

The M.P. Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiva Jana) Rules, 1998

MADHYA PRADESH

India

The M.P. Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiva Jana) Rules, 1998

Rule

THE-M-P-NAGARIYA-KSHETRON-KE-BHUMIHIN-VYAKTI-PATTADHRUTI ADHIKARON KA PRADAN KIVA JANA) RULES, 1998

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The M.P. Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiva Jana) Rules, 1998 Published vide Notification No. F-13-5-98-46, dated 27-6-1998, M.P. Rajpatra (Asadharan) dated 27-6-1998 In exercise of the powers conferred by Section 6 of Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984), the State Government, hereby, makes the following rules namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiva Jana) Rules, 1998.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Nagariya Kshetro Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984). (b) "Form" means a form appended to these rules. (c) "Section" means a Section of the Act. (d) "Mohalla Sabha" means a Mohalla Sabha notified by the Collector.

3. Preparation of Register and site plan.

(1)The Authorised Officer shall prepare a register for each area and Mohalla Sabha in form A' for the purpose of this Act.(2)The Authorised Officer shall cause to be prepared a site plan showing plots of land under occupation by each family of area and the Mohalla Sabha. A rough map of the Mohalla shall be attached to the said register which need not be according to scale.

4. Registration of landless person.

- The Authorised Officer shall suo moto register cases in the above register of each landless person in whose favour the land has been deemed to have been settled in leasehold rights.

5. Recording of undisputed cases.

- The Authorised Officer shall make spot inspection and shall hold such enquiries as he deems fit and record such lease hold rights in respect of all undisputed cases.

6. Registration of disputed cases.

- The Authorised Officer shall ' register a separate case of all disputed cases and record a summary of his decision in the register in form A'. All such cases shall be decided after hearing the Mohalla Samiti, if any, and making a proper enquiry in each case.

7. Grant of permanent lease.

- A permanent lease deed shall be issued in form B' for a period of 30 years.[Provided that the land given on lease may be mortgaged by the lessee with Nationalised Bank, Co-operative Society or Government Undertaking for granting of loan for construction of house for taking loan for the purpose of construction of his/her residential house or for the development of his constructed residential house on the land given to him on lease.] [Inserted by Notification No. 32-F-1-49-2003-XVIII-3, dated 13-6-2003.]

8. Temporary lease deed.

- If the Authorised Officer comes to the conclusion that it is necessary to resettle the Mohalla elsewhere in the public interest, occupants of house sites in such Mohalla shall be issued temporary lease deeds for the house sites occupied by them in form 'C'. The temporary lease deed will lapse automatically as soon as the temporary lease-holder is settled at an alternate site.

9. Removal of dwelling house.

(1)The State Government shall constitute a High Power Committee in each district at the District Headquarters and in such other urban areas as it may deem necessary to decide on the question of

securing the vacation of any existing occupied land in the public interest.(2)The High Power Committee shall consist of the following, namely :-

At the district headquarters :-

- | | |
|---|----------|
| (i) Collector | Chairman |
| (ii) Municipal Commissioner/Chief Municipal Officer of a Corporation/Municipal Council, Nagar Panchayat | Member |
| (iii) Representative of the Department of Town and Country Planning | Member |
| (iv) Project Officer of the District Urban Development Agency | Member |
| (v) Superintendent of Police | Member |

For other Urban Areas :-

- | | |
|---|----------|
| (i) Sub-Divisional Officer, Revenue | Chairman |
| (ii) Municipal Commissioner/Chief Municipal Officer of a Corporation/Municipal Council, Nagar Panchayat | Member |
| (iii) Representative of the Town and Country Planning Department | Member |
| (iv) Project Officer of the District Urban Development Agency | Member |
| (v) Sub-Divisional Police Officer | Member |

Provided that in the High Power Committee of Bhopal District Head Quarters, the Secretary, Housing and Environment shall be the Chairman and the Collector shall be a member of the Committee in addition to the above members.(3)The High Power Committee constituted under sub-rule (1) shall take the following action in the matter of securing the vacation of house sites in the public interest namely :-(i)In the case of a landless person who occupies a house site in some public park or in the side of a road or in between road and dwellings shall be shifted from such location and resettled elsewhere by granting him leasehold right. However, such an occupant will be given proper opportunity of being heard.(ii)Before taking a decision to shift an occupant from his present site in the public interest the High Power Committee constituted under sub-rule (1) shall convene a meeting of the Mohalla Samiti, give them an opportunity of being heard and shall sympathetically consider the facts presented before it by the residents of the Mohalla.(iii)If it is considered necessary in the public interest to shift the permanent lease holders and settle them elsewhere, the High Power Committee shall give to such lease holder an opportunity of being heard and after sympathetically considering all the facts placed before it the High Power Committee shall decide on shifting the occupant elsewhere. The entire process of resettlement shall be completed in consultation with the Mohalla Samiti.

