

M.P. Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Niyam, 1978

MADHYA PRADESH

India

M.P. Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Niyam, 1978

Rule

M-P-GANDI-BASTI-KSHETRA-SUDHAR-TATHA-NIRMULAN-NIYAM-1978 of 1978

- Published on 3 April 1980
- Commenced on 3 April 1980
- [This is the version of this document from 3 April 1980.]
- [Note: The original publication document is not available and this content could not be verified.]

M.P. Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Niyam, 1978Published vide Notification No. 1851-32, dated the 3-4-1980, published in the M.P. Rajpatra (Asadharan), dated 3-4-1980 at pages 532-537

1. Short title.

- These rules may be called the Madhya Pradesh Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Niyam, 1978.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a)"Act" means the Madhya Pradesh Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Adhiniyam, 1976 (No. 39 of 1976);(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Act.

3. Authentication of notices, orders and other instruments.

- Every notice issued by the competent authority under the Act shall be signed by the competent authority and a notice shall be deemed to be properly signed if it bears a facsimile of the signature of that authority.

4. Plans for redevelopment.

- Every plan for the re-development of slum area shall include the following, namely :-(i)description of the properties proposed for acquisition;(ii)description of the properties which may fit in the re-development plan either in their present form or after carrying out certain additions, alterations or improvement in the latter case the additions or improvements as the case may be, to be made;(iii)roads and pavements, open spaces, parks, playgrounds and land-scaping and utility services such as electricity, water supply, surface drains, and sewage, public latrines and bathrooms;(iv)site or sites for schools, hospitals, dispensaries, child welfare and maternity centres, community welfare centres, shopping centres and similar other amenities;(v)any other matter which is deemed necessary for the proper development of the area.

5. Application form.

- An application for permission to erect building in a slum area under sub-section (3) of Section 7 shall be made to the competent authority in Form I. Every such application shall be accompanied by a satisfactory proof of payment of a fee of Rs. 10/- . The fee shall be deposited in cash.

6. Procedure for determination of net average income of land.

(1)The competent authority by written notice require the occupier of the land acquired under Section 13 of the building on such land to furnish him within fifteen days particulars regarding the name and address of the occupier of such land or building.(2)When any land or building thereon is let to two or more persons holding in severally, the competent authority may, for the purpose of determining the net average annual income either treat the whole thereof as one property or with the written consent of the owner of such land treat each several holding therein or any two or more of such several holdings together as a separate property.(3)To enable him to determine net average annual income the competent authority may by written notice require the owner or occupier of any land or building to furnish him within such reasonable period as the competent authority may fix, information or with written return signed by such owner or occupier :-(a)as to the name and place of abode of the occupier or both the owner and occupier of such land or building;(b)as to the gross annual rent or revenue of the description or other specified details or the other cost or estimated market value of such land or building;(c)as to the estimated income from trees, if any, on the land, during the period of five years immediately, preceding the date of publication of the notice referred to in Section 13.

7. Application under Section 20 (2).

- The application under sub-section (2) of Section 20 shall be made in Form II and every such application shall be accompanied by a satisfactory proof of payment of fee of Rs. 10.00.

8.

After receipt of an application, the competent authority shall give an opportunity to the party of being heard and after making summary enquiry of factors in to the circumstances of the cases as it thinks fit either granting or refusing to grant permission under sub-section (3) of Section 20.

9. Appeal.

- Every appeal under sub-section (7) of Section 11 and Section 21 shall be filed within thirty days from the date of communication of the order against which the appeal is to be filed.

10. Declaration under Section 22 (1).

- The declaration under subsection (1) of Section 22 shall be filed within thirty days of the date of vacation of the building or eviction therefrom as the case may be.

11. Plans and estimate under Section 22 (2).

- The plans, estimates and other particulars under sub-section (2) of Section 22 shall be furnished by the owner of the building to the competent authority within ninety days of date of communication of the order of the competent authority requiring the owner of the building to furnish such plans, estimates or other particulars.

