Trade and Industry Centre or the Managing Director of the Audyogik Kendra Vikas Nigam or the Managing Director of the Industrial Infrastructure Development Corporation, as the case may be, in respect of buildings falling under an industrial area or a growth centre. A representative of the Collector, and the Chief Municipal Officer of the concerned Municipality shall be the members of such committee.

(2) The powers vested in the committee under sub-section (1) shall be exercised in such manner as may be prescribed.

(3) All the fees and charges levied in respect of building permission and regulation thereof under sub-section (1) shall be deposited into the Municipal Fund.".

(4) For Section 339-B, the following Section shall be substituted, namely:—

Development of colonies.

"339-B. (1) The permission of the development of colonies shall be given by the Competent Authority and appeal shall lie to the State Government against the order of the Competent Authority.

(2) (a) While developing the colony under the provisions of this Act and the rules made in this behalf, a colonizer who has been issued the registration certificate under Section 339-A, shall provide fully developed plots or constructed residential houses for the persons belonging to economically weaker Section and low income group.

(b) The size, number and location of such plots or houses shall be such as may be prescribed by the State Government.

(3) The cost of such plots or houses mentioned in sub-section (2) and the process of selection of the persons to whom they may be sold by the colonizer shall be such as may be prescribed by the State Government.

(4) In respect of the land on which the Urban Land (Ceiling and Regulation) Act, 1976 (No. 33 of 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.

(5) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or houses mentioned in sub-section (2), the State Government may, in such cases as it may consider appropriate, impose a shelter fee to be determined in such manner as may be prescribed.

(6) The shelter fee shall be collected and utilised in such manner as may be prescribed.".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2012.

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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 13] भोपाल, बुधवार, दिनांक 9 जनवरी 2013—पौष 19, शक 1934

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 9 जनवरी 2013

क्र. 157-13-इक्कीस-अ(प्रा.)/अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 8 जनवरी 2013 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,
के. डी. खान, प्रमुख सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ६ सन् २०१३.

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१२.

[दिनांक ८ जनवरी, २०१३ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)", में दिनांक ९ जनवरी, २०१३ 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 तिरसठवें 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, २०१२ 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) की धारा १३२ में, उपधारा (६) में, खण्ड (ढ) में, शब्द "माल या" 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) की धारा १२७ में, उपधारा (६) में, खण्ड (ढ) में, शब्द "माल या" का लोप किया जाए.

भोपाल, दिनांक 9 जनवरी 2013

क्र. 158-13-इक्कीस-अ(प्रा.)/अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2012 (क्रमांक 6 सन् 2013) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
के. डी. खान, प्रमुख सचिव.

MADHYA PRADESH ACT
No.6 OF 2013.

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2012.

[Received the assent of the Governor on the 8th January, 2013; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 9th January, 2013.]

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-third year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2012. **Short title.**

PART I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (No. 23 of 1956)

2. In Section 132 of the Madhya Pradesh Municipal Corporation Act, 1956 (No.23 of 1956), in sub-section (6), in clause (n), the words "goods or" shall be omitted. **Amendment to the Madhya Pradesh Act No. 23 of 1956.**

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 of 1961)

3. In Section 127 of the Madhya Pradesh Municipalities Act, 1961 (No.37 of 1961), in sub-section (6), in clause (n), the words "goods or" shall be omitted. **Amendment to the Madhya Pradesh Act No. 37 of 1961.**

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2013.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 428] भोपाल, शुक्रवार, दिनांक 13 सितम्बर 2013—भाद्र 22, शक 1935

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 13 सितम्बर 2013

क्र. 6130-256-इक्कीस-अ(प्रा.)-अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 7 सितम्बर 2013 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 ३३ सन् २०१३.

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१३.

[दिनांक ७ सितम्बर, २०१३ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक १३ सितम्बर, २०१३ 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 चौंसठवें 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, २०१३ 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) की धारा २९२-ङ में, उपधारा (१), (२), (३) और (४) को क्रमश: उपधारा (२), (३), (४) और (५) के रूप में पुनर्क्रमांकित किया जाए और इस प्रकार पुनर्क्रमांकित उपधारा (२) के पूर्व निम्नलिखित नई उपधारा अन्त:स्थापित की जाए, अर्थात् :—

"(१) रजिस्ट्रीकरण अधिनियम, १९०८ (१९०८ का १६) की धारा ६ के अधीन नियुक्त रजिस्ट्रार और उप रजिस्ट्रार, नगरपालिक क्षेत्र में भूखण्डों या भवनों के समस्त अंतरणों या अंतरण के करार के ब्यौरे, प्रत्येक माह की समाप्ति पर, आयुक्त को, ऐसी रीति में संसूचित करेगा, 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) की धारा ३३९-ङ में, उपधारा (१), (२), (३) तथा (४) को क्रमश: उपधारा (२), (३), (४) तथा (५) के रूप में पुनर्क्रमांकित किया जाए और इस प्रकार पुनर्क्रमांकित उपधारा (२) के पूर्व निम्नलिखित नई उपधारा अन्त:स्थापित की जाए, अर्थात् :—

"(१) रजिस्ट्रीकरण अधिनियम, १९०८ (१९०८ का १६) की धारा ६ के अधीन नियुक्त रजिस्ट्रार और उप रजिस्ट्रार, नगरपालिका क्षेत्र में भूखण्डों या भवनों के समस्त अंतरणों या अंतरण के करार के ब्यौरे, प्रत्येक माह की समाप्ति पर, सक्षम प्राधिकारी को, ऐसी रीति में संसूचित करेगा, जैसी कि विहित की जाए.".

भोपाल, दिनांक 13 सितम्बर 2013

क्र. 6131-256-इक्कीस-अ(प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2013 (क्रमांक 33 सन् 2013) 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. 33 OF 2013

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2013

[Received the assent of the Governor on the 7th September, 2013; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 13th September, 2013.]

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-fourth year of the Republic of India as follows :-

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2013.

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 Section 292-E of the Madhya Pradesh Municipal Corporation Act,1956 (No. 23 of 1956), sub-sections (1), (2), (3) and (4) shall be renumbered as sub-sections (2), (3), (4) and (5) respectively and before sub-section (2) as so renumbered the following new sub-section shall be inserted, namely :-

"(1) The Registrars and Sub-Registrars appointed under section 6 of the Registration Act, 1908 (No. 16 of 1908) shall, at the end of every month, communicate details of all transfers or agreements to transfer of plots or houses in the municipal area, to the Commissioner in such manner 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 Section 339-E of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), sub-sections (1), (2), (3) and (4) shall be renumbered as sub-sections (2), (3), (4) and (5) respectively and before sub-section (2) as so renumbered, the following new sub-section shall be inserted, namely:-

"(1) The Registrar and Sub-Registrar appointed under section 6 of the Registration Act, 1908 (No. 16 of 1908) shall, at the end of every month, communicate details of all transfers or agreements to transfer of plots or houses in the municipal area, to the Competent Authority, in such manner as may be prescribed.".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2013.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 346] भोपाल, बुधवार, दिनांक 6 अगस्त 2014—श्रावण 15, शक 1936

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 6 अगस्त 2014

क्र. 4505-204-इक्कीस-अ-(प्रा.)अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 5 अगस्त 2014 को 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 १२ सन् २०१४

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१४

[दिनांक 5 अगस्त, २०१४ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक ६ अगस्त, २०१४ 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 पैंसठवें 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, २०१४ 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) की धारा १० में, उपधारा (१) के परन्तुक में, पूर्ण विराम के स्थान पर, अपूर्ण विराम स्थापित किया जाए और तत्पश्चात् निम्नलिखित परन्तुक जोड़ा जाए, अर्थात् :—

"परन्तु यह और कि दस लाख से अधिक जनसंख्या वाले नगरपालिक क्षेत्र में, अधिकतम पचासी वार्ड हो सकेंगे"

निरसन और व्यावृत्ति

३. (१) मध्यप्रदेश नगरपालिक निगम (संशोधन) अध्यादेश, २०१४ (क्रमांक १ सन् २०१४) 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.

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन

मध्यप्रदेश अधिनियम क्रमांक ३७ सन् १९६१ का संशोधन.

४. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में, धारा ५५ में, उपधारा (१) में, शब्द "एक मास" के स्थान पर, शब्द "पन्द्रह दिन" स्थापित किए जाएं.

(२) धारा ८६ में, उपधारा (१), (२) और (४) के स्थान पर, क्रमशः निम्नलिखित उपधाराएं स्थापित की जाएं, अर्थात् :—

"(१) राज्य सरकार, परिषद् के लिए धारा ८७ या ८८ के अधीन अधिकारियों की व्यवस्था करने के प्रयोजन से, राज्य के लिए निम्नलिखित नगरपालिक सेवाओं का विहित रीति में गठन कर सकेगी जो,—

(क) राज्य नगरीय प्रशासनिक सेवा;
(ख) राज्य नगरीय स्वच्छता सेवा;
(ग) राज्य नगरीय यांत्रिकी सेवा;
(घ) राज्य नगरीय वित्त सेवा;
(ङ) राज्य नगरीय राजस्व सेवा;

कहलाएंगी.

(२) राज्य सरकार, उपधारा (१) के अधीन राज्य नगरपालिक सेवाओं के सदस्यों के लिए, भरती, अर्हता, नियुक्ति, पदोन्नति, वेतनमान तथा भत्ते चाहे वे किसी नाम से जाने जाते हों, के संबंध में नियम बना सकेगी; और ऋण, पेंशन, अवकाश, उपदान, वार्षिकी, कारुण्य निधि, भविष्य निधि, पदच्युति, सेवा से हटाने, आचरण, विभागीय दण्ड, अपीलें तथा अन्य सेवा शर्तों के संबंध में, शासकीय सेवकों को लागू होने वाले, समय-समय पर यथासंशोधित नियम, राज्य की नगरपालिक सेवाओं के सदस्य को लागू होंगे.

(४) राज्य सरकार, राज्य नगरपालिक सेवाओं के किसी भी सदस्य को एक नगरपालिका से दूसरी नगरपालिका में स्थानांतरित कर सकेगी.

(३) धारा ८७ में, उपधारा (२) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात् :—

"(२) परिषद् का मुख्य नगरपालिका अधिकारी राज्य नगरीय प्रशासनिक सेवा का सदस्य होगा और राज्य सरकार द्वारा नियुक्त किया जाएगा.".

(४) धारा ८८ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

राज्य की नगरपालिक सेवाओं के सदस्यों की नियुक्ति.

"८८. प्रत्येक परिषद् में, धारा ८६ की उपधारा (१) के अधीन नगरपालिक सेवा के सदस्यों की नियुक्ति, राज्य सरकार द्वारा समय-समय पर विनिर्दिष्ट मानदण्डों के अनुसार, उनके कर्तव्यों के दक्षतापूर्ण पालन के लिए की जाएगी."

(५) धारा ८९ में, उपधारा (१) और (२) के स्थान पर निम्नलिखित उपधाराएं स्थापित की जाएं अर्थात् :—

"(१) धारा ८६ की उपधारा (१) के अधीन राज्य नगरपालिका सेवा का गठन होने तक या जब ऐसी सेवा का कोई सदस्य नियुक्ति के लिए उपलब्ध न हो तो, राज्य सरकार, ऐसे सदस्य के रूप में कार्य करने के लिए सरकार के किसी अधिकारी को प्रतिनियुक्त कर सकेगी या उसी श्रेणी के किसी ऐसे व्यक्ति को नियुक्त कर सकेगी जो ऐसी सेवा का सदस्य होने के लिए अर्ह हो.

(२) राज्य सरकार स्वप्रेरणा से या यदि परिषद् के किसी विशेष सम्मिलन में, आधे से अधिक निर्वाचित पार्षद उस प्रभाव के संकल्प के पक्ष में मत दें, तो राज्य सरकार के किसी ऐसे अधिकारी की सेवाएं, जो कि उपधारा (१) के अधीन परिषद् में प्रतिनियुक्त किया गया हो, वापस ले सकेगी.".

(६) धारा ९० में,—

(एक) उपधारा (२) में, पूर्ण विराम के स्थान पर, अपूर्ण विराम स्थापित किया जाए और उसके पश्चात् निम्नलिखित परन्तुक जोड़ा जाए, अर्थात् :—

"परन्तु इस प्रकार नियुक्त व्यक्ति उसी श्रेणी की नगरपालिक परिषद् के मुख्य नगरपालिका अधिकारी के तत्समान वेतनमान का होना चाहिए.";

(दो) उपधारा (३) में, पूर्ण विराम के स्थान पर अपूर्ण विराम स्थापित किया जाए और उसके पश्चात् निम्नलिखित परन्तुक जोड़ा जाए, अर्थात् :—

"परन्तु इस प्रकार अभिनियोजित व्यक्ति उसी श्रेणी की नगरपालिक परिषद् के मुख्य नगरपालिका अधिकारी के तत्समान वेतनमान का होना चाहिए.".

(७) धारा ९१ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

अधिकारी या इंजीनियर के छुट्टी पर रहने की अवधि में व्यवस्था.

"९१. धारा ९० के उपबंध अन्य नगरपालिक सेवाओं के सदस्यों के छुट्टी पर रहने के दौरान व्यवस्था करने के लिए उसी प्रकार लागू होंगे, जैसे कि वे मुख्य नगरपालिका अधिकारी के मामले में लागू होते हैं.".

(८) धारा ९४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

कर्मचारीवृंद की नियुक्ति.

"९४. (१) प्रत्येक परिषद्, धारा ९५ के अधीन बनाए गए नियमों के अध्यधीन रहते हुए तथा धारा ८६ की उपधारा (१) के अधीन राज्य नगरपालिक सेवाओं के सदस्यों की नियुक्ति के अतिरिक्त, ऐसे अन्य अधिकारियों तथा कर्मचारियों को भी नियुक्त कर सकेगी, जो राज्य सरकार द्वारा समय-समय पर विनिर्दिष्ट मानदण्डों के अनुसार उसके कर्तव्यों के सुचारू रूप से पालन के लिए आवश्यक तथा उचित हों.

(२) परिषद् ऐसे निबन्धनों और शर्तों पर जैसी कि राज्य सरकार इस संबंध में अनुमोदित करे, अस्थायी स्वास्थ्य अधिकारी नियुक्त कर सकेगी.

(३) राजस्व अधिकारी, राजस्व निरीक्षक, कार्यालय अधीक्षक और लेखापाल की नियुक्ति राज्य सरकार की पुष्टि के अध्यधीन होगी और राज्य सरकार के पूर्व अनुमोदन के बिना, ऐसे किसी भी पद का या अन्य किसी ऐसे अधिकारी या सेवक के पद का जो राज्य सरकार द्वारा इस संबंध में विनिर्दिष्ट किया जाए, सृजन नहीं किया जाएगा या उसे समाप्त नहीं किया जाएगा और उनकी उपलब्धियों में कोई परिवर्तन नहीं किया जाएगा तथा ऐसे पद पर की जाने वाली प्रत्येक नियुक्ति और उससे पदच्युति इसी प्रकार के अनुमोदन के अध्यधीन होगी.

(४) राज्य सरकार के पूर्व अनुमोदन के बिना, उपधारा (३) में वर्णित या उसके अधीन विनिर्दिष्ट किसी भी अधिकारी को एक मास से अधिक कालावधि का निलंबन आदेश नहीं दिया जाएगा और ऐसे किसी भी अधिकारी द्वारा दिया गया त्यागपत्र स्वीकार नहीं किया जाएगा.