10. Grant of permanent lease on alternate settlement.

- When a temporary lease holder of a Mohalla is resettled at some alternate site he shall not be granted a permanent lease unless he vacates the land occupied by him under temporary lease.

10A. [Mohalla Sabha. [Substituted by Notification No. F-13-5-98-XLVI, dated 5-1-1999 (w.e.f. 22-1-1999).]

(1) For each Mohalla notified by the Collector, there shall be a Mohalla Sabha. All adult members of the Mohalla shall be the members of the Mohalla Sabha. Explanation. - Adult means a person who has attained the age of 18 years on the 1st January of that year. (2) The list of members of Mohalla Sabha shall be revised every year under the supervision of the competent officer. The names of such members who died or left the Mohalla permanently shall be removed from the list and the names of all those persons who have attained the age of 18 years on 1st January of that year shall be included in the list. The Chairperson or Secretary of the Mohalla Samiti shall call a meeting of the Mohalla Sabha by affixing a notice to this effect at conspicuous places in the Mohalla Area and by proclaiming by beat of drum in that area. (3) The Mohalla Sabha shall meet at least once in every three months : Provided that in special occasion the Collector or any person authorised by him may call a meeting of Mohalla Sabha within 30 days.]

11. Mohalla Samiti.

- (i) For each Mohalla Sabha notified by the Collector, there shall be a Mohalla Samiti. A Mohalla Samiti shall consist of a minimum of 7 and a maximum of 15 members. Not less than 50 percent of the total members of a Mohalla Samiti shall be from the Scheduled Castes, the Scheduled Tribes or Other Backward Classes. Not less than one third of the total number of members shall be reserved for women. The number of members of the Mohalla Samiti shall be as follows, namely :-

No. of families settled in a Mohalla	Number of women members		Minimum number of members from reserved category	General Category	Reserved Category
	Total number of members				
50 but less than 200	7		4	1	2
200 but less than 300	9		5	1	2
300 but less than 500	11		6	2	2
500 but less than 750	13		7	2	3
750 but less than 1000	15		8	2	3

(ii) The election of the members of a Mohalla Samiti shall be held in accordance with the procedure laid down in the schedule appended to these rules. Every person who is a resident of a Mohalla and who is not less than 18 years of age shall be entitled to contest the election of a member of the Mohalla Samiti. (iii) The Project Officer of the District Urban Development Agency and the Project Officer of the Poverty Alleviation Cell of the Urban Local Body concerned or an officer nominated by them shall be ex-officio member of the Mohalla Samiti. The elected ward member of the Urban Local Body of the ward in which the Mohalla Sabha lies shall be the patron of the Mohalla Samiti. (iv) The notification of the Constitution of Mohalla Samiti shall be issued, as the case may be, at the District Headquarters by the Collector and at other places by the Sub-Divisional Officer,

Revenue. The notification shall be published in the Madhya Pradesh Gazette and copies of it shall be displayed, as the case may be, on the Notice Board of the Collectorate, the office of Sub-Divisional Officer, Revenue and the office of the Urban Local Body.(v)The Patron of the Mohalla Samiti shall be a permanent invitee at the meetings of the Mohalla Samiti but he shall not have the right to vote.(vi)The members of the Mohalla Samiti shall elect from amongst themselves a President, a Vice-President, a Secretary and a Treasurer in accordance with the procedure laid down in the schedule appended to these rules.(vii)The term of the Mohalla Samiti shall normally be five years :Provided that the Collector may extend the term by a maximum period up to six months or till the completion of the election of the successor Mohalla Samiti, whichever is earlier.(viii)The members of the first Mohalla Samiti shall be nominated by the Minister in charge of the District and the term of such nominated Committee shall be till the ensuing general elections of the urban local body.

11A. [Removal of Members/Office Bearer of the Mohalla Samiti. [Rules 11-A to 11-D, Inserted by Notification No. F-13-5-98-XLVI, dated 5-1-1999 (w.e.f. 22-1-1999).]

