विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 नवम्बर, 2011

क्र. 6973-396-उक्ती-अ(प्रृ.)—भारत के संविधान के अनुसार उक्त्रो 348 के खण्ड (3) के अनुसार में, मध्यप्रदेश नगरपालिका विधि (दूसरी संशोधन) विधेयक, 2011 (क्रमांक 34, सन् 2011) का अंतर्गत अनुसार मध्यप्रदेश के राज्यपाल के प्राधिकार से प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अपर सचिव.
MADHYA PRADESH BILL
No. 34 of 2011.

THE MADHYA PRADESH NAGARPALIK VIDHI (DWITIYA SANSHODHAN)
VIDHEYAK, 2011

A Bill further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the

Be it enacted by the Madhya Pradesh Legislature in the Sixty-second year of the Republic
of India as follows:—

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Dwitiya Sanshodhan)
Adhiniyam, 2011.

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) For Section 129, the following Section shall be substituted, namely:—

“129. (1) Notwithstanding anything contained in Section 4 of the Madhya Pradesh
Sthaniya Nidhi Samparksha Adhiniyam, 1973 (No. 43 of 1973), the annual
accounts of every Corporation shall be subject to audit by the Director, Local
Fund Audit under the said Act and the Corporation shall be liable to pay such
audit fee as the State Government may, from time to time, specify in this
behalf.

(2) If the accounts of Corporation are not audited under sub-section (1) by the Director,
Local Fund Audit, the Corporation, shall have the option, subject to sanction
of the State Government, to get its accounts audited by an outside agency.”.

(2) Sections 130-A and 130-B shall be renumbered as Sections 130-B and 130-C
respectively and before Section 130-B as so renumbered, the following Section
shall be inserted, namely:—

“130-A. (1) The accounts of the Corporation shall be audited by the Director, Local
Fund Audit under section 129 and the Comptroller and Auditor General of
India shall give technical guidance and supervision over the audit of
Corporations.

(2) The annual audit reports of Director, Local Fund Audit on Corporations along with
the annual technical inspection report of the Comptroller and Auditor General
of India shall be submitted to the Governor, who shall cause the said reports
to be laid on the table of the Legislative Assembly.”.

(3) For Section 292-B, the following Section shall be substituted, namely:—

“292-B (1) The permission of the development of colonies shall be given by the
Commissioner and appeal shall lie to the State Government against the order
of the Commissioner.
(2) (a) While developing the colony under the provisions of this Act and the rules made in this behalf a colonizer, who has been issued the registration certificate under section 292-A, shall provide fully developed plots or constructed residential houses for the persons belonging to economically weaker section and low income group.

(b) The size, number and location of such plots or houses shall be such as may be prescribed by the State Government.

(3) The cost of such plots or houses mentioned in sub-section (2) and the process of selection of the persons to whom they may be sold by the colonizer shall be such as may be prescribed by the State Government.

(4) In respect of the land on which the Urban Land (Ceiling and Regulation) Act, 1976 (No. 33 of 1976) was applicable, the colonizer shall have to reserve developed plots of the prescribed size in the prescribed area for the persons belonging to economically weaker sections.

(5) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or houses mentioned in sub-section (2), the State Government may, in such cases as it may consider appropriate, impose a shelter fee to be determined in such manner as may be prescribed.

(6) The shelter fee shall be collected and utilised in such manner as may be prescribed."

(4) After Section 308-B, the following Section shall be inserted, namely:—

"308-C. (1) Notwithstanding anything contained in the Act, the powers of Commissioner in respect of building control under sections 293 to 299 and Sections 300 to 308-A shall vest in the committee headed by the General Manager of the District Trade and Industry Centre or the Managing Director of the Audhyogik Kendra Vikas Nigam or the Managing Director of the Industrial Infrastructure Development Corporation, as the case may be, in respect of buildings falling under an industrial area or a growth centre. A representative each of the Collector and the Commissioner of concerned Corporation shall be the members of such committee.

(2) The powers vested in the committee under sub-section (1) shall be exercised in such manner as may be prescribed.

(3) All the fees and charges levied in respect of building permission and regulation thereof under sub-section (1) shall be deposited into the Municipal Fund.".