(५) जब तक कि राज्य सरकार अन्यथा निदेश न दे, उपधारा (३) में वर्णित या उसके अधीन विनिर्दिष्ट नगरपालिक अधिकारियों तथा सेवकों के अतिरिक्त अन्य नगरपालिक अधिकारियों तथा सेवकों को नियुक्त करने की शक्ति प्रेसीडेंट-इन-काउंसिल में निहित होगी.

(६) राज्य सरकार, उपधारा (१) और (२) में वर्णित परिषद् के किसी अधिकारी या सेवक को, उसी श्रेणी की किसी अन्य परिषद् में स्थानान्तरित कर सकेगी.

(७) राज्य सरकार उन अधिकारियों तथा सेवकों के वर्ग या श्रेणियां विहित कर सकेगी जिन्हें मुख्य नगरपालिका अधिकारी, प्रेसीडेंट-इन-काउन्सिल, विहित प्राधिकारी या इस संबंध में सशक्त किसी अन्य प्राधिकारी के ऐसे विनिश्चय के विरुद्ध अपील करने का अधिकार होगा जिसमें निन्दा के अतिरिक्त अन्य कोई विभागीय दण्ड दिया गया हो.

(८) उपधारा (७) के अधीन की गई अपील की सुनवाई करने वाले प्राधिकारी को उस दण्ड को, जिसके विरुद्ध अपील की गई हो, रद्द करने या कम करने की शक्ति होगी.

(९) प्रेसीडेंट-इन-काउन्सिल, राज्य सरकार की पूर्व अनुज्ञा से, विषय विशेषज्ञों और कार्मिकों को विनिर्दिष्ट कालावधि के लिए संविदा पर नियुक्त कर सकेगा और ऐसे विषय विशेषज्ञों और कार्मिकों की संविदा पर नियुक्ति की रीति तथा निबंधन और शर्तें ऐसी होंगी जैसी कि राज्य सरकार द्वारा विहित की जाएं.".

भोपाल, दिनांक 6 अगस्त 2014

क्र. 4506-204-इक्कीस-अ-(प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2014 (क्रमांक 12 सन् 2014) 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. 12 OF 2014

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2014

[Received the assent of the Governor on the 5th August, 2014 assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 6th August, 2014.]

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-fifth year of the Republic of India as follows :-

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2014.

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 section 10 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), in the proviso to sub-section (1), for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided further that a municipal area having population of more than ten lakh, may have maximum eighty five wards.".

Repeal and saving.

3. (1) The Madhya Pradesh Municipal Corporation (Amendment) Ordinance, 2014 (No. 1 of 2014) 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.

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (NO. 37 OF 1961)

Amendment to the Madhya Pradesh Act No. 37 of 1961

4. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),—

(1) In section 55, in sub-section (1), for the words "one month", the words "fifteen days" shall be substituted.

(2) In section 86, for sub-sections (1), (2) and (4), the following sub-sections shall respectively be substituted, namely:—

"(1) The State Government may, for the purpose of providing officers to the Council under section 87 or 88, constitute in the prescribed manner, the following Municipal Services of the State to be called,

(a) State Urban Administrative Service;
(b) State Urban Sanitation Service;
(c) State Urban Engineering Service;
(d) State Urban Finance Service;
(e) State Urban Revenue Service.

(2) The State Government may make rules for the members of the Municipal Services of the State under sub-section (1), in respect of recruitment, qualification, appointment, promotion, scale of pay and allowances by whatever name called; and the rules as amended from time to time applicable to the Government servants in respect of loans, pension, leave, gratuity, annuity, compassionate fund, provident fund, dismissal, removal, conduct, departmental punishment, appeals and other conditions of service shall be applicable to be members of the municipal services of the State.

(4) The State Government may transfer any member of the Municipal Services of the State from one Municipality to another Municipality.".

(3) In section 87, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Chief Municipal Officer of a Council shall be a member of the State Urban Administrative Service and shall be appointed by the State Government.".

(4) For section 88, the following section shall be substituted, namely:—

Appointment of members of Municipal Services of the State

"88. In every Council members of the Municipal Services of the State under sub-section (1) of section 86 shall be appointed for the efficient discharge of its duties, as per norms specified from time to time by the State Government.".

(5) In section 89, for sub-section (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) Pending the constitution of any Municipal Service of the State under sub-section (1) of section 86 or when no member of such service is available for appointment, the State Government may depute an officer of the Government or appoint any person of same class qualified to be a member of such service to act as such member.

(2) The State Government may, on its own motion or if at a special meeting of the Council more than one-half of the elected Councillors vote in favour of a resolution to that effect, withdraw the services of any officer of the State Government who has been deputed to the Council under sub-section (1).".

(6) In section 90,—

(i) in sub-section (2), for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely :

"Provided that the person so appointed should be in the pay scale of Chief Municipal Officer corresponding to that category of Municipal Council.";

(ii) in sub-section (3), for full stop, colon shall be substituted and thereafter the following proviso shall be added, namely :

"Provided that the person so deployed should be in the pay scale of Chief Municipal Officer corresponding to that category of Municipal Council.".

(7) For Section 91, the following section shall be substituted, namely:—

Arrangement during leave of absence of Officer or Engineer.

" **91.** The provisions of section 90 shall apply for arrangement during leave of absence in case of member of other municipal services, as they apply in the case of a Chief Municipal Officer.".

(8) For Section 94, the following section shall be substituted, namely:—

Appointment of staff.

" **94.(1)** Every Council shall, subject to rules framed under Section 95 and in addition to the appointment of members of the Municipal Services of the State under sub-section (1) of section 86, appoint such other officers and servants as may be necessary and proper for the efficient discharge of its duties, as per the norms specified from time to time by the State Government.

(2) A Council may appoint a temporary Health Officer on such terms and conditions as the State Government may approve in this behalf.

(3) The appointment of Revenue Officer, Revenue Inspector, Office Superintendent and Accountant shall be subject to confirmation by the State Government and no such post or the post of any other officer or servant as may be specified by the State Government in this behalf shall be created or abolished and no alteration in the emoluments thereof shall be made without the prior approval of the State Government, and every appointment to and dismissal from such post, shall be subject to a like approval.

(4) No order of suspension for a period exceeding one month shall be passed against any officer mentioned in or specified under sub-section (3) and no resignation tendered by any such officer shall be accepted without prior approval of the State Government.

(5) Unless the State Government otherwise directs, the power of appointing Municipal Officers and servants other than those mentioned in or specified under sub-section (3), shall vest in the President-in-Council.

(6) The State Government may transfer any officer or servant of a Council mentioned in sub-section (1) and (2) to any other Council of same category.

(7) The State Government may prescribe the classes or grades of officer and servants who shall have the right to appeal from any decision of the Chief Municipal Officer, the President-in-Council, the prescribed authority or any other authority empowered in this behalf, inflicting any departmental punishment other than censure.

(8) The authority hearing an appeal made under sub-section (7) shall have power to set aside or reduce the punishment against which the appeal is preferred.

(9) The President-in-Council may, with prior permission of the State Government, appoint subject specialists and personnel on contract for specified period and the manner and terms and conditions of appointment of such specialists and personnel on contract shall be such as may be prescribed by the State Government.".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2014.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 157] भोपाल, सोमवार, दिनांक 20 अप्रैल 2015—चैत्र 30, शक 1937

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 20 अप्रैल 2015

क्र. 2167-114-इक्कीस-अ.(प्रा.)-अधि.—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 15 अप्रैल 2015 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 ११ सन् २०१५

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०१५

[दिनांक 15 अप्रैल 2015 को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक 20 अप्रैल 2015 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 छियासठवें 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, २०१५ 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 २९३ के पश्चात्, निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्:—

मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के उपबंधों का भूमि के विकास तथा उपयोग के नियंत्रण के संबंध में लागू होना.

"२९३-क. इस अधिनियम में अन्यथा उपबंधित के सिवाय, मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) की धारा २४ के उपबंध तथा उसके अधीन बनाए गए नियमों के उपबंध, जो भूमि के विकास तथा उपयोग के नियंत्रण के संबंध में हैं, इस अधिनियम के अधीन भूमि के विकास तथा उपयोग के नियंत्रण के प्रयोजन के लिए यथावश्यक परिवर्तन सहित लागू होंगे.".

(२) धारा २९४ में, उपधारा (४) के पश्चात्, निम्नलिखित नई उपधारा अंत:स्थापित की जाए, अर्थात्:—

"(५) इस धारा में अन्तर्विष्ट किसी बात के होते हुए भी, आयुक्त, मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के अधीन अधिसूचित प्रचलित नियमों के अंतर्गत विहित की गई अपेक्षित अर्हता रखने वाले उतने वास्तुविदों तथा संरचना इंजीनियरों को, जितने कि वह आवश्यक समझे, ऐसे भू-खण्डों के सम्बन्ध में निगम की ओर से भवनों के निर्माण या पुनर्निर्माण के लिए इस धारा के अधीन परीक्षण करने तथा अनुमोदन प्रदान करने के लिए ऐसी रीति में तथा ऐसी शर्तों पर, जैसा कि राज्य सरकार द्वारा विहित की जाए, पंजीकृत तथा प्राधिकृत कर सकेगा.".

(३) धारा २९५ में, उपधारा (१) में, शब्द तथा अंक "धारा २९१" के स्थान पर, शब्द तथा अंक "धारा २९१ या २९३-क" स्थापित की जाएं.

(४) धारा ३०८-क में, प्रथम परंतुक के स्थान पर, निम्नलिखित परंतुक स्थापित किया जाए, अर्थात्:—

"परंतु प्रकरणों का प्रशमन करने में अप्राधिकृत सन्निर्माण, जिसमें नियमितिकरण हेतु सक्षम प्राधिकारी द्वारा प्रबंधन के अधीन ली गई अवैध कालोनियों में अप्राधिकृत सन्निर्माण सम्मिलित हैं, के संबंध में, फीस उस दर से तथा उस शर्त पर प्रभारित की जाएगी, जैसी कि राज्य सरकार द्वारा विहित की जाए.".

भाग-दो

मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) का संशोधन.

३. मध्यप्रदेश नगरपालिका अधिनियम, १९६१ (क्रमांक ३७ सन् १९६१) में,— **मध्यप्रदेश अधिनियम (क्रमांक ३७ सन् १९६१) का संशोधन.**

(१) धारा १८७ में, उपधारा (३) के पश्चात्, निम्नलिखित उपधारा अंत:स्थापित की जाए, अर्थात्:—

"(३क) इस धारा में अन्तर्विष्ट किसी बात के होते हुए भी, परिषद्, मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के अधीन अधिसूचित किए गए प्रचलित नियमों के अंतर्गत विहित की गई अपेक्षित अर्हता रखने वाले उतने वास्तुविदों तथा संरचना इंजीनियरों को, जितने कि वह आवश्यक समझे, ऐसे भू-खण्डों के सम्बन्ध में परिषद् की ओर से भवनों के निर्माण या पुनर्निर्माण के लिए इस धारा के अधीन परीक्षण करने तथा अनुमोदन प्रदान करने के लिए ऐसी रीति में तथा ऐसी शर्तों पर, जैसा कि राज्य सरकार द्वारा विहित की जाएं, पंजीकृत तथा प्राधिकृत कर सकेगी.".

(२) धारा १८७-क में, प्रथम परंतुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात्:—

"परंतु प्रकरणों का प्रशमन करने में अप्राधिकृत सन्निर्माण, जिसमें नियमितिकरण हेतु सक्षम प्राधिकारी द्वारा प्रबंधन के अधीन ली गई अवैध कालोनियों में अप्राधिकृत सन्निर्माण सम्मिलित हैं, के संबंध में, फीस उस दर से तथा उस शर्त पर प्रभारित की जाएगी, जैसी कि राज्य सरकार द्वारा विहित की जाए.".

(३) धारा १८७-ग के पश्चात् निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्:—

"१८७-घ. इस अधिनियम में अन्यथा उपबंधित के सिवाय, मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) की धारा २४ के उपबंध तथा उसके अधीन बनाए गए नियमों के उपबंध, जो भूमि के विकास तथा उपयोग के नियंत्रण के संबंध में हैं, इस अधिनियम के अधीन भूमि के विकास तथा उपयोग के नियंत्रण के प्रयोजन के लिए यथावश्यक परिवर्तन सहित लागू होंगे.". **मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) के उपबंधों का भूमि के विकास तथा उपयोग के नियंत्रण के संबंध में लागू होना.**

भोपाल, दिनांक 20 अप्रैल 2015

क्र. 2168-114-इक्कीस-अ-(प्रा.)-अधि.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2015 (क्रमांक 11 सन् 2015) 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. 11 OF 2015

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2015

[Received the assent of the Governor on the 15th April, 2015 assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 20th April, 2015.]

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-sixth year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2015.

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) After section 293, the following section shall be inserted, namely :—

Provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) to apply in respect of control of development and use of land.

"293-A. Save as otherwise provided in this Act, the provisions of section 24 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and the rules made thereunder in respect of control of development and use of land shall *mutatis mutandis* apply for the purpose of control of development and use of land under this Act.".

(2) In section 294, after sub-section (4), the following new sub-section shall be inserted, namely :—

"(5) Notwithstanding anything contained in this section, the Commissioner may register and authorize as many number of Architects and Structural Engineers as he may deem fit, possessing the requisite qualifictaion prescribed under the prevailing rules notified under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), to examine and grant approval under this section for erection or re-erection of the building on behalf of the Corporation in respect of such plots, in such manner and on such conditions as may be prescribed by the State Government.".

(3) In section 295, in sub-section (1), for the word and figures "section 291," the words and figures "section 291 or 293-A shall be substituted.

(4) In Section 308-A, for the first proviso, the following proviso shall be substituted, namely :—

"Provided that in compounding the cases in respect of unauthorized construction, including the unauthorized constructions in the illegal colonies taken over under management by the competent authority for regularization, the fee shall be charged at such rate and on such conditions as may be prescribed by the State Government.".

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 187, after sub-section (3), the following sub-section shall be inserted, namely :—

"(3A) Notwithstanding anything contained in this section, the Council may register and authorize as many number of Architects and Structural Engineers as it may deem fit, possessing the requisite qualification prescribed under the prevailing rules notified under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), to examine and grant approval under this section for erection or re-erection of the building on behalf of the Council in respect of such plots, in such manner and on such conditions as may be prescribed by the State Government.".

(2) In Section 187-A, for the first proviso, the following proviso shall be substituted, namely :—

"Provided that in compunding the cases in respect of unauthorized construction, including the unauthorized constructions in the illegal colonies taken over under management by the completent authority for regularisation, the fee shall be charged at such rate and on such conditions as many by prescribed by the State Government.".

(3) After Section 187-C, the following section shall be inserted, namely:-

Provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) to apply in respect of controal of development and use of land.

"187-D, Save as otherwise provided in this Act, the provisions of Section 24 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adiniyam, 1973 (No. 23 of 1973) and the rules made thereunder in respect of control of development and use of land shall mutatis mutandis apply for the purpose of control of development and use of land under this Act.".

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2015.

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.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 344] भोपाल, शनिवार, दिनांक 26 सितम्बर 2020—आश्विन 4, शक 1942

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 सितम्बर 2020

क्र. 11298-201-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 25 सितम्बर, 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,
अभय कुमार, अतिरिक्त सचिव.

मध्यप्रदेश अधिनियम

क्रमांक २० सन् २०२०

मध्यप्रदेश नगरपालिक विधि (तृतीय संशोधन) अधिनियम, २०२०.