(1)A motion of no confidence may be moved against the member/office bearer of the Mohalla Samiti by a member of Mohalla Sabha at a meeting specially convened for the purpose under sub-rule (2) and if the motion is passed by a majority of more than half of the total number of members of the Mohalla Samiti, the member shall cease to hold office from that date. A copy of such motion shall be sent to the Competent Authority :Provided that no such motion shall lie against the member/office bearer,-(i)within a period of six months from the date on which the member enters upon his office;(ii)within a period of six months from the date on which previous motion of no confidence was rejected.(2)For the purpose of sub-rule (1), a meeting of the Mohalla Sabha shall be convened and presided over by the Secretary of the Mohalla Sabha in the following manner :-(i)The meeting shall be convened if a notice signed by not less than five members of the Mohalla Sabha alongwith copy of the proposed no confidence motion showing the reasons thereof is given to the Competent Authority;(ii)The notice of such a meeting specifying the date, time and place shall be despatched to the Competent Authority and every member of the Mohalla Sabha seven clear days before the meeting.(iii)The no-confidence motion under this rule shall be decided through secret ballot.

11B. Removal of Office Bearer.

(1)The Competent Authority may, by an order, at any time remove any member/office bearer of the Mohalla Samiti and if he does not adequately discharge the duties assigned to him or continuously neglects his duties assigned to him under Rule 12 :Provided that no such order shall be passed by the Competent Authority unless such member/office bearer has been given reasonable opportunity of showing cause why such order should not be made for his removal or why he should not be removed from his office.

11C. Appeal against the order of the Competent Authority.

- Member/office bearer removed under Rule 11-A or 11 -B may prefer an appeal before the Collector against the order of removal under the said rule within 30 days. The decision of the Collector shall be final.

11D. Filling of vacancies of the Mohalla Samiti.

- The vacancy in the Mohalla Samiti shall be filled by election in accordance with the provisions of these rules for the remaining period of such office :Provided that no election shall be held if remaining term of office of the Mohalla Samiti is less than six months :Provided further that if all the office bearers/members of the Mohalla Samiti are removed or tender their resignations on their own motion and if the remaining period of the tenure of the Mohalla Samili is less than six months the Competent Authority or the person authorised by him may take over the charge of the Mohalla Samiti for the remaining period.]

12. Powers and functions of the Mohalla Samiti.

- The powers and functions of the Mohalla Samiti shall be as follows :-(a)To prepare a detailed scheme for the development of the locality at its present site or its resettlement elsewhere.(b)To prevent unauthorised occupation or construction in the locality and to take action to remove them, if found.(c)To take measures for the security of the locality.(d)To conduct campaigns for the prevention of child labour and consumption of liquor and other toxic substances, satta, gambling and similar unlawful activities.(e)To ensure peaceful public celebrations on the occasion of festivals, anniversaries, etc.(f)To conduct local campaigns for social welfare and health care.(g)To collect development charge, conservancy tax, light tax, fire tax and such other taxes and fees, if authorised by the Government or the urban local body as the case may be, and to credit them in the prescribed manner.

12A. [Disqualification of Member/Office Bearer. [Inserted by Notification No. F-13-5-98-XLVI, dated 5-1-1999 (w.e.f. 22-1-1999)]

- The member of the Mohalla Sabha shall be disqualified for becoming a member/office bearer of the Mohalla Samiti, if he,-(a)has been found guilty of any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985,(b)has been found guilty of any offence under Protection of Civil Rights Act, 1955 (No. 22 of 1955),(c)has been found guilty of any offence for which he has been punished by imprisonment of not less than six months.(d)has been proclaimed mentally deranged by a competent Court.(e)has been declared insolvent by a Court or is an unredeemed insolvent,(f)holds any office of profit in the Mohalla Samiti or obtains any gain from contract, etc. from the Mohalla Samiti],

13. Fund of the Mohalla Samiti.

(a) Sums and grants received for the settlement and development of the locality from the Government of India, the State Government, the urban local body or any other source. (b) Amount collected by the Mohalla Samiti by way of conservancy tax, light tax, fire tax, and other taxes and fees. (c) Amount received towards development charges. (d) Voluntary donations made by the residents of the locality for development work and maintenance of the locality.

