

# Nagpur Improvement Trust Act, 1936

MAHARASHTRA

India

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### Act 36 of 1936

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Nagpur Improvement Trust Act, 1936(Central Provinces and Berar Act No. 36 of 1936)Last Updated 30th January, 2020[Published in the Central Provinces Gazette, dated the 25th December 1936]Preamble. - An Act to provide the improvement and expansion of the Town of NagpurWhereas it is expedient to make provision for the improvement and expansion of the Town of Nagpur in the manner hereinafter provided ;And Whereas the previous sanction of the Governor-General, required by sub-section (3) of section 80-A of the Government of India Act, and the previous sanction of the Governor, required by section 80-C of the said Act, have been obtained for the passing of this Act ;It is hereby enacted as follows :-

## Chapter I

### PRELIMINARY

#### 1. Short title, extent and commencement.

(1)This Act may be called the Nagpur Improvement Trust Act, 1936.(2)It extends to the area comprised within the limits of [the City] [Substituted by M.P. Act No. XIV of 1952, section 19.] and to such other area outside those limits as the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may, from time to time by notification, declare.(3)It shall come into force on such date as the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may, by notification, appoint in this behalf.

#### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"betterment contribution" means the contribution prescribed by section 69 ;[(a-1) "building" means a house, hut, shed or other structure for whatever purpose and of whatever material constructed and every part thereof, whether used as a human habitation or not, andincludes well, latrine, drainage work, fixed

platform, verandah, plinth, doorstep, compound wall, fencing and the like, and any work connected therewith ;] [Inserted by Central Provinces and Berar Act No. XXXIV of 1949, section 2.](b)"building line" means a line, in rear of the street alignment, up to which the main wall of a building abutting on a projected public street may lawfully extend ;(c)"Chairman" means the chairman of the Trust ;(d)[\*\*\*] [Omitted by M.P. Act No. XIV of 1952, section 2.](e)"committee" means a committee constituted under sub-section (1) of section 18 ;(f)"land" has the meaning assigned to it in clause (a) of section 3 of the Land Acquisition Act, 1894 (I of 1894);(g)[\*\*\*] [Omitted by M.P. Act No. XIV of 1952, section 2.](h)"regulation" means a regulation made under section 90 ;(i)"rule" means a rule made under this Act ;(j)"street alignment" means a line dividing the land comprised in, and forming part of, a street from the adjoining land ;(k)"Tribunal" means a tribunal constituted under section 62 ;(l)the words and expressions not defined in this Act have the meanings assigned to them in the [City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act No. XIV of 1952, section 2.](m)all references to anything done, required, authorised, permitted, forbidden or punishable, or to any power vested under this Act, shall include anything done, required, authorised, permitted, forbidden, or punishable or any power vested-(i)by any provision of this Act ; or(ii)by any [rule, regulation or scheme made] [Substituted for the words 'rule or scheme' by the Central Provinces and Berar Act VII of 1944, section 2.] under the provision of this Act ; or(iii)under any provisions of the [City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act No. XIV of 1952, section 2.] which the Trust has by virtue of this Act power to enforce.

## Chapter II

### Constitution of the Trust

#### 3. Creation and incorporation of Trust.

- The duty of carrying out the provisions of this Act shall subject to the conditions and limitations hereinafter contained, be vested in a board to be called "The Nagpur Improvement Trust" hereinafter called "the Trust" . Such board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue or be sued.

#### 4. Constitution of Trust.

- [(1) The Trust shall consist of [ten Trustees] [Substituted by Central Provinces and Berar Act XXXIV of 1949, section 3.], namely :-(a)a Chairman,(b)[ the Chairman of the Standing Committee of the Corporation or, while the Corporation is under suspension, the Administrator of the City, appointed under section 409 of the City of Nagpur Corporation Act, 1948,] [Substituted by M.P. Act No. XIV of 1952, section 3.](ba)[ the Collector or Additional Collector of Nagpur District, to be nominated by the State Government ;] [Clause(ba) was inserted by 31 of 2011, s. 2(1)(b).](c)[ the Chief Executive Officer or, while the Corporation is under suspension, any officer of the Corporation nominated by the Administrator of the City] [Substituted by M.P. Act No. XIV of 1952, section 3.],(d)[ one Councillor of the Corporation. [Substituted by M.P. Act No. XIV of 1952, section 3.](e)four persons appointed under sub-section (2), of whom not less than two shall be non-officials residing within the limits of the area to which this Act applies ;(f)one member of [Bombay]

Legislative Assembly.].(2)The Chairman and the [four] [Substituted for the word 'three' by Central Provinces and Berar Act XXXIV of 1949, section 3.] persons referred to in clause (e) of sub-section (1) shall be appointed by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government by notification.(3)[ Any person becoming of Trustee by virtue of clause (b) [clause (ba) or clause (c)] [Substituted by M.P. Act No. XIV of 1952, section 3.] of sub-section (1) shall be an exofficio Trustee].(4)[ The Councillor referred to in clause (d) of sub-section (1) shall be elected by the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 3.].(5)If the Corporation does not, within two months of the expiry of the term of a Councillor elected under sub-section (4), elect a Councillor to be a Trustee, the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may, by notification, appoint a Councillor of the Corporation to be a Trustee, and any person so appointed shall be deemed to be Trustee as if he had been duly elected by the Corporation.(6)Of the [four] [Substituted for the word 'three' by Central Provinces and Berar Act XXXIV of 1949, section 3.] persons referred to in clause (e) of sub-section (1) not more than [two] [Substituted for the word 'one' by Central Provinces and Berar Act XXXIV of 1949, section 3.] shall be servants of the [Government.] [Substituted for 'Crown' by A. O., 1950.](7)[ The member referred to in clause (f) of sub-section (1) shall be [nominated by the Speaker of the Maharashtra Legislative Assembly from amongst the members of the Maharashtra Legislative Assembly] [Inserted by Central Provinces and Berar Act No. XXXIV of 1949, section 3.] ordinarily residing in Nagpur.]Explanation. - For the purposes of this section the term servant of the [Government] [Substituted for 'Crown' by A. O., 1950.] means a whole time salaried servant of the Government.

#### **4A. [ [Omitted by M.P. Act No. XIV of 1952, section 4.]**

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#### **5. Resignation of Trustee other than ex-officio Trustee.**

- Any Trustee, other than an ex-officio Trustee, may at any time resign his office, provided that his resignation shall not take effect until accepted by the Trust.

#### **6. [ Term of office of Chairman or of any Trustee. [Substituted by M.P. Act. No. XIV of 1952, section 5.]**

- The term of office of Chairman or of any Trustee appointed under clause (e) of sub-section (1) of section 4 shall be five years, provided that, the Chairman or any Trustee may be removed from office by the State Government at any time before the completion of such term.]

#### **7. [ Term of office of other Trustees. [Substituted by M.P. Act No. XIV of 1952, section 6.]**

(1)Every person becoming a Trustee under clause (b) [or clause (ba) or clause (c)] of sub-section (1) of section 4 shall continue to hold office as such Trustee so long as he continues to hold office by virtue of which he becomes such Trustee.(2)The term of office of every person becoming a Trustee

by virtue of clause (d) of sub-section (1) of section 4, shall be five years or until he ceases to be a Councillor of the Corporation, whichever period is less.(3)The term of office of every person becoming a Trustee by virtue of clause (f) of subsection (1) of section 4 shall be five years or until he ceases to be a member of [Bombay] [Substituted for 'Madhya Pradesh' by Bom. (V. R.) A. O., 1956.] Legislative Assembly, whichever period is less.]

## **8. [ Commencement of term of office of first Trustees. [Substituted by M.P. Act No. XIV of 1952, section 3.]**

(1)The term of office of the first appointed and elected Trustees shall commence on such date as shall be notified in this behalf by the [State] Government.](2)A person ceasing to be a Trustee by reason of the expiry of his term of office shall, if otherwise qualified, be eligible for re-election or re-appointment.

## **9. [ Remuneration of Chairman. [Substituted by Central Provinces and Berar Act No. XXXIV of 1949, section 5.]**

(1)No Trustee, other than the Chairman, shall receive any emoluments from the funds of the Trust.(2)The Chairman shall receive such emoluments as may be sanctioned by the [State] Government from time to time and shall be subject to such terms and conditions of service as may be specified by the [State] [Substituted for 'provincial' by A. O., 1950.] Government.(3)While any person is holding the office of Chairman he shall not hold any other salaried office, and subject to any exception permitted by the [State] [Substituted for 'provincial' by A. O., 1950.] Government shall devote his whole time and attention to his duties under this Act.]

## **10. Removal of Trustees.**

(1)The [State] [Substituted for 'provincial' by A. O., 1950.] Government may remove from the Trust any Trustees other than an ex officio Trustee who---(a)refuses to act, or becomes incapable of acting as a Trustee, or absents himself without the permission of the Trust for more than three consecutive months from the meetings of the Trust or of any Committee of which he is a member and is unable to explain such absence to the satisfaction of the Trust, or(b)is an undischarged insolvent or has compounded with his creditors, or(c)has been sentenced by a Criminal Court to imprisonment for a term exceeding six months or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such sentence or order not having subsequently being reversed or remitted or the offender pardoned, or(d)has acquired or continued to hold without the permission in writing of the [State] [Substituted for 'provincial' by A. O., 1950.] Government directly or indirectly or by a partner, any share or interest in any contract or employment with, by, or on behalf of the Trust or the Municipal committee, or(e)has acted as a trustee in a matter other than a matter referred to in clause (iv) or clause (v) of the proviso to this sub-section in which he had either directly or indirectly, a personal interest, as a partner, employer, agent or counsel, or(f)has acted in contravention of section 20, or(g)being a legal practitioner, in any suit or other proceedings, acts or appears on behalf of any other person against the Trust, or acts or appears on

behalf of any other person in any criminal proceedings instituted by or on behalf of the Trust :Provided that a person shall not be deemed for the purpose of this sub-section to acquire, or continue to have, any share or interest in a contract or employment by reasons only of his-(i)having a share or interest in any lease, sale or purchase, of land or buildings, or in any agreement for the same provided that such share or interest was acquired before he became a Trustee, or(ii)having a share in a joint stock company which shall contract with, or be employed by or on behalf of the Trust, or(iii)having a share or interest in a newspaper in which an advertisement relating to the affairs of the Trust is inserted, or(iv)holding a debenture or otherwise being interested in a loan raised by or on behalf of the Trust, or(v)having a share or interest in the occasional sale of an article in which he regularly trades to the Trust to a value not exceeding, in any one year, such amount as the Trust, with the sanction of the [State] [Substituted for 'provincial' by A. O., 1950.] Government, may fix in this behalf.(2)The [State] [Substituted for 'provincial' by A. O., 1950.] Government may remove from the Trust a trustee who in its opinion has so flagrantly abused in any manner his position as a Trustee as to render his continuance as a Trustee detrimental to the public interest.(3)Wherever the [State] [Substituted for 'provincial' by A. O., 1950.] Government proposes to take action under the foregoing provisions of this section, an opportunity of explanation shall be given to the Trustee concerned, and, when such action is taken the reasons therefor shall be placed on record.(4)A Trustee, who remains absent without the permission of the Trust for more than three consecutive months from the area to which this Act extends, shall be deemed to have resigned his office.

## **11. Disabilities of Trustees removed under section 10.**

(1)A Trustee removed under clause (a) or clause (c) of sub-section (1) of section 10, or under sub-section (2) of that section, shall not be eligible for further election or appointment for a period of three years from the date of his removal.(2)A Trustee removed under clause (b) of sub-section (1) of section 10 shall not be so eligible until he has obtained his discharge or has paid his creditors in full, as the case may be.(3)A Trustee removed under any other provisions of section 10 or deemed to have resigned under sub-section (4) of that section shall not be so eligible until he is declared to be no longer ineligible by an order of the [State] [Substituted for 'provincial' by A. O., 1950.] Government.

## **12. Filling of casual vacancies.**

(1)When the place of a Trustee appointed by the [State] [Substituted for 'provincial' by A. O., 1950.] Government becomes vacant by his resignation, removal or death, the [State] [Substituted for 'provincial' by A. O., 1950.] Government shall appoint a person to fill the vacancy.(2)When the place of a Trustee elected under clause (d) of sub-section (1) of section 4 becomes vacant by his resignation, removal or death, the vacancy shall be filled, within two months of the existence of such vacancy being notified to [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] by the Trust, in the manner provided by sub-section (4) of the same section, provided that if [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] fails to elect a qualified person to fill the vacancy within the said period, the provisions of sub-section (5) of section 4 shall apply.[(2-A) When the place of a Trustee elected under clause (f) of sub-section (1) of section 4

becomes vacant by his resignation, removal or death, it shall be filled in the same manner in which the original appointment was made.] [Inserted by Central Provinces and Berar Act No. XXXIV of 1949, section 6.](3)The term of office of a Trustee appointed or elected under this section shall be the remainder of the term of the office of the Trustee in whose place he has been elected or appointed :Provided that no person elected or appointed under sub-section (2) shall continue to be a Trustee after he has ceased to be a member of [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.], but he may so continue notwithstanding that the Trustee in whose place he was elected or appointed has ceased to be a member of the said [ the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.].

