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# मध्यप्रदेश राजपत्र

## ( असाधारण )

### प्राधिकार से प्रकाशित

क्रमांक 522]

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

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 नवम्बर 2011

क्र. 6974-397-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगर तथा ग्राम निवेश (संशोधन) विधेयक, 2011 (क्रमांक 35, सन् 2011) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL  
No. 35 OF 2011.

THE MADHYA PRADESH NAGAR TATHA GRAM NIVESH  
(SANSHODHAN) VIDHEYAK, 2011

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## MADHYA PRADESH BILL

No. 35 OF 2011.

THE MADHYA PRADESH NAGAR TATHA GRAM NIVESH  
(SANSHODHAN) VIDHEYAK, 2011**A Bill further to amend the Madhya Pradesh Nagar तथा Gram Nivesh Adhiniyam, 1973.**

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 Nagar तथा Gram Nivesh (Sanshodhan) Adhiniyam, 2011.

**Amendment of Section 16.**

2. After sub-section (1) of Section 16 of the Madhya Pradesh Nagar तथा Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) hereinafter referred to as the Principal Act), the following new sub-section shall be inserted, namely:—

“(2) The permission under sub-section (1) may be granted in such cases and subject to such conditions as may be prescribed.

(3) An application under sub-section (1) shall be made in writing to the Director in such form, accompanied by such fees and documents as may be prescribed.

(4) The provisions of Section 30 for the grant or refusal of permission to an application under Section 29 shall mutatis mutandis apply to an application for permission under sub-section (1).

(5) the provisions of appeal, revision and lapse of permission under Section 31, Section 32 and Section 33 respectively, which are applicable to an order granting or refusing permission under Section 30, shall mutatis mutandis apply to an order made under sub-section (1).”.

**Amendment of Section 17-A.**

3. For sub-section (3) of Section 17-A of the Principal Act, the following sub-section shall be substituted, namely:—

“(3) The State Government may prescribe the manner in which the Convener of the committee shall.

(a) maintain the record of objections and suggestions received;

(b) conducts the meetings of the committee and obtain its recommendation regarding modifications and alterations, if any;

(c) forward his report to the Director.”.

**Amendment of Section 21.**

4. In sub-section (1) of Section 21 of the Principal Act, the words “enlarge the details of land use as indicated in the development plan and shall” shall be omitted.

**Amendment of Section 23-A.**

5. In Section 23-A of the Principal Act.—

(i) in sub-section (1), in clause (b), the words “The application for modification of development plan or zoning plan shall be in such form and accompanied by such fee and documents as may be prescribed” shall be added;

(ii) in sub-section (2).

(a) for the words “the State Government shall confirm the modified plan”, the words “the State Government may modify the plan as it deems appropriate” shall be substituted;

(b) for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the State Government may:

(i) impose such conditions as it considers appropriate while modifying the plan;

(ii) prescribe the minimum size of land for each category of land use which may be considered for change;

(iii) while modifying the plan, levy a charge not exceeding 10% of the market value of the land involved. The scale of levy for various category of cases and the manner in which the market value may be determined shall be prescribed;

(iv) prescribe the category of cases which may be exempted from clause (ii) and /or (iii).”;

(iii) after sub-section (3), the following new sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in this Section, the permissible limits of floor area ratio shall not be modified in case of the application made under clause (b) of sub-section (1).”.

6. After Section 23-A of the Principal Act, the following Section shall be inserted in Chapter V, namely :—

**Insertion of Section 23-B.**

“23-B (1) Notwithstanding anything contained in this Act, the State Government may, at any time, notify area in the development plan, each measuring not less than five hectares, in which additional floor area ratio over and above the permissible limit may be allowed on payment of a prescribed amount:

**Additional floor area ratio on payment.**

Provided that no such area shall be notified unless the state Government has:

(i) published a draft of such notification and invited suggestions and objections from the public and heard all such persons who may have interest;

(ii) considered the recommendations of a committee constituted by it to assess the impact of allowing such additional floor area ratio over and above the permissible limit and adequacy of the infrastructure to support the proposed additional floor area ratio.

