

Madhya Pradesh Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata Adhiniyam, 1970

12 of 1970

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An Act to make provision for assistance to destitutes and indigent persons by making it obligatory on the Local Authorities to provide relief to them and to set-up and maintain homes for them and for matters connected therewith.] Be it enacted by the Madhya Pradesh Legislature in the twentieth year of the Republic of India as follows :-- 1. Substituted by M.P. Act No. 33 of 1984. 2. Received the assent of the Governor on 5-2-1970; Assent first published in the Madhya Pradesh Gazette (Extraordinary), dated

13-2-1970.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Madhya Pradesh 1[Nirashriton Avam Nirdhan Vyaktiyon Ki] Sahayata Adhiniyam, 1970.

(2) It extends to whole of Madhya Pradesh.

(3) This section and Sections 9, 10 and 11 shall come into force at once find the remaining provisions shall come into force on such date as the State Government may, by notification appoint and different dales may be appointed for different provisions and for different areas of the State.

1. Substituted by M.P. Act No. 58 of 1976.

2. Definitions :-

In this Act, unless the context otherwise requires,--

3[(a) "destitute" means--

(i) an old and infirm person; or

(ii) "person with disability" as defined in clause (t) Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (No. 1 of 1996); or

(iii) a widow or a divorcee or a woman subjected to cruelty, fulfilling such requirements including that of residence in a local area as may be prescribed;] and

2[(a-1) "indigent person" means a member of a family,--

(i) ordinarily residing in a local area comprising within the limits of such local authority as the State Government may, by notifications, specify; and

(ii) which has an income of one hundred rupees or less per month;

3[Explanation.--

For the purpose of this clause, "family" means husband, wife, minor children and unmarried daughter, if any;]

(b) "law relating to local authority" means--

(i) in the case of a Municipal Corporation, the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956);

(ii) in the case of a Municipal Council or Notified Area Committee, the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);

4[(iii) in the case of Gram Panchayat, the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994)];

(c) "local area" means the area comprised within the limits of a local authority;

(d) "local authority" means a Municipal Corporation, Municipal Council, 5[notified area committee or Gram Panchayat], as the case may be, constituted or deemed to have been constituted under the law relating to local authority concerned;

6[(e) "market area" shall have the meaning assigned to it in the Madhya Pradesh Agricultural Produce Markets Act, 1960 (No.19 of 1960);

(f) "specified agricultural produce" in relation to a market area means the agricultural produce specified under clause (ii) of sub-section (1) of Section 4 or Section 5, as the case may be;

(g) "specified rate" in relation to a specified agricultural produce means the rate specified under clause (ii) of sub-section (1) of Section 4 or Section 5, as the case may be;]

7[(g-1) "State Destitute Fund" means the Fund constituted under Section 4.]

1. Substituted by M.P. Act No. 25 of 2006. Prior to substitution it was as under:

"(a) "destitute" means-

(i) old and infirm persons; or

(ii) blind or deaf and dumb or otherwise disabled persons,

fulfilling such requirements including that of residence in a local area as may be prescribed;]"

2. Inserted by M.P. Act No. 58 of 1976.

3. Substituted by M.P. Act No. 25 of 2006. Prior to substitution it was as under :

"Explanation.-For the purpose of this clause "family" means husband, wife and their minor children, if any;"

4. Substituted by M.P. Act No. 25 of 2006. Prior to substitution it was as under :

"(iii) in the case of a Gram Panchayat or Adivasi Panchayat, the Madhya Pradesh Panchayats Act, 1962 (No. 7 of 1962);"

5. Substituted by M.P. Act No. 25 of 2006 for "notified area committee. Gram Panchayat or Adivasi Panchayat".

6. Clauses (e), (f) & (g), Inserted by M.P. Act No. 7 of 1972.

7. Inserted by M.P. Act No. 25 of 2006.

3. Local Authority To Implement Schemes And Provide Relief To Destitutes :-

1[Notwithstanding anything contained in the law relating to local authority, it shall be the obligatory duty of a local authority to implement schemes and to provide adequate relief for,--

- (a) feeding of destitutes;
- (b) care of destitutes;
- (c) the maintenance and management of service for the object aforesaid; and
- (d) granting assistance for--
 - (i) cremation of an indigent person or any member of his family;
 - (ii) special schemes for the benefit of girls belonging to families of below poverty line as notified by the State Government from time to time; and
 - (iii) any other purpose for the benefit of an indigent person as may be notified by the State Government from time to time;subject to such terms and conditions as may be prescribed.]