### **13. Leave of absence or deputation of the Chairman.**

(1)The [State] [Substituted for 'provincial' by A. O., 1950.] Government may, after consultation with the Trust, grant leave of absence to the Chairman, or depute him to other duties for such period as it may think fit.(2)The allowance, if any, to be paid to the Chairman during his absence on leave or deputation shall be such amount, not exceeding his salary, as may be fixed by the [State] [Substituted for 'provincial' by A. O., 1950.] Government :Provided that, if the Chairman is a servant of the [Government] [Substituted for 'Crown' by A. O., 1937.] the amount of such allowance shall be such as he may be entitled to under the conditions of his service under the [Government] [Substituted for 'Crown' by A. O., 1937.] relating to transfer to foreign service.

### **14. Appointment, etc., of acting Chairman.**

(1)Whenever the Chairman is granted leave of absence or deputed to other duties, the [State] [Substituted for 'provincial' by A. O., 1950.] Government may appoint a person to act as Chairman in his place.(2)The salary, house rent and conveyance allowance, if any, of any person appointed to act as Chairman shall be fixed by the [State] [Substituted for 'provincial' by A. O., 1950.] Government, subject to the provisions of section 9.(3)Any person appointed to act as Chairman shall exercise the powers and perform the duties conferred and imposed by or under this Act on the Chairman, and shall be subject to the same liabilities, restrictions and conditions as the Chairman.

### **15. Leave of absence of Trustees other than exofficio Trustee.**

- The Trust may permit any Trustee, other than the Chairman or the exofficio Trustee, to absent himself from the meeting of the Trust for any period not exceeding six months.

## **Chapter III**

## **Proceedings of the Trust and Committees**

### **16. Meetings of Trust.**

(1)The Trust shall meet together and shall from time to time make such arrangements, not

inconsistent with this Act, with respect to the place, day, hours, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as it may think fit, subject to the following provisions, namely :-(a)an ordinary meeting shall be held once at least in every month ;(b)the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two Trustees, call a special meeting ;(c)no business shall be transacted at any meeting unless at least three Trustees are present ;(d)every meeting shall, if the Chairman be present, be presided over by him; if he is absent, by such one of the Trustees present as may be chosen by the meeting ;(e)all questions shall be decided by a majority of votes of the Trustees present and voting, the person presiding having a second or casting vote in all cases of equality of votes ;(f)if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the person presiding ;(g)minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next meeting by the person presiding over that meeting, and shall be open to inspection by any Trustee during office hours.(2)No person shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate.

## **17. Temporary association of members with Trust for particular purposes.**

(1)The Trust may associate with, in such manner and for such period as may be prescribed by regulations, any persons whose assistance or advice it may desire in carrying out any of the provisions of this Act.(2)A person associated with the Trust under sub-section (1) for any purpose shall have a right to take part in the discussions of the Trust relative to that purpose, but shall not have a right to vote at a meeting of the Trust, and shall not be a member of the Trust for any other purpose.

## **18. Constitution and functions of committees.**

(1)The Trust may, from time to time, appoint committees, consisting of such persons of any of the following classes as it may think fit, namely :-(i)Trustees ;(ii)persons associated with the Trust under section 17 ;(iii)other persons whose assistance or advice the Trust may desire as members of committees :Provided that no committee shall consist of less than three persons, of whom at least one shall be a Trustee.(2)The Trust may-(a)refer to such committees, for inquiry and report, any matter relating to any of the purposes of this Act, and(b)delegate to such committees by specific resolution, and subject to any regulations, any of the powers or duties of the Trust.(3)The Trust may at any time dissolve, or, subject to the provisions of sub-section (1), alter the constitution of any such committee.(4)Every such committee shall conform to any instructions from time to time given to it by the Trust.(5)All proceedings of any such committee shall be subject to confirmation by the Trust.

## **19. Meetings of committees.**

(1)A committee appointed under section 18 may meet and adjourn as it thinks proper ; but the Chairman may, whenever he thinks fit, [and shall, upon the written request of not less than two members thereof, call a special meeting of such committee.] [Substituted by Central Provinces and Berar Act No. XXXIV of 1949, section 7.](2)The Chairman may attend any meeting of a committee

whether he is a member of such committee or not, and shall preside at every such meeting at which he is present ; if he is absent, such one of the Trustees present as may be chosen by the meeting shall preside.(3)All questions at any meeting of a committee shall be decided by a majority of votes of the members present and voting, the person presiding having a second or casting vote in all cases of equality of votes.(4)No business shall be transacted at any meeting of a committee when either less than two members of, or less than one-fourth of the members constituting, the committee whichever is greater are present.

## **20. Trustees and associated members of Trust or committee not to take part in proceedings in which they are personally interested.**

(1)A Trustee who-(a)has, directly by himself or indirectly as partner, agent, employer or counsel, any such share or interest as is described in sub-section (1) of section 10, in respect of any matter, or(b)has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take any other part in any proceedings of the Trust or any committee relating to such matter.(2)If any Trustee, or any person associated with the Trust under section 17, or any other member of a committee appointed under this Act, has, directly or indirectly, as partner, agent, employer or counsel any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in any area in which it is proposed to acquire land for any of the purposes of this Act,-(i)he shall, before taking part in any proceedings at a meeting of the Trust or any committee relating to such area, inform the person presiding at the meeting of the nature of such interest,(ii)he shall not vote at any meeting of the Trust or any committee upon any resolution or question relating to such land, and(iii)he shall not take any other part in any proceeding at a meeting of the Trust or any committee relating to such area if the person residing at the meeting considers it inexpedient that he should do so.Officers and Servants.

## **21. Power of Trust to fix number and salaries of its servants.**

(1)Subject to such rules as the [State] [Substituted for 'provincial' by A. O., 1950.] Government may make prescribing the conditions under which members of the staff appointed by the Trust to offices requiring professional skill may be appointed, suspended or dismissed, the Trust may from time to time fix the number and salaries of such permanent servants as it may think necessary and proper to assist in carrying out the purposes of this Act :Provided that, the Trust may, with the previous sanction of the [State] [Substituted for 'provincial' by A. O., 1950.] Government, appoint a person possessing professional skill on a short term contract for a period not exceeding five years.(2)Appointment of temporary servants in cases of emergency. - The Chairman may in cases of emergency appoint such temporary servants as may in his opinion be required for the purposes of this Act, and may direct that the salaries of such temporary servants fixed as the emergency may require shall be paid from the Trust fund :Provided that -(i)he shall not act under this sub-section in contravention of any order of the Trust prohibiting the employment of temporary servants for any particular work, and(ii)every appointment made under this sub-section shall be reported at the next following meeting of the Trust.



## **21A. [ [State] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 8.] Government control over the establishment of the Trust.**

(1)The Trust shall before the 31st March of each year prepare a statement showing---(a)the number, designation and grades of the officers and servants (other than employees who are paid by the day or week or whose pay is charged to any sanctioned work) whom it considers it necessary and proper to continue in employment or to employ for the purposes of this Act during the succeeding year,(b)the amount and nature of the salary, fees and allowance to be paid to each such officer or servant, and(c)the contribution payable under section 110 in respect of each such officer or servant, and submit the same to the [State] [Substituted for 'provincial' by A. O., 1950.]

Government.(2)Within a period of three months from the date of receipt of the statement under sub-section (1), the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may, if in its opinion, the number of persons employed by the Trust as officers or servants, or whom the Trust may propose to employ as such, or the remuneration proposed or fixed by the Trust to those persons or any of them is excessive, direct the Trust to reduce such number of persons or the remuneration of any such person, as the case may be, and the Trust shall comply with such direction :[\* \* \* \*] [The proviso was deleted by Mah. 31 of 2011, s.4.]

## **22. Power of appointment, etc.**

- [1] [Re-numbered by Mah. 31 of 2011, s.4.] Subject to the provisions of section 21 and to any rules for the time being in force, the power of appointing, promoting, and granting leave to officers and servants of the Trust, and reducing, suspending, or dismissing them for misconduct, and dispensing with their services for any reason other than misconduct, shall be vested---(a)in the case of officers and servants [whose Grade Pay in the pay structure is equivalent to or lower than that of an Assistant Engineer] [Section 22 was re-numbered as sub-section (1) thereof and in sub-section (1) as so re-numbered in clause (a), for the words 'whose monthly salary does not exceed one hundred and fifty rupees' was substituted by, s. 5 (1) (a).] in the Chairman, and(b)in other cases, in the Trust :Provided that any officer or servant [in receipt of Grade Pay in the pay structure less than that is payable to an Assistant Engineer] [These words were substituted for the words 'in receipt of a monthly salary exceeding fifty rupees', ibid., S.S., ibid, s. 5 (1) (b).] who is reduced, suspended or dismissed by the Chairman may appeal to the Trust, whose decision shall be final.(2)[ Notwithstanding anything contained in this section, it shall be lawful for the State Government by an order, to depute any officer in the service of the State Government for appointment on the establishment of the Trust, who shall be so appointed by the Trust. The terms and conditions of service and the term of appointment of such deputed officer shall be such, as may be specified by the State Government in the order.] [Added by Mah. 31 of 2011.]

## **23. Control by Chairman.**

- The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Trust; and, subject to the provision of sections 21 and 22, shall dispose of all questions relating to the service of the said officer and servants and their pay, privileges, or

allowances.

## **24. Delegation of certain of Chairman's functions.**

(1)The Chairman may, by general or special order in writing, delegate to any Trustee or officer of the Trust any of the Chairman's powers, duties or functions under this Act or any rule [or regulation] [Inserted by Central Provinces and Berar Act VII of 1944, section 3.] made thereunder, except those conferred or imposed upon or vested in him by sections 16, 19, 25 and 49.(2)The exercise or discharge by any such officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order, [and also to control and Suo motu revision by the Chairman] [These words were substituted for the words 'and also to control and revision by the chairman' by mah. 31 of 2011, s. 6.].

### **24A. [ Inspection or examination of departments, etc., of Trust. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 9.]**

(1)The [State] Government may depute any officer to make an inspection or examination of any department, office, service, work or thing under the control of the Trust or to make an enquiry into the conduct of an officer of the Trust and to report to the [State] [Substituted for 'Provincial' by A. O., 1950.] Government the result of such inspection, examination or enquiry.(2)Any officer so deputed shall have power to require the production of any record, correspondence or document in the possession or control of the Trust, and to inspect any work or service under the control of the Trust.]

### **24B. [ Punishment of officer or servant of Trust. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 9.]**

- If on receipt of the report of enquiry under sub-section (1) of section 24-A, the [State] Government is of opinion that any officer or servant is guilty of misconduct, it may, after giving him an opportunity to be heard, direct that the Trust shall punish him and if in the opinion of the [State] [Substituted for 'provincial' by A. O., 1950.] Government he is unfit for his employment, the Trust shall dismiss him.]

### **24C. [ Power of the [State] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 9.] Government to direct proper performance of duties.**

- If the [State] [Substituted for 'Provincial' by A. O., 1950.] Government is of opinion that any of the duties imposed on the Trust has not been performed or has been performed in an imperfect manner, the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may direct the Trust to make arrangements for the proper performance of the duties or to take such measures as may be specified by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government.]

**24D. [ Power of State Government to issue directions or instructions.  
[Inserted by Mah. 32 of 2011, S. 7.]**

- The State Government may, from time to time, issue such directions or instructions as it may think fit in regard to finance and conduct of business and affairs of the Trust and the Trust shall be bound to follow and act upon these directions or instructions :Provided that, the State Government shall, before issuing any directions or instructions, give an opportunity to the Trust to make representation within fifteen days as to why such directions or instructions shall not be issued. If the Trust fails to represent within fifteen days or, after having represented, the State Government on considering the representation, is of the opinion that issuing of such directions or instructions is necessary; the State Government may issue the same.]

**24E. [ Power of State Government to give appropriate order in respect of certain resolution etc. of Trust. [Inserted by Mah.32 of 2011, S. 7.]**

(1)If the State Government on a reference made to it by the Chairman, or suo motu, is satisfied that any resolution or order or any act of the Trust or of any of its authorities or officers is in contravention of, or, in excess of, the powers conferred by or under this Act or any other law for the time being in force, or rules, regulations or bye-laws made thereunder, or is likely to lead to abuse or misuse of, or cause waste of the Trust Fund or is against the financial interests of the Trust or against the interests of public or against the policy of the State government, the State Government may, give an appropriate order in writing, in that behalf to the Trust. A copy of such order shall be sent forthwith by the State Government to the Chairman :Provided that, the State Government shall, before issuing any such order, give an opportunity to the Trust to make representation within fifteen days as to why such directions or instructions shall not be issued. If the Trust fails to represent within fifteen days or, after having represented, the State Government on considering the representation, is of the opinion that issuing of such order is necessary ; the State Government may issue the same.(2)On receipt of the order sent under sub-section (1), the Trust shall be bound to follow and act upon such order.(3)No resolution or order or act which has been referred to by the Chairman under sub-section (1) or suo motu cognizance of which has been taken under that sub-section shall be implemented by the Trust or any of its authorities or officers, until decision of the State Government in accordance with the provisions of sub-section (1) is communicated to the Trust.]Supply of information to Government.