[दिनांक २५ सितम्बर, २०२० को राज्यपाल की अनुमति प्राप्त हुई; अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक २६ सितम्बर, 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 इकहत्तरवें वर्ष में मध्यप्रदेश राज्य विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

संक्षिप्त नाम.

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश नगरपालिक विधि (तृतीय संशोधन) अधिनियम, २०२० 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, शब्द "तीन प्रतिशत" के स्थान पर, शब्द "तीन प्रतिशत से अधिक नहीं, जैसा कि राज्य सरकार द्वारा निर्दिष्ट किया जाए" 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, शब्द "तीन प्रतिशत" के स्थान पर, शब्द "तीन प्रतिशत से अधिक नहीं, जैसा कि राज्य सरकार द्वारा निर्दिष्ट किया जाए" स्थापित किए जाएं.

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (संशोधन) अध्यादेश, २०२० (क्रमांक १० सन् २०२०) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश के निरसित 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 26 सितम्बर 2020

क्र. 11298-201-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (तृतीय संशोधन) अधिनियम, 2020 (क्रमांक 20 सन् 2020) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
अभय कुमार, अतिरिक्त सचिव.

MADHYA PRADESH ACT
No. 20 OF 2020

THE MADHYA PRADESH NAGARPALIK VIDHI (TRITIYA SANSHODHAN ADHINIYAM, 2020.

[Received the assent of the Governor on the 25th September, 2020; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 26th September, 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 seventy first year of the Republic of India as follows :—

1.This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Tritiya Sanshodhan) Adhiniyam, 2020. **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), for the words "three per centum", the words "not more than three per centum as specified by the State Government" shall be substituted; **Amendment to the Madhya Pradesh Act No. 23 of 1956.**

PART—II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 OF1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), in Section 161, in the opening paragraph of sub-section (1), for the words "three per centum", the words "not more than three per centum, as specified by the State Government" shall be substituted. **Amendment to the Madhya Pradesh Act No. 37 of 1961.**

4. (1) The Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhyadesh, 2020 (No. 10 of 2020) 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—2020.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 192] भोपाल, शनिवार, दिनांक 3 अप्रैल 2021—चैत्र 13, शक 1943

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 3 अप्रैल 2021

क्र. 5132-178-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 2 अप्रैल 2021 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,
आर. पी. गुप्ता, अवर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक १४ सन् २०२१

मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, २०२१

[दिनांक २ अप्रैल, २०२१ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति ''मध्यप्रदेश राजपत्र (असाधारण)'' में दिनांक ३ अप्रैल, २०२१ 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 बहत्तरवें 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, २०२१ 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 ५ में, उपधारा (५६-ए) के पश्चात्, निम्नलिखित उपधारा अन्त:स्थापित की जाए, अर्थात्:—

''(५६-बी) ''करयोग्य सम्पत्ति मूल्य'' से अभिप्रेत है, धारा १३२ की उपधारा (१) के खण्ड (क) के अधीन सम्पत्ति कर का उद्ग्रहण करने के प्रयोजन हेतु, किसी विशिष्ट वर्ष के लिए यथा विहित रीति में संगणित सम्पत्ति का मूल्य.''.

(२) धारा १३२ में,—

(एक) पार्श्व शीर्ष में, शब्द ''कर'' के पश्चात्, शब्द ''तथा फीस'' अंत:स्थापित किए जाएं.

(दो) उपधारा (१) में,—

(क) शब्द ''कर'' के पश्चात्, शब्द ''तथा फीस'' अंत:स्थापित किए जाएं;

(ख) खण्ड (क) में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''कर योग्य संपत्ति मूल्य'' स्थापित किए जाएं;

(ग) खण्ड (च) का लोप किया जाए.

(तीन) उपधारा (६) में,—

(क) शब्द ''कर'', जहां कहीं भी वह आया हो, के पश्चात् शब्द ''या फीस'' अंत:स्थापित किए जाएं;

(ख) खण्ड (ठ) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(ठ) आउटडोर मीडिया उपकरणों के प्रदर्शन के विनियमन के लिए फीस:''.

(चार) उपधारा (८) में, शब्द ''कर'' के पश्चात्, शब्द ''तथा फीस'' अंत:स्थापित किए जाएं.

(३) धारा १३२-क में, विद्यमान पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:—

''इस अधिनियम के अधीन अधिरोपित किए जाने वाले उपभोक्ता प्रभार.''.

(४) धारा १३३ में,—

(एक) विद्यमान पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:—

''कर, फीस तथा उपभोक्ता प्रभारों का अधिरोपण.''.

(दो) उपधारा (१) में,—

(क) खण्ड (क) में, शब्द ''फीसों'', के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं;

(ख) खण्ड (ख) में, शब्द ''फीसों'', के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं.

(तीन) उपधारा (२) में,—

(क) खण्ड (क) में, शब्द ''फीसों'' या ''फीस'', जहां कहीं भी वे आए हों, के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं;

(ख) खण्ड (ख) में, शब्द ''फीस'', जहां कहीं भी वह आया हो, के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं.

(चार) उपधारा (३) में, शब्द ''फीस'' जहां कहीं भी वह आया हो, के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं.

(५) धारा १३५ में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं.

(६) धारा १३६ में,—

(एक) खण्ड (बी) में तथा उसके परन्तुक में, शब्द ''वार्षिक मूल्य'' जहां कहां भी वे आएं हों, के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं.

(दो) खण्ड (एफ) के परन्तुक में, शब्द ''वार्षिक मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं.

(तीन) खण्ड (आई) में, शब्द ''पचास प्रतिशत की सीमा तक संपत्ति कर से छूट प्राप्त होगी'' के पश्चात्, शब्द ''तथापि यह छूट तब उपलब्ध होगी यदि संपत्ति कर का संदाय उसी वित्तीय वर्ष के भीतर किया जाता है जिसमें कर देय है'' जोड़े जाएं.

(७) धारा १३८ में,—

(एक) विद्यमान पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:—

''भवन तथा भूमि का करयोग्य संपत्ति मूल्य.''.

(दो) उपधारा (१) में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' और शब्द ''निर्मित क्षेत्र (बिल्टअप एरिया)'' के स्थान पर, शब्द 'सन्निर्मित क्षेत्र (कंस्ट्रक्टिड एरिया)' स्थापित किए जाएं.

(तीन) उपधारा (२) में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं.

(चार) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(३) आयुक्त, स्वमेव अथवा प्राप्त जानकारी के आधार पर उपधारा (२) के अधीन निर्धारित किसी भूमि या भवन के कर योग्य संपत्ति मूल्य इत्यादि की जांच, परीक्षण, निर्धारण अथवा सत्यापन, कर सकेगा. दोनों ओर के दस प्रतिशत तक फेर-फार को ध्यान में नहीं लिया जाएगा. उन मामलों में जहां फेर-फार दस प्रतिशत से अधिक हो, वहां यथास्थिति, भूमि या भवन का स्वामी, उसके द्वारा किए गए स्वयं निर्धारण तथा आयुक्त द्वारा किए गए निर्धारण के अंतर के पांच गुने के बराबर शास्ति का भुगतान करने के दायित्वाधीन होगा:

परन्तु आयुक्त, उपधारा (२) के अधीन विगत तीन कर निर्धारण वर्ष तक जमा की गई विवरणी की जांच, परीक्षण, निर्धारण अथवा सत्यापन, कर सकेगा.''.

(पांच) उपधारा (४) में, पूर्णविराम के स्थान पर, कोलन स्थापित किया जाए तथा उसके पश्चात्, निम्नलिखित परन्तुक जोड़ा जाए, अर्थात्:—

''परन्तु इस उपधारा के अधीन कोई भी अपील तब तक ग्रहण नहीं की जाएगी जब तक कि उसके साथ उपधारा (३) के अधीन जारी आदेश में मांगी गयी राशि की कम से कम पचास प्रतिशत राशि का भुगतान करने का प्रमाण संलग्न नहीं किया गया हो.''.

(८) धारा १४३ का लोप किया जाए.

(९) धारा १४४ में,—

(एक) पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:—

''जानकारी प्राप्त करने की शक्ति.''.

(दो) प्रारम्भिक पैरा में, शब्द ''अपने को कर निर्धारण सूची तैयार करने में समर्थ बनाने के लिए,'' का लोप किया जाए.

(१०) धारा १४५ का लोप किया जाए.

(११) धारा १४६ का लोप किया जाए.

(१२) धारा १४७ का लोप किया जाए.

(१३) धारा १४८ का लोप किया जाए.

(१४) धारा १४९ में,—

(एक) उपधारा (१) और (२) के स्थान पर, निम्नलिखित उपधाराएं स्थापित की जाएं, अर्थात्:—

"(१) यदि इस अधिनियम की धारा १३८ की उपधारा (४) के अधीन मेयर-इन-काउंसिल द्वारा लिए गए विनिश्चय के विरुद्ध यदि कोई विवाद उत्पन्न होता है तो मेयर-इन-काउंसिल के विनिश्चय की अपील जिला न्यायालय को प्रस्तुत की जाएगी जिसका उस पर विनिश्चय अंतिम होगा.

(२) ऐसी अपील इस अधिनियम की धारा १३८ की उपधारा (४) के अधीन पारित आदेश की तारीख से ३० दिन के भीतर जिला न्यायालय के समक्ष प्रस्तुत की जाएगी.".

(दो) उपधारा (४) का लोप किया जाए.

(१५) धारा १५० का लोप किया जाए.

(१६) धारा १५१ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

"**१५१. करों के अभिलेखों का संधारण.**—निगम द्वारा करों के अभिलेख सरकार द्वारा विहित रीति में संधारित किए जाएंगे.".

(१७) धारा १५२ का लोप किया जाए.

(१८) धारा १५३ का लोप किया जाए.

(१९) धारा १५४ का लोप किया जाए.

(२०) धारा १५६ का लोप किया जाए.

(२१) धारा १५७ का लोप किया जाए.

(२२) धारा १५८ 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) (एक) धारा ३ में, उपधारा (३७) के पश्चात्, निम्नलिखित उपधारा अन्त:स्थापित की जाए, अर्थात्:—

''(३७-क) ''करयोग्य सम्पत्ति मूल्य'' से अभिप्रेत है, धारा १२७ की उपधारा (१) के खण्ड (क) के अधीन सम्पत्ति कर का उद्ग्रहण करने के प्रयोजन हेतु, किसी विशिष्ट वर्ष के लिए यथा विहित रीति में संगणित सम्पत्ति का मूल्य.''.

(दो) विद्यमान उपधारा (३७-क) को उपधारा (३७-ख) के रूप में पुनर्क्रमांकित किया जाए.

(२) धारा १२६ में,—

(एक) विद्यमान पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:—

''भूमि तथा भवन का करयोग्य संपत्ति मूल्य.'';

(दो) उपधारा (१) में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' तथा शब्द ''निर्मित क्षेत्र (बिल्टअप एरिया)'' के स्थान पर, शब्द ''सन्निर्मित क्षेत्र (कंस्ट्रक्टिड एरिया)'' स्थापित किए जाएं;

(तीन) उपधारा (२) में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं;

(चार) उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(३) मुख्य नगरपालिका अधिकारी, स्वमेव अथवा प्राप्त जानकारी के आधार पर उपधारा (२) के अधीन, किसी भूमि तथा भवन के कर योग्य संपत्ति मूल्य इत्यादि की जांच, परीक्षण, निर्धारण अथवा सत्यापन, कर सकेगा. दोनों ओर के दस प्रतिशत तक फेर-फार को ध्यान में नहीं लिया जाएगा. उन मामलों में जहां फेर-फार दस प्रतिशत से अधिक हो, वहां यथास्थिति, भूमि या भवन का स्वामी उसके द्वारा किए गए स्वयं निर्धारण तथा मुख्य नगरपालिका अधिकारी द्वारा किए गए निर्धारण के अंतर के पांच गुने के बराबर शास्ति का भुगतान करने के दायित्वाधीन होगा:

परन्तु मुख्य नगरपालिका अधिकारी उपधारा (२) के अधीन विगत तीन कर निर्धारण वर्ष तक जमा की गई विवरणी की जांच, परीक्षण, निर्धारण अथवा सत्यापन कर सकेगा.'';

(पांच) उपधारा (४) में पूर्णविराम के स्थान पर कोलन स्थापित किया जाए तथा उसके पश्चात्, निम्नलिखित परन्तुक जोड़ा जाए, अर्थात्:—

''परन्तु इस उपधारा के अधीन कोई अपील तब तक ग्रहण नहीं की जाएगी जब तक कि उसके साथ उपधारा (३) के अधीन जारी आदेश में मांगी गयी राशि की कम से कम पचास प्रतिशत राशि का भुगतान करने का प्रमाण संलग्न नहीं किया गया हो.''.

(३) धारा १२७ में,—

(एक) पार्श्व शीर्ष में, शब्द ''कर'' के पश्चात् शब्द ''तथा फीस'' अंत:स्थापित किए जाएं.

(दो) उपधारा (१) में,—

(क) शब्द ''कर'' के पश्चात्, शब्द ''तथा फीस'' अंत:स्थापित किए जाएं;

(ख) खण्ड (क) में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं;

(ग) खण्ड (च) का लोप किया जाए.

(तीन) उपधारा (६) में,—

(क) शब्द ''करों'' के पश्चात्, शब्द ''या फीस'' अंत:स्थापित किए जाएं.

(ख) खण्ड (ठ) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

''(ठ) आउटडोर मीडिया उपकरणों के प्रदर्शन के विनियमन के लिए फीस;'';

(चार) उपधारा (८) में, शब्द ''कर'' के पश्चात् शब्द ''तथा फीस'' अंत:स्थापित किए जाएं.

(४) धारा १२७—ए में,—

(एक) उपधारा (१) में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं;

(दो) उपधारा (२) में,—

(क) खण्ड (ख) में तथा उसके परन्तुक में, शब्द ''वार्षिक भाड़ा मूल्य'' जहां कहीं भी वे आए हों, के स्थान पर, शब्द ''करयोग्य संपत्ति मूल्य'' स्थापित किए जाएं;

(ख) खण्ड (च) के परन्तुक में, शब्द ''वार्षिक भाड़ा मूल्य'' के स्थान पर, शब्द ''करयोग्य सम्पत्ति मूल्य'' स्थापित किए जाएं;

(ग) खण्ड (झ) में, शब्द ''पचास प्रतिशत की सीमा तक संपत्ति कर से छूट प्राप्त होगी'' के पश्चात्, शब्द ''तथापि यह छूट तब उपलब्ध होगी यदि संपत्ति कर का संदाय उसी वित्तीय वर्ष के भीतर किया जाता है जिसमें कर देय है'' जोड़े जाएं.

(५) धारा १२७—ए के पश्चात्, निम्नलिखित धारा अंत:स्थापित की जाए, अर्थात्:—

संपत्ति कर पर छूट.

''१२७-ए ए. (१) धारा १२७-ए की उपधारा (१) तथा (२) में अंतर्विष्ट किसी बात के होते हुए भी, यदि परिषद् यह ठीक समझे, संकल्प द्वारा निदेशित कर सकेगी कि ऐसा प्रत्येक व्यक्ति, जो ऐसी तारीख के पूर्व जैसी कि परिषद् द्वारा नियत की जाए, देय कर का संदाय करता है, उसे देय रकम पर छूट, जो सवा छह प्रतिशत से अधिक न हो, अनुज्ञात की जाएगी:

परन्तु छूट इसके लिए हकदार समस्त व्यक्तियों को समान दर से अनुज्ञात की जाएगी.

