

VIDHAN SABHA SECRETARIAT
MADHYA PRADESH



REPORT
OF THE
SELECT COMMITTEE
ON
MADHYA PRADESH MUNICIPALITIES BILL, 1960
(No. 6 of 1960)

BHOPAL
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1961

COMPOSITION OF THE SELECT COMMITTEE ON
THE MADHYA PRADESH MUNICIPALITIES BILL, 1960

(No. 6, of 1960)

Chairman

1. Shri Manohar Singh, Mehta.

Members

2. Shri B. A. Mandloi, Revenue Minister.
3. Shri Shankar Dayal Sharma, Law Minister.
4. Shri Jagmohandas, Deputy Minister (Revenue).
5. Shri Sagar Singh Sisodia.
6. Shri B. L. Nahta.
7. Shri Yashwant Singh Kushwah.
8. Shri Hiralal Pippal.
9. Shri Vedehicharan Parashar.
10. Shri Nannhelal.
11. Shri Gopal Singh.
12. Shri Kapildeo Narain Singh.
13. Shrimati Ratan Kumari.
14. Shri Raichand Bhai Shah.
15. Swami Krishnanand.
16. Shri Kashiram Tiwari.
17. Shri Rukmani Raman Pratap Singh.
18. Shri Gopal Sharan Singh.
19. Shri Hansraj.
20. Shri Harkishan Singh.
21. Shri Yugal Kishore Saxena.
22. Shri Vasant Rao Pradhan.
23. Shri Vimal Kumar Choradia.
24. Shri Homi. F. Daji.
25. Shri Malojirao Narsingh Rao Shitole.

Secretariat

1. Shri Raghunath Singh, *Secretary*.
2. Shri Madan Gopal, *Deputy Secretary*.

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which the Madhya Pradesh Municipalities Bill, 1960, was referred having been authorised to submit the report on their behalf, present the Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Vidhan Sabha on the 6th April 1960. The motion for reference of the Bill to the Select Committee was moved in the House by Shri B. A. Mandloi and was adopted on the 7th April 1960.

3. The Committee held 21 sittings in all

4. In the first and second meetings of the Committee held on the 26th and 27th May, 1960, the Committee heard evidence tendered by the persons/associations mentioned in the Appendix.

4. (a) The Committee during their deliberations also took into consideration the various representations received from different bodies, organisations and individuals in connection with the new Bill.

5. At the third sitting held on the 28th May 1960, the Committee had a general review of the provisions of the Bill.

6. The Committee considered the Bill clause by clause at their sittings held on the 18th, 19th and 20th July, 9th, 10th, 11th and 12th August, 12th and 13th September, 25th and 26th November, 13th, 14th and 15th December, 1960 and 18th, 19th and 20th January, 1961.

7. The Report of the Committee was originally to be presented by the end of October, 1960 session. The Committee were granted extension of time on the 4th October 1960 up to the first day of this session.

8. The Committee considered and adopted the Report on the 1st February 1961.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. The Committee have recommended the substitution of the designation of the "Chief Executive Officer" as the "Chief Municipal Officer" throughout the Bill.

11. *Clause 2.—(1) New item (i-a).*—As a corollary to item (i) the Committee feel that the Committees, Councils, sub-committees and boards referred to in that item and their office bearers and members, etc., should also continue to function until the expiry of their respective terms under the repealed Acts applicable to them before the commencement of this Act and any vacancy accruing in their office before the expiry of their term should be filled in the manner provided in the repealed Acts. The item has been added accordingly.

New explanation II clarifies that where any authority specified by or under the repealed Acts ceases to exist after the commencement of this Act the powers exercisable by such authority shall, for the purpose of this Act be exercisable by

such authority as may be notified by the Government and the cases pending before the former authorities on such notification shall stand transferred to the specified authorities and disposed of by them in accordance with the provisions of the repealed Acts.

12. *Clause 3.*—The definition of “corrupt practice” has been added under item (5-a) which was considered necessary by the Committee. Items 10 and 26 were considered unnecessary and have been deleted. A few minor corrections have also been made in this clause.