14. Development charge.

- (i) No premium or lease rent shall be collected from the permanent or temporary lease holders. The lease holder shall pay for 10 years an annual development charge at the following rates :

S. No.	Description of the Urban Area	Rate per sq. ft. per year (Rs.)
1	Nagar Panchayat	1.00
2	All towns other than Nagar Panchayat and Rajbhogicities	1.50
3	Rajbhogi cities	2.00

(ii) The development charge shall be payable in four equal instalments in the months of April, July, October and January. (iii) The development charge shall be collected from the lease holders of the Mohalla Sabha by the Mohalla Samiti and in other areas it will be collected by the urban local body. (iv) All the amounts collected by the Mohalla Samiti and all amounts received by it shall be credited into a Scheduled Bank by the treasurer by opening an account in the name of the Mohalla Samiti. Withdrawals from this account shall be made under the joint signatures of the President and the Treasurer of the Mohalla Samiti. (v) The Mohalla Samiti shall maintain an account of income and expenditure in such manner and in such form as may be prescribed by the State Government or the urban local body. The account shall be open for inspection on demand by the Competent Authority. (vi) The amounts recovered by an urban local body shall be retained in a separate account and shall be utilised for providing basic amenities to the residents of the Mohallas.

15. Securing vacation of occupied land.

- If a landless occupant is resettled at an alternate site, such a settler shall not be granted any lease till he vacates the land occupied by him earlier.

16. Repeal.

- The Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Niyam, 1984 is hereby repealed.

Schedule

[See Rule 11 (2)] Election Procedure for the Mohalla Samiti

- 1. For each Mohalla Sabha, notified by the Collector, election shall be held for the Constitution of a Mohalla Samiti by the Collector or an officer authorised by him.**
- 2. The Collector or an officer authorised by him, shall cause to be prepared a Mohalla Sabha wise list of voters in Hindi written in the Devanagari script in which the names of every person who is a resident of that Mohalla and who is qualified to be registered assembly Roll relatable to the Mohalla area shall be entered.**
- 3. Proclamation of election to the Mohalla Samiti shall be made a week prior to the date of election. This announcement shall be made by beat of drum within the Mohalla and by a written announcement displayed at prominent places in the Mohalla.**
- 4. The first day following the announcement of the election shall be earmarked for filing of nominations. On that day those residents of the Mohalla who intend to be a candidate for election to the Mohalla Samiti can file their nominations in the prescribed form and place notified by the Election Officer to be appointed by the Collector or an officer authorised by him. Written endorsement of the nomination by two members of the Mohalla shall be essential for a nomination. Nomination papers will be accepted from 11.00 am to 3.00 pm on that day. After the expiry of the time set for filing of nomination scrutiny of nomination papers will be done from 4.00 pm and the Election Officer shall announce the names of candidates whose nomination papers are found to be in order.**
- 5. On the same day the candidates will be allowed to withdraw their candidature upto 6.00 pm after which the Election Officer will finalise the list of contesting candidates. The list of contesting candidates shall be announced by the Election Officer orally and in writing. If election is necessary it will be held on the day and date notified by the Election Officer.**

6. Election will be held through secret ballot and in such manner as the Election Officer deems fit.

7. The Election Officer shall complete the election process on the date and time announced by him.

8. Immediately after completion of voting, counting of votes shall take place in (he presence of contesting candidates present and the names of winning candidates shall be announced. The winning candidates shall be issued certificates of election. The Election Officer shall publish the names of the elected members which shall be displayed, as the case may be, on the notice board of the Collectorate or the office of the Sub-Divisional Officer, Revenue and copies of it will be displayed at prominent places of the Mohalla.

9. After the prescribed declaration of the election of the members of the Mohalla Samiti. the Election Officer shall convene a meeting of the Mohalla Samiti to elect its President, Vice- President, Secretary and Treasurer. The election shall be held by secret ballot and shall be completed within one day.

10. The Election Officer shall set two hours time for the filing of nominations for the offices mentioned in para 8. The nomination of each candidate shall be endorsed by at least one member.

11. One hour will be allowed for withdrawal of candidature.

12. After withdrawal, if election is necessary, the Election Officer shall finalise the list of contesting candidates and prepare ballot papers.

13. Immediately after the publication of the list of contesting candidates the election for the office bearers will be held.

14. Immediately after voting is over, votes will be counted in the presence of members present and the Election Officer will declare the result. A written declaration of the election result will be displayed, as the case may be, on the notice board of the Collectorate or the office of the Sub-Divisional Officer, Revenue and also at prominent places in the Mohalla.

15. Immediately after the announcement of the results the elected office bearers shall take the oath of office in the presence of Election Officer.