(२) परिषद्, इस धारा के अधीन संकल्प का किसी भी समय प्रतिसंहरण कर सकेगी.''.

(६) धारा १२७-ख में, विद्यमान पार्श्व शीर्ष के स्थान पर, निम्नलिखित पार्श्व शीर्ष स्थापित किया जाए, अर्थात्:—

''इस अधिनियम के अधीन अधिरोपित किए जाने वाले उपभोक्ता प्रभार.''.

(७) धारा १२९ में,—

(एक) पार्श्व शीर्ष में, शब्द ''फीस'' के पश्चात्, शब्द ''तथा उपभोक्ता प्रभार'' जोड़े जाएं.

(दो) उपधारा (१) में,—

(क) खण्ड (क) में, शब्द ''फीस'' के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं;

(ख) खण्ड (ख) में, शब्द ''फीस'' के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं;

(तीन) उपधारा (२) में,—

(क) खण्ड (क) में, शब्द ''फीस'' जहां कहीं भी वह आया हो, के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं;

(ख) खण्ड (ख) में, शब्द ''फीस'' जहां कहीं भी वह आया हो, के पश्चात, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं;

(चार) उपधारा (३) में, शब्द ''फीस'' जहां कहीं भी वह आया हो, के पश्चात्, शब्द ''या उपभोक्ता प्रभार'' अंत:स्थापित किए जाएं.

(८) धारा १३४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

''१३४. **करों के अभिलेखों का संधारण.**—नगरपालिका द्वारा करों के अभिलेख सरकार द्वारा विहित रीति में संधारित किए जाएंगे.''.

(९) धारा १३५ का लोप किया जाए.

(१०) धारा १३६ का लोप किया जाए.

(११) धारा १३७ का लोप किया जाए.

(१२) धारा १३८ का लोप किया जाए.

(१३) धारा १३९ में,—

(एक) उपधारा (१) तथा (२) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

''(१) यदि धारा १२६ की उपधारा (४) के अधीन प्रेसिडेंट इन काउंसिल के विनिश्चय पर कोई विवाद उत्पन्न होता है तो अपील नगरपालिका क्षेत्र पर आधिकारिता रखने वाले प्रथम वर्ग सिविल न्यायाधीश को होगी और यदि नगरपालिका के मुख्यालय पर प्रथम वर्ग का कोई सिविल न्यायाधीश नहीं है, तो इसी प्रकार ऐसे मुख्यालय पर अधिकारिता रखने वाले कोई द्वितीय वर्ग सिविल न्यायाधीश के समक्ष प्रस्तुत की जाएगी और यदि ऐसे मुख्यालय पर कोई द्वितीय वर्ग सिविल न्यायाधीश नहीं है, और यदि यथास्थिति, मुख्यालय पर अधिकारिता रखने वाले एक से अधिक सिविल न्यायाधीश हों, तो जिला न्यायाधीश विनिर्दिष्ट कर सकेगा कि किस सिविल न्यायाधीश वर्ग दो को ऐसी अपील की जाएगी.

(२) ''ऐसी अपील धारा १२६ की उपधारा (४) के अधीन पारित आदेश की तारीख से ३० दिन के भीतर सिविल न्यायाधीश प्रथम वर्ग के समक्ष प्रस्तुत की जाएगी.''.

(दो) उपधारा (४) का लोप किया जाए.

(१४) धारा १४० का लोप किया जाए.

(१५) धारा १४१ का लोप किया जाए.

(१६) धारा १४२ का लोप किया जाए.

(१७) धारा १४३ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात् :—

''१४३. **जानकारी प्राप्त करने की शक्ति.**—(१) मुख्य नगरपालिका अधिकारी लिखित सूचना-पत्र द्वारा, किसी भूमि या भवन या उसके किसी भाग के स्वामी या अधिवासी को, ऐसी युक्तियुक्त कालावधि के भीतर, जो कि मुख्य नगरपालिका अधिकारी नियत करे—

(क) ऐसी भूमि या भवन के स्वामी या अधिवासी या स्वामी तथा अधिवासी दोनों के निवास स्थान के नाम तथा स्थान के संबंध में; और

(ख) ऐसी भूमि या भवन के माप या कोई सकल वार्षिक भाड़ा या भू-आगम या अन्य विनिर्दिष्ट ब्यौरों या विवरणी या वास्तविक कीमत या प्राक्कलित बाजार मूल्य के संबंध में,

जानकारी देने या उक्त स्वामी या अधिवासी द्वारा हस्ताक्षरित लिखित विवरणी समक्ष प्रस्तुत करने के लिए आदेशित कर सकेगा.

(२) प्रत्येक स्वामी या अधिवासी जिससे कोई ऐसी अध्यपेक्षा की जाए, उसका पालन करने तथा सही जानकारी देने या अपने सर्वोत्तम ज्ञान तथा विश्वास तक सही विवरणी प्रस्तुत करने के लिए आबद्ध होगा;

(३) कोई भी जो समुचित कारण के बिना, ऐसी मांग का पालन करने में चूक करता है या ऐसी विवरणी प्रस्तुत करेगा जो असत्य हो, किसी ऐसे अन्य दण्ड के अतिरिक्त जिसका वह दायी हो, किसी ऐसे कर निर्धारण के संबंध में जो ऐसी भूमि या भवन के संबंध में मुख्य नगरपालिका अधिकारी द्वारा किया जाए, जिसका वह स्वामी या अधिवासी हो, आपत्ति करने से विवर्जित रहेगा.''.

(१८) धारा १४५ का लोप किया जाए.

(१९) धारा १४६ का लोप किया जाए.

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अध्यादेश, २०२० (क्रमांक १२ सन् २०२०) एतद्द्वारा निरसित किया जाता है.

(२) उक्त अध्यादेश के निरसित होते हुए भी उक्त अध्यादेश के अधीन की गई कार्रवाई या की गई कोई बात, उक्त अधिनियम के तत्स्थानी उपबंधों के अधीन की गई कार्रवाई या बात समझी जाएगी.

भोपाल, दिनांक 3 अप्रैल 2021

क्र. 5132-178-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) अधिनियम, 2021 (क्रमांक 14 सन् 2021) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. पी. गुप्ता, अवर सचिव.

MADHYA PRADESH ACT
NO. 14 OF 2021

THE MADHYA PRADESH NAGARPALIK VIDHI (DWITIYA SANSHODHAN) ADHINIYAM, 2021

[Received the assent of the Governor on the 2nd April, 2021; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 3rd April, 2021.]

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipal Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the seventy-second year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Dwitiya Sanshodhan) Adhiniyam, 2021.

PART I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956)

Amendement of 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, after sub-section (56-a), the following sub-section shall be inserted, namely :—

"(56-b) 'Taxable Property Value' means value of property calculted in a manner as prescribed for the purpose of levy of property tax under clause (a) of sub-section (1) of Section 132 for a particular year.".

(2) In Section 132,_

(i) in the marginal heading, after the word "Taxes", the words "and Fees" shall be inserted.

(ii) in sub-section (1),—

(a) after the word "taxes", the words "and fees" shall be inserted;

(b) in clause (a), for the words "annual letting value", the words "taxable property value" shall be substituted;

(c) clause (f) shall be omitted.

(iii) in sub-section (6),—

(a) after the word "taxes", wherever it occurs, the words "or fees" shall be inserted;

(b) for clause (1), the following clause shall be substituted, namely :—

"(1) fee for regulation of display of out-door media devices;".

(iv) in sub-section (8). after the word "tax", the words "and fee" shall be inserted.

(3) In Section 132-A, for the existing marginal heading, the following marginal heading shall be substituted, namely :—

"User Charges to be imposed under this Act.".

(4) In Section 133,—

(i) for the existing marginal heading, the following marginal heading shall be substituted, namely :—

"Imposition of taxes, fees and user charges.".

(ii) in sub-section (1),—

(a) in clause (a), after the word "fees", the words "or user charges" shall be inserted;

(b) in clause (b), after the word "fees" the words "or user charges" shall be inserted.

(iii) in sub-section (2),—

(a) in clause (a), after the words "fees", or "fee" wherever they occur, the words "or user charges" shall be inserted;

(b) in clause (b), after the word "fee", wherever it occurs, the words "or user charges" shall be inserted.

(iv) in sub-section (3), after the word "fee" wherever it occurs, the words "or user charges "shall be inserted.

(5) In Section 135, for the words "annual letting value", the words "taxable property value" shall be substituted.

(6) In Section 136,—

(i) in clause (b) and in its proviso, for the words "annual value" wherever they occur, the words "taxable property value" shall be substituted.

(ii) in proviso of clause (f), for the words "annual value" the words "taxable property value" shall be substituted.

(iii) in clause (i), after the words "exempted from property tax to the extent of fifty percent", the words "however, this exemption shall be available if property tax is paid within the same financial year in which tax is due" shall be added.

(7) In Section 138,—

(i) for the existing marginal heading, the following marginal heading shall be substituted, namely :—

"Taxable property value of building and land.".

(ii) in sub-section (1), for the words "annual letting value", the words "taxable property value" and for the words "of the built up area", the words "of the constructed area" shall be substituted.

(iii) in sub-sectioin (2), for the words "annual letting value", the words "taxable property value" shall be substituted.

(iv) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Commissioner suo-moto or on the basis of information obtained may scrutinize, examine, asses or verify the taxable property value of any land or building assessed under sub-section (2). Variation up to ten percent on the either side shall be ignored. In case 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 Commissioner:

Provided that the Commissioner may scrutinize, examine, assess or verify the returns of pervious three assessment years filed under sub-section (2).".

(v) in sub-section (4), for the full stop, colon shall be substituted and thereafter, the following proviso shall be added, namely :—

"Provided that no appeal under this sub-section shall be admitted unless accompanied by proof of payment of at least fifty percent of the amount demanded in the order under sub-section (3).".

(8) Section 143 shall be omitted.

(9) In Section 144,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely :—

"Powers to obtain information.".

(ii) in the opening para, the words "To enable him to prepare the assessment list" shall be deleted.

(10) Section 145 shall be omitted.

(11) Section 146 shall be omitted.

(12) Section 147 shall be omitted.

(13) Section 148 shall be omitted.

(14) In Section 149,—

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

"(1) If any dispute arises as to the decission of Mayor in Council under sub-section (4) of Section 138 of this Act, an appeal shall lie from the decision of the Mayor in Council to the District Court, whose decision shall be final thereupon.

(2) Such an appeal shall be presented before the District Court within 30 days from the date of the order passed under sub-section (4) of Sectioin 138.".

(ii) Sub-section (4) shall be omitted.

(15) Section 150 shall be omitted.

(16) for Section 151, the following Section shall be substituted, namely :—

"**151. Keeping records of taxes.**—The records of taxes shall be kept by the Corporation in the manner prescribed by the Government.

(17) Section 152 shall be omitted.

(18) Section 153 shall be omitted.

(19) Section 154 shall be omitted.

(20) Section 156 shall be omitted.

(21) Section 157 shall be omitted.

(22) Section 158 shall be omitted.

PART II

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (NO. 37 OF 1961)

Amendement of the Madhya Pradesh Act No. 37 of 1961.

(3) In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).—

(1) (i) in section 3, after sub-sectioin (37), the following sub-section shall be inserted, namely :—

"(37-a) 'Taxable Property Value' means value of property calculted in a manner as prescribed for the purpose of levy of property tax under clause (a) of sub-section (1) of Section 127 for a particular year.".

(ii) the existing sub-section (37-a) shall be renumbered as sub-section (37-b).

(2) In Section 126,—

(i) for the existing marginal heading, the following marginal heading shall be substituted, namely :—

"taxable property value of land and building.";

(ii) in sub-section (1), for the words "annual letting value", the words "taxable property value", and for the words "of the built up area" the words "of the constructed area" shall be substituted;

(iii) in sub-section (2), for the words "annual letting value" the words "taxable property value" shall substituted;

(iv) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Chief Municipal Officer suo-moto or on the basis of information obtained may scrutinize, examine, asses or verify the taxable property value of any land or building assessed under sub-section (2). Variation up to ten percent on the either side sahll be ignored. In case 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 Chief Municipal Officer:

Provided that the Chief Municipal Officer may scrutitnize, examine, assess or verify the returns of previous three assessment years filed under sub-section (2).";

(v) in sub-section (4), for the full stop, colon shall be substituted and thereafter, the following proviso shall be added, namely :—

"Provided that no appeal under this sub-section shall be admitted unless accompanied by proof of payment of at leas fifty percent of the amount demanded in the order under sub-section (3).".

(3) In Section 127,—

(i) in the marginal heading, after the word "Taxes" the words "and Fees" shall be inserted.

(ii) in sub-section (1),—

(a) after the word "taxes", the words "and fees" shall be inserted;

(b) in clause (a), for the words "annual letting value" the words "taxable property value" shall be substituted;

(c) clause (f) shall be omitted;

(iii) in sub-section (6),—

(a) after the word "taxes", the words "or fees" shall be inserted;

(b) for clause (1), the following clause shall be substituted, namely :—

"(1) fee for regulation of display of out-door media devices;";

(iv) in sub-section (8), after the word "tax", the words "and fee" shall be inserted.

(4) In Section 127-A,—

(i) in sub-section (1), for the words "annual letting value", the words "taxable property value" shall be substituted;

(ii) in sub-section (2),—

(a) in clause (b) and in its proviso, for the words "annual letting value" wherever they occur, the words "taxable property value" shall be substituted;

(b) in the proviso to clause (f), for the words "annual letting value" the words "taxable property value" shall be substituted;

(c) in clause (i), after the words "exempted from property tax to the extent of fifty percent", the words "however, this exemption shall be available if property tax is paid within the same financial year in which the tax is due" shall be added.

(5) After Section 127-A, the following Section shall be inserted, namely:—

Discount on property tax.

"127-AA.(1) Notwithstanding anything contained in sub-section (1) and (2) of Section 127-A the Council may, if it think 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 Conuncil shall fix:

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

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

(6) In Section 127-B, for the existing marginal heading, the following marginal heading shall be substituted, namely:—

"User charges to be imposed under this Act.".

(7) In Section 129,

(i) in the marginal heading, after the word "fees", the words "and user charges" shall be added.

(ii) in sub-section (1),—

(a) in clause (a), after the word "fees", the words "or user charges" shall be inserted;

(b) in clause (b), after the word "fees", the words "or user charges" shall be inserted.

(iii) in sub-section (2).—

(a) in clause (a), after the word "fee", wherever it occurs, the words "or user charges" shall be inserted;

(b) in clause (b), after the word "fee", wherever it occurs, the words "or user charges" shall be inserted.

(iv) in sub-section (3), after the word "fee", wherever it occurs, the words "or user charges" shall be inserted.

(8) For Section 134,. the following Section shall be substitituted, namely:—

"**134. Keeping records of taxes.**—The records of taxes shall be kept by the Municipality in the manner prescribed by the Government.".

(9) Section 135 shall be omitted.

(10) Section 136 shall be omitted.

(11) Section 137 shall be omitted.

(12) Section 138 shall be omitted.

(13) In Section 139.—

(i) For sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) If any dispute arises as to the decision of President in Council under sub-section (4) of Section 126 an appeal shall lie to the Civil Judge Class-I having jurisdiction over the Municipal area and if there is no Civil Judge Class-I at the headquarter of the Municipality, then the same shall be filed before the Civil Judge Class-II having jurisdiction at such headquarter and if there is no Civil Judge Class-II at such headquarter and in case of more than one Civil Judge at the headquarter or having jurisdiction as the case may be, then the District Judge may specify as to which Civil Judge Class-II such appeal shall lie.

