

मुख्य पोस्ट मास्टर जनरल डाक
परिमंडल, के पत्र क्रमांक 22/153,
दिनांक 10-1-06 द्वारा पूर्व भुगतान
योजनान्तर्गत डाक व्यय की पूर्व अदायगी
डाक द्वारा भेजे जाने के लिए अनुमत.



पंजी. क्रमांक भोपाल डिवीजन
म. प्र.-108-भोपाल-09-11.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 175]

भोपाल, शुक्रवार, दिनांक 26 मार्च 2010—चैत्र 5, शक 1932

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 मार्च 2010

क्र. 2047-115-इक्कीस-अ-(प्रा.)—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) विधेयक, 2010 (क्रमांक 12 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 BILL

No. 12 OF 2010

THE MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) VIDHEYAK, 2010.

A Bill 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 :—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2010. 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 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

Amendment to
the Madhya
Pradesh Act No.
23 of 1956.

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 of 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 in 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:—

"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.

Imposition of user charges.

(2) The user charges in clauses (a), (b), (c) and (d) of sub-section (1) shall be imposed—

- (i) on bulidings and lands which are exempted from property tax, at a rate as shall be determined by the Corporation;
- (ii) on bulidings 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 Muniçipal 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 :—

“(I-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:—

“292-DA. All the directors, promoters and financiers associated in the act of illegal colonization or illegal diversion of land along with the person who commits or abets the commission of an offence of such illegal colonization or illegal diversion shall be held equally liable of committing such an offence and shall be punished under the provisions of section 292-C.”.

Responsibility of persons associated in the act of illegal colonization or illegal diversion of land.

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 figures “clauses (c) and (d) of sub-section (1)” shall be substituted.

(3) After Section 127-A, the following section shall be inserted, namely:—

“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:—

Imposition of user charges.

(a) a water charge for provision of water supply in respect of lands and buildings to which a water supply is furnished by Council;

(b) a drainage or sewerage charge where a system of drainage or sewerage disposal has been introduced;

(c) a charge for management of solid waste where the Council has introduced a system of disposal of waste;

(d) a charge for any other specified services rendered by the Council as may be specified.

(2) The user charge in clauses (a), (b), (c) and (d) of sub-section (1) shall be imposed—

(i) on buildings and lands which are exempted from property tax, at a rate as shall be determined by the Council;

(ii) on buildings and lands which are not exempted from property tax, as determined in clause (a), (b), (c) and (d) of sub-section (1) plus such percentage of the property tax, as shall be determined by the Council:

Provided that the user charge for water under clause (a) of sub-section (1) shall not be levied on building and land owned by freedom fighter during their life

time, if they are exempted from Income Tax and the water connection is for domestic purpose and which does not exceed half inch connection.

- (3) Notwithstanding anything contained in this chapter, the Council may impose upon properties specified in clause (a) of sub-section (2) of section 127-A, all or any of the charges specified in clauses (a), (b), (c) and (d) of sub-section (1) at a rate in excess of the rate at which such charge is imposed, on other properties under the respective clauses, as the State Government may, by notification, specify.”.
- (4) In Section 339-A,—
- (i) in sub-section (1), in clause (a), for the word “colony”, the words “colony or colonies” shall be substituted;
- (ii) after sub-section (3), the following new sub-section shall be inserted, namely :—
- “(4) Every person who has been issued the Registration Certificate under sub-section (2) shall become eligible to establish one or more colonies in the area of Municipal Council or Nagar Panchayat and shall not be required to apply for Registration Certificate in respect of every colony separately but it shall be mandatory for such person to obtain approval of layouts plans and all other approvals separately from the competent authority in respect of each colony.”.
- (5) In Section 339-B,—
- (i) in sub-section (1), clause (iii) shall be deleted;
- (ii) after sub-section (1), the following sub-section shall be inserted, namely:—
- “(1-a) In addition to reserving the developed plots or residential houses under sub-section (1), the colonizer shall also reserve at least ten percent fully developed plots of the prescribed size or in alternate officer constructed residential houses in his residential colony for the persons belonging to lower income group.”;
- (iii) in sub-section (2), after the words “the economically weaker sections”, the words “and the lower income group” shall be inserted.
- (6) In Section 339-C,—
- (i) for sub-section (3), the following sub-section shall be substituted, namely:-
- “(3) Whoever commits or abets the commission of an offence of illegal diversion or illegal colonization shall be punished with an imprisonment of not less than three years and not more than seven years and with a minimum fine of ten thousand rupees, and the Court may, in passing the judgment in respect of any such offence, order the accused to pay to the Council, such amount of compensation as specified in the judgment, taking into consideration the amount required to be incurred towards the development of such illegal colony, and such offence shall be a cognizable offence.”;
- (ii) for sub-section (5), the following sub-sections shall be substituted, namely :—
- “(5) Whoever commits an offence of illegal construction shall be punished with