**25. Supply of information and documents to Government.**

(1)The Chairman shall forward to the [State] [Substituted for 'provincial' by A. O., 1950.] Government [\*\*\*] [The words 'and also to the Commissioner, Nagpur Division,' were omitted by M.P. Act XIV of 1952, section 7.] a copy of the minutes of the proceedings of each meeting of the Trust within ten days from the date on which the minutes of the proceedings of such meeting were signed, as prescribed in clause (g) of sub-section (1) of section 16.(2)If the [State] [Substituted for 'provincial' by A. O., 1950.] Government so directs in any case, the Chairman shall forward to it a copy of all papers which were laid before the Trust for consideration at any meeting.(3)The [State]

[Substituted for 'provincial' by A. O., 1950.] Government may require the Chairman to furnish with--(a)any return, statement, estimate, statistics or other information regarding any matter under the control of the Trust, or(b)a report on any such matter, or(c)a copy of any document in the charge of the Chairman.The Chairman shall comply with every such requisition without unreasonable delay.

## Chapter IV

### Improvement Scheme

#### 26. Matter to be provided for improvement schemes.

- An improvement scheme may provide for all or any of the following matters namely :-(a)the acquisition by purchase, exchange, or otherwise of any property necessary for or affected by the execution of the scheme ;(b)the recovery of betterment contributions [\*\*\*] [Ommitted by Central Provinces and Berar Act XXXIV of 1949, section 10 (i).] ;(c)the re-laying out of any land comprised in the scheme;(d)the re-distribution of sites belonging to owners of property dealing unfit for human habitation ;(e)the closure or demolition of dwellings or portions of dwellings unfit for human habitation ;(f)the demolition of obstructive buildings or portions of buildings ;(g)the construction and re-construction of buildings ;(h)the sale, letting, or exchange of any property comprised in the scheme ;(i)the construction and alteration of streets and back lanes ;(j)the draining, water-supply and lighting of streets so constructed or altered ;(k)the provision of parks, playing-fields and open spaces for the benefit of any area comprised in the scheme or any adjoining area, and the enlargement of existing parks, playing-fields, open spaces and approaches ;[(k-I) the provision of markets, motor vehicle stands, fire brigade stations, theatres, public urinals and latrines, petrol service stations and other public amenities or the sites therefor ;] [Inserted by C. P. and Berar Act XXXIV of 1949, section 10 (ii).](l)the sanitary arrangements required for the area comprised in the scheme, including the conservation and prevention of injury or contamination to rivers or other sources and means of water-supply ;(m)the provision of accommodation for any class of the inhabitants ;(n)the advance of money for the purposes of the scheme ;(o)the provision of facilities for communication ;(p)the reclamation or reservation of land for market, gardens, afforestation, the provision of fuel and grass supply, and other needs of the population; and(q)any other matter for which, in the opinion of the [State] [Substituted for 'provincial' by A. O., 1950.] Government , it is expedient to make provision with a view to the improvement of any area in question or the general efficiency of the scheme.

#### 27. Type of improvement scheme.

- An improvement scheme shall be of the one of the following types or may combine any two or more of such types, or of any special features thereof, that is to say,--(a)a general improvement scheme ;(b)a re-building scheme ;(c)a re-housing scheme ;(d)a street scheme ;(e)a deferred street scheme ;(f)a development scheme ;(g)a housing accommodation scheme [\*\*\*] [Omitted by Central Provinces and Berar Act VII of 1944, section 4 (i).] ;(h)[ a future expansion or improvement scheme] [Substituted by Central Provinces and Berar Act XXXIV of 1949, section 11.] ;(i)[ a drainage or

drainage including sewage disposal scheme.] [Inserted by Central Provinces and Berar Act VII of 1944, section 4(iii).]

## **28. General improvement scheme.**

- Whenever it appears to the Trust---(a)that any buildings in any area which are used or are intended or likely to be used as dwelling places are unfit for human habitation, or(b)that danger to the health of the habitants of buildings in any area, or in any neighbouring buildings is caused by---(i)the narrowness, closeness, or bad arrangement and condition of streets or buildings or groups of buildings in such area, or(ii)the want of light, air, ventilation or proper conveniences in such area, or(iii)any other sanitary defects in such area, the Trust may pass a resolution to the effect that such an area is an insanitary area, and that a general improvement scheme ought to be framed in respect of such area, and may then proceed to frame such a scheme.

## **29. Re-building scheme.**

(1)Whenever it appears to the Trust that any area is insanitary area within the meaning of section 28 and that, regard being had to the comparative value of the buildings in such area and of the sites on which they are erected, the most satisfactory method of dealing with the area or any part thereof is a re-building scheme, it shall frame a scheme in accordance with the provisions of this section.(2)A re-building scheme may provide for--(a)the reservation of street, back lanes and open spaces and the enlargement of existing street, back lanes and open spaces to such an extent as may be necessary for the purposes of the scheme ;(b)the re-laying out of the sites of the area upon such streets, back lanes, or open spaces so reserved or enlarged ;(c)the payment of compensation in respect of any such reservation or enlargement, and the construction of the streets, back lanes, and open spaces so reserved or enlarged ;(d)the demolition of the existing building and their appurtenances by the owners, or by the Trust in default of the owners, and the erection of buildings in accordance with the scheme by the said owners or by the Trust in default of the owners upon the sites as defined under the scheme ;(e)the advance to the owners, upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed under the scheme, of such sums as may be necessary to assist them to erect new buildings in accordance with the scheme ;(f)the acquisition by the Trust of any site or building comprised in the area included in the scheme.

## **30. Re-housing scheme.**

- The Trust may frame schemes (herein called re-housing schemes) for the construction, maintenance and management of such and so many dwellings and shops as it may consider ought to be provided for persons who---(a)are displaced by the execution of any improvement scheme sanctioned under this Act, or(b)are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the [State] [Substituted for 'provincial' by A. O., 1950.] Government for sanction under this Act.

### 31. Street scheme.

(1) Whenever the Trust is of opinion that, for the purpose of---(a) providing building sites, or (b) remedying defective ventilations, or (c) creating new or improving existing means of communications and facilities for traffic, or (d) affording better facilities for [conservancy and drainage] [Substituted by Central Provinces and Berar Act VII of 1944, section 5.] it is expedient to lay-out new streets or alter existing streets (including bridges, causeways and culverts), the Trust may pass a resolution to that effect, and shall then proceed to frame a street scheme for such area as it may think fit. (2) A street scheme may, within the limits of the area comprised in the scheme provide for--(a) the acquisition of any land which will, in the opinion of the Trust, be necessary for its execution ; (b) the re-laying out of all or any of the lands so acquired, including the construction and re-construction of buildings by the Trust or by any other person and the laying out, construction and alteration of streets and thoroughfares ; (c) the draining, water-supply, and lighting of streets and thoroughfares so laid out, constructed or altered ; (d) the raising, lowering, or reclamation of any land vested in, or to be acquired by the Trust for the purposes of the scheme ; (e) the formation of open spaces for the better ventilation of the area comprised in the scheme ; (f) the acquisition of any land adjoining any street, thoroughfare , or open space to be formed under the scheme.

### 32. Deferred street scheme.

(1) Whenever the Trust is of opinion that it is expedient for any purposes mentioned in section 31 to provide for the ultimate widening of any street by altering the existence alignments of such street to improved alignments to be prescribed by the Trust, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the Trust, if satisfied of the sufficiency of its resources, may pass a resolution to that effect, and shall forthwith proceed to make a scheme to be called a "deferred street scheme" prescribing an alignment on each site of such street. (2) No person shall erect, add to or alter any building or wall so as to make the same project beyond the prescribed alignment of the street except with the written permission of the Trust. (3) The deferred street scheme shall provide for--(a) the acquisition of the whole or any part of any property lying within the prescribed street alignments ; (b) the re-laying out of all or any such property including the construction and re-construction of buildings by the Trust or by any other person and the formation and alteration of the street ; (c) the draining and lighting of the street so formed and altered. (4) The owner of any property included in a deferred street scheme may, at any time after the scheme has been sanctioned by the [State] [Substituted for 'provincial' by A. O., 1950.] Government, give the Trust notice requiring it to institute proceedings for the acquisition of such property before the expiration of six months from the date of such notice and the Trust shall acquire such property accordingly. (5) Before proceeding to acquire any property within the limits of the scheme other than property regarding which it has received a notice under sub-section (4), the Trust shall give six months' notice to the owner of its intention to acquire the property. (6) Upon the scheme being sanctioned by the [State] [Substituted for 'provincial' by A. O., 1950.] Government and notwithstanding anything contained in [the City of Corporation Act, 1948] [Substituted by M.P. Act, XIV of 1952, section 8.] [the Corporation or its Chief Executive Officer] [Substituted by M.P. Act, XIV of 1952, section 19.] shall not prescribe a regular line of the street within the limits of the scheme and any such regular line previously prescribed within such limits shall cease to be the

regular line of the street.

### **33. Development scheme.**

(1) In regard to any area to which this Act [extends] [Substituted for 'is extended' by Central Provinces and Berar Act, VII of 1944, section 6.] the Trust may, from time to time, prepare a scheme of proposed public streets with plans showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable. (2) When any such scheme has been notified under section 45 the street to which it refers shall be deemed to be a projected public street. (3) If any person desires to erect, re-erect, add to or alter any building or wall so as to make the same project beyond the street alignment or building line shown in any plan so adopted, he shall apply to the Trust for permission to do so. (4) If the Trust refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid, and if it does not proceed to acquire such land within one year from the date of such refusal, it shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal. (5) When any building, wall or part thereof projecting beyond or adjacent to the street alignment or building line shown in any plan adopted as aforesaid has fallen down, or been burnt down or taken down the Chairman may, by written notice, require or permit the same to be set back or forward, as the case may be, from or towards such street alignment or building line. (6) When any building or wall is set back or forward in pursuance of a requisition made under sub-section (5), the Trust shall forthwith make full compensation to the owner of the building or wall for any damage that he may sustain thereby. (7) If the additional land which will be included in the premises of any person required or permitted under sub-section (5), to set forward a building, wall or part thereof belongs to the Trust the requisition or permission of the Chairman to set forward the building shall be a sufficient conveyance to the said owner of the said land ; and the terms and conditions of the conveyance shall be set forth in the said requisition or permission. (8) If, when the Chairman requires a building, wall or part thereof to be set forward, the owner thereof is dissatisfied with any of the terms or conditions of the conveyance, the Chairman shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Tribunal whose decision shall be final. (9) Upon any scheme under this section being sanctioned by the [State] [Substituted for 'provincial' by A.O., 1950.] Government and notwithstanding anything contained in [the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act, XIV of 1952, section 19.] [ the Corporation or its Chief Executive Officer] [Substituted by M.P. Act, XIV of 1952, section 8.] shall not prescribe a regular line of the street within the limits of the scheme, and any such regular line previously prescribed within such limit shall cease to be the regular line of the street.

### **34. Housing accommodation scheme.**

- Whenever the Trust is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of the inhabitants of any area to which this Act [extends] [Substituted for 'is extended' by Central Provinces and Berar Act VII of 1944, section 7.], it may frame a scheme (to be " housing accommodation scheme") for such purpose.