(2) Such an appeal shall be presented before the Civil Judge Class-I within 30 days from the date of the order passed under sub-section (4) of Section 126.".

(ii) Sub-section (4) shall be omitted.

(14) Section 140 shall be omitted.

(15) Section 141 shall be omitted.

(16) Section 142 shall be omitted.

(17) For Section 143, the following Section shall be substituted,namely:—

"**143. Power to obtain information.**—(1) The Chief Municipal Officer shall, by written notice, require the owner or occupier of any land or building or any portion thereof to furnish him within such a reasonable period as the Chief Municipal 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.

(2) 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 and belief.

(3) Whoever omits without resonable 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 any assessment made by the Chief Municipal Officer in respect of such land or building of which he is the owner or occupier.".

(18) Section 145 shall omitted.

(19) Section 146 shall be omitted.

Repeal and saving.

4. (1) The Madhya Pradesh Nagarpalik Vidhi (Dwitiya Sanshodhan) Adhyadesh, 2020 (No. 12 of 2020) 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 prpvisions of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2021.

इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 353] भोपाल, बुधवार, दिनांक 1 सितम्बर 2021—भाद्र 10, शक 1943

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 1 सितम्बर 2021

क्र. 11068-259-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 26 अगस्त 2021 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 २२ सन् २०२१

मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, २०२१

[**"दिनांक २६ अगस्त २०२१ को राज्यपाल की अनुमति प्राप्त हुई. अनुमति "मध्यप्रदेश राजपत्र (असाधारण)" में दिनांक १ सितम्बर, २०२१ 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 बहत्तरवें 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, २०२१ 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 ५ में,—

(एक) खण्ड (१०-क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(१०-क) "कालोनाइजर" से अभिप्रेत है, कोई व्यक्ति, जो अधिनियम के अधीन सक्षम प्राधिकारी द्वारा कालोनाइजर के रूप में रजिस्ट्रीकृत हो;";

(दो) खण्ड (१०-ख) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(१०-ख) "कालोनी" से अभिप्रेत है, किसी भूमि का भाग जिसे आवासीय या गैर आवासीय या दोनों के प्रयोजन से, भूखण्डों में विभाजित करके या उस पर अपार्टमेंट निर्मित करके विक्रय करने या अन्यथा अंतरित करने के आशय से विकसित किया गया है या वह विकास के अधीन है;";

(तीन) विद्यमान खण्ड (५७-क) को खण्ड (५७-ख) के रूप में पुनर्क्रमांकित किया जाए और इस प्रकार पुनर्क्रमांकित खण्ड (५७-ख) के पूर्व निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात्:—

"(५७-क) "अनधिकृत कालोनी" से अभिप्रेत है, कोई कालोनी जिसे इस अधिनियम के उपबंधों के अधीन आवश्यक अनुज्ञा प्राप्त किए बिना विकसित किया गया है या जो विकास के अधीन है;".

(२) धारा ८० के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अचल अथवा चल सम्पत्ति का व्ययन.

"८०. निगम के स्वामित्व की या उसमें निहित अथवा उसके प्रबंधन के अधीन कोई भी अचल अथवा चल सम्पत्ति का विक्रय, पट्टे, अंतरण या अन्यथा द्वारा व्ययन, राज्य सरकार द्वारा यथा विहित के सिवाय नहीं किया जाएगा.".

(३) धारा ८१-क का लोप किया जाए.

(४) धारा २९२-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

कालोनाइजर के रूप में रजिस्ट्रीकरण.

"२९२-क. (१) राज्य सरकार, कालोनाइजर के रूप में किसी व्यक्ति को रजिस्ट्रीकृत करने के लिए सक्षम प्राधिकारी पदाभिहित करेगी.

(२) रजिस्ट्रीकरण के लिए आवेदन सक्षम प्राधिकारी को ऐसी रीति में किया जाएगा जैसा कि राज्य सरकार विहित करे:

परन्तु राज्य सरकार, अधिसूचना द्वारा, ऐसी शासकीय इकाई को, जिसे वह उचित समझे, कालोनाइजर के रूप में रजिस्ट्रीकरण से छूट दे सकेगी.

(३) सक्षम प्राधिकारी, ऐसे निबंधनों तथा शर्तों, जैसी कि राज्य सरकार द्वारा विहित की जाएं, के अतिक्रमण के लिए कालोनाइजर का रजिस्ट्रीकरण निलंबित या रद्द कर सकेगा:

परन्तु कालोनाइजर को ऐसी रीति में, जैसी कि विहित की जाए, सुनवाई का अवसर दिए बिना ऐसी कोई कार्रवाई नहीं की जाएगी.

(४) उपधारा (३) के अधीन जारी निलंबन या रद्दकरण के आदेश के विरुद्ध अपील, ऐसे प्राधिकारी के समक्ष, जैसा कि राज्य सरकार द्वारा विहित किया जाए, की जा सकेगी.".

(५) धारा २९२-ख के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

कालोनियां विकसित करने के लिए अनुज्ञा.

"२९२-ख. (१) कालोनाइजर, आयुक्त से ऐसी रीति में, जैसी कि राज्य सरकार विहित करे, कालोनी का विकास करने के लिए अनुज्ञा प्राप्त करेगा:

परन्तु कालोनी का विकास करने के लिए कोई आवेदन तब तक अस्वीकार नहीं किया जाएगा जब तक कि आवेदक को सुनवाई का अवसर न दे दिया गया हो:

परन्तु यह भी कि, आयुक्त द्वारा अनुज्ञा प्रदान करने से इंकार करने के आदेश के विरुद्ध अपील ऐसे प्राधिकारी को की जाएगी, जैसा कि राज्य सरकार द्वारा विहित किया जाए.

(२) (क) कालोनाइजर द्वारा आर्थिक रूप से कमजोर वर्ग तथा निम्न आय समूह के व्यक्तियों को भी पूर्ण विकसित भूखण्ड अथवा निर्मित निवास इकाईयां उपलब्ध कराई जाएंगी.

(ख) ऐसे भूखण्डों या निवास इकाईयों का आकार, संख्या या अवस्थिति ऐसी होगी, जैसी कि राज्य सरकार द्वारा विहित की जाए.

(ग) ऐसे भूखण्डों या निवास इकाईयों का विक्रय मूल्य तथा उन व्यक्तियों जिन्हें कालोनाइजर द्वारा यह विक्रय किए जा सकते हैं, के चयन की प्रक्रिया, ऐसी होगी जैसी कि राज्य सरकार द्वारा विहित की जाए.

(३) इस अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, उपधारा (२) में उल्लिखित भूखण्डों या निवास इकाईयों के अतिरिक्त या उनके बदले में, राज्य सरकार ऐसे मामलों में, जैसा कि वह उचित समझे, शुल्क अर्थात् आश्रय शुल्क अधिरोपित कर सकेगी. आश्रय शुल्क का निर्धारण, संग्रहण तथा उपयोग ऐसी रीति में किया जाएगा जैसी कि विहित की जाए.

(४) ऊपर उपधारा (१) के अधीन प्रदान की गई अनुज्ञा के अनुसार, कालोनाइजर नागरिक अधोसंरचना जैसे, सड़कें, खुला स्थान, जल आपूर्ति, बिजली, सीवेज तथा आमोद-प्रमोद क्षेत्र उपलब्ध कराएगा.

(५) कालोनाइजर, उपधारा (४) में यथा उल्लिखित विकास की लागत के विरुद्ध बैंक गारण्टी या ऐसी संख्या में यथास्थिति, भूखण्डों या भवनों का बंधक प्रस्तुत करेगा. ऐसी बैंक गारण्टी या बंधक सम्पत्तियों को ऐसी रीति से, जैसी कि राज्य सरकार द्वारा विहित की जाए, मुक्त किया जाएगा.

(६) कालोनाइजर, विहित रीति में, कालोनी की समस्त सही जानकारी बड़े पैमाने पर जनता के लिए प्रदर्शित करेगा.

(७) कालोनाइजर, उपधारा (१) के अधीन प्रदान की गई विकास अनुज्ञा के निबंधनों तथा शर्तों का पालन करेगा.

(८) विकास पूर्ण होने पर, आयुक्त, राज्य सरकार द्वारा यथा विहित रीति में समापन प्रमाण-पत्र जारी करेगा.

(९) उपधारा (५) के सिवाय, इस धारा के उपबंध धारा २९२-क की उपधारा (२) के परन्तुक में उल्लिखित इकाई पर ऐसे उपांतरण के साथ, जैसा कि राज्य सरकार द्वारा विहित किया जाए, लागू होंगे.''.

(६) धारा २९२-ख के पश्चात्, निम्नलिखित धारा जोड़ी जाए, अर्थात्:—

अनुज्ञा के अतिक्रमण के विरुद्ध कार्रवाई.

''**२९२-ख क.** (१) यदि धारा २९२-ख की उपधारा (१) के अधीन प्रदान की गई अनुज्ञा के निबंधनों तथा शर्तों का अतिक्रमण होता है तो आयुक्त, उस सीमा तक जितना कि आवश्यक हो, राज्य सरकार द्वारा विहित रीति में, धारा २९२-ख की उपधारा (५) के अधीन बैंक प्रत्याभूति को भुना सकेगा या बंधक सम्पत्ति को समपहृत तथा व्ययन कर सकेगा. इस प्रकार वसूल की गई राशि, अनुज्ञा के निबंधनों तथा शर्तों को पूरा करने के लिए, ऐसी रीति में जैसी कि विहित की जाए, उपयोग की जाएगी:

परन्तु यदि समपहृत संपत्तियों के व्ययन से या बैंक प्रत्याभूति भुनाकर वसूल की गई राशि से अनुज्ञा के निबंधनों तथा शर्तों को पूरा करने के लिए आवश्यकता की पूर्ति नहीं होती है तो शेष राशि कालोनाइजर से भू-राजस्व के रूप में वसूली योग्य होगी:

परन्तु यह और कि कालोनाइजर को ऐसी रीति में जैसी कि विहित की जाए, सुनवाई का अवसर दिए बिना ऐसी कोई कार्रवाई नहीं की जाएगी.''.

(७) धारा २९२-ग के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अपराध तथा दण्ड.

''**धारा २९२-ग.** (१) यथास्थिति, कोई भूमि स्वामी या व्यक्ति अथवा दोनों, जो इस अधिनियम और उसके अधीन बनाए गए नियमों के उपबंधों के अधीन अनुज्ञा प्राप्त किए बिना कालोनी के विकास का कार्य करता है, तो वह अनधिकृत कालोनी विकसित करने का अपराध कारित करता है.

(२) कोई कालोनाइजर, जो धारा २९२-ख की उपधारा (४) में उल्लिखित प्रयोजनों के लिए अभिहित किसी भूमि का विक्रय द्वारा या अन्यथा अंतरित करता है या ऐसी भूमि पर अनुज्ञेय से भिन्न अन्य निर्माण करता है, तो वह अनुज्ञा के अतिक्रमण का अपराध कारित करता है.

(३) उपधारा (१) और उपधारा (२) के अधीन अपराध संज्ञेय होंगे किन्तु कोई पूछताछ या जांच या अन्वेषण, आयुक्त या उसके द्वारा इस संबंध में प्राधिकृत अधिकारी द्वारा लिखित शिकायत के सिवाय नहीं की जाएगी.

(४) जो कोई उपधारा (१) और (२) के अधीन कोई अपराध कारित करता है या करने का दुष्प्रेरण करता है, तो वह ऐसे कारावास से जो तीन वर्ष से कम नहीं होगा, किन्तु जो सात वर्ष तक हो सकेगा तथा जुर्माने से जो दस लाख रुपए तक का हो सकेगा, दण्डित किया जाएगा.''.

(८) धारा २९२-घ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अनधिकृत कालोनियों में नागरिक अधोसंरचना के उपबंध.

''२९२-घ. (१) आयुक्त, कोई सूचना प्राप्त होने पर या अन्यथा किसी अनधिकृत कालोनी की पहचान कर सकेगा.

(२) आयुक्त, ऐसी कालोनी को अनधिकृत कालोनी के रूप में अवधारित करने के विरुद्ध आपत्तियां आमंत्रित करने के लिए सार्वजनिक सूचना जारी करेगा.

(३) आयुक्त, प्राप्त आपत्तियों पर, यदि कोई हों, विचार करने के पश्चात्, कारणों को कथित करते हुए, किसी कालोनी को अनधिकृत कालोनी के रूप में घोषित कर सकेगा.

(४) आयुक्त, ऐसी कालोनी का प्रारूप अभिन्यास तैयार करेगा तथा अनधिकृत कालोनी में नागरिक अधोसंरचना उपलब्ध कराने के प्रयोजन से अभिन्यास को अंतिम रूप देने के लिए हितधारकों से, ऐसी रीति में, जैसी कि विहित की जाए, आपत्तियां तथा सुझाव आमंत्रित करने के लिए एक सार्वजनिक सूचना प्रकाशित करेगा.

(५) उपधारा (१) से (४) के अधीन कोई कार्रवाई नहीं की जाएगी, यदि अनधिकृत कालोनी,—

(क) शासकीय भूमि या विकास प्राधिकरण/गृह निर्माण तथा अधोसंरचना विकास मण्डल/नागरिक स्थानीय निकायों की भूमि पर विकसित की गई है;

(ख) विकास योजना में सड़कों, पार्कों, खेल के मैदानों, सांस्कृतिक विरासत के क्षेत्रों, नदियों, नालियों के क्षेत्रों, आमोद-प्रमोद के क्षेत्रों तथा जल निकायों के रूप में अभिहित क्षेत्र पर अवस्थित है;

(ग) राज्य तथा राष्ट्रीय राजमार्गों के वर्जित क्षेत्र में अथवा किसी केन्द्रीय या राज्य विधि के अधीन अधिसूचित किसी अन्य वर्जित क्षेत्र पर विकसित की गई है;

(घ) ऐसे किसी क्षेत्र में है, जो कि राज्य सरकार द्वारा अधिसूचित किया जाए.

(६) उपधारा (४) के अधीन प्रारूप अभिन्यास (ले आउट) मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) तथा उसके अधीन बनाए गए नियमों के उपबंधों के अतिउत्तम संभव अनुपालन में तैयार किया जाएगा.

(७) आयुक्त, कालोनी के हितधारकों को सुनेगा तथा आपत्तियों और सुझावों पर विचार करने के पश्चात् अनधिकृत कालोनी के अभिन्यास (ले आउट) को अंतिम रूप देगा तथा नागरिक अधोसंरचना उपलब्ध कराने के लिए प्राक्कलन, ऐसी रीति में, जैसी कि राज्य सरकार द्वारा विहित की जाए, करेगा:

परन्तु ऐसी अधिसूचना धारा २९२-ग की उपधारा (३) के अधीन आयुक्त द्वारा लिखित शिकायत किए जाने के पश्चात् ही जारी की जाएगी.

(८) आयुक्त, हितधारकों से, ऐसी रीति में, जैसी कि राज्य सरकार द्वारा विहित की जाए, विकास शुल्क अवधारित करने तथा संग्रह करने के लिए प्राधिकृत होगा:

परन्तु नागरिक अधोसंरचना उपलब्ध कराने की लागत निगम से उपलब्ध होने वाली निधि में से भी प्राप्त हो सकेगी या जैसा कि राज्य सरकार द्वारा विहित किया जाए.