imprisonment of not less than three years and not less than seven years and with a minimum fine of ten thousand rupees, and such offence shall be cognizable offence.

- (6) It shall be incumbent upon every colonizer to display correct information about the area (including the carpet area) of the housing units proposed for construction and facilities to be provided in a colony in all its advertisements published in the form of pamphlets, brochures, hoardings and in all communications to customers and shall explicitly mention the number and date of his Registration Certificate 'over it, and any violation of these provisions shall take such colonizer liable for punishment under sub-section (3) and sub-section (5)."

- (7) After Section 339-D, the following section shall be inserted, namely:—

“339-DA. All the directors, promoters and financiers associated in the act of illegal colonization or illegal diversion of land along with the persons who commits or abets the commission of an offence of such illegal colonization or illegal diversion shall be held equally liable of committing such an offence and shall be punished under the provisions of section 339-C.”

Responsibility of persons associated in the act of illegal colonization or illegal diversion of land.

STATEMENT OF OBJECTS AND REASONS

In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) certain amendments are proposed.

2. The salient features of the proposed amendments are as under:—

- (1) The Municipal Corporations and Municipalities provide a number of services to citizens for which the charges imposed are required to be determined on the basis of expenditure incurred on operation and maintenance of such services. Hence there is an urgent need to define and provide for such user charges separately. Therefore, separate sections are being proposed in both the Acts for imposing user charges.
- (2) The Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961 provide procedure with regard to colonization. It is, therefore, proposed to define the terms “colony” and “colonizer” in both the Acts. The definitions of “economically weaker section” and “lower income group” are also being incorporated in the Acts.
- (3) Section 292-B of the Municipal Corporation Act and section 339-B of the Municipalities Act provide for deposit of shelter fee by the colonizer in lieu of reserving developed plots or constructed houses for economically weaker sections in his colony. The colonizers, in general misusing this arrangement and are invariably opting for this option irrespective of availability of land. Therefore, in order to discourage such practice it is proposed to dispense with the said provision.
- (4) The Housing and Habitat policy of the State provide for earmarking plots for lower income group in all the residential colonies. The guidelines of centrally sponsored Jawaharlal Nehru National Urban Renewal Mission also require the State Government to introduce this reform. Hence necessary provision is being proposed in both the Acts.
- (5) Despite the penal provisions in the Acts with regard to illegal colonization the number of illegal colonies are increasing enormously in the urban areas. To discourage the illegal colonization, it is therefore, proposed to make penal provisions more stringent. Enabling provision is also proposed to be made for the courts to award compensation in favour of the Municipal Corporation and Municipalities to meet out the development expenses in such illegal colonies.

- (6) It is being observed that at times the colonizers give lucrative offers to the citizens about the facilities to be given in a colony which are never fulfilled. Therefore, with a view to restrict the colonizer from giving fictitious offers necessary provisions are being proposed in the Acts.
- (7) In absence of enabling provisions normally the persons associated with the colonizer in developing illegal colonies are not punished. In order to bring these persons within the purview of law, necessary provisions are proposed in the Acts.

3. Hence this Bill.

Bhopal :
Dated the 21st March, 2010

BABULAL GOUR
Member-in-Charge.