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# मध्यप्रदेश राजपत्र

( असाधारण )  
प्राधिकार से प्रकाशित

क्रमांक 521]

भोपाल, शनिवार, दिनांक 26 नवम्बर 2011—अग्रहायण 5 शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 नवम्बर, 2011

क्र. 6973-396-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (द्वितीय संशोधन) विधेयक, 2011 (क्रमांक 34, 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 BILL**  
No. 34 OF 2011.

**THE MADHYA PRADESH NAGARPALIK VIDHI (DWITIYA SANSHODHAN)  
VIDHEYAK, 2011**

**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-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 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.”.
- (4) After Section 308-B, the following Section shall be inserted, namely:—

“ 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.

**Powers of building control in respect of industrial areas and growth centres.**

- (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)

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.

**Amendment to the Madhya Pradesh Act No. 37 of 1961.**

(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:—

**“122-A. Technical guidance and supervision of audit by the Comptroller and the Auditor General.**

- (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.”.

**“187-D. Powers of building control in respect of industrial areas and growth centres.**

(3) After Section 187-C, the following Section shall be inserted, namely:—

- (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:—

**“339-B. Development of colonies.**

- (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.”.

### STATEMENT OF OBJECTS AND REASONS

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

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

- (1) The Thirteenth Finance Commission has recommend in its report that Comptroller and Auditor General of India should give technical guidance and supervision over the audit of Municipalities and his annual technical inspection report as well as the annual audit reports on the Municipalities should be laid on the table of the Legislative Assembly. The State Government has decided to put in place such a system so as to make the State eligible to draw down its performance grant for the succeeding fiscal year. In order to ensure compliance of the recommendation of the Thirteenth Finance Commission suitable amendments has been proposed.
- (2) With a view to rationalize the provision of earmarking of plots or houses for the economically weaker Sections and lower income groups in the development of the colonies in the State, suitable amendments are proposed.
- (3) With a view to create conducive environment for the industries in Madhya Pradesh it is proposed to delegate powers of building permission to a committee headed by the General Manager of District Trade and Industry Centre or the Managing Director of Audyogik Kendra Vikas Nigam or the Managing Director of Industrial Infrastructure Development Corporation. The representative of Collector and the Commissioner of concerned corporation shall be the members of committee in case of a Municipal Corporation, whereas the Chief Municipal Officer and representative of the Collector shall be the members in the committee in case of a Municipal Council or Nagar Parishad.

3. Hence this Bill.

Bhopal :  
Dated : the 18th November, 2011.

BABULAL GOUR  
*Member-in-charge.*