### **35. [Future expansion or improvement scheme.] [Substituted for 'a town expinsion sachems' by Central Provinces and Berar Act VII of 1944, section 12.]**

(1)Whenever the Trust is of opinion that it is expedient and for public advantage to control and provide for the future [[improvement or expansion] [Substituted for 'exarnsion of the Nagpur Municipality' by Central Provinces and Berar Act VII of 1944, section 8.]] of the town of Nagpur, whether within or without the limits of the city, the Trust may frame a scheme therefor, [\*\*\*] [Omitted by by Central Provinces and Berar Act VII of 1944, section 12.](2)Such scheme shall show the method in which it is proposed to lay out the area to be developed and the purposes for which particular areas are to be utilised.(3)For the purposes of [such scheme] [Substituted for 'Town expansion scheme' by Central Provinces and Berar Act XXXVI of 1949.] the provisions of clause (a) of sub-section (2) of section 43 shall not be applicable, but the Trust shall furnish such details as the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may consider necessary.(4)After any such scheme has been notified under section 45, if any person desires to erect, re-erect, add to or alter any building or wall within the area comprised in the said scheme, he shall apply to the Trust for permission to do so.(5)If the Trust refuses to grant permission to any person to erect, re-erect, add to or alter any building or wall on his land in the area aforesaid, and if it does not proceed to acquire such land within one year from the date of such refusal, it shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

### **35A. [ Drainage or drainage including sewage disposal scheme. [Inserted by Central Provinces and Berar Act VII of 1944, section 9.]**

(1)Whenever the Trust is of opinion that it is expedient to provide for drainage or drainage including sewage disposal for any area, the Trust may pass resolution to that effect and shall then proceed to frame a drainage or drainage including sewage disposal scheme for such area.(2)A drainage or drainage including sewage disposal scheme may provide for-(a)the acquisition of any land which will, in the opinion of the Trust, be necessary for its execution ;(b)the draining or sewage of the land under the scheme ;(c)the laying out or re-laying out of all or any of the lands under the scheme including the construction and re-construction of buildings, aqueducts, distributaries, effluent channels, treatment works, and overflow tanks by the Trust or by any other persons, as the case may be ;(d)the establishment and maintenance of a farm or factory for the disposal of the contents of drains or sewers or both ;(e)the re-establishment of villages, the inhabitants of which are likely to be affected by the scheme.(3)For the purposes of such scheme and to facilitate more speedy action at any stage, the [State] Government may permit such variations in the requirements of clause (a) of sub-section (2) of section 43 as it may think fit].Procedure to be followed in framing an improvement scheme.

### **36. Official representation.**

(1)An improvement scheme may be framed upon an official representation by [the Corporation or otherwise] [Substituted by M.P. Act, XIV of 1952, section 19.](2)An official representation referred



to in sub-section (1) may be made by [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.],-(a)on its own motion, or(b)on a written complaint by the Chief Executive Officer or the Health Officer, or(c)in respect of any area comprised in a [Corporation ward] [Substituted by M.P. Act, XIV of 1952, section 19.], on a written complaint signed by twenty-five or more residents of such ward who are liable to pay [property tax under the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act, XIV of 1952, section 9.].(3)If [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.] decides not to make an official representation on any complaint made to it under clause (b) or clause (c) of sub-section (1), it shall cause a copy of such complaint to be sent to the Trust with a statement of the reasons for its decision.

### **37. Consideration of official representation.**

(1)The Trust shall consider every official representation made under section 36 and, if satisfied as to the truth thereof and as to the sufficiency of its resources, shall decide whether an improvement scheme to carry such representation into effect should be framed forthwith or not, and shall forthwith intimate its decision to [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.].(2)If the Trust decides that it is not necessary or expedient to frame such an improvement scheme forthwith, it shall inform [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.] of the reasons for its decision.(3)If the Trust fails, for a period of twelve months after the receipt of any official representation made under section 36, to intimate its decision thereon to [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.], or if the Trust intimated to [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.] its decision that it is not necessary or expedient to frame an improvement scheme forthwith or decides to frame a scheme of a type other than that recommended by [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.], may, if it thinks fit, refer the matter to the [State] [Substituted for 'provincial' by A. O., 1950.] Government.(4)The [State] [Substituted for 'provincial' by A. O., 1950.] Government shall consider every reference made to it under sub-section (3), and(a)if it considers that the Trust ought, in all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the Trust to pass a decision within such further period as the [State] [Substituted for 'provincial' by A. O., 1950.] Government may think reasonable, or(b)if it considers that it is, in all the circumstances, expedient that a scheme should forthwith be framed, shall direct the Trust to proceed forthwith to frame a scheme. Such direction may prescribe the type of scheme to be framed.(5)The Trust shall comply with every direction given by the [State] [Substituted for 'provincial' by A. O., 1950.] Government under sub-section (4).

### **38. Matters to be considered when framing improvement schemes.**

- When framing an improvement scheme in respect of any area, regard shall be had to---(a)the nature and the conditions of neighbouring areas and of the town as a whole ;(b)the several directions in which the expansion of the town appears likely to take place ; and(c)the likelihood of improvement schemes being required for other parts of the town.

### **39. Preparation, publication and transmission of notices to improvement schemes and supply of documents to applicants.**

(1)When any improvement scheme has been framed, the Trust shall prepare a notice, stating---(a)the fact that the scheme has been framed,(b)the boundaries of the area comprised in the scheme, and(c)the place at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is proposed to acquire and the land in regard to which it is proposed to recover a betterment contribution, may be seen at reasonable hours.(2)The Trust shall-(a)cause the said notice to be published weekly for three consecutive weeks in the Official Gazette and in a local newspaper or newspapers, if any, with a statement of the period within which objections will be received, and(b)send a copy of the notice to the [C. E. O. of the Corporation] [Substituted by M.P. Act, XIV of 1952, section 10.].(3)The Chairman shall cause copies or extracts of all documents referred to in clause(c)of sub-section (1) to be delivered to any applicant on payment of such fees as may be prescribed by regulation.

### **40. Transmission to Trust of representation by [Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.] is to improvement scheme.**

- [The C. E. O. of the Corporation] [Substituted by M.P. Act, XIV of 1952, section 10.] on receiving a copy of a notice sent to him under clause (b) of sub-section (2) of section 39 shall, within a period of sixty days from the receipt of the said copy, forward to the Trust any representation which [the Corporation] [Substituted by M.P. Act, XIV of 1952, section 19.] may think fit to make with regard to the scheme.

### **41. Notice of proposed acquisition.**

(1)During the thirty days next following the first day on which any notice is published under section 39 in respect of any improvement scheme, the Trust shall serve a notice on--(a)every person whose name appears in the municipal assessment list of land [authorised under section 133 of the City of Nagpur Corporation Act, 1948, as owner of] [Substituted for 'Scheme' by Central Provinces and Berar Act VII of 1944, section 10.] any building or land which it is proposed to acquire in executing the [scheme or] [Substituted for 'Scheme' by Central Provinces and Berar Act VII of 1944, section 10.] in regard to which it proposes to recover a betterment contribution, and(b)the occupier (who need not be named) of each premises entered in the municipal assessment list which the Trust proposes to acquire in executing the scheme.(2)Such notice shall--(a)state that the Trust proposes to acquire such land or to recover such betterment contribution for the purposes of carrying out an improvement scheme, and(b)require such person, if he dissents from such acquisition or from the recovery of such betterment contribution, to state his reason in writing within a period of sixty days from service of the notice.(3)Every such notice shall be signed by, or by the order of, the Chairman.

## **42. Furnishing of copies or extracts from the municipal assessment book.**

- [The Chief Executive Officer of the Corporation] [Substituted for 'Scheme' by Central Provinces and Berar Act VII of 1944, section 10.] shall furnish the Chairman at his request, with a copy of, or extracts from the [municipal assessment list authenticated under section 133 of the City of Nagpur Corporation Act, 1948,] [Substituted by M.P. Act, XIV of 1952, section 11.] on payment of such fees as may be prescribed by rule made under section 89.

## **43. Abandonment of improvement scheme of application to [State] [Substituted for 'Provincial' by A.O., 1950.] Government to sanction it.**

(1)After the expiration of the periods respectively prescribed under clause (a) of sub-section (2) of section 39, by section 404, and by clause (b) of sub-section (2) of section 41, in respect of any improvement scheme, the Trust shall consider any objection, representation or statement of dissent received thereunder, and after hearing all persons making any such objection, representation or dissent, who may desire to be heard, the Trust may either abandon the scheme or apply to the [State] [Substituted for 'Provincial' by A.O., 1950.] Government for sanction to the scheme with such modifications, if any, as the Trust may consider necessary.(2)Every application submitted under sub-section (1) shall be accompanied by--(a)a description of, and full particulars relating to, the scheme, and complete plans and estimates of the cost of executing the scheme ;(b)a description of the street, square, park, open space or other land, or any part thereof, which is the [property of the [Government] [Substituted by A. O. 1937.] and managed by the Central Government or the [State] [Substituted for 'provincial' by A. O., 1950.] [Government] [Substituted for 'Crown' by A. O. 1950.] required for] the scheme ;(c)a statement of the reasons for any modifications made in the scheme as originally framed ;(d)a statement of objections, if any, received under section 39 ;(e)any representation received under section 40 ;(f)a list of the names of all persons, if any, who have dissented, under clause (b) of sub-section (2) of section 41, from the proposed acquisition of their land or from the proposed recovery of a betterment contribution and a statement of the reasons given for such dissent; and(g)a statement of the arrangements made or proposed by the Trust for the re-housing of persons likely to be displaced by the execution of the scheme, for whose re-housing provision is required.(3)[ omitted.] [Omitted by M.P. Act XIV of 1952, section 12.](4)When any application has been submitted to the [State] [Substituted for 'provincial' by A. O., 1950.] Government under subsection (1), the Trust shall cause notice of the fact to be published for two consecutive weeks in the Official Gazette and in a local newspaper or newspapers, if any :Provided that the provisions of sub-section (2) of section 44 regarding republication under section 39 shall apply to modifications made by the Trust under sub-section (1).

## **44. Power to sanction, reject or return improvement scheme.**

(1)The [State] [Substituted for 'provincial' by A. O., 1950.] Government may sanction, either with or without modification, or may refuse to sanction, or may return for reconsideration, any improvement scheme submitted to it under section 43.(2)If a scheme returned for reconsideration under sub-section (1) is modified by the Trust, it shall be republished in accordance with section

39--(a)in every case in which the modification affects the boundaries of the area comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired, and(b)in every other case, unless the modification is, in the opinion of the [State] [Substituted for 'provincial' by A. O., 1950.] Government, not of sufficient importance to require republication.

#### **45. Notification of sanction of improvement scheme and order regarding vesting of property in Trust.**

(1)Whenever the [State] [Substituted for 'provincial' by A. O., 1950.] Government sanctions an improvement scheme, it--(a)shall announce the fact by notification and, except in the case of deferred street scheme, development scheme, or [future expansion or improvement scheme] [Substituted for 'town expansion schemes' by Central Provinces and Berar Act XXXIV of 1949 section 13.], the Trust shall forthwith proceed to execute the same ; and(b)may order that any street, square, park, open space or other land, or any part thereof, which is the [property of the [Government] [Substituted for 'Property of, and managed by Government' by A. O. 1937.]] and managed by the Central Government or the [State] [Substituted for 'provincial' by A. O., 1950.] [Government] [Substituted for 'Crown' by A. O. 1950.] shall, subject to such conditions as it may impose, vest in the Trust for the purpose of the scheme.(2)The publication of a notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

#### **46. Alteration of improvement scheme after sanction.**

- At any time after an improvement scheme has been sanctioned by the [State] [Substituted for 'provincial' by A. O., 1950.] Government and before it has been [completed,] [Substituted for 'carried into execution' by Central Provinces and Berar Act XXXIV of 1949, section 14.] the Trust may alter it :Provided as follows :--(a)if any alteration is likely to increase the estimated net cost of executing a scheme by more than Rs. 50,000 or 5 per cent. of such cost, such alteration shall not be made without the previous sanction of the [State] [Substituted for 'provincial' by A. O., 1950.] Government ;(b)if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the [State] [Substituted for 'provincial' by A. O., 1950.] Government the procedure prescribed in the foregoing sections of this Chapter shall, so far as applicable, be followed as if the alteration were a separate scheme;(c)if owing to changes made in the course of a scheme, any land not previously liable under the scheme to the payment of a betterment contribution subsequently becomes liable to such payment, the provisions of sections 39, 41 and 43 shall, as far as they are applicable, be followed in any such case.

#### **46A. [ Power of the [Commissioner] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 15.] to sanction acquisition of land consequent on refusal of permission under section 33(4) or 35(5).**

- Notwithstanding anything contained in clause (b) of the proviso to section 46, the [Commissioner] [Substituted for Bom. VIII of 1958 readaoith G. N. No. NIT. 2758-E, dated 25th June 1958.] may, on

application by the Trust, sanction the acquisition of any land which is to be acquired consequent on the refusal of permission under sub-section (4) of section 33 or sub-section (5) of section 35 ; and shall announce the fact by notification which shall be deemed to be a notification under section 45.]

#### **47. Combination of improvement schemes.**

- Any number of area in respect of which improvement schemes have been, or are proposed to be framed, may at any time be included in one combined scheme.

### **Chapter V**

### **Powers and Duties of the trust where a Scheme has been Sanctioned**

#### **48. Transfer to Trust, for purposes of improvement scheme, of building or land belonging to [Corporation] [Substituted by M.P. Act XIV of 1952.].**

(1)Whenever any building, street, square or other land, or any part thereof, which is vested in the [Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] is required for executing any improvement scheme, the Trust shall give notice accordingly to the [Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] and such building, street, square, land or part shall thereupon vest in the Trust, subject in the case of any permanent roofed building to the payment to [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] of such sum as may be required to compensate it for actual loss resulting from the transfer thereof to the Trust.(2)If any question or dispute arises as to the sufficiency of the compensation paid or proposed to be paid under sub-section (1) the matter shall be referred to the [State] [Substituted for 'provincial' by A. O., 1950.] Government whose decision shall be final.

