

Chhattisgarh Municipalities (Amendment) Act, 2012**17 of 2012****[09 August 2012]**

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Chhattisgarh Municipalities (Amendment) Act, 2012**17 of 2012****[09 August 2012]**

An Act further to amend the Chhattisgarh Municipalities Act, 1961. Be it enacted by the Chhattisgarh Legislature in the Sixty-third Year of the Republic of India, as follows:-- * Published in the Chhattisgarh Rajpatra (Asadharan) dated 9-8-2012 Pages 428(5-10).

1. Short Title And Commencement :-

(1) This Act may be called the Chhattisgarh Municipalities (Amendment) Act, 2012.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. Amendment Of Section 3 :-

(i) In Section 3 of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) (hereinafter referred to as the Principal Act), after sub-section (35-a), the following shall be inserted, namely:--

"(35-b) "social audit" means the review of the impact of policies, programmes, schemes or procedures adopted or implemented by any municipal authority, by a group or groups of persons residing within the municipal area within which such review is conducted;"

(ii) After sub-section (37) of Section 3, the following shall be inserted, namely:--

"(37-a) "user charges" means the charges imposed under Section 127-B for services rendered or are prepared to be rendered by the Council or Nagar Panchayat, as the case may be;"

3. Amendment Of Section 41 :-

After clause (a) of sub-section (1) of Section 41 of the Principal Act, the following shall be inserted, namely:--

"(a-1) if it is found that he does not belong to the reserved category for which the seat was reserved; or"

4. Amendment Of Section 41-A :-

After sub-section (1) of Section 41-A of the Principal Act, the following words shall be added, namely:--

"or if it is found that he does not belong to the reserved category for which the seat was reserved."

5. Amendment Of Section 55 :-

In sub-section (1) of Section 55 of the Principal Act, after the words "within one month of the words "the date of publication of notification following" shall be added.

6. Amendment Of Section 56 :-

For Section 56 of the Principal Act, the following shall be substituted namely:--

"56. Convening of meeting.--

(1) A meeting of the Council or Nagar Panchayat, as the case may be, shall be either ordinary or special.

(2) The date of every meeting, except the meeting referred to in Section 43, 43-A, 47, 55 or 71 shall be fixed by the President, or in the event of his being incapable of acting, by the Vice-President:

Provided that if the date of the meeting is not fixed by the

President or the Vice-President, the Collector shall fix the date of the meeting under intimation to the State Government.

(3) The process of finalizing the agenda and the manner of conducting the meeting shall be as may be prescribed by the State Government."

7. Insertion Of Section 69-A :-

After Section 69 of the Principal Act, the following Section shall be inserted, namely:--

"69-A. The explanation and/or the statement of the Chief Municipal Officer under Section 69 shall be taken on record in the minutes of the meeting."

8. Amendment Of Section 86 :-

In sub-section (5) of Section 86, for the words "one-half the words "two-third" shall be substituted.

9. Insertion Of Section 121-C :-

After Section 121-B of the Principal Act, the following shall be inserted, namely:--

"121-C. Social Audit.--Notwithstanding anything contained in this Act, the Council or Nagar Panchayat, as the case may be, shall arrange for Social Audit in such manner as may be prescribed by the State Government."

10. Amendment Of Section 126 :-

(i) In sub-section (1) of Section 126 of the Principal Act, for the words "carpet area" the words "built-up area" shall be substituted.

(ii) For sub-section (1-a) of Section 126, the following shall be substituted, namely:--

"(1-a) The draft resolution mentioned in sub-section (1) shall be prepared and submitted by the Chief Municipal Officer for the financial year next on or before 31st December of each financial year, and in case the Council or the Nagar Panchayat, as the case may be, fails to adopt the resolution by the last day of February of that financial year, the resolution shall be approved by the President and shall be deemed to be the resolution finally adopted by the Council or the Nagar Panchayat, as the case may be:

Provided that if the President does not approve the draft resolution prepared by the Chief Municipal Officer by 31st March of the

current financial year, then the draft resolution as prepared by the Chief Municipal Officer shall be deemed to be the resolution finally adopted by the Council or Nagar Panchayat, as the case may be."

(iii) After sub-section (2) of Section 126, the following shall be inserted, namely:--

"(2-a) If the self-assessment statement is not submitted by a person liable to submit it before 31st March, a penalty of one thousand rupees shall be imposed for the lapse."

(iv) For sub-section (3) of Section 126, the following shall be substituted, namely:--

"(3) The variation upto ten percent on lower side in the assessment made under sub-section (2) shall be ignored for the purpose of penalty, provided the assessee pays the amount of short-payment within two weeks of the assessment order with surcharge at the rate of two percent for every two months between the date when the tax was due and the date of deposit of the amount of variation, and in case where the variation is more than ten percent, the owner of the land and/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 Council or Nagar Panchayat, as the case may be, apart from surcharge at the rate of two percent for every month between the date when the tax was due and the date of deposit of the amount of variation."