13. *Clause 5.*—Sub-clause 3 of clause 5 of the Bill provides a period of 30 days for receiving objections to the notification issued by the State Government under sub-clause (1) declaring their intention to create, abolish or alter limits of municipalities. This period was considered inadequate and has been amended to 45 days. It has also been specified that the objections should be forwarded by the Collector to the Government with his comments within 45 days.

14. *Clause 6.*—The Committee have added a provision in the clause that the notification under section 5 should also be published at least in one Hindi newspaper having circulation in the area to which it relates.

15. *New Clause 6 (A).*—In the event of the Government deciding to replace a Town Area Committee or a Panchayat by a Municipality, so that there is no vacuum, the Committee have introduced this provision which seeks to ensure a smooth transition consequent to their abolition, to validate and save the acts performed by the body so abolished.

16. *Clause 8.*—Item (b) of sub-clause (1) has been revised to make the provision more explicit and to provide for cases where the area is also included within the limits of any local authority other than the Council.

To the above clause a new sub-clause (2) has been added which provides that all amounts due to a Council from a local area immediately before its exclusion from the Council on account of tax, toll, etc., or otherwise may continue to be recovered by the Council in respect of such area.

17. *Clause 15.*—In view of clause 314 of the Bill, this clause was considered superfluous and has been deleted.

18. *Clause 16.*—In the original clause it was provided that when an area is declared to be a Municipality for the first time the Collector or other officer appointed by him shall exercise the powers of the Council. The Committee considered that it would be in consonance with democratic principles if these powers and functions are exercised by a Committee to be appointed by the Government.

The clause has been amended accordingly.

19. *Clauses 20, 20-A to 20-H.*—The existing clause 20 of the Bill did not specify any details of the procedure for the disposal of election petitions and the grounds on which such petitions would lie, and it was intended to leave this to rules to be framed by the Government. The Committee favoured a substantive provision in this regard. Hence the clause has been amended and clause 20-A to 20-H have been added to make comprehensive statutory provisions in this regard on the lines of the Representation of the People Act, 1951.

20. *Clause 24.*—The original provision of sub-clause (3) contemplated an annual revision of the electoral rolls. The Committee, however, considered that a revision of the electoral rolls six months prior to the municipal general election would serve the purpose. The Committee also considered that such revision will not be necessary where the general election takes place upon the dissolution of the Council within two years of the last municipal general election.

Sub-clause (3) has been amended accordingly.

21. *Clause 34.*—The Committee were of the opinion that the Vice-Presidents should be elected from amongst the members of the Council only and that the terms of Office of the President and Vice-Presidents should be two years.

22. *Clause 37.*—The Committee feel that the procedure for tendering resignations should be made more specific. The Committee also thought that the resignation by the President should be addressed to the Vice-President, that of the Vice-President to the President and should be delivered to the Chief Municipal Officer. The resignation should take effect from the date of delivery.

The clause has been amended accordingly.

23. *Clause 38.*—By substituting sub-clause (1) the Committee have tried to make the intention of the provision clearer and also to provide that the office of the President and Vice-President shall become vacant forthwith on a motion of no confidence being carried against them.

In the substituted sub-clause (2), the Committee have endeavoured to make the procedure for the convening and conduct of the special meeting more definite.

24. *Clause 39.*—The amendment in the clause is with a view to allow more discretion to the Council in granting leave of absence to the President or Vice-Presidents.

25. *Clause 40.*—The Committee have added a provision under new sub-clause (4) to the effect that no prosecution under the clause should be instituted without the previous sanction of the State Government.

26. *Clause 40-A.*—This clause has been added to provide that the Municipal Government shall vest in the Council. There was no provision to this effect in the original Bill, hence the amendment.

27. *Clause 41.*—Clause 41 has been amended and a new clause 41-A has been added to make the powers and duties of President and the functions of the Vice-Presidents more explicit.

28. *Clause 44.*—The Committee considered that the meeting of a Council for purposes of selecting Councillors as required under section 19 should be called by the Chief Municipal Officer with the prior approval of the authority prescribed under section 24 within one month after the general election.