1. Substituted by M.P. Act No. 25 of 2006. Prior to substitution it was as under:

"3. Local authority to provide relief to destitutes. --

Notwithstanding anything contained in the law relating to local authority, it shall be the obligatory duty of a local authority to make adequate provisions for, --

- (a) feeding of destitutes;
- (b) care of destitutes; and
- (c) the maintenance and management of service for the object aforesaid;
- (d) granting loan for--
 - (i) providing medical assistance to an indigent person in serious and emergency cases; or
 - (ii) cremation of an indigent person or any member of his family; or
 - (iii) any other purpose for the benefit of an indigent person as may be notified by the State Government from time to time;subject to such terms and conditions as may be prescribed."

4. Market Committee To Render Assistance To Local Authority :-

(1) Notwithstanding anything contained in the Madhya Pradesh Agricultural Produce Markets Act, 1960 (No. 19 of 1960), a market committee constituted under the said Act shall,--

1[x x x]

- (ii) collect from the purchasers of agricultural produce within the market area--
 - (a) such agricultural produce;
 - (b) at such rate not more than five hundred grams per quintal, as the State Government may, by general or special order, specify.

2[(2) The Collector may, by order apportion twenty-five per cent of the collection made by a market committee under clause (ii) of sub-section (1) between the several local authorities within the jurisdiction whereof the market area concerned falls).

3[(2-A) The Collector shall apportion and deposit ten percent of the amount of collection made by a market committee, into the State Destitute Fund and the amount collected in such Fund shall be utilised for any district in such manner as may be prescribed, and the Commissioner. Panchayat and Social Justice, Madhya Pradesh shall operate and maintain proper account of such Fund, and the account of such Fund shall be audited by the Director, Local Fund Audit, Madhya Pradesh.

(2-AA) All moneys of the State Destitute Fund shall be deposited in a co-operative bank or any bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970), as a corresponding new bank or in post office saving bank.

(2-AB) The amount remaining after apportionment under sub-sections (2) and (2-A) shall be utilized for the purpose of setting up and maintaining homes for destitutes and indigent persons in the area falling within the jurisdiction of the market committee concerned :

Provided that the State Government may, having regard to the need of such homes in any other areas, order the utilization of not exceeding ten percent of the remaining amount for setting up and maintaining homes for destitutes and indigent persons in such other area outside the jurisdiction of the market committee concerned.]

(2-B) The homes for destitutes and indigent persons shall be set up and maintained in such manner as may be prescribed.

4[(3) The market committee shall deliver the collections made by it under clause (ii) of sub-section (1) to the Collector within such period as the Collector may, by general or special order, specify.

(4) The Collector shall distribute the collections received by him under sub-section (3), to the local authority or local authorities, as the case may be, in accordance with the apportionment made under sub-section (2) and shall place the balance, if any, remaining with him after such distribution at such place and in such manner as he may deem fit.

(5) The Collector shall maintain proper account of the balance remaining with him under sub-section (4).]

1. Omitted by M.P. Act No. 29 of 1994 (w.e.f. 11-10-1994).

2. Substituted by M.P. Act No. 29 of 1994 (w.e.f. 11-10-1994).

3. Subs by M.P. Act No. 25 of 2006. Prior to substitution it was as under :

"(2-A) The amount remaining after apportionment under sub-section (2) shall be utilized for the purpose of setting up and maintaining homes for destitutes and indigent persons in the area falling within the jurisdiction of the market committee concerned :

Provided that the State Government may, having regard to the need of such homes in any other area, order the utilization of not exceeding ten per cent of the remaining amount for setting up and maintaining homes for destitutes and indigent persons in such other area outside the jurisdiction of the market committee concerned."