(९) आयुक्त, उस व्यक्ति की सम्पत्तियों को जिसने धारा २९२-ग की उपधारा (१) तथा (२) के अधीन अपराध कारित किया है, परिलक्षित कर सकेगा तथा कुर्क कर सकेगा, चाहे ऐसी सम्पत्ति कालोनी में या कहीं बाहर अवस्थित है. इस प्रकार कुर्क की गई सम्पत्तियों का निराकरण नागरिक अधोसंरचना के विकास की लागत प्राप्त करने के लिए किया जाएगा. उसकी कुर्की तथा विक्रय की रीति ऐसी होगी जैसी कि राज्य सरकार द्वारा विहित की जाए:

परन्तु ऐसे आदेश के विरुद्ध अपील ऐसे प्राधिकारी के समक्ष प्रस्तुत की जाएगी जैसा कि राज्य सरकार द्वारा विहित किया जाए.''.

(९) धारा २९२-घक का लोप किया जाए.

(१०) धारा २९२-ङ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अनधिकृत कालोनियों में अभिन्यास (ले आउट) तथा भवन अनुज्ञा का नियमितिकरण.

''**२९२-ङ** (१) मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ तथा उसके अधीन बनाए गए नियमों में अंतर्विष्ट किसी बात के होते हुए भी, धारा २९२-घ के अधीन कालोनी का अभिन्यास (ले आउट), लागू विकास योजना के अनुसार है ऐसा समझा जाएगा.

(२) यथास्थिति, भूखण्ड अथवा मकान का स्वामी, ऐसी कालोनी के लिए यथाविहित शर्तों को पूर्ण करने पर ही भवन निर्माण, पुनर्निर्माण अथवा प्रशमन की अनुज्ञा के लिए आवेदन करने हेतु पात्र होगा.''.

(११) धारा २९२-च का लोप किया जाए.

(१२) धारा २९२-छ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अनधिकृत कालोनी के विकास के विरुद्ध कार्रवाई न करने के लिए दण्ड.

''**२९२-छ.** आयुक्त के अधीनस्थ कोई अधिकारी या सेवक जिसे उसके द्वारा किसी अनधिकृत कालोनी निर्माण में किसी सन्निर्माण का या तो निरीक्षण करने, रिपोर्ट देने, रोकने या हटाने के लिये प्राधिकृत किया गया है, जानबूझकर ऐसी अनधिकृत कालोनी के विकास या उसमें सन्निर्माण के विरुद्ध कार्रवाई करने में चूक करता है या अनधिकृत कालोनी निर्माण या उसमें अनधिकृत सन्निर्माण को हटाने के लिये पुलिस सहायता उपलब्ध कराने के दायित्वाधीन कोई पुलिस अधिकारी, पर्याप्त संरक्षण और सहायता उपलब्ध नहीं कराता है तो वह सादा करावास से, जो तीन वर्ष तक का हो सकेगा या जुर्माने से, जो दस हजार रुपए तक का हो सकेगा, या दोनों से, दण्डित किया जाएगा:

परन्तु इस संबंध में आयुक्त द्वारा लिखित शिकायत के सिवाय इस धारा के अधीन पुलिस अधिकारी द्वारा कोई पूछताछ या जांच या अन्वेषण नहीं किया जाएगा.''.

(१३) धारा ३०८-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अनुज्ञा के बिना या अनुज्ञा के प्रतिकूल भवनों के सन्निर्माण के अपराधों का प्रशमन किया जाना.

"**३०८-क.** (१) इस अधिनियम या तत्समय प्रवृत्त किसी अन्य अधिनियम या उसके अधीन बनाए गए किन्हीं नियमों या बनाई गई उपविधियों में अंतर्विष्ट किसी बात के होते हुए भी, आयुक्त, अनुज्ञा के बिना या प्रदान की गई अनुज्ञा के प्रतिकूल भवनों का सन्निर्माण करने के अपराध का प्रशमन कर सकेगा, यदि ऐसा सन्निर्माण,—

(क) नियमित भवन पंक्ति को प्रभावित नहीं करता है;

(ख) राज्य सरकार द्वारा पर्वतीय स्थान या पर्यटन महत्व या पारिस्थितिकी की दृष्टि से संवेदनशील स्थान के रूप में अधिसूचित क्षेत्र के भीतर नहीं आता है;

(ग) वाहनों की पार्किंग करने के लिए विनिर्दिष्ट क्षेत्र के भीतर नहीं आता है;

(घ) सड़क की सीमाओं के भीतर या सार्वजनिक सड़कों के संरेखण को प्रभावित करने वाले क्षेत्र के भीतर नहीं आता है;

(ङ) जल निकायों के लिए विनिर्दिष्ट क्षेत्र के भीतर नहीं आता है;

(च) नदी किनारे से तीस मीटर या ऐसी और अतिरिक्त दूरी के भीतर नहीं आता है, जैसी कि संबद्ध नगर के मास्टर प्लान में विनिर्दिष्ट की जाए;

(छ) किसी नाले और जल धारा के क्षेत्र के भीतर नहीं आता है;

(ज) संरचनात्मक और अग्नि सुरक्षा को प्रभावित नहीं करता है:

परन्तु अनधिकृत निर्माण से संबंधित मामलों में, जिनमें अनधिकृत कालोनियों में हुए अनधिकृत निर्माण सम्मिलित हैं, के प्रशमन में फीस ऐसी दर से तथा ऐसी शर्तों पर जैसी कि राज्य सरकार द्वारा विहित की जाएं, प्रभारित की जाएगी:

परन्तु यह और कि कोई व्यक्ति जो किसी भवन या भूमि, जिस पर सन्निर्माण किया गया है, कोई अधिकार नहीं रखता है, प्रशमन के लिए आवेदन नहीं करेगा.

(२) अनधिकृत निर्माण, जिसमें सीमांत खुले स्थानों में किया गया निर्माण सम्मिलित है, विहित फर्श क्षेत्र अनुपात के अतिरिक्त, ३० प्रतिशत की सीमा तक प्रशमन योग्य 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,—

(१) धारा ३ में,—

(एक) खण्ड (५-ख) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(५-ख) "कालोनाइजर" से अभिप्रेत है, कोई व्यक्ति, जो अधिनियम के अधीन सक्षम प्राधिकारी द्वारा कालोनाइजर के रूप में रजिस्ट्रीकृत हो;";

(दो) खण्ड (५-ग) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

"(५-ग) "कालोनी" से अभिप्रेत है, किसी भूमि का भाग जिसे आवासीय या गैर आवासीय या दोनों के प्रयोजन से, भूखण्डों में विभाजित करके या उस पर अपार्टमेंट निर्मित करके विक्रय करने या अन्यथा अंतरित करने के आशय से विकसित किया गया है या वह विकास के अधीन है;";

(तीन) विद्यमान खण्ड (३७-क) को उपधारा (३७-ख) के रूप में पुनर्क्रमांकित किया जाए और इस प्रकार पुनर्क्रमांकित खण्ड (३७-ख) के पूर्व निम्नलिखित खण्ड अन्त:स्थापित किया जाए, अर्थात्:—

"(३७-क) "अनधिकृत कालोनी" से अभिप्रेत है, कोई कालोनी जिसे इस अधिनियम के उपबंधों के अधीन आवश्यक अनुज्ञा प्राप्त किए बिना विकसित किया गया है या जो विकास के अधीन है;".

(२) धारा १०१ का लोप किया जाए.

(३) धारा १०९ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अचल अथवा चल सम्पत्ति का व्ययन.

"१०९. परिषद् के स्वामित्व की या उसमें निहित अथवा उसके प्रबंधन के अधीन कोई भी अचल अथवा चल सम्पत्ति का विक्रय, पट्टे, अंतरण या अन्यथा द्वारा व्ययन, राज्य सरकार द्वारा यथाविहित के सिवाय नहीं किया जाएगा.".

(४) धारा १८७-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अनुज्ञा के बिना या अनुज्ञा के प्रतिकूल भवनों के सन्निर्माण के अपराधों का प्रशमन किया जाना.

"**१८७-क.** (१) इस अधिनियम या तत्समय प्रवृत्त किसी अन्य अधिनियम या उसके अधीन बनाए गए किन्हीं नियमों या बनाई गई उपविधियों में अंतर्विष्ट किसी बात के होते हुए भी, सक्षम प्राधिकारी अनुज्ञा के बिना या प्रदान की गई अनुज्ञा के प्रतिकूल भवनों का सन्निर्माण करने के अपराध का प्रशमन कर सकेगा, यदि ऐसा सन्निर्माण,—

(क) नियमित भवन पंक्ति को प्रभावित नहीं करता है;

(ख) राज्य सरकार द्वारा पर्वतीय स्थान या पर्यटन महत्व या पारिस्थितिकी की दृष्टि से संवेदनशील स्थल के रूप में अधिसूचित क्षेत्र के भीतर नहीं आता है;

(ग) वाहनों की पार्किंग करने के लिए विनिर्दिष्ट क्षेत्र के भीतर नहीं आता है;

(घ) सड़क की सीमाओं के भीतर या सार्वजनिक सड़कों के संरेखण को प्रभावित करने वाले क्षेत्र के भीतर नहीं आता है;

(ङ) जल निकायों के लिए विनिर्दिष्ट क्षेत्र के भीतर नहीं आता है;

(च) नदी किनारे से तीस मीटर या ऐसी और अतिरिक्त दूरी के भीतर नहीं आता है जैसी कि संबद्ध नगर के मास्टर प्लान में विनिर्दिष्ट की जाए;

(छ) किसी नाले और जल धारा के क्षेत्र के भीतर नहीं आता है;

(ज) संरचनात्मक और अग्नि सुरक्षा को प्रभावित नहीं करता है:

परन्तु अनधिकृत निर्माण से संबंधित मामलों में, जिनमें अनधिकृत कालोनियों में हुए अनधिकृत निर्माण सम्मिलित हैं, के प्रशमन में फीस ऐसी दर से तथा ऐसी शर्तों पर जैसी कि राज्य सरकार द्वारा विहित की जाएं प्रभारित की जाएगी:

परन्तु यह और कि कोई व्यक्ति जो किसी भवन या भूमि जिस पर सन्निर्माण किया गया है, कोई अधिकार नहीं रखता है, प्रशमन के लिए आवेदन नहीं करेगा.

(२) अनधिकृत निर्माण, जिसमें सीमांत खुले स्थानों में किया गया निर्माण सम्मिलित है, विहित फर्श क्षेत्र अनुपात के अतिरिक्त, ३० प्रतिशत की सीमा तक प्रशमन योग्य होगा.''.

(५) धारा ३३९-क के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

कालोनाइजर के रूप में रजिस्ट्रीकरण.

''**३३९-क.** (१) राज्य सरकार कालोनाइजर के रूप में किसी व्यक्ति को रजिस्ट्रीकृत करने के लिए सक्षम प्राधिकारी पदाभिहित करेगी.

(२) रजिस्ट्रीकरण के लिए आवेदन सक्षम प्राधिकारी को ऐसी रीति में किया जाएगा जैसी कि राज्य सरकार विहित करे:

परन्तु राज्य सरकार, अधिसूचना द्वारा, ऐसी शासकीय इकाई, जिसे वह उचित समझे, कालोनाइजर के रूप में रजिस्ट्रीकरण से छूट दे सकेगी.

(३) सक्षम प्राधिकारी, ऐसे निबंधनों तथा शर्तों, जैसी कि राज्य सरकार द्वारा विहित की जाएं, के अतिक्रमण के लिए कालोनाइजर का रजिस्ट्रीकरण निलंबित या रद्द कर सकेगा:

परन्तु कालोनाइजर को ऐसी रीति में जैसी कि विहित की जाए, सुनवाई का अवसर दिए बिना ऐसी कोई कार्रवाई नहीं की जाएगी.

(४) उपधारा (३) के अधीन जारी निलंबन या रद्दकरण के आदेश के विरुद्ध अपील, ऐसे प्राधिकारी के समक्ष, जैसा कि राज्य सरकार द्वारा विहित किया जाए, की जा सकेगी.''.

(६) धारा ३३९-ख के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

कालोनियां विकसित करने के लिए अनुज्ञा.

''**३३९-ख.** (१) कालोनाइजर, सक्षम प्राधिकारी से ऐसी रीति में, जैसी कि राज्य सरकार विहित करे, कालोनी का विकास करने के लिए अनुज्ञा प्राप्त करेगा:

परन्तु कालोनी का विकास करने के लिए कोई आवेदन तब तक अस्वीकार नहीं किया जाएगा जब तक कि आवेदक को सुनवाई का अवसर न दे दिया गया हो:

परन्तु यह और कि, सक्षम प्राधिकारी द्वारा अनुज्ञा प्रदान करने से इंकार करने के आदेश के विरुद्ध अपील ऐसे प्राधिकारी को की जाएगी, जैसा कि राज्य सरकार द्वारा विहित किया जाए.

(२) (क) कालोनाइजर द्वारा आर्थिक रूप से कमजोर वर्ग तथा निम्न आय समूह के व्यक्तियों को भी पूर्ण विकसित भूखण्ड अथवा निर्मित निवास इकाईयां उपलब्ध कराई जाएंगी.

(ख) ऐसे भूखण्डों या निवास इकाईयों का आकार, संख्या या अवस्थिति ऐसी होगी, जैसी कि राज्य सरकार द्वारा विहित की जाए;

(ग) ऐसे भूखण्डों या निवास इकाईयों का विक्रय मूल्य तथा उन व्यक्तियों जिन्हें कालोनाइजर द्वारा यह विक्रय किए जा सकते हैं, के चयन की प्रक्रिया, ऐसी होगी जैसी कि राज्य सरकार द्वारा विहित की जाए.

(३) इस अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, उपधारा (२) में उल्लिखित भूखण्डों या निवास इकाईयों के अतिरिक्त या उनके बदले में, राज्य सरकार ऐसे मामलों में, जैसा कि वह उचित समझे, शुल्क अर्थात् आश्रय शुल्क अधिरोपित कर सकेगी. आश्रय शुल्क का निर्धारण, संग्रहण तथा उपयोग ऐसी रीति में किया जाएगा जैसी कि विहित की जाए.

(४) ऊपर उपधारा (१) के अधीन प्रदान की गई अनुज्ञा के अनुसार, कालोनाइजर नागरिक अधोसंरचना जैसे सड़कें, खुला स्थान, जल आपूर्ति, बिजली, सीवेज तथा आमोद-प्रमोद क्षेत्र उपलब्ध कराएगा.

(५) कालोनाइजर, उपधारा (४) में यथा उल्लिखित विकास की लागत के विरुद्ध बैंक गारण्टी या ऐसी संख्या में यथास्थिति भूखण्डों या भवनों का बंधक प्रस्तुत करेगा. ऐसी बैंक गारण्टी या बंधक सम्पत्तियों को ऐसी रीति से, जैसी कि राज्य सरकार द्वारा विहित की जाए, मुक्त किया जाएगा.

(६) कालोनाइजर विहित रीति में, कालोनी की समस्त सही जानकारी बड़े पैमाने पर जनता के लिए प्रदर्शित करेगा.

(७) कालोनाइजर, कालोनी विकसित करने के लिए उपधारा (१) के अधीन दी गई अनुज्ञा के निबंधनों तथा शर्तों का पालन करेगा.

(८) विकास पूर्ण होने पर, आयुक्त, राज्य सरकार द्वारा यथा विहित रीति में समापन प्रमाण पत्र जारी करेगा.

(९) उपधारा (५) के सिवाय, इस धारा के उपबंध, धारा ३३९-क की उपधारा (२) के परन्तुक में उल्लिखित इकाई पर, ऐसे उपांतरणों के साथ, जैसा कि विहित किया जाए, लागू होंगे.