The Committee also considered that the first meeting of the Council in class I and Class II municipalities should be called and presided over by the Collector and in the case of Class III and Class IV municipalities by the Sub-Divisional officer to elect the President and Vice-Presidents.

such authority as may be notified by the Government and the cases pending before the former authorities on such notification shall stand transferred to the specified authorities and disposed of by them, in accordance with the provisions of the repealed Acts.

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The clause has been amended accordingly.

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The Committee also considered that the first meeting of the Council in class I and Class II municipalities should be called and presided over by the Collector and in the case of Class III and Class IV municipalities by the Sub-Divisional officer to elect the President and Vice-Presidents.

29. *Clause 50.*—The major amendments in the clause are enhancement of quorum in sub-clause (1) from one-fourth to one-third and the provision that business other than that fixed for the original meeting may be transacted with the consent of two-third the Councillors present.

30. *Clause 59.*—The amendment makes it clear that the election will be in accordance with the system of proportional representation by means of the single transferable vote and that the period of office will be two years instead of one year as in the original provision of the Bill.

31. *Clause 66.*—The procedure of obtaining decisions by circulation was not favoured by the Committee and the clause has therefore been omitted.

32. *Clause 76, 76-A, 76-B and 76-C.*—The existing clause 76 of the Bill provided for the appointment of a Chief Municipal Officer and the creation of a service for such class of officers. The Committee considered this provision to be inadequate and were of the view that it would be desirable in the interest of municipal administration to constitute certain municipal services for the whole State. Provision has, therefore, been made authorising the State Government to constitute three State Municipal Services (Executive, Health and Engineering). The members of the services would be appointed by the State Government but their salaries and allowances would be a charge on the municipal fund. In order to provide minimum administrative control of the local bodies over these municipal services, powers of disciplinary action other than those of dismissal, removal, reduction in rank, etc., have been conferred on the Council and suitable provisions accordingly have been inserted in this clause.

The Committee are also of the view that every Council having an annual income of rupees five lacs or more should have the Health Officer and Engineer drawn from the State municipal Service.

Pending the constitution of the State Municipal Service a provision has been made enabling the Government to make appointments to the posts of Chief Municipal Officer, Health Officer and Engineer.

Substitution of clause 76 and addition of new clauses 76-A, 76-B and 76-C has been made accordingly.

33. *Clause 80.*—The Committee were of the opinion that the power of appointment of officers and servants other than those mentioned in sub-clause (4) should vest in the Standing Committee.

Sub-clause (6) has been amended accordingly.

34. *Clause 88.*—New sub-clause (3) exempts from payment of Stamp Duty all instruments of transfer of land made in favour of a Council.

35. *Clause 98.*—The existing clause made it possible for the Chief Municipal Officer to accept any tender which was not the lowest if such acceptance would be advantageous to the Council. The Committee were of the view that the discretion to accept a tender other than the lowest should only vest in the Council. The proviso has been added accordingly to sub-clause (2).

36. *Clause 102.*—The Committee feel that the Budget Estimates would receive fuller consideration at the hands of a smaller Committee than the full Council. It has accordingly been suggested that the budget estimates should in the fir_{st}

instance be laid before the Finance Committee or the Standing Committee, as the case may be. The budget estimates as approved by the above Committee would then be considered by the Council.

In case the Council is not able to approve the budget estimates before the beginning of the financial year, to which they relate, the estimates as recommended by the Finance or Standing Committee shall be deemed to be the budget estimates finally adopted by the Council till such time as they are adopted by it.

The Committee also feel that to facilitate the passage of the budget estimates at every stage time limits should be prescribed. Changes have accordingly been made in the clause.

37. *Clause 104.*—The Committee did not consider sub-clause (3) necessary and have omitted it.

38. *Clause 106.*—New sub-clause (4) allows any Councillor with the permission of the President and in the presence of the Chief Municipal Officer to inspect any documents relating to the accounts of the Council within two days before the meeting of the Council in which they are to be considered.

39. *Clause 107.*—The Committee were of the view that the annual accounts of every Council should be subject to audit under the Madhya Pradesh Local Fund Audit Act, 1933.

40. *Clause 112.*—The Committee feel that there may be cases where the annual rent of any building or land is much lower than the annual rent for which it might reasonably be expected to let at the time of assessment. In such cases, it would be in the interests of the Council to deem such expected rent to be the annual letting value of the building or land. A proviso has, therefore, been accordingly added.