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 sub-section (1) of Section 121, for the words, figures and bracket “Section 3 of the Madhya Pradesh Local Fund Audit Act, 1933 (IX of 1933)”, the words, figures and bracket “Section 4 of the Madhya Pradesh Sthaniya Nidhi Samparkiksha Adhiniyam, 1973 (No. 43 of 1973)” shall be Substituted.
(2) Section 122-A and 122-B shall be renumbered as Section 122-B and 122-C respectively and before Section 122-B as so renumbered, the following Section shall be inserted, namely:—

(1) The accounts of the Councils shall be audited by the Director, Local Fund Audit under section 121 and the Comptroller and Auditor General of India shall give technical guidance and supervision over the audit of Councils.

(2) The annual audit reports of Director, Local Fund Audit on Councils along with the annual technical inspection report of the Comptroller and Audit General of India shall be submitted to the Governor, who shall cause the said reports to be laid on the table of the Legislative Assembly.”.

(3) After Section 187-C, the following Section shall be inserted, namely:—

(1) Notwithstanding anything contained in the Act, the powers of Council in respect of building control under Sections 187, 187-A, 188, 189, 190 and 191 shall vest in the committee headed by the General Manager of the District Trade and Industry Centre or the Managing Director of the Audyogik Kendra Vikas Nigam or the Managing Director of the Industrial Infrastructure Development Corporation, as the case may be, in respect of buildings falling under an industrial area or a growth centre. A representative of the Collector, and the Chief Municipal Officer of the concerned Municipality shall be the members of such committee.

(2) The powers vested in the committee under sub-section (1) shall be exercised in such Manner as may be prescribed.

(3) All the fees and charges levied in respect of building permission and regulation thereof under sub-section (1) shall be deposited into the Municipal Fund.”.

(4) For Section 339-B, the following Section shall be substituted, namely:—

(1) The permission of the development of colonies shall be given by the Competent Authority and appeal shall lie to the State Government against the order of the Competent Authority.

(2) (a) While developing the colony under the provisions of this Act and the rules made in this behalf, a colonizer who has been issued the registration certificate under section 339-A, shall provide fully developed plots or constructed residential houses for the persons belonging to economically weaker Section and low income group.

(b) The size, number and location of such plots or houses shall be such as may be prescribed by the State Government.

(3) The cost of such plots or houses mentioned in sub-section (2) and the process of selection of the persons to whom they may be sold by the colonizer shall be such as may be prescribed by the State Government.

(4) In respect of the land on which the Urban Land (Ceiling and Regulation) Act, 1976 (No. 33 of 1976) was applicable, the colonizer shall have to reserve developed plots of the prescribed size in the prescribed area for the persons belonging to economically weaker Sections.
(5) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or houses mentioned in sub-section (2), the State Government may, in such cases as it may consider appropriate, impose a shelter fee to be determined in such manner as may be prescribed.

(6) The shelter fee shall be collected and utilised in such manner as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

Certain amendments are proposed in the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).

2. The salient features of the proposed amendment are as under:

(1) The Thirteenth Finance Commission has recommend in its report that Comptroller and Auditor General of India should give technical guidance and supervision over the audit of Municipalities and his annual technical inspection report as well as the annual audit reports on the Municipalities should be laid on the table of the Legislative Assembly. The State Government has decided to put in place such a system so as to make the State eligible to draw down its performance grant for the succeeding fiscal year. In order to ensure compliance of the recommendation of the Thirteenth Finance Commission suitable amendments has been proposed.

(2) With a view to rationalize the provision of earmarking of plots or houses for the economically weaker Sections and lower income groups in the development of the colonies in the State, suitable amendments are proposed.

(3) With a view to create conducive environment for the industries in Madhya Pradesh it is proposed to delegate powers of building permission to a committee headed by the General Manager of District Trade and Industry Centre or the Managing Director of Audyogik Kendra Vikas Nigam or the Managing Director of Industrial Infrastructure Development Corporation. The representative of Collector and the Commissioner of concerned corporation shall be the members of committee in case of a Municipal Corporation, whereas the Chief Municipal Officer and representative of the Collector shall be the members in the committee in case of a Municipal Council or Nagar Parishad.

3. Hence this Bill.

Bhopal :
Dated : the 18th November, 2011.

BABULAL GOYR
Member-in-charge.