(७) धारा ३३९-ख के पश्चात्, निम्नलिखित धारा जोड़ी जाए, अर्थात्:-

अनुज्ञा के अतिक्रमण के विरुद्ध कार्रवाई.

"**३३९-ख क.** (१) यदि धारा ३३९-ख की उपधारा (१) के अधीन प्रदान की गई अनुज्ञा के निबंधनों तथा शर्तों का अतिक्रमण होता है तो सक्षम प्राधिकारी, उस सीमा तक जितना कि आवश्यक हो, राज्य सरकार द्वारा विहित रीति में, धारा ३३९-ख की उपधारा (५) के अधीन बैंक प्रत्याभूति को भुना सकेगा या बंधक संपत्ति को समपहृत तथा व्ययन कर सकेगा. इस प्रकार वसूल की गई राशि, अनुज्ञा के निबंधनों तथा शर्तों को पूरा करने के लिए, ऐसी रीति में जैसी कि विहित की जाए, उपयोग की जाएगी:

परन्तु यदि समपहृत संपत्तियों के व्ययन से या बैंक प्रत्याभूति भुनाकर वसूल की गई राशि से अनुज्ञा के निबंधनों तथा शर्तों को पूरा करने के लिए आवश्यकता की पूर्ति नहीं होती है तो शेष राशि कालोनाइजर से भू राजस्व के रूप में वसूली योग्य होगी :

परन्तु यह और कि कालोनाइजर को ऐसी रीति में जैसी कि विहित की जाए, सुनवाई का अवसर दिए बिना ऐसी कोई कार्रवाई नहीं की जाएगी .".

(८) धारा ३३९-ग के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अपराध तथा दण्ड.

"**३३९-ग.** (१) यथास्थिति, कोई भूमि स्वामी या व्यक्ति अथवा दोनों, जो इस अधिनियम और उसके अधीन बनाए गए नियमों के उपबंधों के अधीन अनुज्ञा प्राप्त किए बिना कालोनी के विकास का कार्य करता है, तो वह अनधिकृत कालोनी विकसित करने का अपराध कारित करता है.

(२) कोई कालोनाइजर, जो धारा ३३९-ख की उपधारा (४) में उल्लिखित प्रयोजनों के लिए अभिहित किसी भूमि का विक्रय द्वारा या अन्यथा अंतरित करता है या ऐसी भूमि पर अनुज्ञेय से भिन्न अन्य निर्माण करता है, तो वह अनुज्ञा के अतिक्रमण का अपराध कारित करता है.

(३) उपधारा (१) और उपधारा (२) के अधीन अपराध संज्ञेय होंगे किन्तु कोई पूछताछ या जांच या अन्वेषण, सक्षम प्राधिकारी या उसके द्वारा इस संबंध में प्राधिकृत अधिकारी द्वारा लिखित शिकायत के सिवाय नहीं की जाएगी.

(४) जो कोई उपधारा (१) और (२) के अधीन कोई अपराध कारित करता है या करने का दुष्प्रेरण करता है, तो वह ऐसे कारावास से जो तीन वर्ष से कम नहीं होगा, किन्तु जो सात वर्ष तक हो सकेगा तथा जुर्माने से जो दस लाख रूपए तक का हो सकेगा, दण्डित किया जाएगा .".

(९) धारा ३३९-घ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:-

अनधिकृत कालोनियों में नागरिक अधोसंरचना के उपबंध.

"**३३९-घ.** (१) सक्षम प्राधिकारी, कोई सूचना प्राप्त होने पर या अन्यथा किसी अनधिकृत कालोनी की पहचान कर सकेगा.

(२) सक्षम प्राधिकारी, ऐसी कालोनी को अनधिकृत कालोनी के रूप में अवधारित करने के विरूद्ध आपत्तियां आमंत्रित करने के लिए सार्वजनिक सूचना जारी करेगा.

(३) सक्षम प्राधिकारी, प्राप्त आपत्तियों पर, यदि कोई हों, विचार करने के पश्चात्, कारणों को कथित करते हुए, किसी कालोनी को अनधिकृत कालोनी के रूप में घोषित कर सकेगा.

(४) सक्षम प्राधिकारी ऐसी कालोनी का अभिन्यास प्रारूप तैयार करेगा तथा कालोनी में नागरिक अधोसंरचना उपलब्ध कराने के प्रयोजन से अभिन्यास को अंतिम रूप देने के लिए हितधारकों से, ऐसी रीति में, जैसी कि विहित की जाए, आपत्तियां तथा सुझाव आमंत्रित करने के लिए एक सार्वजनिक सूचना प्रकाशित करेगा.

(५) उपधारा (१) से (४) के अधीन कोई कार्रवाई नहीं की जाएगी, यदि अनधिकृत कालोनी,-

(एक) शासकीय भूमि या विकास प्राधिकरण/गृह निर्माण तथा अधोसंरचना विकास मण्डल/नागरिक स्थानीय निकायों की भूमि पर विकसित की गई है;

(दो) विकास योजना में सड़कों, पार्कों, खेल के मैदानों, सांस्कृतिक विरासत के क्षेत्रों, नदियों, नालियों के क्षेत्रों, आमोद-प्रमोद के क्षेत्रों तथा जल निकायों के रूप में अभिहित क्षेत्र पर अवस्थित है;

(तीन) राज्य तथा राष्ट्रीय राजमार्गों के वर्जित क्षेत्र में अथवा किसी केन्द्रीय या राज्य विधि के अधीन अधिसूचित किसी अन्य ऐसे वर्जित क्षेत्र पर विकसित की गई है;

(चार) ऐसे किसी क्षेत्र में है जो कि राज्य सरकार द्वारा अधिसूचित किया जाए.

(६) उपधारा (४) के अधीन ले अभिन्यास (ले आउट) प्रारूप मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ (क्रमांक २३ सन् १९७३) तथा उसके अधीन बनाए गए नियमों के उपबंधों के अतिउत्तम संभव अनुपालन में तैयार किया जाएगा.

(७) सक्षम प्राधिकारी, कालोनी के हितधारकों को सुनेगा तथा आपत्तियों और सुझावों पर विचार करने के पश्चात्, अनधिकृत कालोनी के अभिन्यास (ले आउट) को अंतिम रूप देगा तथा नागरिक अधोसंरचना उपलब्ध कराने के लिए प्राक्कलन ऐसी रीति में, जैसी कि राज्य सरकार द्वारा विहित की जाए, करेगा:

परन्तु ऐसी अधिसूचना धारा ३३९-ग की उपधारा (३) के अधीन सक्षम प्राधिकारी द्वारा लिखित शिकायत किए जाने के पश्चात् ही जारी की जाएगी.

(८) सक्षम प्राधिकारी, हितधारकों से, ऐसी रीति में, जैसी कि राज्य सरकार द्वारा विहित की जाए, विकास शुल्क अवधारित करने तथा संग्रह करने के लिए प्राधिकृत होगा:

परन्तु नागरिक अधोसंरचना उपलब्ध कराने की लागत निगम से उपलब्ध होने वाली निधि में से भी प्राप्त हो सकेगी या जैसा कि राज्य सरकार द्वारा विहित किया जाए.

(९) सक्षम प्राधिकारी, उस व्यक्ति की सम्पत्तियों को जिसने धारा ३३९-ग की उपधारा (१) तथा (२) के अधीन अपराध कारित किया है, परिलक्षित कर सकेगा तथा कुर्क कर सकेगा, चाहे ऐसी सम्पत्ति कालोनी में या कहीं बाहर अवस्थित है. इस प्रकार कुर्क की गई सम्पत्तियों का निराकरण नागरिक अधोसंरचना के विकास की लागत प्राप्त करने के लिए किया जाएगा. उसकी कुर्की तथा विक्रय की रीति ऐसी होगी जैसी कि राज्य सरकार द्वारा विहित की जाए:

परन्तु ऐसे आदेश के विरूद्ध अपील ऐसे प्राधिकारी के समक्ष प्रस्तुत की जाएगी जैसा कि राज्य सरकार द्वारा विहित किया जाए.''.

(१०) धारा ३३९-घ क का लोप किया जाए.

(११) धारा-३३९ ङ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:-

अनधिकृत कालोनियों में अभिन्यास (ले आउट) तथा भवन अनुज्ञा का नियमितिकरण.

''**३३९-ङ.** (१) मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, १९७३ तथा उसके अधीन बनाए गए नियमों में अंतर्विष्ट किसी बात के होते हुए भी, धारा ३३९-घ के अधीन कालोनी का अभिन्यास (ले आउट), लागू विकास योजना के अनुसार है ऐसा समझा जाएगा.

(२) यथास्थिति, भूखण्ड अथवा मकान का स्वामी, ऐसी कालोनी के लिए यथाविहित शर्तों को पूर्ण करने पर ही भवन निर्माण, पुनर्निर्माण अथवा प्रशमन की अनुज्ञा के लिए आवेदन करने हेतु पात्र होगा.''.

(१२) धारा-३३९-च का लोप किया जाए.

(१३) धारा ३३९-छ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

अनधिकृत कालोनी के विकास के विरूद्ध कार्रवाई न करने के लिए दण्ड.

''**३३९-छ.** सक्षम प्राधिकारी के अधीनस्थ कोई अधिकारी या सेवक जिसे उसके द्वारा किसी अनधिकृत कालोनी निर्माण में किसी सन्निर्माण का या तो निरीक्षण करने, रिपोर्ट देने, रोकने या हटाने के लिये प्राधिकृत किया गया है, जानबूझकर ऐसी अनधिकृत कालोनी के विकास या उसमें सन्निर्माण के विरूद्ध कार्रवाई करने में चूक करता है या अनधिकृत कालोनी निर्माण या उसमें अनधिकृत सन्निर्माण को हटाने के लिये पुलिस सहायता उपलब्ध कराने के दायित्वाधीन कोई पुलिस अधिकारी, पर्याप्त संरक्षण और सहायता उपलब्ध नहीं कराता है तो वह सादा करावास से, जो तीन वर्ष तक का हो सकेगा या जुर्माने से, जो दस हजार रूपए तक का हो सकेगा, या दोनों से, दण्डित किया जाएगा:

परन्तु इस संबंध में सक्षम प्राधिकारी द्वारा लिखित शिकायत के सिवाय इस धारा के अधीन पुलिस अधिकारी द्वारा कोई पूछताछ या जांच या अन्वेषण नहीं किया जाएगा.''.

निरसन तथा व्यावृत्ति.

४. (१) मध्यप्रदेश नगरपालिक विधि (संशोधन) अध्यादेश, २०२१ (क्रमांक १३ सन् २०२१) 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 उपबंध के अधीन की गई कोई बात या की गई कोई कार्रवाई समझी जाएगी.

भोपाल, दिनांक 1 सितम्बर 2021

क्र. 11068-259-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश नगरपालिक विधि (संशोधन) अधिनियम, 2021 (क्रमांक 22 सन् 2021) 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. 22 OF 2021

MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) ADHINIYAM, 2021

[Received the assent of the Governor on the 26th August, 2021; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 1st September, 2021.]

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-second year of the Republic of India as follows:—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2021. **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 5,—

(i) for clasue (10-a) the following clause shall be substituted, namely :—

"(10-a) "Colonizer" means a person, who is registered as Colonizer by the Competent Authority under the Act;";

(ii) for clasue (10-b), the following clause shall be substituted, namely :—

"(10-b) "Colony" means a land parcel which is developed or is under development, either by dividing it into plots or constructing apartments on it, for residential, or non-residential purpose or both with intent to transfer by sale or otherwise;";

(iii) the existing clause (57-a) shall be renumbered as clause (57-b) and before so renumbered clause (57-b), the following clause shall be inserted, namely :—

"(57-a) "unauthorised colony" means a colony which is developed or is under development without obtaining necessary permission under the provisions of this Act;".

(2) For Section 80, the following Section shall be substituted, namely :—

"80. No immovable or movable property owned by or vested in or under the management of the Corporation shall be sold, leased, transferred, or otherwise disposed, save as prescribed by the State Government.". **Disposal of immovable or movable property.**

(3) Section 81-A shall be deleted.

(4) For Section 292-A, the following Section shall be substituted, namely :—

"292-A. (1) The State Government shall designate a competent authority for registration of a person as a colonizer. **Registration as a colonizer .**

(2) An application for registration shall be made to the competent authority in such manner as may be prescribed by the State Government:

Provided that the State Government may, by notification, exempt such Government entity, as it deems appropriate, from the registration as Colonizer.

(3) The Competent Authority may suspend or cancel the registration of the colonizer for violation of such terms and conditions, as may be prescribed by the State Government:

Provided that no such action shall be taken without giving an opportunity of hearing to the colonizer in such manner as may be prescribed.

(4) An appeal against an order of cancellation or suspension issued under sub-section (3), may be filed before such Authority, as may be prescribed by the State Government.".

(5) For Section 292-B, the following Section shall be substituted, namely :—

Permission to develop colonies.

"**292-B.** (1) A colonizer shall obtain the permission to develop a colony from the Commissioner in such manner as may be prescribed by the State Government:

Provided that no application to develop a colony shall be rejected unless the applicant has been given an opportunity of hearing:

Provided further that the appeal against the order of the Commissioner for refusal to grant permission shall lie with such Authority as may be prescribed by the State Government.

(2) (a) The colonizer, shall also provide fully developed plots or constructed dwelling units for the persons belonging to economically weaker section and low-income group.

(b) The size, number and location of such plots or dwelling units shall be such as may be prescribed by the State Government.

(c) The sale price of such plots or dwelling units and the process of selection of the persons to whom those may be sold by the colonizer shall be such as may be prescribed by the State Government.

(3) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or dwelling units mentioned in sub-section (2), the State Government may, in such cases as it may consider appropriate, impose a fee to be called the shelter fee. The shelter fee shall be determined, collected and utilized in such manner as may be prescribed.

(4) The colonizer shall provide civic infrastructure like roads, open space, water supply, electricity, sewerage and recreational area in accordance with the permission granted under sub-section (1) above.

(5) The colonizer shall submit a bank guarantee or mortgage such number of plots or buildings, as the case may be, against cost of development as mentioned in sub-section (4). Such bank guarantee or the properties mortgaged shall be released in such manner as may be prescribed by the State Government.

(6) The colonizer shall display correct information for public at large about the colony in the prescribed manner.

(7) The colonizer shall comply with the terms and conditions of the development permission granted under sub-section (1).

(8) On completion of the development, the Commissioner shall issue a completion certificate in a manner as prescribed by the State Government.

(9) The provisions of this section, except sub-section (5), shall be applicable to the entities mentioned in proviso of sub-section (2) of section 292-A with such modifications as may be prescribed by the State Government.".

(6) After Section 292-B, the following Section shall be added, namely :—

Action against violation of permission.

"**292-BA.** The Commissioner may, encash the bank guarantee or forfeit and dispose of the properties mortgaged under sub-section (5) of Section 292-B to such extent, as may be required, if the terms and conditions of permission granted under sub-section (1) of Section 292-B are violated, in manner as prescribed by the State Government. The amount so recovered shall be utilized to fulfil the terms and conditions of the permission in such manner, as may be prescribed:

Provided that in case the amount recovered from disposal of forfeited properties or encashment of bank guarantee does not meet requirement to fulfil the terms and conditions of permission, the balance amount shall be recoverable from the colonizer as the arrears of land revenue:

Provided further that no such action shall be taken without giving opportunity of hearing to the colonizer in such manner as may be prescribed.".

(7) For Section 292-C, the following Section shall be substituted namely:—

Offences and punishment.

