

The Rajasthan Municipalities (Compounding and Compromising of Offences) Rules, 1966

RAJASTHAN

India

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Rule

THE-RAJASTHAN-MUNICIPALITIES-COMPOUNDING-AND-COMPROMISING-OF-OFFENCES-RULES-1966

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The Rajasthan Municipalities (Compounding and Compromising of Offences) Rules, 1966Published vide Notification no. Tax/F. 149 (1)/DLB 58, dated 25-5-1966, published in Rajasthan Rajpatra, Part 4-C, dated 16-2-1967In exercise of the powers conferred by section 297 read with Section 266 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Rules namely :-

1. Short title and commencement.

(1)These Rules may be called the Rajasthan Municipalities (Compounding [and Compromising] [Added by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.] of Offences) Rules, 1966.(2)These rules shall come into force after one month from the date of their publication in the Official Gazette.

2. Repeal and saving.

- All rules and bye-laws, in relation to the matter covered by these rules shall stand superseded on the date of commencement of these rules, provided that any action taken under any such rules which are to be superseded shall be deemed to have been taken under these rules.

3. Definitions.

- In these Rules, unless the subject or context otherwise requires :- (1)"Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959); (2)"Board" includes a Municipal Council; (3)["Form" means form appended to these Rules] [Substituted by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.]; (4)"Section" means a section of the Act; (5)Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

4. Offences which may be compounded [or compromised] [Added by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.].

(1)Offence punishable under the provisions of this Act and/or any rule or bye-laws made thereunder except under section 165 (4), 194 and 203 shall be compoundable [or compromisable] [Added by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.]. (2)The offences under section 170 may be compounded [or compromised] [Inserted by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.] by the Board on the following basis :-

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| <p>(i) In the cases of constructions put up after obtaining sanction but in which minor deviations have been made from the sanctioned plan and such deviations do not contravene any bye-law, rule, policy or resolution of the Board.</p> | <p>No compensations should be charged if the party concerned makes an application along with sanctioned plans, [x x x] [Deleted by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.] within one month requesting that such deviations should be sanctioned and regularised. Corrections in the sanctioned plans may be made departmentally at this cost.</p> |
| <p>(ii) In cases of unauthorised constructions which do not offend against bye-laws in which no application for sanction had been made.</p> | <p>May be condoned on payment of 5% of the cost of unauthorised construction as compensation subject to the minimum of Rs. 5/-.</p> |
| <p>(iii) In cases of unauthorised constructions which do not offend against bye-laws but which were continued in spite of prohibitory notice to stop constructions.</p> | <p>May be condoned on payment of 7 1/2% of the cost of unauthorised constructions as compensation subject to minimum of Rs. 5/-.</p> |
| <p>(iv) The unauthorised constructions which offend against bye-laws.</p> | <p>Should not, as a rule, be allowed to stand, but if however, it is considered desirable to condone such constructions on payment of compensation at the request of the party [XXX] [Deleted by Notification No. Tax/F. 149(1) DLB/58, dated</p> |

- (v) The unauthorised constructions which offend against bye-laws and which were continued in spite of prohibitory notice to stop construction.
- 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.] may be reconsidered, and the compensation in such cases shall not be less than 25% of the cost of the unauthorised construction as may be considered on merits of each such case.
- Should also not, as a rule be allowed to stand, but if however, it is considered desirable to condone on payment of compensation such constructions at the request of the party [XXX] [Deleted by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.] may be reconsidered and the compensation in such cases shall not be less than 33 1/2% of the cost of unauthorised constructions as may be considered on merits of each such case.

5. Power to compound or compromise offences.

(1) Subject to the provisions of Rule 4, a Board may accept from any person in respect of whom there is reasonable ground to believe that he has committed act or omission made punishable under the Act or bye-laws made thereunder a sum of money by way of compensation therefor. (2) On payment of such sum no further proceedings shall be taken against the offender in respect of the offence so compounded [or compromised] [Added by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.]. (3) Sums paid by way of compensation under these rules shall be credited to the Municipal Fund.

6. Procedure for compounding [or compromising] [Inserted by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.] of offences.

- The Board shall observe following procedure :- (a) Before accepting money for compensation for an offence, it shall be explained to the defaulter (i) offence with which he is charged, (ii) and that he is at liberty to be tried for it, if he so wishes. (b) The Board shall not accept a sum lower than the minimum which can be imposed for such a breach. (c) For every compensation accepted, the Board shall grant a receipt as soon as the sum is paid. (d) The Board shall cause to be entered particulars of every case in which the Board takes action in a register [in form I] [Added by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.]. [Form I] [Added by Notification No. Tax/F. 149(1) DLB/58, dated 25-6-1971 [GSR 351 (30)], Published in Rajasthan Rajpatra, Part IV-(C)(I) dated 16-12-1971.]. [See rule 6(b)] Register regarding Compounding or Compromising of offences

S. No.	Full name and address of the accused	Nature of offences with reasons for taking action	Summary of the statement of accused
1	2	3	4

Result	When compounded/ compromised, the sum fixed for composition, date of credit into Municipal Fund	If not compounded/ Compromised, action taken	Remarks
5	6	7	8