

# **M.P. Nagar Palika Mohalla Committee (Constitution, Functions, Powers and Procedure for Conduct of Business) Rules, 2001**

MADHYA PRADESH

India

## **M.P. Nagar Palika Mohalla Committee (Constitution, Functions, Powers and Procedure for Conduct of Business) Rules, 2001**

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M.P. Nagar Palika Mohalla Committee (Constitution, Functions, Powers and Procedure for Conduct of Business) Rules, 2001 Published vide Notification No. 1064-18-2-2001, dated 21-3-2001, M.P. Rajpatra Part 5 (C) dated 30-3-2001 In exercise of the powers conferred by Section 48-B read with Section 433 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and Section 72-B read with Sections 355 and 356 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government, hereby make the following rules, namely :-

### **1. Short Title.**

(1) These rules may be called the Madhya Pradesh Nagar Palika Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] (Constitution, Functions, Powers and Procedure for Conduct of Business) Rules, 2001. (2) These rules shall come into force from the date of their publication in the Madhya Pradesh Gazette.

### **2. Definitions.**

- In these rules, unless the context, otherwise requires, -(a) "Act" means the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961); (b) "Council" mean Corporation in case of a Municipal Corporation and Council in case Of a Municipality or Nagar Panchayat, as the case may be; (c) "Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.]" means the Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] constituted under Rule 3 of said rules; (d) "Municipal Area" means the area notified under Section 7 of the Madhya Pradesh Municipal Corporation Act, 1956, in case of a Municipal Corporation and under Section 5 of the Madhya Pradesh Municipalities Act, 1961 in case of a Municipal Council or Nagar Panchayat; (e) "Nagar Palika" means any Municipal Corporation constituted under Section 7

of the Madhya Pradesh Municipal Corporation Act and any Municipal Council or Nagar Panchayat constituted under Section 5 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);(f)"Section" means a Section of the Act;(g)"Territorial Area" means the territorial area of any Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.]

### **3. Constitution of Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.].**

(1)When any Municipal area is notified by the State Government for the purpose of constitution of Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] therein and the number of Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] to be constituted in such area and the number of members are prescribed then the Council within one month at the most from the date of publication of such notification shall determine the territorial area of each Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] and the notice of resolution so adopted shall be published in at least two Hindi Newspapers having large circulation in the Municipal area. Simultaneously the copies of resolution so adopted shall be made available in the office of the municipality and in each ward for the information of general public.(2)[ Every Mohalla Committee shall consist of-(a)a President;(b)a Vice-President;(c)a Treasurer and(d)sub number of members as shall be determined by the Municipality subject to such orders as may be issued by the State Government under sub-section (2) of Section 48-B of the Madhya Pradesh Municipal Corporation Act, 1956 and sub-section (2) of Section 72-B of the Madhya Pradesh Municipalities Act, 1961.(3)The elected Councillor of the ward where a Mohalla Committee is constituted shall also be member and patron of such Mohalla Committee.(4)The President, Vice-President, Treasurer and the members under sub-rule (2) shall be nominated and for the nomination the names of the persons shall be obtained by the Collector within a specified period, from the Members of the Lok Sabha, and the Members of the State Legislative Assembly representing constituencies which comprise wholly or partly the municipal area, and the Members of the council of state registered as electors within the municipal area and the Mayor, in case of Municipal Corporation and the President, in case of Municipal Council and Nagar Panchayat.(5)On receipt of the names under sub-rule (2) the list of these names shall be submitted by the Collector to the Minister-in-charge of the District for nomination. The Minister-in-charge while approving the nomination, shall as far as possible, take into account the reasonable representation of women, Scheduled Castes, Scheduled Tribes and Other Backward Classes in every Mohalla Committee. After the approval of nomination by the Minister-in-charge the orders shall be issued by the Collector accordingly. The copy of the order shall be sent to the Municipality concerned and the nominated person and one copy shall be pasted on the notice board of the office of the Collector and one copy on the notice board of the Municipality concerned :Provided that where the Mohalla Committee has been constituted prior to the commencement of this rule shall continue to remain up to the completion of their term.(6)The President, Vice-President, Treasurer and the members of the Mohalla Committee may be nominated only from amongst such persons who are the resident of the Mohalla concerned and are eligible for election as a Councillor.] [Inserted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.]