#### **49. Transfer of private street or square to trust for purposes of improvement scheme.**

(1)Whenever any street, or square or a part thereof which is not vested in [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] is required for executing any improvement scheme, the Trust shall cause to be affixed, in a conspicuous place in or near such street, square or part, a notice signed by the Chairman--(a)stating the purpose for which the street, or square or a part thereof is required, and(b)declaring that the Trust will, on or after a date to be specified in the notice such date being not less than thirty days after the date of notice, take over charge of such street, square or part from the owner thereof ; and shall simultaneously send a copy of such notice to the owner of such street, square or part.(2)After considering and deciding all objections, if any, received in writing before the date so specified, the Trust may take over charge of such street, square or part from the owner thereof ; and the same shall thereupon vest in the Trust.(3)When the Trust alters or closes any street or square or part thereof which has vested in it under sub-section (2), it shall pay reasonable compensation to the previous owner for the loss of his right therein.

## **50. Provision of drain or water-work to replace another situated on land vested in Trust under section 45 or section 48 or section 49.**

(1)When any building, or any street, square or other land, or any part thereof, has vested in the Trust under section 45 or section 48 or section 49, no [Corporation drain] [Substituted by M.P. Act XIV of 1952, section 19.] or water-work therein shall vest in the Trust until another drain or water-work, as the case may be, if required has been provided by the Trust, to the satisfaction of [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] in place of the former drain or work.(2)If any question or dispute arises as to whether another drain or water-work is required or as to the sufficiency of any drain or water-work provided by the Trust under sub-section (1), the matter shall be referred to the [State] [Substituted for 'provincial' by A. O., 1950.] Government, whose decision shall be final.

## **51. Power of Trust to turn or close public street or square vested in it.**

(1)The Trust may-(a)turn, divert, discontinue the public use of, or permanently close, any public street vested in it, or any part thereof, or(b)discontinue the public use of, or permanently close any public square vested in it, or any part thereof.(2)Whenever the Trust discontinues the public use of, or permanently closes, any public street vested in it, or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a mere licensee, to use such street or part as means of access and has suffered damage from such discontinuance or closing.(3)Whenever the Trust discontinues the public use of, or permanently closes, any public square vested in it, or any part thereof, it shall pay reasonable compensation to every person-(a)who was entitled, otherwise than as a mere licensee, to use such square or part as means of access, or(b)whose immoveable property was ventilated by such square or part, and who has suffered damage-(i)in case (a) from such discontinuance or closing, or(ii)in case (b) from the use to which the Trust has put such square or part.(4)In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Trust shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or square at or about the same time that the public street or square or part thereof, on account of which the compensation is paid, is discontinued or closed.(5)When any public street or square vested in the Trust, or any part thereof, is permanently closed under sub-section (1), the Trust may sell or lease so much of the same as is no longer required.

## **52. Power under the City of Nagpur Corporation Act, 1948 vested in the Trust.**

(1)[The provisions of sections 171, 172, 175 to 178, 191, 213 to 217, 219 to 221, 229 to 232, 273 to 279, 284 to 289, 297, 299, 300, 303, 304, 314, 318 (2), 319, 320, 328 to 330, 335 and clauses (21) and (22) of section 415] [Substituted for the words 'figures and the provisions of sections 90 to 99, 102 to 104, 105 to 116, 122, 125, 133, 134 and 147 to 149, 204, 211, 222 and 247' by M.P. Act XIV of 1952, s. 13(a) (i).] of the City of Nagpur Corporation Act, 1948 shall, so far as may be consistent with the tenor of this Act, apply to all areas in respect of which an improvement scheme is in force; and for the period during which such schemes remain in force all references in the said sections to [the

Corporation] [Substituted by M.P. Act XIV of 1952, section 13(a) (ii).] or to [the Chief Executive Officer of the Corporation] [Substituted by M.P. Act XIV of 1952, Section 19.], or to any officer of [the Corporation] [Substituted by M.P. Act XIV of 1952, section 13(a) (ii).], shall be construed as referring to the Trust, which, in respect of any such areas, may alone exercise and perform all or any of the powers and functions which under any of the said sections might have been exercised and performed [by the Chief Executive Officer of the Corporation] [Substituted by M.P. Act XIV of 1952, Section 19.], Provided that the Trust may delegate to the Chairman or to any officer of the Trust all or any of the powers conferred by this section. (2) The Trust may make bye-laws for any area comprised in an improvement scheme which is outside the limits of [the City] [Substituted by M.P. Act XIV of 1952, section 19.], - (a) generally for carrying out the purpose of this Act, and (b) in particular and without prejudice to the generality of the aforesaid powers, regarding any of the matters referred to in [section 415] [Substituted 'sections 178 and 180' by M.P. Act XIV of 1952, s. 13 (b) (i).] of [the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act XIV of 1952, section 19.]. The provisions of [sections 416 to 419] [Substituted by M.P. Act XIV of 1952, s. 13 (a) (i).] of [the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act XIV of 1952, section 19.] shall, so far as may be consistent with the tenor of this Act, be applicable to all bye-laws made by the Trust under this sub-section and all references in the said sections to [the Corporation] [Substituted by M.P. Act XIV of 1952, s. 13 (a) (i).] shall be construed as referring to the Trust.

## **52A. [ Power to make and perform contracts. [Inserted by section 17 of C. P. and Berar Act XXXIV of 1949.]**

- The Trust may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of the Act.]

## **52B. [ Execution of contracts and approval of estimates. [Inserted by section 17 of C. P. and Berar Act XXXIV of 1949.]**

(1) Every contract shall be made on behalf of the Trust by the Chairman : [Provided that, a contract involving an expenditure exceeding fifty lakh rupees shall not be made by the Chairman without the previous sanction of the Trust.] (2) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of the authority or authorities empowered under sub-section (1) to make, or as the case may be, to sanction the making of, a contract involving the expenditure of a like sum. (3) No contract or estimate requiring the sanction of an authority or authorities specified in sub-section (1), as the case may be, shall be varied or abandoned except with like sanction: Provided that the Chairman may sanction the variation where it does not involve an expenditure of more than 10 per cent. of the amount of the original contract or estimate.]

## **52C. [ Tenders. [Inserted by section 17 of C. P. and Berar Act XXXIV of 1949.]**

(1) At least seven days before entering into any contract for the execution of any work of the supply of material or goods which involves an expenditure exceeding one thousand rupees the Chairman shall

give notice inviting tenders for such contracts and in a case in which such expenditure exceeds ten thousand rupees, such notice shall be given by advertisement in local newspapers.(2)In every such case the Chairman shall place before the Trust the specifications, conditions and estimates and all the tenders received specifying the particular tender, if any, which he proposes to accept.(3)In every case in which the acceptance of a tender involves an expenditure exceeding the limits prescribed [under the proviso to sub-section (1) of section 52-B] the Trust shall submit to the [State] [Substituted for 'Provincial' by A. O. 1950.] Government with the specifications, conditions and estimates, all the tenders received specifying the particular tender, if any, the acceptance of which it proposes to sanction.(4)Neither the Trust nor the [State] [Substituted for 'Provincial' by A. O. 1950.] Government shall be bound to sanction the acceptance of any tender which has been made; but the Trust, within the pecuniary limits of its powers as laid down [under the proviso to sub-section (1) of section 52-B] [These words, brackets, figures and letter were substituted for the words brackers, figures and letter, 'in clause (a) of the provisos to sub-section (1) of section 52-B and the state government in the clause referred to in clause (b) of the said proviso.' by Mah. 31 of 2011, s. 9 (1).] may sanction the acceptance of any of such tenders which appear to the Trust or the [State] [Substituted for 'Provincial' by A. O. 1950.] Government upon a consideration of all the circumstances to be the most advantageous or may direct the rejection of all the tenders received.]

## **52D. [ Security for due performance of contracts. [Inserted by section 17 of C. P. and Berar Act XXXIV of 1949.]**

- The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding one thousand rupees].Facilities for Movement of the Population.

## **53. Power of Trust for facilitating movement of population.**

- With a view to facilitating the movement of the population in and around any area to which this Act is applied, the Trust may from time to time,-(a)subject to any conditions it may think fit to impose,-(i)guarantee the payment, from the funds at its disposal, of such sums as it may think fit, by way of interest on capital expended on the construction, maintenance or working of means of locomotion, or(ii)make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain, and work any means of locomotion, or(b)either singly or in combination with any other persons construct, maintain, and work any means of locomotion, under the provisions of any law applicable thereto, or(c)construct, or widen, strengthen or otherwise improve, bridges :Provided that no guarantee or subsidy shall be made under clause (a), and no means of locomotion shall be constructed, maintained, or worked under clause (b), without the sanction of the [State] [Substituted for 'Provincial' by A. O. 1950.] Government.Surveys.

## **54. Power to make surveys or contribute towards their costs.**

- The Trust may-(a)cause a survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act, or(b)contribute towards the cost of any such survey made by any other local authority.Power of entry.



## 55. Power of entry.

(1)The Chairman may, with or without assistants or workmen, enter into or upon any land, in order-(a)to make any inspection, survey, measurement, valuation or enquiry,(b)to take levels,(c)to dig or bore into the sub-soil,(d)to set out boundaries and intended lines of work,(e)to mark such levels, boundaries and lines by marks and cutting trenches, or(f)to do any other thing, whenever it is necessary to do so for any of the purposes of this Act or any rule [or regulation,] [Inserted by Central Provinces and Berar Act VIII of 1944, section 11.] made or scheme sanctioned hereunder or any scheme which the Trust intends to frame hereunder :Provided as follows :--(i)except when it is otherwise specially provided by rule [or regulation,] [Inserted by Central Provinces and Berar Act VIII of 1944, section 11.] no such entry shall be made between sunset and sunrise ;(ii)except when it is otherwise specially provided by a rule [or regulation,] [Inserted by Central Provinces and Berar Act VIII of 1944, section 11.] no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry ;(iii)sufficient notice shall in every instance be given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ;(iv)due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.(2)Whenever the Chairman enters into or upon any land in pursuance of subsection (1), he shall pay or tender payment for all necessary damage to be done; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Trust, whose decision shall be final.(3)It shall be lawful for any person authorized under sub-section (1) to enter into or upon any land for the purpose of inspection or search to open or cause to be opened a door, gate or other barrier-(a)if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and(b)if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

## 56. Settlement of disputes by Tribunal.

(1)If any question or dispute arises---(a)between the Trust and the previous owner of any street or square or part thereof which has vested in the Trust under section 49 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or(b)between the Trust and any person who was entitled otherwise than as mere licensee, to use as a means of access any street or part thereof which has vested in the Trust under section 49 as to whether the alteration or closing of such street, square or part, causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or(c)between the Trust and any person as to the sufficiency of any compensation paid or propose to be paid to him under sections 29, 33, 35, 51 or 119, the matter shall be determined by the Tribunal, if referred to it either by the Trust or by the claimant, within a period of three months from the date on which the said person was informed of the decision of the Trust fixing the amount of compensation to be paid to him or of the rejection of his claim to compensation by the Trust, and the determination of the Tribunal shall be final :Provided that the Tribunal shall not entertain the application of any claimant who has not applied to the Trust for compensation within

three months of the date on which his claim to compensation accrued.(2)If a reference to the Tribunal be not made within the period prescribed by sub-section (2), the decision of the Trust shall be final.(3)For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by section 61 of this Act, were applicable to the case.

## **57. Vesting in [Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] of streets laid out or altered, and open spaces provided by Trust under an improvement scheme.**

(1)Whenever the Trust is satisfied---(a)that any street laid out or altered by the Trust has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the [State] [Substituted for 'Provincial' by A.O., 1950.] Government under this Act, and(b)that such lamps, lamp-posts, and other apparatus as the Trust may consider necessary for the lighting of such street have been so provided, and(c)that water and other sanitary conveniences ordinarily provided [in the city] [Substituted by M.P. Act XIV of 1952, section 19.] have been duly provided in such street, the Trust may call upon [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] by a notice in writing, to take over the management of such street within a period specified in the notice, which shall not be less than one month and, on receiving such a notice, [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] shall, subject to the provisions of sub-section (3), by a written notice affixed in some conspicuous place in such street, declare the street to be a public street; and the street shall thereupon vest in [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] and shall thenceforth be maintained, kept in repair, lighted, and cleansed by [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.](2)When any open space for purposes of ventilation or recreation has been provided by the Trust in executing any improvement scheme, it shall, on completion, be transferred to [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] by resolution of the Trust and shall thereupon vest in, and be maintained at the expenses of [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.]:Provided that [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] may require the Trust, before any such open space is so transferred, to enclose, level, drain and layout such space and provide footpaths therein.(3)If any difference of opinion arises between the Trust and [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the [State] [Substituted for 'Provincial' by A.O., 1950.] Government, whose decision shall be final.(4)The [State] [Substituted for 'Provincial' by A.O., 1950.] Government, may resume the management of any street or open space [\*\*\*] [Omitted 'which was, at the commencement of this Act the property of Government or has since been acquired by Government and was' by A.O., 1937.] vested in the Trust under clause (b) of sub-section (i) of section 45.

