

**Madhya Pradesh Panchayat Raj Avam Gram Swaraj
(Sanshodhan) Adhiniyam, 2013**

21 of 2013

[24 April 2013]

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An Act further to amend the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993.

Be it enacted by the Madhya Pradesh Legislature in the sixty-fourth year of the Republic of India as follows:--

* Published in M.P. Rajpatra (Asadharan) dated 24-4-2013 Pages 390(3-5).

1. Short title and commencement :-

(1) This Act may be called the Madhya Pradesh Panchayat Raj Avam Gram Swaraj (Sanshodhan) Adhiniyam, 2013.

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

2. Substitution of Section 61-A :-

For Section 61-A of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994) (hereinafter referred to as the Principal Act), the following section shall be substituted, namely:--

"61-A. Definitions.--

For the purposes of this Chapter,--

(a) "Gram Panchayat Area" means such area which is situated in the Gram Panchayat within a distance of,--

(i) sixteen kilometers from the limits of a Municipal Corporation constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956);

(ii) eight kilometers from the limits of a Municipal Council or Nagar Parishad constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);

(iii) three kilometers from the limits of an urban area other than those specified in (i) and (ii) above;

(iv) one kilometer from the side of a National Highway specified in or declared under the National Highway Act, 1956 (XLVII of 1956) or public road notified under Section 2 of the Madhya Pradesh Highway Act, 1936 (XXXIV of 1936):

Provided that any area situated within the planning area notified under section 13 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam 1973 (No. 23 of 1973), shall be deemed to be a "Gram Panchayat Area" for the purpose of this Chapter;

(b) "colony" means an area which has been developed by dividing the said area into plots and includes group housing excludes an area which may have been divided amongst the members of a family, ordinarily for the purpose of constructing dwelling units;

(c) "colonizer" means any person, society, institution or entity,

excluding those that may be so notified by the State Government, who intends to take up the work of developing a colony in accordance with the provisions of this Act and rules made thereunder for the purpose of transfer by sale or otherwise all or some of the plots or the building or part thereof and is registered as a colonizer by the Competent Authority under this Act."

3. Amendment of Section 61-B :-

In Section 61-B of the Principal Act, for the words and bracket "the Sub-Divisional Officer (Revenue)" wherever they occur, the words "such Competent Authority as may be prescribed by State Government shall be substituted."

4. Substitution of Section 61-C :-

For Section 61-C of the Principal Act, the following Section shall be substituted, namely:--

"61-C. Development of Colonies.--

(1) Subject to the provisions of this Act and the rules made thereunder, any colonizer, who has been issued registration certificate under sub-section (2) of Section 61-B, may develop a colony in the Gram Panchayat area.

(2) (a) The colonizer shall provide developed plots or constructed dwelling units to the economically weaker section as may be prescribed.

(b) The size, number and location of such plots or dwelling units may be prescribed.

(3) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or dwelling units mentioned in clause (b) of sub-section (2), the State Government may impose, collect and utilize a shelter fee as may be prescribed."

5. Amendment of Section 61-D :-

In Section 61-D of the Principal Act, for subsection (3), the following sub-section shall be substituted, namely .--

"(3) Whoever commits an offence of illegal diversion or illegal colonization shall be punished with imprisonment of not less than three years and not more than seven years, and a minimum fine of ten thousand rupees. Such offence shall be cognizable."

6. Substituted of Section 61-E :-

For Section 61-E of the Principal Act, the following Section shall be substituted, namely:--

"61-E. Punishment for abetment of offence of illegal Construction.--

(1) Whoever in the area of illegal diversion or illegal colonization or illegal construction,--

(i) being an officer having power to sanction layout or map for the construction of a building grants sanction or approves such layout or map; or

(ii) being an officer under a primary duty to do so knowingly omits to report illegal diversion of land or illegal construction of a building in such an area to the proper authority; or

(iii) being an officer or an employee responsible to take action against the illegal diversion of land or illegal colonization or illegal construction of a building in such an area fails to take action; or

(iv) being an officer or the authority competent to sanction electrical or water supply connection grants such sanction with respect to the building in such an area, shall be punished with simple imprisonment which may extend to three years and a fine which may extend to ten thousand rupees:

Provided that nothing contained in clause (iv) shall apply to the cases where the Collector, with the approval of the State Government, certifies that in public interest there is no objection to provide electrical and water supply connection to the building in the area of illegal diversion or illegal colonization.

(2) Whoever illegally influences the officers aforesaid in granting such sanction or in omitting to make a report of such illegal diversion of land or illegal construction shall be punished with simple imprisonment which may extend to three years and a fine which may extend to ten thousand rupees."

7. Insertion of Section 61-E A :-

After Section 6 IE of the principal Act, the following Section shall be inserted, namely:--

"61 - E A . Punishment for not taking action against illegal colonization.--

In a case of illegal colonization if an official authorised by the Competent Authority to inspect, report, stop or remove any construction knowingly omits to take action, or if a police officer responsible to provide assistance necessary for such action does not do so, shall be punished with simple imprisonment which may extend to three years or with fine which may extend to ten thousand rupees or with both."