41. *Clause 117-A and 117-B.*—In view of the importance of growing industrialisation programmes, the Committee were of the view that sometimes municipal taxation becomes a heavy burden on the proper growth of certain industries, and that there should be a provision for granting exemption in certain cases. However, this power of exemption should not be an unrestricted one, should be well defined. With this purpose in view, the new clause 117-A has been added. A new clause 117-B has also been provided for regulating the procedure for refund of taxes.

42. *Clause 122-A.*—There is no provision for appeals against assessment of tax by a Council in the Bill. The Committee feel that in fairness to the assessee a provision should be made so that if there is a dispute as to the liability of any property to assessment or as to the basis or principles of assessment or as to the amount of tax assessed, the aggrieved party may have an opportunity to seek redress in a court of law. The Committee are also of the view that the nearest Civil Judge should have jurisdiction to hear such appeals.

The new clause has been added accordingly.

43. *Clause 169-A.*—The Committee feel that if the erection of a building is prohibited by a Council, the latter need not be made responsible for any damage sustained by an owner in consequence of such prohibition. But if the re-erection of any building is prohibited and the owner thereby sustains any damage, a right to compensation does accrue and the Council should make good the damage by paying a reasonable compensation to such an owner.

In view of the above, the new clause has been added.

44. *Clause 211-A.*—In the overcrowded areas in a municipality a risk of disease to inhabitants may arise by the crowding together of buildings, the impracticability of cleansing any buildings, want of drainage or scavenging or the narrowness, etc., of the streets or buildings. In such cases, it may become necessary to invest the Council with certain special powers to deal with the situation. The Committee feel that the Government should have power to confer such special powers on a Council.

The new clause has, therefore, been added with this view.

45. *Clauses 216-A and 216-B.*—These two clauses have been added with a view to enable the Council to prohibit the collection of inflammable materials or the lighting of fires or the cultivation of crops or the use of manure which may be dangerous to life or property or may be injurious to the health of the inhabitants.

46. *Clause 235-A.*—Spitting in places other than drains or receptacles provided for the purpose, has been made a penal offence.

47. *Clause 241-A.*—Clause 241 provides for fixing places for the slaughter of animals for sale but there is no such provision for the slaughter of animals not meant for sale. This clause has been added in order to regulate such slaughters.

48. *Clause 257-A.*—It may be necessary to reserve certain areas in a municipality for use in future for any special purpose of public utility or for the future development of the municipality. The Committee feel that the State Government should have powers to reserve areas for the purposes mentioned above. Provision has accordingly been made by adding this clause.

49. *Clause 263-A.*—The new clause makes a special provision for the efficient disposal of the dead bodies of animals.

50. *Clauses 263-B, 263-C, 263-D and 263-E.*—The Committee were of the view that besides the provisions contained in Suppression of Immoral Traffic in Women and Girls Act, 1956, a municipal Council should also be fortified and armed with powers to deal with the problem of prostitution and regulate and control prostitution and brothels within the municipal limits so that immoral activities of this type could be effectively checked.

The new clauses have been inserted towards this end.

51. *Clause 276.*—The Committee considered it proper to make a distribution of the powers and functions of the Council under the various clauses of the Bill between the Chief Municipal Officer and the President.

The clause has been substituted accordingly.

52. *Clause 277.*—The Committee were of the view that the Appeal Committee in class I and class II municipalities should hear appeals against the orders of the Chief Municipal Officer and appeals against the orders of the President should lie to the Council.

The clause has been amended accordingly.

53. *Clause 278.*—The Committee considered that in class III and class IV municipalities appeals against the orders of the Council, the President and Chief Municipal Officer should lie to the Collector.

The clause has been amended accordingly.

54. *Clause 279.*—The amendment in the clause lays down definite grounds on which stay can be ordered.

55. *Clause 300-A.*—In the original Bill, no power of revision was given to the State Government in the matter of orders passed by subordinate authorities, like the Commissioner, Collector, etc., or the prescribed authority under the Act. The Committee were of the view that such powers should be vested in the State Government. The new clause 300-A seeks to confer this authority on the State Government to call for relevant records and pass appropriate orders in revision, if necessary.