## **Chapter VI**

### **Acquisition and Disposal of Land**

Acquisition by agreement.

### **58. Power to purchase or lease land by agreement.**

- The Trust may enter into an agreement with any person for the acquisition, by purchase, lease or exchange by the Trust from such person, of any land [within the area comprised in a sanctioned scheme] [Substituted for 'which the Trust is authorised to acquire, or any interest in such land' by C.P. and Berar Act XXXIV of 1949, section 18.].Compulsory acquisition.

### **59. Power to acquire land under the Land Acquisition Act, 1894 (I of 1894).**

- The Trust may, with the previous sanction of the [State] [Substituted for 'Provincial' by A.O., 1950.] Government acquire land under the provisions of the Land Acquisition Act, 1894 (I of 1894), as modified by the provisions of this Act, for carrying out any of the purposes of this Act.

### **60. Tribunal to be constituted.**

- A Tribunal shall be constituted, as provided in section 62, for the purpose of performing the functions of the Court in reference to the acquisition of land for the Trust, under the Land Acquisition Act, 1894.

### **61. Modification of the Land Acquisition Act, 1894 (I of 1894).**

- For the purpose of acquiring land under the Land Acquisition Act, 1894 (I of 1894), for the Trust,-(a)the Tribunal shall except for the purposes of section [54] [Substituted for '57' by Central Provinces and Berar Act XVII of 1940, section 3.] of that Act, be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge thereunder;(b)the Act shall be subject to the further modifications as indicated in the Schedule ;(c)the President of the Tribunal may summon witnesses and enforce their attendance and may compel the production of documents, by the same means, and so far as may be, in the same manner, as is provided in case of a Civil Court under the Code of Civil Procedure, 1908; and(d)the award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, 1894 (I of 1894), and shall be final.

### **62. Constitution of Tribunal.**

(1)The Tribunal shall consist of a President and two assessors.(2)The President of the Tribunal shall be either-(a)a member of the [\*\*\*] [The words 'Imperial or' were omitted by A. O., 1950.] [State] [Substituted for 'Provincial' by A.O., 1950.] Civil Service, Judicial Branch of not less than ten years standing in such service, who has for at least three years served as District Judge or held judicial office not inferior to that of a Subordinate Judge of the first class ; or(b)a barrister, advocate or pleader of not less than ten years standing who has practised as an advocate or pleader in the High Court of Judicature at Nagpur.[(2-a) The assessors shall possess such qualifications as may be prescribed by rules made in this behalf by the [State] [Inserted by Central Provinces and Berar Act

XII of 1945, section 2.] Government.](3)The President of the Tribunal and one of the assessors shall be appointed by the [State] [Substituted for 'provincial' by A. O., 1950.] Government and the other assessor shall be appointed by [the Corporation] [Substituted by M.P. Act XIV of 1952, s. 19.], or in default of appointment by 1[the Corporation] within two months of its being asked by the [State] [Substituted by M.P. Act XIV of 1952, s. 19.] Government to make such appointment, by the [State] [Substituted by M.P. Act XIV of 1952, s. 19.] Government:Provided that no person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or would, if he were a Trustee, be liable to removal by the [State] [Substituted for 'provincial' by A. O., 1950.] Government under section 10.(4)The term of office of a member of the Tribunal shall be two years ; but any member shall, subject to the proviso to sub-section (3), be eligible for re-appointment on the expiration of that term.(5)The [State] [Substituted for 'provincial' by A. O., 1950.] Government may, on the ground of incapacity or misbehaviour or for any other good and sufficient reason, cancel the appointment of any person as a member of the Tribunal.(6)When any person ceases to be a member of the Tribunal or when any member is temporarily absent owing to illness or any unavoidable cause, the authority which appointed him shall forthwith appoint a fit person to be member in his place. Where the authority so appointing was [the Corporation] [Substituted by M.P. Act XIV of 1952, s. 19.] and [the Corporation] [Substituted by M.P. Act XIV of 1952, s. 19.] fails to make a fresh appointment within two months of being asked to do so by the [State] [Substituted for 'provincial' by A. O., 1950.] Government, the appointment may be made by the [State] [Substituted for 'provincial' by A. O., 1950.] Government.

### **63. Remuneration of members of Tribunal.**

- The [State] [Substituted by M.P. Act XIV of 1952, s. 19.] Government may prescribe by rules such remuneration, if any, as it may think fit, either by way of monthly salary or by way of fees, or partly in one of these ways and partly in the other, for the President and each member of the Tribunal.

### **64. Officers and servants of Tribunal.**

(1)The President of the Tribunal shall, from time to time, prepare a statement showing-(a)the number and grades of the clerks and other officers and servants whom he considers should be maintained for carrying on the business of the Tribunal,(b)the amount of the salary to be paid to each such officer and servant.(2)All statements prepared under sub-section (1) shall be subject to the previous sanction of the [State] [Substituted for 'provincial' by A. O., 1950.] Government.(3)Subject to any directions contained in any statement prepared under sub-section (1), and to rules made under section 89, the power of appointing, promoting and granting leave to officers and servants of the Tribunal, and the power of reducing, suspending or dismissing them, shall vest in the President of the Tribunal.

### **65. Mode of payment.**

- The remuneration, if any, prescribed under section 63 for members of the Tribunal, and the salaries, leave allowances and acting allowances prescribed under this Act for officers and servants of the Tribunal, shall be paid by the Trust to the President of the Tribunal for distribution.

## **66. Power to make rules for Tribunal.**

(1)The [State] [Substituted for 'provincial' by A.O., 1950.] Government may make rules, not repugnant to the Code of Civil Procedure, 1908, for the conduct of business by Tribunal established under this Act.(2)All such rules shall be subject to the condition of previous publication.

## **67. Award of Tribunal how to be determined.**

(1)For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act, 1894-(a)if there is any disagreement as to the measurement of land, or the amount of compensation or cost to be allowed, the opinion of the majority of the members of the Tribunal shall prevail ;(b)questions relating to the determination of the persons to whom compensation is payable, or the apportionment of compensation, may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary ; and, when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal ; and(c)notwithstanding anything contained in clauses (a) and (b) the decision of the President of the Tribunal on all questions of law and procedure shall be final.(2)Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by a competent Civil Court within the local limits of whose jurisdiction it was made as if it were a decree of that Court.

## **68. Abandonment of acquisition in consideration of special payment.**

(1)Wherever in any area comprised in any improvement scheme under this Act the [State] [Substituted for 'provincial' by A. O., 1950.] Government has sanctioned the acquisition of land which is subsequently discovered to be unnecessary for the execution of the scheme, the owner of the land, or any person having an interest therein may make an application to the Trust [requesting that the acquisition of the land not required for the purposes of the scheme should be abandoned on his executing an agreement to observe conditions specified by the Trust in respect of the development of the property and to pay a charge to be calculated in accordance with sub-section (2) of section 69 of the Act.] [Substituted for 'requesting that the acquisition of the land should be abandoned in consideration of the payment by him of a sum to be fixed by the Trust in that behalf by Central Provinces and Berar Act XXXIV of 1949, section 19.](2)The Trust shall admit every such application if it-(a)reaches it before the time fixed by the Deputy Commissioner under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the land, and(b)is made by any person who has an interest in the land or holds a lease thereof, with an unexpired period of seven years.(3)On the admission by the Trust of any such application, it shall forthwith inform the Deputy Commissioner ; and the Deputy Commissioner shall thereupon stay for a period of three months all further proceedings for the acquisition of the land, and the Trust shall proceed to fix [the conditions on which] [Substituted for the words 'the sum in consideration of which' by Central Provinces and Berar Act XXXIV of 1949, section 19.] the acquisition of the land may be abandoned.(4)[ When an agreement has been executed in pursuance of sub-section (1) in respect of any land the proceedings for the acquisition of the land shall be deemed to be abandoned.(5)The provisions contained in sections 70, 71, 72, 73 and 74 relating to the assessment, interest, recovery and payment of betterment charge and civil suits shall apply mutatis mutandis to the assessment, interest, recovery

and payment of abandonment charge and civil suits in respect thereof.] [Substituted, by Central Provinces and Berar Act XXXIV of 1949, section 20.] Betterment contribution.

## **69. Payment of betterment contribution.**

(1) When by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Trust, be increased in value, the Trust in framing the scheme, may, in lieu of providing for the acquisition of such land, declare that a betterment contribution shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme. (2) [Such betterment contribution shall be an amount equal to one half of the amount by which the value of the land on the date of resolution referred to in section 70, estimated as if the land were clear of buildings, exceeds the value of the land on or immediately before the date on which the scheme was first published under section 39.] [Substituted by Central Province and Berar Act XXXIV of 1949.] (3) No betterment contribution shall be payable by [the Government] [Substituted for 'Crown' by A.O., 1937.] in respect of any land which is the property of, the Government or is managed by the Central Government or the [State] [Substituted for 'provincial' by A. O., 1950.] Government or by a local authority or any public institution in respect of any land belonging to such authority or institution if, and so long as, such land is used for a public, charitable or religious purpose.

## **70. Assessment of betterment contribution by Trust.**

(1) When it appears to the Trust that the improvement scheme is sufficiently advanced to enable the amount of the betterment contribution to be determined, the Trust shall, by a resolution passed in this behalf, declare that for the purpose of determining such contribution the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of the land to be assessed has been served under clause (a) of sub-section (1) of section 41 that the Trust proposes to assess the amount of the betterment contribution payable in respect of such land under section 69. (1A) [Notwithstanding anything contained in sub-section (1), where the execution of the scheme in a part of the area covered by the sanctioned scheme has, in accordance with the standard prescribed by rules made by the State Government in this behalf, reached such stage of completion that the amount of betterment contribution can be determined and it appears to the Trust that a considerable time is likely to be required for the execution of works in the remaining part of the said areas and that it is expedient to determine and to recover the betterment contribution from the residents of the first mentioned part of the area, the Trust may, by a resolution passed in this behalf, declare that for the purpose of determining such contribution the execution of the scheme shall be deemed to have been completed with respect to the first mentioned part of the area and forward the same for the approval of the State Government. (1-B) The State Government shall, thereupon, cause to be published in the prescribed manner the resolution together with a notice calling upon owners of lands liable to pay the contribution to submit objection, if any, within such period and to such authority as may be specified in the notice. (1-C) The authority specified in the notice shall after giving the objectors an opportunity to be heard shall forward a report to the State Government. (1-D) If the State

Government on receipt of such report gives its approval to the resolution, the Trust shall take action as on a resolution passed under sub-section (1).] [Inserted by M.P. Act No. XIII of 1952, section 2.](2)The Trust shall then assess the amount of betterment contribution payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Trust, inform the Trust by declaration in writing whether he accepts or dissents from the assessment.(3)When the assessment proposed by the Trust is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.(4)If the person concerned dissents from the assessment made by the Trust or fails to give the Trust the information required by sub-section (2) within the period specified therein, the matter shall be determined by the Tribunal appointed under section 60 in such manner as it thinks fit.

## **71. Trust to give notice to persons liable for payment of betterment contribution.**

- [When the amount of betterment contribution has been determined under section 70] [Inserted by M.P. Act XIII of 1952, section 3.], the Trust shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest [at the rate of six per cent per annum] [Substituted for 'at the rate to be agreed upon by such persons' by Central Provinces and Berar Act XXXIV of 1949, section 21.] upon any amount outstanding shall be payable from that date:[Provided that where any other rate of interest has been specified in any agreement entered into before the 1st day of March 1949, such rate of interest shall prevail.] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 21.]

## **72. Agreement to make payment of betterment contribution a charge on land.**

- [(1) Any person liable to the payment of a betterment contribution may, at his option, instead of making a payment thereof to the Trust execute an agreement with the Trust to make payment in not more than ten annual instalments or to leave the said payment outstanding as a charge on his interest in the land subject to the payment of interest at the rate of five per centum per annum until the said sum has been paid in full, the first annual payment of such interest to be made one year from the date referred to in section 71.] [Substituted by Central Provinces and Berar Act XXXIV of 1949, section 22.](2)Every payment due from any person in respect of a betterment contribution and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge whether legal or equitable created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.(3)[ If any instalment of interest payable under an agreement executed under subsection (1) be not paid on the date on which it is due the whole of the outstanding sum fixed under section 70 shall be payable on that date, in addition to the said instalment.(4)At any time after an agreement has been executed under sub-section (1) any person may pay in full the charge created thereby, with interest, at the rate mentioned in sub-section (1) up to the date of payment.(5)When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1) no suit with respect to such agreement shall be brought against the Trust by any person other than such person's heir, executor or administrator claiming to

have an interest in the land.] [Substituted for sub-section (3), by Central Provinces and Berar Act XXXIV of 1949, section S. 22.] Recovery of special payments and betterment contributions.

