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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 506]

भोपाल, सोमवार, दिनांक 19 सितम्बर 2022—भाद्र 28, शक 1944

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 19 सितम्बर 2022

क्र. 14098-211-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगरपालिक विधि (संशोधन) विधेयक, 2022 (क्रमांक 12 सन् 2022) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL
No. 12 OF 2022

**THE MADHYA PRADESH NAGARPALIK VIDHI(SANSHODHAN)
VIDHEYAK, 2022**

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 seventy-third year of the Republic of India as follows :—

Short title. 1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2022.

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.

STATEMENT OF OBJECTS AND REASONS

In the State of Madhya Pradesh, there are 16 Municipal Corporations and 99 Municipal Councils, as of now, in which about 77 percent of the urban population is residing. Due to rapid urbanization, Municipal Corporations and large Municipalities have to do a lot of work in the area of Infrastructure development, employment, and the welfare of the urban poor. During the last two years, the major impact of the Corona Epidemic has been seen in larger urban areas of the State. Evidently, there is a need for capable and strong political leadership to face the above challenges. It is to be noted that about 34 percent of the population in the country resides in urban areas and the number of cities with a population of more than 50 lakhs is generally stable, but the number of small cities with a population of less than 50 lakhs are increasing constantly. In these cities economic activities and employment opportunities are more as a result of the continuity of the work of new industries and infrastructure development and therefore there is a need for direct election of the Mayor in the Municipal Corporations for a better approach to make these cities well planned and organized.

2. If the Mayors of Municipal Corporations are directly elected by the citizens of the urban local bodies, then they will get an opportunity to choose the first citizen of their choice. Directly elected Mayors will be accountable to the public on the other hand indirectly elected Mayors are accountable to the councillors. It is to be noted that the election of ward councillors is based on the local issues of the wards, whereas the directly elected Mayor will be elected by direct election and is being aware of the subjects of the entire area of the Municipal Corporations.

3. The fact has come to notice that there has been a significant increase in population in the area adjoining the urban local bodies. The boundaries limit of urban local bodies are based on the 2011 census i.e., 11 years ago but the population of the present urban areas has increased tremendously and this is the reason why the areas around the urban local bodies are developing residentially and commercially, as well as due to the change in the density of population in the urban limits, it is necessary to expand the boundaries of the urban local bodies/ delimit the wards, similarly the formation of new urban local bodies. Consecutively, 35 urban local bodies have also been formed in the last 5 years and therefore, it has been proposed to make “two months” in place of “six months”.

4. Currently, the provision of convening the first meeting of the council by the State Election Commission after the general election of the urban local bodies is not simple and practical, therefore, it has been proposed that the District Collector should be authorized to preside and convene the first meeting of the Municipal Council after the election.

5. In section 34, sub-section (1) (a) of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), provides the qualification for election as a chairman or a councillor, for the chairman the age should be not to be less than twenty-five years, along with the disqualifications of candidates also under section 35, clause (dd), provides the age of less than twenty-five years and in the case of councillors, the age is less than twenty-one years. The election of the President of the present Municipal Council is to be done by the elected councillors and the qualification for being elected as the councillor is twenty-one years, and therefore, keeping this in mind, it is necessary to make the age related eligibility for the election of the President of the Municipal Council "twenty-one years".

6. As the matter was urgent and the Madhya Pradesh Legislative Assembly was not in session, the Madhya Pradesh NagarpalikVidhi (Sanshodhan) Adhyadesh, 2022 (No. 3 of 2022) and the Madhya Pradesh NagarpalikVidhi (Dwitiya Sanshodhan) Adhyadesh, 2022 (No. 5 of 2022) were promulgated for the purpose. It is now proposed to replace the said Ordinances by an Act of the State Legislature without any modification.

7. Hence this Bill.

BHOPAL :

Dated, the 9th September, 2022

BHUPENDRA SINGH

Member-in-Charge.