4. Substituted by M.P. Act No. 15 of 1977.

4A. Constitution Of Committees :-

1[The State Government may constitute Committees at State and District level in such manner and consisting of such number of members as may be prescribed to advise the State Government in the matter of setting up and maintaining homes for destitutes and indigent persons.]

1. Inserted by M.P. Act No. 33 of 1984.

5. Local Authority To Collect Agricultural Produce In Certain Cases :-

Where there is no market established under the Madhya Pradesh Agricultural Produce Markets Act, 1960 (No. 19 of 1960) and a market is established under the law relating to local authority for wholesale transactions of agricultural produce the local authority shall, notwithstanding anything contained in the law relating to local authority make the collection from the purchasers within the market area of such agricultural produce at a rate not more than 500 grams per quintal as the State Government may, by general or special order, specify.

5A. Point At Which Collection To Be Made Under Section 4 Or Section 5 :-

1[The collection of specified agricultural produce at the special rate,--

(a) under clause (ii) of sub-section (1) of Section 4 shall be made at the point at which market fee levied under Section 19 of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973) is collected and the provisions of sub-sections (1) to (4) of Section 19 of the said Act shall apply to collection of agricultural produce under this Act as they apply to levy and collection of fee under that Act;

(b) under Section 5 shall be made at the point of first purchase of such agricultural

produce brought for sale or bought or sold within the market area.

1. Substituted by M.P. Act No. 15 of 1977.

5B. Collection Under Section 4 Or Section 5 May Be Made In Kind Or Cash :-

The market committee or the local authority may, at the option of the purchaser of the specified agricultural produce, collect the agricultural produce under clause (ii) of sub-section (1) of Section 4 or Section 5, as the case may be, either in kind at the rate specified under clause (ii) of subsection (1) of Section 4 or Section 5, as the case may be, or in cash at such rate or rates as may be specified by the State Government by general or special order, in this behalf and different rates may be specified for different specified agricultural produce and for different market areas.

5C. Restriction On Transport Of Specified Agricultural Produce :-

1[Notwithstanding anything contained in the Madhya Pradesh Agricultural Produce Market Act, 1960 (No. 19 of 1960) or a law relating to local authority, no person shall transport or cause to be transported outside the market area any specified agricultural produce unless such quantity of such specified agricultural produce at the specified rate either in cash or kind as is required to be given towards collection under this Act is made over to the market committee or the local authority, as the case may be, in respect to such specified agricultural produce.]

1. Inserted by M.P. Act No. 7 of 1972.

5D. Realisation Of Contribution As An Arrear Of Land Revenue :-

1[If a person liable to contribute towards collections to be made by a market committee under Section 4 or by local authority under Section 5, as the case may be, fails to give the specified agricultural produce or cash in lieu thereof in accordance with the provisions of this Act and the rules made thereunder, the Collector may, on a complaint made by the market committee or the local authority, recover from him the amount worked out at the rates specified in Section 5-B as an arrear of land revenue.]

1. Sections 5-D and 5-E, Inserted by M.P. Act No. 15 of 1977.

5E. Power To Require The Defaulter Market Committee Or Defaulter Local Authority To Deposit Collection Within Specified Time :-

1[(1) If a market committee or a local authority fails to collect or deliver specified agricultural produce in accordance with Section 4 or Section 5, as the case may be, the District Panchayats and Welfare Officer may with prior sanction of the Collector by a notice issued in such form as may be prescribed call upon the defaulter market committee or the defaulter local authority to deposit towards the estimated collection such amount calculated at the rate specified in Section 5-B and within such period as may be specified therein with the Collector.

(2) If the market committee or the local authority fails to deposit the amount within the period specified in the notice issued under sub-section (1), the same shall be recoverable from the market committee or the local authority as an arrear of land revenue.

1. Sections 5-D and 5-E, Inserted by M.P. Act No. 15 of 1977.

6. Local Authority To Organise Collection Of Charities In Local Areas :-

In order to enable the local authority to discharge the obligation imposed on it under this Act, the local authority may organise house to house collection of charities in cash or kind in the local area.