### **73. Recovery of money payable in pursuance of sections 68, 70 or 72.**

- All money payable in respect of any land [\*\*\*] [The words 'by any person under an agreement executed in pursuance of sub-section (4) of section 68, or' were omitted by Central Provinces and Berar Act, XXXIV of 1949, section 23.] by any person in respect of a betterment contribution under section 70, or by any person under an agreement executed in pursuance of sub-section (1) of section 72 shall be recoverable by the Trust (together with interest, up to the date of realization, at the agreed rate) from the said person or his successor in interest in such land, in the manner provided by [Chapter XII of the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act XIV of 1952, section 19.] and, if not so recovered, the Chairman may, after giving public notice of his intention to do so and not less than one month after the publication of such notice sell the interest of the said person or successor in such land by public auction and may deduct the said money and the expenses of the same from the proceeds of the sale and shall pay the balance, if any, to the defaulter.

### **74. Trust to appoint persons for enforcement of processes for recovery of dues.**

- The Trust may direct by what authority any power or duty under [the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act XIV of 1952, section 19.] for the enforcement of any process for the recovery of taxes shall be exercised and performed when that process is employed under section 73. Acquisition on fresh declaration.

### **75. Agreement or Payment not to bar acquisition under a fresh declaration.**

- If any land, in respect of which an agreement has been executed or a payment has been accepted in pursuance of [sub-section (1)] [Substituted for 'sub-section (4)' by Central Provinces and Berar Act XXXIV of 1949, section 24.] of section 68, or in respect of which the payment of a betterment contribution has been accepted in pursuance of sub-section (3) of section 70, or in respect of which an agreement for such payment has been executed under section 72 be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894. Disposal of land.

### **76. Power to dispose of land.**

- Subject to any rules made by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government under this Act, the Trust may retain or may let on hire, lease, sell, exchange or otherwise dispose of, any land vested in or acquired by it under this Act.



## **Chapter VII**

### **Taxation**

Duty on transfers of property.

#### **77. Duty of certain transfers of immovable property.**

(1)The duty imposed by the Indian Stamp Act, 1899, on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case instruments affecting immovable property situated within the [areas to which this Act extends] [Substituted for 'limits of the Nagpur Municipality' by Central Provinces and Berar Act VII of 1944, section 12.] and executed on or after the commencement of this Act, be increased by one-half per centum on the value of the property so situated, or in the case of an usufructuary mortgage on the amount secured by the instrument, as set forth in the instrument.(2)For the purpose of this section, section 27 of Indian Stamp Act, 1899, shall be read as if it specifically required the particulars referred to therein to be set forth separately in respect of--(a)property situated in the [area to which this Act extends] [Substituted for 'Limits of the Nagpur Municipality' by Cental Provinas of Berar Act VII of 1944, section 12.] , and(b)property situated outside the said area, respectively.(3)For the purposes of this section, section 64 of the Indian Stamp Act, 1899, shall be read as if it referred to the Trust as well as to the Government.(4)[\*\*\*] [Omitted by A.O., 1937.].

#### **78.**

[\*\*\*] [Omitted by A.O., 1937.].

#### **79.**

[\*\*\*] [Omitted by A.O., 1937.].Supplemental provisions.

#### **80. Rules.**

(1)The [State] [Substituted for 'provincial' by A. O., 1950.] Government may make rules for carrying out the purposes of this Chapter.(2)[\*\*\*] [Omitted by A.O., 1937.].(3)In making any rule the [State] [Substituted for 'provincial' by A. O., 1950.] Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

## **Chapter VIII**

### **Finance**

## **81. Trust Fund.**

- A Trust Fund shall be formed for the Trust and there shall be placed to the credit thereof all sums received by or on behalf of the Trust under this Act or otherwise.

## **82. [ Application of Trust Fund. [Substituted by Central Provinces and Berar Act XXXIV of 1949, section 25.]**

(1) Subject to the provisions of this Act, the Trust Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters in this Act, and to any other purpose for which by or under this Act or under any other enactment for the time being in force powers are conferred or duties imposed upon the Trust. (2) The Trust may grant loans to its employees from the Trust Fund on such conditions and for such purposes as may be prescribed by regulations.].

## **82A. [ Definition of cost of management. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

- The expression "cost of management" as used in the following sections in this chapter means--(a) the salary, house-rent and conveyance allowance (if any) of the Chairman or acting Chairman, and any other allowance and contributions payable to or in respect of the Chairman or acting Chairman ; (b) the salaries, fees and allowances and the contributions paid under section 110 ; (c) the remuneration of other employees of the Trust except employees who are paid by the day or week or whose pay is charged to any sanctioned work ; (d) all payments made under sections 65 and 110 on account of the Tribunal ; and (e) all office expenses incurred by the Trust or the Tribunal. Explanation. - The expression " office expenses" means expenses incurred for carrying on office work, and includes the rent of offices, and the provision of furniture therefor, and charges for printing and stationary.].

## **82B. [ Keeping of capital account and revenue account. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

(1) The Trust shall keep a capital account and a revenue account. (2) The capital account shall show separately all expenditure incurred by the Trust on each improvement scheme.].

## **82C. [ Credits to capital account. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

- There shall be credited to the capital account--(a) all sums (except interest) received by way of betterment contributions under this Act ; (b) all moneys received on account of loans taken by the Trust in pursuance of this Act ; (c) the proceeds of the sale of any land vested in the Trust which was purchased out of any such loan ; (d) where land was purchased out of an advance from the revenue account, the portion of the proceeds of the sale of such land which remains after crediting to the

revenue account the amount of such advance ;(e)the proceeds of the sale of any movable property (including securities for money invested from the capital account) belonging to the Trust ;(f)all lump sums received from any Government in aid of the capital account ;(g)all premia received by the Trust in connection with leases for any term exceeding forty years and half the premia received in connection with other leases renewable at the option of the lessee ;(h)all sums (if any) which the [State] Government directs under sub-section (2) of section 82-F to be credited to the capital account ; and(i)all moneys resulting from the sale of securities by direction of the [State] [Substituted for 'provincial' by A. O., 1950.] Government under section 82-G.]

**82D. [ Application of capital account. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

- The moneys credited to the capital account shall be held by the Trust in trust, and shall be applied to---(a)meeting all costs of framing and executing improvement schemes ;(b)meeting the cost of acquiring land for carrying out any of the purposes of this Act ;(c)meeting the cost of constructing buildings required for carrying out any of the purposes of this Act ;(d)the repayment of loans from money borrowed in pursuance of this Act ;(e)making payments in pursuance of section 53, otherwise than for interest or for expenses of maintenance of working ;(f)making or contributing towards the cost of surveys in pursuance of section 54 ;(g)meeting such proportion of the cost of management as may be prescribed by the Trust ;(h)temporarily making good the deficit (if any) in the revenue account at the end of any financial year.]

**82E. [ Credits to Revenue account. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

- There shall be credited to the revenue account---(a)all interest received in pursuance of section 71, 72 or 73 ;(b)all sums contributed by [the Corporation], under section 83 ;(c)all other annually recurring sums received from the [State] [Substituted for 'Provincial' by A. O. 1950.] Government in aid of the funds of the Trust ;(d)all damages received by the Trust under section 108 ;(e)all premia received by the Trust in connection with leases not liable to be credited to capital account under clause (g) of section 82-C,(f)all rents of land vested in the Trust ; and(g)all other receipts by the Trust which are not required by section 82-C to be credited to the capital account.]

**82F. [ Application of revenue account. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

(1)The moneys credited to the revenue account shall be held by the Trust in trust and shall be applied to--(a)meeting all charges for interest and sinking funds due on account of any loan taken in pursuance of this Act, and all other charges incurred in connection with such loans ;(b)paying all sums due from the Trust in respect of rates and taxes imposed under [the City of Nagpur Corporation Act, 1948] upon land vested in the Trust ;(c)paying the cost (if any) of maintaining a separate establishment for the collection of the rents and other proceeds of land vested in the Trust ;(d)paying the expenses for audit in accordance with section 15 of the Central Provinces and Berar

Local Fund Audit Act, 1933 (IX of 1933);(e)making payments in pursuance of section 53 for interest or for expenses of maintenance or working ;(f)paying the cost of management, excluding such proportion thereof as may be debited to the capital account under clause (g) of section 82-D ;(g)paying all other sums due from the Trust, other than those which are required by section 82-D to be disbursed from the capital account.(2)The surplus (if any) remaining after making the payments referred to in sub-section (1) shall, subject to the maintenance of the closing balance that may be prescribed by rules under section 89, be invested in the manner prescribed in section 84-G towards the service of any loans outstanding after the expiry of sixty years from the commencement of this Act, unless the [State] [Substituted for 'Provincial' by A. O. 1950.] Government otherwise directs.]

**82G. [ Power to direct sale of securities in which any surplus of revenue account is invested. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

- If, at any time after any surplus referred to in sub-section (2) of section 82-F has been invested, the [State] Government is satisfied that the investment is not needed for the service of any loan referred to in that sub-section, it may direct the sale of the securities held under the investment.]

**82H. [ Advances from revenue account to capital account. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

(1)Notwithstanding anything contained in section 82-F, the Trust may advance any sum standing at the credit of the revenue account for the purpose of making capital expenditure.(2)Every such advance shall be refunded to revenue account as soon as may be practicable.]

**82I. [ Advance from capital account to revenue account. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.]**

(1)Any deficit in the revenue account at the end of any financial year may be made good by an advance from the capital account.(2)Every such advance shall be refunded to the capital account in the following financial year.]

**82J. [ Submission of an abstract of the accounts to [State] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.] Government.**

- At the end of each half of every financial year the Trust shall submit to the [State] [Substituted for 'provincial' by A. O., 1950.] Government an abstract of the account of its receipts and expenditure for each half year.]

**82K. [ Submission of an abstract of the accounts to Municipal Committee and [State] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 26.] Government, after receipt of auditor's report.**

- As soon as practicable after the receipts of the auditor's report, the Trust shall prepare an abstract of the account to which it relates, and send a copy of the abstract to Corporation, and to the [State] [Substituted for 'provincial' by A. O., 1950.] Government.]

**83. Contribution from Municipal fund.**

(1)[The Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] shall pay from the [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] fund to the Trust on the first day of each quarter, so long as the Trust continues to exist, a sum equivalent to half per cent per quarter on the annual ratable valuation of houses within [the City] [Substituted by M.P. Act XIV of 1952, section 19.] as it stood on the first day of the last preceding quarter.(2)If in any financial year the sums due to the Trust under this section aggregate less than one lakh of rupees, [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] shall pay to the Trust from [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] fund such further sum as may be required to make up the said sum of one lakh of rupees.(3)The payments prescribed by sub-sections (1) and (2) shall be made in priority to all other payments due from [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] except sums under preference firstly of section 79 of the City of Nagpur Corporation Act, 1948.(4)If the Corporation makes default in the payment of any sum under this section, the [State] [Substituted for 'provincial' by A. O., 1950.] Government may make an order directing the person having the custody of the balance of the Corporation fund to make such payment either in whole or in such part as is possible from such balance :Provided that no order shall be made by the [State] [Substituted for 'provincial' by A. O., 1950.] Government directing payment of any sum until an opportunity has been given to [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] to show cause why such order should not be made unless the [State] [Substituted for 'provincial' by A. O., 1950.] Government considers that [the Corporation] [Substituted by M.P. Act XIV of 1952, section 19.] has already stated , or had already ample opportunity of stating, its case.

**84. Power of Trust to borrow money.**

- The Trust shall be deemed to be a local authority, as defined in the local Authorities Loans Act, 1914 (I of 1914) for the purpose of borrowing money under that Act, and the making and execution of any improvement scheme mentioned in this Act, shall be deemed to be a work which such local authority is legally authorised to carry out.

**84A. [ Power to issue debentures. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

(1)The Trust may, with the previous sanction of the [State] Government, and on such terms as it may approve, raise loans in the open market by the issue of debentures.(2)All debentures issued by the Trust shall be in such form as the Trust may, with the previous sanction of the [State] [Substituted for 'provincial' by A. O., 1950.] Government from time to time, determine.(3)Every debenture shall be signed by the Chairman and by one other Trustee.(4)All coupons attached to debentures issued under this Act shall bear the signature of the Chairman and such a signature may be engraved, lithographed or impressed by any mechanical process.(5)The rights and liabilities of the holder of a debenture shall be governed by the law for the time being in force.]

**84B. [ Short term loans. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

- Where, in pursuance of the programme of works, the Trust has reason to expect that its own immediate resources will not be sufficient to finance the expenditure therein, but that resources will eventually be realised sufficiently thereafter, it may apply to the [State] Government for sanction to raise or grant short-term loan to cover the period of deficit and the [State] [Substituted for 'Provincial' by A. O. 1950.] Government, after considering the budgetary position of the Trust, its programme of works and probable resources, may sanction or grant such loans, as the case may be.]