56. *Clause 300-B.*—In the original Bill, there is no specific provision under which the State Government or any other subordinate authority under the Act could review its own orders. The Committee were of the view that powers of review were necessary.

The new clause 300-B has been accordingly inserted.

57. *Clause 306.*—The Committee considered the clause redundant and have omitted it.

58. *Clause 306-A.*—Public Works in a municipality may be of a nature that require a degree of professional skill which may not be at the disposal of a Council. This clause seeks to empower the Government to carry out such works or to ask any proper agency to do the same. The charges of such works shall be borne by the Council concerned.

The clause has, therefore, been added accordingly.

59. *Clause 313.*—The Bill contemplates the delegation of certain powers of the State Government. The Committee were, however, of the view that these powers which may be delegated should not remain undefined. The Committee have thought it sufficient to indicate in this substituted clause specifically those powers which the State Government should not delegate to any officer or authority subordinate to it.

60. The Select Committee recommend that the Bill as amended by the Select Committee be passed.

BHOPAL :
The 8th February, 1961.

MANOHAR SINGH MEHTA,
Chairman, Select Committee.

MINUTE OF DISSENT

I

For Democracy to be true, greater decentralisation of power is an axiomatic necessity. Therefore, limitations on the powers and scope of Municipalities, Governmental control and an attitude of suspicion is an anarchism from the days of foreign rule, when decentralisation was sought to be effected by a system of check and controls. Though much improved, the Bill is still loaded with some unnecessary, irksome and undemocratic features, with which I strongly dissent.

Some of the main such features are :

Section 86.—Government's refusal to transfer all land within its limits to the Municipalities.

Section 32 and 298.—These sections give power to the Government to remove a Councillor on a motion by a simple majority of the Council. The majority can in no case represent the electors of the allegedly defaulting Councillor. A duly elected Councillor can be removable by no one except the electors through a system of Recall. The section is very mischievous as it provides neither objectives of misconducts nor any provision of judicial and impartial decision.

Similarly the power given by section 298 to the Government to dissolve a Council and supercede it for 2 years is excessively arbitrary. Dissolution, if at all, should at least be based on proved gross misconduct, after fair and impartial opportunity and must immediately be followed by a fresh election. The ultimate correction of mistaken democracy is to trust the people and allow them to determine their will. Executive will should in no case be allowed to super-impose itself on popular will. Such powers have been abused as in the cases of Kaleli and Ujjain Municipalities.

Section 116.—Similarly presanction by the Government for variation in taxation is wrong. It is an ingress on the powers of the Local Authority and should be done away with.

Powers.—It is an anomaly that while greater powers to the Panchayats is being spoken of the functions of Urban Local Authorities are yet sought to be circumscribed to what are known as Municipal functions. There is not even a ray of the Government's willingness to transfer even some of the minor administrative functions. The Local authorities may make mistake, but they shall not come of any worst than the performance of Beaurocracy. I feel that the time has come to make a beginning. Such functions as Housing loans, Industrial loans, Civil supplies, etc., should certainly be transferred to local authorities. The present Bill shows no advance on this very important aspect.

The 27th January 1961.

HOMI F. DAJI.

(हिन्दी अनुवाद)

विमति टिप्पण

लोकतन्त्र को सत्य करने के लिये शक्ति का अधिकतर विकेन्द्रीकरण ही एक स्वयंसिद्ध आवश्यकता है। अतः नगरपालिका की शक्तियों और विस्तार पर परिसीमायें, शासकीय नियंत्रण और संदिग्धता की वृत्ति विदेशी शासन के दिनों से ही कालगणना का भ्रम है जबकि विकेन्द्रीकरण रोक और नियंत्रण की पद्धति द्वारा प्रभावी किया जाता था। यद्यपि यह अधिक सुधारा हुआ है, तो भी विधेयक कुछ अनावश्यक, उकता देने वाले और अलोकतंत्री रूपों से लदा हुआ है जिनसे मैं दृढ़तापूर्वक विमत हूँ। ऐसे मुख्य रूपों में से कुछ ये हैं :—