12. Provisional rent.

- The provisional rent shall be determined by the competent authority and shall not exceed in any case 7 1/2 of cost of construction. This shall be exclusive of the local taxes.

13. Communication of provisional rent.

- The rent provisionally determined under sub-section (2) of Section 22 shall be communicated to the tenant and the owner by registered post with acknowledgement due.

14. Official and non-official members of the Board.

- The Board shall, beside the Chairman consist of five non-official and nine official members.

15.

The appointment of the Chairman and other members of the Board shall be notified in the Madhya Pradesh Gazette.

16. Salary of the Chairman.

(1)The Chairman may either be an Honorary Officer or a Salaried Officer of the Board.(2)If any salaried officer is appointed as Chairman, he shall be a whole time officer of the Board.(3)If any person is appointed as Honorary Chairman he may be paid such honorarium and allowances and may be provided with such facilities as may be determined by the State Government from time to time.(4)Where a Government officer is appointed a Chairman, he shall get such salary, allowances and other facilities as the State Government may determine in this behalf.(5)The State Government, may from time to time, grant to the Chairman, leave of absence from the duties of the Chairman.(6)Whenever there is a temporary vacancy in the office of the Chairman, the State Government may appoint a person to act as Chairman during the period of such vacancy and shall pay to such person such honorarium or salary and allowances as may be fixed by them. The person so appointed shall be deemed to be the Chairman for all purposes of the Act.

17. Term.

- The term of office of the Chairman and every non-official member shall be one year :Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

18. Removal of the Chairman and other non-official members.

(1)If at any time it appears to the State Government that the Chairman has been guilty of any misconduct or neglect, which renders his continuance in office undesirable, it may remove the Chairman from his office.(2)The State Government may, by notification, remove any non-official member from office :-(a)if without the permission of the Board he is absent from three consecutive meetings of the Board; or(b)if he, being a legal practitioner acts or appears on behalf of any person other than the Board, is in civil, criminal or other legal proceedings in which the Board is interested, either as a party or otherwise; or(c)if he, in the opinion of the State Government is unsuitable or has become incapable of acting as a member or has so abused his position as a member to render his continuance as such member detrimental to the public interest.(3)A non-official member removed under Clauses (a) or*(b) of sub-rule (2) shall be disqualified for appointment as a member for a period of three years from the date of his removal unless otherwise ordered by the State Government.(4)A non-official member removed under Clause (c) of sub-rule (2) shall not be eligible for re-appointment until he is declared by an order of the State Government to be no longer disqualified.(5)No order under sub-rule (1) or (2) shall be passed unless the Chairman or the non-official member, as the case may be, has been a given reasonable opportunity of showing cause why such order should not be passed.

19.

A casual vacancy in the Board shall be filled by fresh appointment and the person appointed to fill vacancy shall hold office only for the remainder of the term for which the member in whose place he

was appointed.

20.

The pay and other conditions of service of the officers and servants of the Board shall be governed by the rules applicable to the officer and servants of the Madhya Pradesh Housing Board holding corresponding posts.

21.

In addition to the functions of the Board under the Adhiniyam the Board shall perform the following functions, namely :- (a) acquisition by purchase, exchange or otherwise of any property for the improvement, development or clearance or erection of buildings for carrying out the purposes of the Adhiniyam; (b) laying or re-laying out of any land comprised in the Scheme of the Board; (c) distribution or re-distribution of sites, buildings or tenements of the Boards; (d) closure or demolition of dwelling or portions of dwellings unfit for human habitation; (e) construction and reconstruction of buildings; (f) sale, lease or exchange of any property; (g) construction and alteration of roads, streets, back lanes, bridges, culverts and causeways; (h) providing drainage, water supply and lighting of the streets in the slum areas; (i) providing open parks, playing grounds and open spaces for the benefit of any area comprised in any scheme or any adjoining area and the enlargement of existing parks, playing grounds, open spaces and approaches; (j) providing sanitary arrangement required for the area comprised in any scheme, including the conservation of any prevention of injury or contamination to rivers or other sources and means of water supply; (k) providing accommodation for any class of inhabitants; (l) providing facilities for communication and transport; (m) advancing only for the purpose of the scheme; (n) collection of such information and statistics as may be necessary for purposes of the Act; (o) reclamation or reservation of lands for markets, gardens, playing grounds and afforestation; (p) providing schools, parks, swimming pools, restaurants, shops, markets, fuel depots, laundries, hair dressing saloons and other amenities. (q) any other remunerative enterprise.