(2) The manner in which the notification may be published, the manner of hearing the interested persons and the form of application for additional floor area alongwith the fee and documents to be enclosed shall be prescribed.

(3) Notwithstanding anything contained in this Section, the additional floor area ratio granted shall not exceed 50% of that allowed in the development plan and the amount mentioned in sub-section (1) shall not be less than 25% of the market value of the equivalent additional land calculated in the manner prescribed.

**Explanation.**—For the purpose of Section 23-A and 23-B “ floor area ratio” means the ratio of built up area in a building on all floors, excluding such areas of the building as may be prescribed, to the total plot area of the land in question.”.

<b>Deletion of Section 24-A.</b>	7. Section 24-A of the Principal Act shall be deleted.
<b>Amendment of Section 29.</b>	8. After sub-section (2) of Section 29 of the Principal Act, the following new sub-sections shall be inserted, namely:—  “(3) An application for modification of the permission granted under Section 30, if not already lapsed, shall also be made to the Director and it shall contain such details, documents and accompanied by such fees as may be prescribed:  Provided that no such application, unless otherwise directed by the State Government, shall be made before a period of six months has expired from the date on which the permission, whose modification has been applied for, was granted.”.
<b>Amendment of Section 30.</b>	9. In Section 30 of the Principal Act, in sub-section (1), in clause (c), for fullstop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :—  “ Provided that in case of an application under sub-section (3) of Section 29, the Director shall not pass any order under clause (a) or (b) hereinabove unless he has heard such persons as may have interest in the proposed modification and considered encumbrances, if any, created in the land or building. The interests and encumbrances that may be considered, procedure for such consideration, manner in which encumbrances, if any, may be remedied and the form or order shall be such as may be prescribed.”.
<b>Insertion of Section 30-A</b>	10. After Section 30 of the Principal Act, the following Section shall be inserted, namely :—
<b>Merger of division of a plot.</b>	“30-A. (1) The State Government or an officer so authorized by it may, subject to the provisions of this Act and such conditions as may be prescribed, allow merger or division of the plot:  Provided that where the purpose of land use is residential :  (a) plots for economically weaker sections and low income groups shall not be merged; (b) division of plots shall not be permitted; (c) only continuous plot shall be merged and the size of such merged plot shall not exceed 500sq. mtrs; and (d) the number of dwelling units permissible in the plot formed after merger shall not exceed the sum of the dwelling units permissible in the plots that were merged.  (2) An application under sub-section (1) shall contain such details, documents and accompanied by such fee as may be prescribed.”.
<b>Amendment of Section 37.</b>	11. In Section 37 of the Principal Act, in sub-section (1), the words “within five years of such development” shall be omitted.
<b>Amendment of Section 50.</b>	12. In Section 50 of the Principal Act,—  (i) in sub-section (1), for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely :—  “Provided that no such declaration of intent shall be made without prior approval of the State Government.”;

(ii) in sub-section (4),—

(a) for the word “or”, the word “and” shall be substituted;

(b) for the existing proviso, the following proviso shall be substituted, namely :—

“Provided that the final publication of such draft scheme shall be notified after the layout proposed therein has been approved by the Director. Such final publication shall be notified not later than one year from the date of publication of the draft scheme failing which the draft scheme shall be deemed to have lapsed.”;

(iii) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Notwithstanding anything contained in sub-section (4), the Town and Country Development Authority shall constitute a committee consisting of the Chief Executive Officer of the said Authority, an Officer nominated by the Director, Chief Executive Officer or his nominee of such urban local body within whose jurisdiction the town development scheme is situated and Chief Executive Officer or his nominee of the Zila Panchayat in case the scheme lies wholly or partly in his jurisdiction.”.