धारा ८६—शासन द्वारा उसकी सीमा के भीतर की समस्त भूमि को नगरपालिकाओं को हस्तान्तरण करने से इंकार करना।

धारा ३२ और २६८—ये धारायें शासन को किसी भी पार्षद को प्रस्ताव पर परिषद् की साधारण बहुमत से हटाने की शक्ति प्रदान करती हैं। यह बहुमत किसी भी मामले में अभिकथित चूक करने वाले पार्षद को निर्वाचित करने वालों का प्रतिनिधित्व कर सकती है। यथोचित रूप से निर्वाचित पार्षद निर्वाचित करने वालों द्वारा प्रत्याह्वान की पद्धति के अतिरिक्त किसी के भी द्वारा हटाया नहीं जा सकता है। धारा बहुत ही कुचेष्टा पूर्ण है क्योंकि यह न तो दुर्व्यवहार के उद्देश्यों का ही उपबंध करती है और न इसमें न्यायिक और निष्पक्ष निर्णय का ही उपबंध है।

इसी तरह धारा २६८ द्वारा शासन को परिषद् को विघटित और उसको दो वर्ष के लिये निष्प्रभाव करने की जो शक्ति दी गई है वह अत्यधिक स्वच्छन्द है। विघटन, यदि कोई हो तो कम से कम वह असभ्य दुर्व्यवहार के लिये प्रमाणित आधार पर होना चाहिये जो उचित और निष्पक्ष अवसर दिये जाने के पश्चात् किया गया हो और उसके तुरंत बाद नया निर्वाचन होना चाहिये। भ्रामक लोकतंत्र का अंतिम शोधक है जनता पर विश्वास करना और उनको उनकी इच्छा निश्चित करने देना है। कार्यकारी इच्छा को किसी भी हालत में लोकप्रिय इच्छा पर अध्यारोप नहीं करने देना चाहिये। ऐसी शक्तियों का दुरुपयोग किया गया है जैसा कि कलेली और उज्जैन नगरपालिकाओं के मामले में हुआ है।

धारा ११६—इसी प्रकार से कराधान में परिवर्तन के लिये शासन द्वारा पूर्व मंजूरी देना गलत है। यह स्थानीय प्राधिकारी की शक्तियों पर एक तरह से प्रभाव है और इसे निकाल देना चाहिये।

अधिकार—यह विषयता है कि जब कि पंचायतों के लिये बड़े अधिकारों की बात की जाती है तब शहरी स्थानीय प्राधिकारों के कार्यों को अभी सीमाबद्ध किया जा रहा है जिन्हें नगरपालिका के कार्यों के रूप में जानते हैं। इसमें शासन की केवल कुछ लघु प्रशासकीय कार्यों को भी हस्तान्तरण की एक किरण भी नहीं है। स्थानीय प्राधिकार भूल कर सकते हैं। परन्तु वे नौकरशाही का पालन करने से कहीं और बढ़ते नहीं होंगे। मेरे विचार से आरम्भ करनेका समय अब आगया है। ऐसे कार्य जैसे गृह निर्माण के लिये ऋण, औद्योगिक ऋण, व्यवहार प्रदाय आदि को निश्चित हो स्थानीय प्राधिकारी को हस्तान्तरित कर देना चाहिये। यह उत्तम विधेयक इस बहुत ही महत्वपूर्ण पहलू पर कोई उन्नति नहीं दर्शाता है।

दिनांक २७ जनवरी १९६१.

होमो. एफ. दाजी.

असहमति पत्र

मध्यप्रदेश नगरपालिका विधेयक, १९६० के लिये सेलेक्ट कमेटी द्वारा जो रिपोर्ट दी जा रही है, उसमें मेरा नाम असहमति पत्र है.