"**292-C.** (1) The land-owner or person or both, as the case may be, who undertakes the development of a colony without obtaining the permission under the provisions of this Act and rules made thereunder, commits the offence of developing an unauthorized colony.

(2) Any colonizer who transfers by sale or otherwise any land designated for purpose mentioned in sub-section (4) of Section 292-B or undertakes construction other than that permissible on such land commits the offence of violating the permission.

(3) The offences under sub-sections (1) and (2) shall be cognizable but no enquiry or inquiry or investigation shall be carried out except on a written complaint by the Commissioner or an officer authorized by him in this regard.

(4) Whosoever commits or abets the commission of an offence mentioned under sub-sections (1) and (2) shall be punished with imprisonment which shall not be less than three years but which may extend up to seven years and with fine which may extend up to ten lakhs rupees.".

(8) For Section 292-D the following Section shall be substituted, namely:—

Provision of civic infrastructure in unauthorized colonies.

"292-D. (1) The Commissioner on receipt of any information or otherwise, may identify an unauthorized colony.

(2) The Commissioner shall issue public notice, inviting objections against determining such colony as unauthorized colony.

(3) The Commissioner shall, after considering objections received if any, may declare any colony as an unauthorized colony stating reasons thereof.

(4) The Commissioner shall prepare a draft layout of such colony and publish a public notice inviting objections and suggestions, in such manner as may be prescribed, from the stakeholders for finalizing the lay out for the purpose of providing civic infrastructure in the unauthorized colony.

(5) No action under sub-section (1) to (4) shall be taken if the unauthorized colony,-

(a) has been developed on Government land or the land of the Development Authority/Housing and Infrastruture Development Board/urban local bodies;

(b) is situated on area designated as road, parks, playgrounds, areas of cultural heritage, river, area of drains, recreational areas and water bodies in the development plan;

(c) has been developed on land falling in restricted areas along State and National Highways or any other such restricted area notified under any Central or State law;

(d) is in such area as may be notified by the State Government.

(6) The draft layout under sub-section (4) shall be prepared in the best possible compliance of provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and the rules made thereunder.

(7) The Commissioner shall hear the stakeholders of the colony and after considering the objections and suggestions, finalize the lay out and estimates for providing civic infrastructure in the unauthorized colony, in such manner as may be prescribed by the State Government:

Provided that such notification shall be issued only after written complaint has been made by the Commissioner under sub-section (3) of Section 292-C.

(8) The Commissioner shall be authorized to determine and collect development charges from the stakeholders in such manner as may be prescribed by the State Government:

Provided that the cost of providing civic infrastructure may also be met out of the funds available with the Corporation or as may be prescribed by the State Government.

(9) The Commissioner may identify and attach the properties of the person who has commited offence under sub-sections(1) and (2) of Section 292-C, whether such property is situated in the colony or anywhere outside. The Properties so attached shall be disposed to meet the cost of development of civic infrastrucure. The Manner of attachment and sale thereof shall be such as may be prescribed by the State Government:

Provided that appeal against such order may be filed before such Authority as may be prescribed by the State Government.".

(9) Section 292-DA shall be deleted;

(10) For section 292-E, the following Section shall be substituted, namely :—

Regularization of layout and building permission in unauthorized colonies.

"**292-E.** (1) Notwithstanding anything contained in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and the rules made thereunder, the layout of the colony under Section 292-D, shall be deemed to be in accordance with the applicable development plan.

(2) The owner of the plot or the house, as the case may be, shall on fulfilment of the conditions, as prescribed for such a colony, be eligible to apply for permission of erection, re-erection or compounding of building.".

(11) Section 292-F shall be deleted.

(12) For Section 292-G, the following Section shall be substituted, namely :—

Punishment for not taking action against development of unauthorized colony.

"**292-G.** Any officer or servant subordinate to the Commissioner who has been authorised by him either to inspect, report, stop or to remove any construction in unauthorized colony knowingly omits to take action against development of such unauthorized colony or construction therein, forthwith or a police officer responsible to provide police assistance for removal of unauthorized colony or unauthorized 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:

Provided that no enquiry or inquiry or investigation shall be carried out by a Police Officer under this Section except on a written complaint by the Commissioner in this regard.".

(13) For Section 308-A, the following Section shall be substituted, namely:—

Compounding of offences of construction of buildings without permission or contrary to permission.

"**308-A.** (1) Notwithstanding anything contained in this Act or any other Act for the time being in force or any rules or bye-laws made thereunder, the Commissioner may compound the offence of constructing buildings without permission or contrary to the permission granted, if such construction does not,—

(a) affect the regular building line;

(b) come within the area notified by the State Government as a hill station or a place of tourist importance or sensitive from the point of ecology;

(c) come within the area specified for parking of vehicles;

(d) come within the boundary of roads or within the area affecting alignment of public roads;

(e) come within the area specified for water bodies;

(f) come within thirty meters or such further distance from the bank of river, as may be specified in the master plan of the concerned town;

(g) come within the area of any nallah and water stream;

(h) affect the structural and fire safety:

Provided that in compounding the cases in respect of unauthorized construction, including the unauthorized constructions in the unauthorized colonies, the fee shall be charged at such rate and on such conditions, as may be prescribed by the State Government:

Provided further that no person who does not have any right over the building or the land on which the construction has been made shall make an application for compounding.

(2) The unauthorized construction, including that made in the marginal open spaces, in excess of the prescribed floor area ratio, up to a limit of 30 percent shall be compoundable.".

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) for clause (5-b), the following clause shall be substituted, namely:—

"(5-b) "colonizer" means a person, who is registered as Colonizer by the Competent Authority under the Act;";

(ii) For clause (5-c), the following clause shall be substituted, namely:—

"(5-c) "Colony" means a land parcel which is developed or is under development, either by dividing it into plots or constructing apartments on it, for residential, or non-residential purpose or both with intent to transfer by sale or otherwise;";

(iii) the existing clause (37-a) shall be renumbered as clause (37-b) and before so renumbered clause (37-b), the following clause shall be inserted, namely:—

"(37-a) "unauthorized colony" means a colony which is developed or is under development without obtaining necessary permission under the provisions of this Act;".

(2) Section 101 shall be deleted.

(3) For Section 109, the following section shall be substituted, namely;—

Disposal of immovable or movable property.

"109. No immovable or movable property owned by or vested in or under the management of the Council shall be sold, leased, transferred, or otherwise disposed, save as prescribed by the State Government.".

(4) For Section 187-A, the following Section shall be substituted, namely:—

Compounding of offences of construction of buildings without permission or contrary to permission.

"187-A.(1) Notwithstanding anything contained in this Act or any other Act for the time being in force or any rules or bye-laws made thereunder, the Competent Authority may compound the offence of constructing buildings without permission or contrary to the permission granted, if such construction does not,—

(a) affect the regular building line;

(b) come within the area notified by the State Government as a hill station or a place of tourist importance or sensitive from the point of ecology;

(c) come within the area specified for parking of vehicles;

(d) come within the boundary of roads or within the area affecting alignment of public roads;

(e) come within the area specified for water bodies;

(f) come within thirty meters or such further distance from the bank of river, as may be specified in the master plan of the concerned town;

(g) come within the area of any nallah and water stream;

(h) affect the structural and fire safety:

Provided that in compounding, the cases in respect of unauthorized construction, including the unauthorized constructions in the unauthorized colonies, the fee shall be charged at such rate and on such conditions, as may be prescribed by the State Government:

Provided further that no person who does not have any right over the building or the land on which the construction has been made shall make an application for compounding.

(2) The unauthorized construction, including which is made in the marginal open space, in excess of the prescribed floor area ratio, up to a limit of 30 percent shall be compoundable.".

(5) For Section 339-A, the following Section shall be substituted, namely:—

Registration as colonizer.

"339-A. (1) The State Government shall designate a competent authority for registration of a person as a colonizer.

(2) An application for registration shall be made to the Competent Authority in such manner, as may be prescribed by the State Government:

Provided that the State Government may, by notification, exempt such Government entity, as it deems appropriate, from the registration as colonizer.

(3) The Competent Authority may suspend or cancel the registration of the colonizer for violation of such terms and condition as may be prescribed by the State Government:

Provided that no action of suspension or cancellation shall be taken without giving an opportunity of hearing to the colonizer in such manner as may be prescribed.

(4) An appeal against an order of cancellation or suspension issued under sub-section (3), may be filed before such Authority as may be prescribed by the State Government.

(6) For Section 339-B, the following Section shall be substituted, namely:-

Permission to develop colonies.

"339-B. (1) A Colonizer shall obtain the permission to develop a colony from the Competent Authority in such manner as may be prescribed by the State Government:

Provided that no application to develop a colony shall be rejected unless the applicant has been given an opportunity of hearing:

Provided further that appeal against the order of the Competent Authority for refusal to grant permission shall lie with such Authority as may be prescribed by the State Government.

(2) (a) The Colonizer shall also provide fully developed plots or constructed dwelling units for the persons belonging to economically weaker Section and low-income group.

(b) The Size, number and location of such plots or dwelling units shall be such as may be prescribed by the State Government.

(c) The Sale price of such plots or dwelling units and the process of selection of the persons to whom they may be sold by the Colonizer shall be such as may be prescribed by the State Government.

(3) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or dwelling units mentioned in sub-section (2), the State Government may, in such cases, as it may consider appropriate, impose a fee to be called the shelter fee. The shelter fee shall be determined, collected and utilized in such manner as may be prescribed.

(4) The Colonizer shall provide civic infrastructure like roads, open space, water supply, electricity, sewerage and recreational area in accordance with the permission granted under sub-section (1) above.

(5) The Colonizer shall submit a bank guarantee or mortgage such number of plots or buildings, as the case may be, against cost of development as mentioned in sub-section (4). Such bank guarantee or the properties mortgaged shall be released in manner as may be prescribed by the State Government.

(6) The Colonizer shall display correct information for public at large about the colony in the prescribed manner.

(7) The Colonizer shall comply with the terms and conditions of the development permission granted under sub-section (1).

(8) On Completion of the development, the Competent Authority shall issue a completion certificate in a manner as prescribed by the State Government.

(9) The provisions of this Section except sub-section (5) shall be applicable to the entities mentioned in proviso to sub-section (2) of Section 339-A with such modifications as may be prescribed.".

(7) After Section 339-B, the following Section shall be added, namely:—

Action against violation of permission.

"339-BA. The Competent Authority may, encash the Bank Guarantee or forfeit and dispose of the properties mortgaged under sub-section (5) of Section 339-B to such extent, as may be required, if the terms and conditions of permission granted under sub-section (1) of Section 339-B are violated, in manner prescribed by the State Government. The amount so recovered shall be utilized to fulfil the terms and conditions of the permission in such manner, as may be prescribed:

Provided that in case the amount so recovered from disposal of forfeited properties or encashment of bank guarantee does not meet requirement to fulfil the terms and conditions of permission, the balance amount shall be recoverable from the colonizer, as the arrears of land revenue:

Provided further that no such action shall be taken without giving opportunity of hearing to the colonizer in such manner as may be prescribed.".

(8) For Section 339-C, the following Section shall be substituted, namely:—

Offences and punishment.

"**339-C.** (1) The Land-Owner or person, or both, as the case may be, who undertakes the development of a colony without obtaining the permission under the provisions of this Act and rules made thereunder, commits the offence of developing an unauthorized colony.

(2) Any colonizer who transfers by sale or otherwise any land designated for purpose mentioned in sub-section (4) of Section 339-B or undertakes construction other than permissible on such land commits the offence of violating the permission.

(3) The offences under sub-section (1) and (2) shall be cognizable but no enquiry or inquiry or investigation shall be carried out except on a written complaint by the Competent Authority or an officer authorized by him in this regard.

(4) Whosoever commits or abets the commission of an offence mentioned under sub-sections (1) and (2) shall be punished with imprisonment which shall not be less than three years but which may extend up to seven years and with fine which may extend up to ten lakh rupees.".

(9) For Section 339-D, the following section shall be substituted, namely:-

Provision of civic infrastructure in unauthorized colonies.

"**339-D.** (1) The Competent Authority on receipt of any information or otherwise, may identify an unauthorized colony.

(2) The Competent Authority shall issue public notice, inviting objections against determining such colony as unauthorized colony.

(3) The Competent Authority shall, after considering objections received if any, may declare any colony as an unauthorized colony stating reasons thereof.

(4) The Competent Authority shall prepare a draft layout of such colony and publish a public notice inviting objections and suggestions, in such manner as may be prescribed, from the stakeholders for finalizing the layout for the purpose of providing civic infrastructure in the unauthorized colony.

(5) No action under sub-section (1) to (4) shall be taken if the unauthorized colony,-

(i) has been developed on Government land or the land of the Development Authority/ Housing and infrastructure Development Board/urban local bodies;

(ii) is situated on area designated as road, parks, playgrounds, areas of cultural heritage, river, area of drains, recreational areas and water bodies in the development plan;

(iii) has been developed on land falling in restricted areas along State and National Highways or any other such restricted area notified under any Central or State Law;

(iv) is in such areas as may be notified by the State Government.

(6) The draft lay out under sub-section (4) shall be prepared in the best possible compliance of provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No.23 of 1973) and the rules made thereunder.

(7) The Competent Authority shall hear the stakeholders of the colony and after considering the objections and suggestions, Finalize the lay out and estimates for providing civic infrastructure in the unauthorized colony, in such manner as may be prescribed by the State Government:

Provided that such notification shall be issued only after written complaint has been made by the comptent Authority under sub-section (3) of Section 339-C.

(8) The Competent Authority shall be authorized to determine and collect development charges from the stakeholders in such manner as may be prescribed by the State Government:

Provided that the cost of providing civic infrastructure may also be met out of the funds available with the Council or as may be prescribed by the State Government:

(9) The Competent Authority may identify and attach the properties of the persons who has committed offence under sub-sections (1) and (2) of Sections 339-C, whether such property is situated in the colony or anywhere outside. The properties so attached shall be disposed to meet the cost of development of civic infrastructure. The manner of attachement and sale thereof shall be such as may be prescribed by the State Government:

Provided that the appeal against such order may be filed before such Authority as may be prescribed by the State Government.".

(10) Sections 339-DA shall be deleted.

(11) For Section 339-E, the following Section shall be substituted namely:-

Regularization of layout and building permission in unauthorized colonies.

"**339-E.** (1) Notwithstanding anything contained in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and the rules made thereunder, the layout of the colony under Section 339-D shall be deemed to be in accordance with the applicable development plan.

(2) The owner of the plot or the house, as the case may be, shall on fulfillment of the conditions, as prescribed for such a colony, be eligible to apply for permission of erection, re-erection or compounding of building.".

(12) Section 339-F shall be deleted.

(13) For Section 339-G, the following Section shall be substituted, namely:—

Punishment for not taking action against development of unathorized colony.

"**339-G.** Any officer or Government servant subordinate to the competent Authority who has been authorised by him either to inspect, report, stop or to remove any construction in unauthorized colony knowingly omits to take action against development of such unauthorized colony or construction therein, forthwith or a police officer responsible to provide police assistance for removal of unauthorized colony or unauthorized 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:

Provided that no enquiry or inquiry or investigation shall be carried out by a Police Officer under this section except on a written complaint by the Competent Authority in this regard.".

Repeal and saving.

4. (1) The Madhya Pradesh Nagarpalika Vidhi (Sanshodhan) Adhyadesh, 2021 (No. 13 of 2021) 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 correcponding provisions of this Act.

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2021.

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.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.

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