

**Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam,
2010**

15 of 2010

[19 April 2010]

CONTENTS

PART 1 :- AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (No. 23 of 1956)

1. Short Title
2. Amendment To The Madhya Pradesh Act No. 23 Of 1956

PART 2 :- AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 OF 1961)

3. Amendment To The Madhya Pradesh Act No. 37 Of 1961

**Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam,
2010**

15 of 2010

[19 April 2010]

An Act 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 :-

PART 1

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956
(No. 23 of 1956)

1. Short Title :-

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

2. Amendment To The Madhya Pradesh Act No. 23 Of 1956 :-

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 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;

(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 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. Imposition of user charges.--

(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.

(2) The user charges 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 Corporation;
- (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 Corporation:

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 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 subsection (2) shall become eligible to establish one or more colonies in the area of Municipal 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 :-

"(1-a) .In addition to reserving the developed plots or residential houses under subsection (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."

PART 2

AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 OF 1961)

3. Amendment To The Madhya Pradesh Act No. 37 Of 1961

:-

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) Responsibility of persons associated in the act of illegal colonization or illegal diversion of land.--"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 figure "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. Imposition of user charges.--

(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:-

(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 subsection (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 subsection (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 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 more 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. Responsibility of persons associated in the act of illegal colonization or illegal diversion of land.--

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".