Form I [See Rule 5(1)] Application under Section 7 (3) of the Madhya Pradesh Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Adhiniyam, 1976

To The Chairman, Slum Clearance Board, Madhya Pradesh, Bhopal.

Sir, I intend to erect a building in..... and accordance with the provisions of Section 7 (3) of the M.P. Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Adhiniyam, 1976, I forward herewith in triplicate the following documents :- (a) site plan of the land; (b) ground floor plan, with elevations and sections of the proposed building and a specification of the work; I request that the site plan and building plan may kindly be approved and building permission may accord.

Name and address of the licensed surveyor

Signature

Name and address of the applicant

Licence No.....

Date.....

Questionnaire to be completed by the applicant and the licensed surveyor and to be attached with the applications.

Particulars Write answers in Yes or No as applicable

- 1. Whether three copies of the plans duly signed by applicant are enclosed?**
- 2. Whether detailed and clear site plan enclosed?**
- 3. Whether Khasra map of the plot with Khasra number is enclosed?**
- 4. Whether the signature of the licensed surveyor approved by the Slum Clearance Board were obtained in the case where the proposed construction involved RCC Work R.S.J. column girders etc.?**
- 5. Whether a copy of the sanctioned layout or sub-division of plan is enclosed?**
- 6. In the case of leased land whether no-objection certificate from the owner of the land is enclosed?**
- 7. In case of sites allotted by the M.P. Housing Board whether no-objection certificate from the State Housing Board is enclosed?**
- 8. In case of corner plots, whether space is provided at the junction of the roads?**
- 9. Whether the marginal open spaces have been left and the coverage of the building is in accordance with the provisions of the prevailing building bye-laws?**
- 10. Whether the building plans submitted are in accordance of the provisions of building bye-laws?**
- 11. Whether the premises are proposed to be used for :-**

(i)Shop(ii)Shop-cum residence(iii)Flatted industries(iv)House hold industries.(v)Any other use (specify)?

Dated.....Signature of theapplicant.

The Questionnaire to be Filled by the Licensed Surveyor

1. In case of buildings having more than ground and one upper floor whether provision of sanitary amenities such as water supply, drainage, dust bin, over head tank with pump and pump room connections have been made in the plans?

2. Whether parking spaces have been provided for buildings more than three storeyed and buildings for public purposes?

3. Whether the dimension and the use of room have been clearly marked on the plan and are as per requirements of buildings bye-laws?

Dated.....Signature of the Licensed Surveyor.

It is certified that the above information is correct and that building plans are in accordance with the provisions of the building bye-laws.

Date.....Signature of the Licensed Surveyor
No.....Licence

Form II(See Rule 7)Form of application for permission to take legal action to evict a tenant under sub-section (2) of the Section 20 of M.P. Gandhi Basti Kshetra (Sudhar Tatha Nirmulan) Adhiniyam, 1976 :-

1. Name of the applicant.....

2. Full postal address.....

3. Description of the building for which permission is sought.....

4.

(1)House

No.....(2)Locality.....(3)Corporation
of Municipal Ward Number.....(4)Town/City.....

5. Terms of Tenancy.....

(1)Period of Tenancy.....(2)Monthly Rent payable
.....(3)Other terms, if any.....

6. Reasons for eviction.....

(1)Whether for default of rent ?.....(2)Whether the building is required for
owners occupation ?....(3)Whether infringement of conditions of tenancy is involved ?(4)Other

reasons, if any, in detail.....Signature of the Applicant.