#### **4. [ Term of the Mohalla Committee. [Substituted by Notification No, 20-F-7-3-2002-XVIII-3, dated 26-3-2003.]**

- The term of every Mohalla Committee, shall be co-terminus with the term of the Council :Provided that the President, Vice-President, Treasurer and members nominated under sub-rule (5) of Rule 3 shall hold office during the pleasure of the Minister-in-charge of the District concerned.]

#### **5. [ Power and Functions of the Mohalla Committee. [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.]**

- Every Mohalla Committee shall have the following powers and functions within its territorial area-(a)to monitor works relating to sanitation. Road, Drain, Water supply, Streetlight and Solid Waste and to arrange disposal of complaints relating to these areas.(b)To create public awareness for the protecting environment from pollution and not to use plastic bags.(c)National programmes such as Health, Development of Women and child, Pension to destitutes, Urban Poverty alleviation programme, Programme relating to handicapped and to co-operate in the Vaccination.(d)Through public participation to encourage the plantation.(e)To keep watch the safety of the property of the Urban body, such as park, open lands and other public places and to save them from encroachment coming on them.(f)To spread over education in public, specially for the admission of students in the Primary' and Middle Schools and co-operate in the programmes to admit again the students who have left.(g)To encourage the public participation in development programme.(h)To discharge the functions which are entrusted by the urban body relating to the determination and their recovery etc. relating to tax fees.(i)To discharge the functions entrusted by the Municipality or any Department of the Government.(j)Campaigning to stop the activities against law such as child-labour, liquor, speculate, gambling etc.]

#### **6. Sources of income of the Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.].**

- The source of the Mohalla samiti shall be as follows,-(a)Funds received from the Central Government, State Government or Municipality;(b)Contribution received from the residents of Mohalla for the development of Mohalla;(c)Sums received from any other source.

#### **7. Receipt of the sums and withdrawals.**

(1)Each Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] shall have a Bank Account which shall be opened in such Bank as may be earmarked by the Municipality.(2)Whichever sums received to the Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] under Rule 5 shall immediately be deposited in the Bank Account opened under sub-rule (1)(3)The amount shall be withdrawn from the Bank Account through cheque under the joint signatures of the President and Secretary of the Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] after the approval of Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3,

## **8. Procedure for the conduct of business of the Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.].**

(1) Each Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] shall have a Office and a Secretary' therein. The Municipality shall make arrangement of Secretary. (2) [The date and time of the meeting of Mohalla Committee shall be fixed by its President anti in his absence by its Vice-President and such meeting shall necessarily be conveyed at least once in fifteen days. The notice of conveying the meeting shall necessarily be given at least three days before the date of meeting by the Secretary including to the President, Vice-President and Treasurer and all members of the Mohalla Committee. (3) Every meeting of the Mohalla Committee shall be presided over by its President, if present. If the President is absent then by the Vice-President and if the Vice-President is also absent then the members of the Mohalla Committee shall choose one of them to preside. In the meeting the decision shall be taken by majority of the votes and in case of the equality of votes the person presiding over the meeting shall have the right of casting vote.] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] (4) In each meeting of the Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.], Secretary shall necessarily be present. (5) The quorum for the meeting shall be one half of the total number of members. (6) Each Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.] shall have its own Minutes Book in which the names of the members present in each meeting the details of the cases discussed in the meeting, the decision taken in each case, the names of the members who voted in favour of decision and the names of members who voted against the decision, etc. shall be recorded. (7) Minutes of the proceedings at each meeting shall be signed by the President and Secretary of the Mohalla [Committee] [Substituted by Notification No. 20-F-7-3-2002-XVIII-3, dated 26-3-2003.].

## **9. Removal of Difficulties.**

- In case of any doubt or difficulty arises in giving effect to the provisions of these rules the same shall be referred to the State Government on which the decision of the State Government shall be final.