13. For Section 51 of the Principal Act, the following section shall be substituted, namely :—

**Substitution of Section 51.**

“ 51. The State Government or an Officer not below the rank of a Commissioner so authorised by it may, at any time, but not later than two years from the date of publication of the final town development scheme under Section 50, either on own motion or on an application filed within thirty days of such publication of the final scheme by any person aggrieved by the final scheme, call for and examine the record of any scheme for the purpose of satisfying as to the correctness of the order passed by the Town and Country Development Authority, or as to the regularity of any proceeding of such authority and when calling such record direct that the execution of the scheme be suspended, and the State Government or the Authorised Officer may, after examining the record, pass such order as it or he thinks fit and this order shall be final :

**Revision.**

Provided that no order shall be passed unless the person affected thereby and the Town and Country Development Authority have been given a reasonable opportunity of being heard.”.

14. Section 54 of the Principal Act shall be deleted.

**Deletion of Section 54.**

15. In Section 56 of the Principal Act, for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely :—

**Amendment of Section 56.**

“Provided that the said agreement may contain such conditions and executed in such manner as may be prescribed.”.

16. After Section 56 of the Principal Act the following sections shall be inserted, namely :—

**Insertion of Section 56-A and 56-B.**

“56-A. Notwithstanding anything contained in the Registration Act, 1908(No. 16 of 1908) or any other law for the time being in force, no instrument executed between any owner of the land and the Town and Country Development Authority for giving effect to the agreement mentioned in Section 56 shall be liable to pay any fee under that Act.”.

**No fees for registration on instrument of agreement.**

56-B. Notwithstanding anything contained in the Indian Stamp Act, 1899 (No. 2 of 1899), no instrument executed between any owner of land and the Town and Country Development Authority for giving effect to the agreement mentioned in Section 56 shall chargeable with duty under that Act.”.

**No stamp duty on instrument of agreement.**

## STATEMENT OF OBJECT AND REASONS

Since the enactment of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), there has been immense growth in urbanization. To keep pace with changing trends in urban planning, it is essential that the Principal Act be suitably amended.

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

- (1) Section 16 of the Principal Act provides for the permission of development after freezing of land use by the Director. Proposed amendment provides for the manner and conditions of the permission and also requisite fees to be charged for the purpose. Simultaneously provision for the revision of such permission is also being inserted.
- (2) In Section 18 (2) of the Principal Act, there is provision of giving suggestions by the committee as constituted by the State Government under Section 17-A on the objections received after the publication of draft development plan. The manner of doing the same is being provided for.
- (3) In Section 23-A (2) the necessary discretion in taking decision regarding modification in the development or zonal plan and provision of imposing conditions has been provided.
- (4) In Section 24-A of the Principal Act provisions of construction of additional floor in the residential building are given. These provisions are against the spirit of development plan. Hence it is proposed to delete the said provision.
- (5) In Section 29 of the Principal Act, presently there is no provision for amendment in the development permission previously accorded. Proposed amendment in Section 29 will obviate this difficulty.
- (6) Section 30-A is being inserted with the object that the merger or consolidation of plots of approved industrial, commercial, public and semi-public layouts may become possible.
- (7) In Section 37 of the Principal Act, after the period of 5 years the unauthorised development is assumed to be regularized by the developer. If it is not possible to take action against the unauthorised development after a period of 5 years. Hence suitable amendment is proposed in Section 37.
- (8) In Section 56 of the Principal Act, to ensure uniformity the content of the agreement is being inserted by prescribing in rules. To avert payment of stamp duty and registration charges required to be paid in cases of acquisition through agreement new Section 56-A and 56-B are being inserted.
- (9) Other amendments in the Bill are minor in nature.

3. Hence this Bill.

Bhopal :

Dated : the 18<sup>th</sup> November 2011.

AJAY VISHNOI  
Member-in-Charge.