Form 'A'(See Rule 3)

S. No.	Name of the Mohalla Sabha	Name of the Occupant	House No.	Area occupied	Number of family members of the occupant
1	2	3	4	5	6
	Whether the occupant belongs to the Scheduled Castes, the Scheduled Tribes or Backward Classes	Occupation of the occupant and his annual income as stated by him	Period of occupation	If the occupant holds any land in the urban area details thereof	Opinion of the Mohalla Sabha/Mohalla Samiti
7	8	9	10	11	12
Statement of the occupant on oath	If the occupant has a ration card details thereof	Signature of two members of the Mohalla Sabha as witnesses	Date of spot inspection by the competent officer and his brief opinion	Order of the competent officer	
13	14	15	16	17	
Area of plot settled	Annual Development Charges	Remarks			
18	19	20			

Form 'B'(See Rule 7)Lease is hereby granted by the Authorised Officer of District acting on behalf of the Governor of Madhya Pradesh (hereinafter referred to as the lessor) to Shri/Smt..... Son/Wife of and Shri/Smt..... Son/Wife of ShriR/o.....(hereinafter referred to as the lessee) to hold land specified in the schedule appended hereunder on leasehold rights for a period of.....years subject to the provisions of the Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984) and the rules made thereunder and the terms and conditions given below :

1. The lessee shall not assign or transfer the land allotted to him by way of sub-lease, sale deed, gift, mortgage, or in any other manner, nor shall he part with the possession of the said land so as to cause any division therein or otherwise to alter the nature of the leasehold right.

- 2. The lessee shall not without the previous permission in writing of the authorised officer use or allow to be used the said land for a purpose other than as a dwelling house.**
- 3. Any transfer made by the lessee in contravention of sub- section (3) of Section 3 of the Act will lead to the cancellation of the leasehold right.**
- 4. If, in public interest, it is decided to resettle the basti elsewhere under sub-section (3) of Section 3-A of the Act, the lease hold right shall be cancelled and the lessee may be settled elsewhere.**
- 5. The lessee shall pay for a period of 10 years basti development charges at the rate of rupees.....per square feet per year in equal instalments.**
- 6. The lessor hereby covenants that he will at the end of the term hereby granted and thereafter from time to time at the end of each successive further term as shall be granted at the request and cost of the lessee, execute it to him a renewed lease of the land for a period of..... years :**

Provided that at the tune of the renewal of lease the basti development charge may be increased and the renewed lease may contain such of the terms and conditions herein contained as shall be applicable and such other conditions as may be deemed proper by the lessor for the future :Provided further that the decision of lessor at each successive renewal about the basti development charges and the conditions imposed in this regard shall be final. In witness whereof the parties hereto have set their hands on the day and year written in each case. Witnesses.

1..... Signature of the Authorised Officer on behalf of the Governor of Madhya Pradesh.....

2.....
Dated.....

1..... Signature of the Lessee.....

2..... Dated.....

Schedule 2

Plot No..... Mohalla No. and name Name of Area/Circle..... Tehsil and District..... measuring..... square feet and bounded as under :- In the North by..... In the South by..... In the East by..... In the West by..... Form C (See Rule 8) Lease is hereby granted by the Authorised Officer of the District acting on behalf of the Governor of Madhya Pradesh (hereinafter referred to as the lessor) to Shri/Smt Son/Wife of Shri/Smt..... Son/Wife of resident of (hereinafter referred to as the lessor) to

hold the land specified in (lie schedule appended hereunder on leasehold right subject to the provisions of the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984) and the rules made thereunder and the terms and conditions hereinafter appearing :

1. The lessee shall not assign, transfer or part with the possession of the said land so as to cause any division thereof otherwise make any alteration or addition in the dwelling house.

2. The lessee shall not without the previous permission of the Authorised Officer use or allow to be used the said land for a purpose other than as a dwelling house.

3. The lease shall stand cancelled if alternate site is made available. The lessee can take the material to alternate site for which he will not get any compensation.

4. The lease shall be renewed every' year till alternate site is made available.

In witness whereof the parties hereto have set their hands on the day and year written in each cases.

1..... Signature of the Authorised Officer on behalf of the Governor of Madhya Pradesh.....

2.....
Dated.....

1..... Signature of the Lessee.....

2..... Dated.....

Schedule 3

Plot No.....Mohalla No. and name..... Name of Area of Circle.....Tehsil and District.....admeasuring.....square feet..... and bounded as under :-In the North by.....In the South by.....In the East by.....In the West by.....