7. Power Of Local Authority To Impose Cess :-

(1) For the purpose of this Act, the local authority shall, in the manner prescribed, levy a cess on lands and buildings situated within the local area at a rate,--

(i) not more than 10 per cent of the land revenue payable or rent fixed or assessed on the land used for the purpose of agriculture, whether or not such land revenue or rent or any portion thereof has been released, compounded for or redeemed or if the land is held rent free or at a reduced rent or on favourable conditions, of the rent fixed on such land;

(ii) not more than 1 per cent of the gross annual letting value or annual letting value, as the case may be, of land or building determined in accordance with the law relating to local authority concerned :

Provided that in respect of buildings situated within the limits of a gram panchayat 1[x x x] such cess shall be levied at a rate not more than one paise per hundred rupees of the capital value of building determined in accordance with the provisions of the law relating to local authority :

Provided further that no tax shall be levied under the foregoing proviso on buildings of capital value not exceeding one thousand rupees.

(2) The cess levied under sub-section (1) shall be in addition to taxes imposed by a local authority under the law relating to local authority concerned and shall be payable by,--

(i) the tenure holder, tenant other than sub-tenant or a Government lessee liable to pay land revenue or rent;

(ii) in case of cess levied under clause (ii) of sub-section (1) by the owner of land or building.

(3) The State Government may, by rules made under this Act,--

(a) regulate the assessment and collection of cess;

(b) prevent the evasion of such cess.

(4) Nothing in this section shall be construed to empower the local authority to levy cess under this Act,--

(i) on lands used for purposes of agriculture as are exempted from payment of land revenue, under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);

(ii) on land or building as is not liable to property tax under the law relating to local authority concerned; and

(iii) in a case not falling under clause (ii) above, on land or building the annual letting value whereof does not exceed one hundred rupees.

1. Words "or Adivasi Panchayat" omitted by M.P. Act No. 25 of 2006.

8. Proceeds Of Cess And Other Collections To Be Expended On Purpose Of Act :-

1[The entire proceeds of the cess levied under Section 7, and other contributions and collections received in accordance with the provisions of this Act shall be expended on the purposes mentioned in 2[Section 3 and sub-section (2-A) of Section 4]].

1. Substituted by M.P. Act No. 58 of 1976.

2. Substituted by M.P. Act No. 33 of 1984.

8A. Penalty :-

1[Whoever transports specified agricultural produce in contravention of Section 5-C shall be punishable with imprisonment which may extend to three months or with fine which may extend to rupees five hundred or with both and where the person holds a licence in respect of the area concerned under the Madhya Pradesh Agricultural Produce Markets Act, 1960 (No. 19 of 1960) or a law relating to local authority, as the case may be, shall, in addition, be liable for cancellation of his licence.]

1. Inserted by M.P. Act No. 7 of 1972.

9. Power To Make Rules :-

(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,--

(a) the requirements to be fulfilled under clause (a) of Section 2;

1[(b) the manner in which the State Destitute Fund shall be utilised in any district under sub-section (2-A) of Section 4;]

2[(b-1) the manner in which homes shall be set up and maintained

under sub-section (2-B) of Section 4;

(b-2) the manner in which committees shall be constituted under Section 4-A and number of members of such committees.]

(c) the manner in which cess shall be levied under sub-section (1) of Section 7;

3[(c-1) terms and conditions subject to which relief may be provided under Section 3;]

(d) any other matter which has to be, or may be prescribed under this Act.

4[(3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

1. Inserted by M.P. Act No. 25 of 2006.

2. Inserted by M.P. Act No. 33 of 1984.

3. Substituted by M.P. Act No. 25 of 2006. Prior to substitution it was as under :

"(c-1) terms and conditions subject to which loan may be granted under clause (b) of Section 3."

4. Inserted by M.P. Act No. 7 of 1972.

10. Amendment Of Certain Acts :-

(1) In Section 67 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), Clause (x) shall be omitted.

(2) In Section 124 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), Clause (cc) shall be omitted.

(3) In sub-section (1) of Section 39 of the Madhya Pradesh Panchayats Act, 1962 (No. 7 of 1962), Clause (e) shall be omitted.

11. Repeal :-

The Madhya Pradesh Nirashriton Ki Sahayata Adhyadesh, 1969 (No. 17 of 1969) is hereby repealed.