१. विधेयक की धारा १९ (१) (ख) में महिला सदस्या अनिवार्यतः रखी है, वह जहां तक संभव हो, रखी जाना चाहिये.
२. विधेयक की धारा २१ में पाषंडों की संख्या निश्चित करना तथा वाडों के विभाजन आदि का काम चुनाव की अपेक्षित तिथि से तीन माह पूर्व हो जाना चाहिये.
३. विधेयक की धारा ३४ (३) में अध्यक्ष का चुनाव प्रति वर्ष होना चाहिये.
४. विधेयक की धारा ३२ बहुत ही व्यापक है. कोन्सिलर को निकालने के लिये कम से कम उचित कारणों का विवरण दिया जाना चाहिये.
५. विधेयक की धारा ४२ में केवल देय-कर की सूची तैयार नहीं की जानी चाहिये. जितनी भी रकम देय है, उस सब की सूची तैयार की जानी चाहिये.
६. धारा ६६ में नजूल भूमियों का आधिपत्य भी नगरपालिका को देना चाहिये.
७. विधेयक की धारा ११६ (१) (दो) में शासन द्वारा नगरपालिका के भेजे गये प्रस्ताव पर स्वीकृति अथवा अस्वीकृति करने के लिये समय का बन्धन होना चाहिये.
८. विधेयक की धारा १४३ द्वारा जो नवीन कर लगाया जा रहा है, वह नहीं लगाया जाना चाहिये.
९. धारा १४४ से नगरपालिका पर शासन द्वारा अनिवार्य रूप से कर लगाने का अधिकार देना अनुचित है.

दिनांक २० जनवरी १९६१

बिमलकुमार चौरडिया.

MINUTE OF DISSENT

[Translated into English from Hindi version]

I beg to dissent with the recommendations made by the Select Committee on the Madhya Pradesh Municipality Bill, 1960.

1. In Section 19 (1) (b) of the Bill a woman member has been compulsorily kept, hence she should be kept as far as possible.

2. In section 21 of the Bill the work of determination of the number of Councillors and the division of the wards should be completed three months before the expected date of election.

3. In section 34 (3) of the Bill, the election of the President should be held every year.

4. Section 32 of the Bill is very exhaustive. For removing a Councillor a statement of at least proper reasons should be given.

5. In section 42 of the Bill only the list of taxes due should not be prepared. The list of all the sums due should be prepared.

6. In section 86 the Municipalities should be given the rights over Nazul Lands also.

7. In section 116 (1) (II) of the Bill there should be a time limit for sanctioning or rejecting the resolution sent by the municipality.

8. The new tax which is being imposed by section 143 of the Bill should not be imposed.

9. By section 144 the giving of the right of imposing tax compulsorily on the municipality by the Government is improper.

The 20th January 1961.

VIMAL KUMAR CHORDIYA

APPENDIX

(See Paragraph fourth of the Report)

1. Shri V. V. Sarvate, Chairman, M. P. Local Bodies Federation.
2. Shri Anantraj, President, City Municipality, Ujjain.
3. Shri Akbaralli Arif, President, City Municipality, Ratlam.
4. Shri Thakur Puran Singh, President, City Municipality, Dewas.

[As amended by Select Committee]

MADHYA PRADESH BILL

No. 6 of 1960.

THE MADHYA PRADESH MUNICIPALITIES BILL, 1960

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- 260. Prohibition of use of steam whistles, etc.

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261. Establishment and maintenance of fire brigade.
 262. Power of Fire Brigade and other persons for suppression of fires.

(15) *Begging for Alms*

263. Prohibition from begging for alms.

(15-A) Disposal of dead animals.

- 263-A. Special provision with respect to disposal of bodies of dead animals.

(15-B) Disorderly houses.

- 263-B. Power over disorderly houses and prostitutes.
 263-C. Brothels.
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(16) *Service of Notices, Penalties on non-compliances therewith and execution of works on default.*

264. Service of notices, addressed to individuals.
 265. Power to take the recognisance bond.
 265-A. Relief to agent, receiver, and trustees.
 266. Punishment for disobedience to orders and notices not punishable under any other section.
 267. General penalty.
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 269. Occupier in default of owner may execute work and deduct expenses from his rent.
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(17) *Summary powers regarding certain offences*

271. Summary powers regarding certain offences.

(18) *Miscellaneous*

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- 278. Appeals against orders of Council, President and Chief Municipal Officer in third and fourth class municipalities.
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- 291. Police protection at fairs, etc.

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313. Delegation of powers.
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314. Power to remove difficulties.
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320. Public servants.
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326. Power to make byelaws.
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328. Copies of rules and byelaws, etc., to be kept for.