(v) For sub-section (4) of Section 126, the following shall be substituted, namely:--

"(4) An appeal against the order passed under sub-section (3) shall lie to the President-in-Council:

Provided that no appeal under this sub-section shall be admitted unless accompanied by proof of payment under protest of the amount demanded in the order under sub-section (3)."

11. Amendment Of Section 127-A :-

(i) In sub-section (1) of Section 127-A of the Principal Act, for symbol "." (full stop) the symbol ":" (colon) shall be substituted.

(ii) After sub-section (1) of Section 127-A, the following proviso shall be inserted, namely:--

"Provided that if the Council or the Nagar Panchayat, as the case may be, fails to determine the rate of property tax by 31st March, the rate as prevailing during the previous financial year shall be deemed to be the rate for the current financial year."

(iii) For clause (b) of sub-section (2) of Section 127-A, the following shall be substituted, namely:--

"(b) All kachcha dwelling units having country tile (Kawelu) roof and measuring not more than 500 square feet, and all buildings and lands belonging to or occupied by the urban poor sections as may be exempted by the Government through notification."

(iv) For clause (c) of sub-section (2) of Section 127-A, the following shall be substituted, namely:--

"(c) educational institutions of Government of India, State Government, Council or Nagar Panchayats as the case may be, registered charitable trusts, educational institutions registered under Section 12A of the Income Tax Act, 1961 shall be wholly exempted and other educational institutions may be given a rebate of upto fifty percent of the property tax as assessed by the Council or Nagar Panchayats as the case may be in accordance with norms that may be prescribed by the State Government."

(v) For clause (f) of sub-section (2) of Section 127-A, the following shall be substituted, namely:--

"(f) buildings and lands owned by widows or minors or persons subject to physical or mental disability as defined under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), to the extent as may be prescribed."

(vi) For clause (h) of sub-section (2) of Section 127-A, the following shall be substituted, namely:--

"(h) buildings and lands owned by blind persons and abandoned women, to the extent as may be prescribed."

(vii) Clause (j) of sub-section (2) of Section 127-A shall be omitted.

(viii) After sub-section (2) of Section 127-A of the Principal Act, the following shall be inserted, namely:--

"(3) Notwithstanding anything contained elsewhere in this Act, the Council or the Nagar Panchayat, as the case may be, shall grant discount on Property Tax as may be prescribed by the State Government."

12. Insertion Of Section 127-B :-

After Section 127-A of the Principal Act, the following shall be inserted, namely:--

"127-B. Imposition of User Charges.--

(1) Notwithstanding anything contained in Section 127, the Council or the Nagar Panchayat, as the case may be, shall, subject to any

general or special order which the State Government, may make in this regard, levy user charges for the services mentioned in sub-section (2) in the following circumstances, namely:--

(a) when it introduces a new system or project for improved service delivery;

(b) when a service is improved in terms of service levels.

(2) The user charges under sub-section (1) may be levied severally on one or more of the following services, namely:--

(a) water supply;

(b) drainage or sewerage disposal and/or treatment;

(c) door-to-door collection of solid waste and/or scientific system for disposal of municipal waste;

(d) any other new service rendered by the Council or the Nagar Panchayat, as the case may be.

(3) User charges may be levied on the municipal area or any part thereof as may be specified by the Council or Nagar Panchayat, as the case may be, on specific areas of the city where the service referred to under sub-section (1) is provided."

13. Amendment Of Section 129 :-

In sub-section (4) of Section 129 of the Principal Act, for the words "clause (i)" the words "clause (a)" shall be substituted.

14. Amendment Of Section 187-A :-

For Section 187-A of the Principal Act, the following shall be substituted, namely:--

"187-A. Compounding of offences of construction of buildings without permission.--

(1) Notwithstanding anything contained in this Act or any other Act, for the time being in force or any rules or byelaws made thereunder, 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 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 as a place of tourist importance or as sensitive from the point of ecology;

(d) such construction does not come within the area specified for

parking of vehicles,

(e) such construction does not come within the boundary of roads or within the area affecting alignment of public roads;

(f) such construction does not come within the area specified for Tanks (talab);

(g) such construction does not come within thirty meters or such further distance from the river bank as may be specified in the master plan area;

(h) such construction does not come within the area of any nullah 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, ten percent of the rate of sale in respect of residential buildings and fifteen percent of the rate of sale in respect of non-residential houses/ buildings;

(b) if the construction relates to a plot exceeding one hundred square meter, but does not exceed two hundred square meter, twenty percent of the rate of sale, in respect of residential buildings and thirty percent 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 percent of the rate of sale, in respect of residential buildings and forty five percent of rate of sale, in respect of non-residential buildings;

(d) if the construction relates to a plot exceeding three hundred fifty square meter, fifty percent of the rate of sale, in respect of residential building and seventy-five percent of the rate of sale, in respect on non-residential buildings:

Provided further that the compounding shall be made in case of residential construction by the Chief Municipal Officer and in case of non-residential construction with the permission of President-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 such construction has been made.

(2) The compounding fee under sub-section (1) shall be charged on the unauthorised construction and not on the entire building."