**84C. [ Diversion of borrowed money to purposes other than those first approved. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

- Whenever any sum of money has been borrowed by the Trust for the purpose of meeting particular expenditure or of repaying a loan, no portion thereof shall be applied to any other purpose without the previous sanction of the [State] Government.]

**84D. [ Repayment of loans. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

- Every loan taken by the Trust shall be repaid within the period approved by the [State] Government and subject to the provisions of sub-section (2) of section 82-F, by such of the following method, as may be so approved, namely :-(a)from a sinking fund established under section 84-E, in respect of the loan, or(b)by paying equal yearly or half yearly instalments of principal and interest, throughout the said period, or(c)if the Trust has, before borrowing money on debentures, reserved by public notice a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular period then, by paying such instalments at such periods, or(d)from money borrowed for the purpose, or(e)partly from the sinking fund established under section 84-E in respect of the loans, and partly from money borrowed for the purpose.]

**84E. [ Establishment and maintenance of sinking fund. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

(1)Wherever the [State] Government has approved the repayment of a loan from a sinking fund, the Trust shall establish such a fund, and shall pay into it every year, until the loan is repaid, a sum so calculated that, if regularly paid throughout the period approved by the [State] [Substituted for 'Provincial' by A. O. 1950.] Government, it would, with accumulations in the way of compound interest, be sufficient after payment of all expense, to pay off the loan at the end of that period.(2)The rate of interest on the basis of which the sum referred to in sub-section (1) shall be calculated shall be such as may be prescribed by the [State] [Substituted for 'Provincial' by A. O. 1950.] Government.]

**84F. [ Power to discontinue payments into sinking fund. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

- Notwithstanding anything contained in section 84-E, if at any time the sum standing at the credit of the sinking fund established for the repayment of any loan, is of such amount that, if allowed to accumulate at the rate of interest prescribed under subsection(2)of that section, it will be sufficient to repay the loan at the end of the period approved by the [State] Government, then, with the permission of the [State] [Substituted for 'Provincial' by A. O. 1950.] Government, further annual payment into such fund may be discontinued.]

**84G. [ Investment of sinking fund. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

(1)All moneys paid into any sinking fund shall, as soon as possible, be invested under the orders of the Trust in-(a)Government securities, or(b)securities guaranteed by the Central or any [State] Government, or(c)debentures issued by the Trust, in the joint names of the Secretary to the Government [Bombay] [Substituted for 'Madhya Pradesh' Bom. A.O. 1956.] in the Finance Department, and the Accountant General of the [Bombay] [Substituted for 'Madhya Pradesh' Bom. A.O. 1956.], to be held by them as trustees for the purpose of repaying from time to time, the loans for which the sinking fund is established.(2)All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).(3)Any investment made under this section may, from time to time, subject to the provisions of sub-section (1), be varied or transposed.]

**84H. [ Application of sinking funds. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

- The two Trustees referred to in sub-section (1) of section 84-G, in whose names any sinking fund is invested may, from time to time, apply the same, or any part thereof, in or towards the discharge of the loan or any part of the loan for which such fund was established ; and until such loan is wholly discharged, shall not apply the same for any other purpose.]

**84I. [ Annual statements by Trustees. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

(1)The two Trustees referred to in sub-section (1) of section 84-G shall, at the end of every financial year, transmit to the Chairman a statement showing-(a)the amount which has been invested during the year under section 84-G. ;(b)the date of the last investment made previous to the transmission of the statement;(c)the aggregate amount of the securities held by them ;(d)the aggregate amount which has, up to the date of the statement, been applied under section 84-H, in or towards repaying loans ; and(e)the aggregate amount already paid into each sinking fund.(2)Every such statement shall be laid before the Trust and published in the Gazette.]

**84J. [ Annual examination of sinking funds. [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 27.]**

(1)The Accountant General, [Bombay] shall examine the said sinking funds every year and ascertain whether the cash and the current value of the securities at the credit of such funds are actually equal to the amount which would have accumulated, had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.(2)The Trusts shall forthwith pay into any sinking fund any amount which the Accountant General may certify to be the deficiency therein after examination as aforesaid, unless the [State] [Substituted for 'Provincial' by A. O. 1950.] Government specially sanctions a gradual readjustment.]

**85. [ Custody and investment of Trust Fund. [Substituted by C. P. and Berar Act XXXIV of 1949, section 28.]**

- All moneys payable to the Trust shall be received by the Chairman and shall forthwith be paid into the Nagpur branch of the Imperial Bank of India or any other Bank approved by the [State] Government to an account which shall be styled "The Account of the Nagpur Improvement Trust." :Provided that nothing in this section shall be deemed to preclude the Trust from investing with the previous sanction of the [State] [Substituted for 'Provincial' by A. O., 1950.] Government, any such moneys as are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trusts Act, 1882 (II of 1882), for placing them in fixed deposit with a Bank approved by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government.

**86. Procedure if Trust fails to make any payment in respect of loans of Trust.**

(1)If the Trust fails to repay a loan taken in pursuance of [section 84-A or section 84-B] [Substituted for 'Section 84' by C.P. & Berar Act XXXIV of 1949, Section 29.] from a lender other than the [State] [Substituted for 'Provincial' by A. O., 1950.] Government, or any interest or cost due in respect of such loan, according to the conditions of the loan, the Accountant-General of [Bombay] [Substituted for 'Madhya Pradesh' by Bom. (V. R.) A. O., 1956.], if required by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government, shall make such payment ; and [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] shall forthwith pay from the municipal fund



to the said Accountant-General as sum equivalent to the sum so paid by him.(2)If the Trust fails to repay a loan taken from the [State] [Substituted for 'Provincial' by A. O., 1950.] Government in pursuance of [section 84-A or section 84-B] [Substituted for 'Section 84' by C.P. & Berar Act XXXIV of 1949, Section 29.], or any interest or costs due in respect of such loan, according to the conditions of the loan, [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] shall forthwith pay from the municipal fund to the [State] [Substituted for 'Provincial' by A. O., 1950.] Government a sum equivalent to the sum due from the Trust.(3)If the Trust fails to repay any loan, the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may attach the rents and other [assets] [Substituted for 'income' by C. P. and Berar Act XXXIV of 1949, section 29.] of the Trust ; and thereupon the provisions of section 5 of the Local Authorities Loans Act, 1914 (V of 1914), shall, with all necessary modifications, be deemed to apply.(4)If [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] makes default in the payment of any sum required to be paid by it under sub-section (1) or sub-section (2), the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may make an order directing the person having the custody of the balance of the municipal fund to make such payment either in whole or in such part as is possible from such balance :Provided that no order shall be made by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government directing payment of any sum until an opportunity has been given to [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] to show cause why such order should not be made unless the [State] [Substituted for 'Provincial' by A. O., 1950.] Government considers that [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] has already stated or had already ample opportunity of stating, its case.(5)Whether any amount paid by the Accountant-General under sub-section (1) is not repaid to him by [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] under the said sub-section or by the person having the custody of the balance of municipal fund under sub-section (4) or whenever [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] has made any payment to the Accountant-General under sub-section (1) or to the [State] [Substituted for 'Provincial' by A. O., 1950.] Government under sub-section (2) or whenever the person having the custody of 5[the Corporation] fund has made any payment to the Accountant-General or to the [State] [Substituted for 'Provincial' by A. O., 1950.] Government under sub-section (4) the [State] [Substituted for 'Provincial' by A. O., 1950.] Government shall, so far as possible, reimburse the Accountant-General or [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] or such person as the case may be, out of the rents and [assets] [Substituted for 'income' by C. P. and Berar Act XXXIV of 1949, section 29.] attached under sub-section (3).

## **87. Procedure if [Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] fails to make any payment under section 86.**

- If [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] fails to make any payment as required by section 86, the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may attach the municipal funds ; and thereupon the provisions of section 5 of the Local Authorities Loans Act, 1914 (V of 1914), shall, with all necessary modifications, be deemed to apply.

## **88. Payments under section 86 to be charge on property of Trust.**

- All moneys paid by [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] under sub-section (1) or sub-section(2) of that section 86, and not reimbursed by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government under sub-section (5) of that section and all moneys payable under sub-section (1) or sub-section (2) of section 86 and levied under section 87, shall constitute a charge upon the property of the Trust.[Recovery and Collection of Amount Recoverable by Trust] [Inserted by Mah. 31 of 2011, s. 10.]

## **88A. [ Recovery of amount due to Trust. [Inserted by Mah. 31 of 2011, s. 10.]**

(1) Save as otherwise expressly provided by or under this Act, when any amount which is recoverable under this Act or any other law for the time being in force, has become due, the trust shall, within a reasonable time, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due. (2) Every such bill shall specify- (a) the period for which, and (b) the details of the property, occupation or thing in respect of which the sum is claimed, and shall also give notice of the liability incurred in default of payment, so also information regarding right to prefer an appeal under section 108-A against claim. (3) If the sum for which any bill has been presented, as aforesaid is not paid into the Trust office, or to a person authorized by the Trust in that behalf to receive such payments, within fifteen days of the presentation thereof or if no appeal against any claim included in a bill is made, the Trust shall cause to be served upon the person liable for the payment of the said sum a notice of demand in the prescribed form.]

## **88B. [ Certain sums to be recoverable as arrears of land revenue. [Inserted by Mah. 31 of 2011, s. 10.]**

(1) Notwithstanding anything contained in any other provision of this Act, if the person upon whom the notice of demand has been served under section 88-A fails to pay, within fifteen days from the service of such notice of demand, the sum demanded in the notice, or to show cause to the satisfaction of the Chairman or such officer as the Chairman may appoint in this behalf, why he should not pay the same, the outstanding amount shall be liable to be recovered as arrears of land revenue under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and the rules made thereunder. (2) The powers of Collector under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) shall be exercised by the Chairman for the purposes of sub-section (1) : Provided that, the Chairman may, by an order in writing, signed by him, delegate the powers under this sub-section to any officer of the Trust not below the rank of Divisional Officer.]

## **Chapter IX**

## **Rules and Regulations**

## 89. Power to make rules.

(1) In addition to the power conferred by sections 62, 63, 66 and 80, [State] [Substituted for 'Provincial' by A. O., 1950.] Government may make rules consistent with this Act and applicable to the Trust--(a) as to the person on whose authority money may be paid from the Trust fund, (b) for prescribing the fees payable for a copy of, extracts from, the municipal assessment list furnished to the Chairman under section 42, (c) as to the conditions on which officers and servants of the Trust appointed to offices requiring professional skill may be appointed, suspended or dismissed, (d) as to the intermediate office or offices, if any, through which correspondence between the Trust and the [State] [Substituted for 'Provincial' by A.O. 1950.] Government or officers of that Government shall pass, (e) as to the accounts to be kept by the Trust, as to the manner in which such accounts shall be audited and published, and as to the powers of auditors in respect of disallowance and surcharge, [(e-1) as to the conditions on which loans may be borrowed and debentures may be issued by the Trust] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 29.], (f) as to the person by whom, the conditions subject to which and the mode in which contracts may be entered into and executed on behalf of the Trust, (g) as to preparation of estimates of income and expenditure of the Trust and as to the person by whom, and the conditions subject to which such estimates may be sanctioned, (h) as to the returns, statements and reports to be submitted by the Trust, (i) to prescribe and define the mutual relations to be observed between the Trust and any other local authorities in any matter in which they are both interested or concerned, (j) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Trust and of the Tribunal, (k) for establishing and maintaining a provide or annuity fund, or compelling all or any of the officers in the service of the Trust or of the Tribunal, other than any servant of the [Government] [Substituted for 'Crown' by A. O., 1956.] in respect of whom contribution is paid under section 110, to contribute to such fund at such rates and subject to such conditions as may be prescribed by such rules and for supplementing such contributions out of the funds of the Trust : Provided that a servant of the [Government] [Substituted for 'Crown' by A. O., 1956.] employed as officer or servant of the Trust or the Tribunal shall be entitled to [such leave or leave allowances as may be prescribed by the conditions of his service under the Government relating to transfer to foreign service] [Substituted for 'leave or leave allowances under the rules or orders made by the Local Government in this behalf' by A. O. 1937.], (l) for determining the conditions under which the officers and servants of the Trust or of the Tribunal shall, on retirement, receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances : Provided that the Trust or Tribunal, as the case may be, may determine the officers or servants who shall be entitled, on retirement, to such gratuities or compassionate allowances ; (m) generally for the guidance of the Trust and of public officers in all matters connected with the carrying out of the provisions of this Act. (2) All rules made under this section shall be subject to the condition of previous publication.

## 90. Power to make regulations.

- The Trust may, from time to time, with the previous sanction of the [State] [Substituted for 'Provincial' by A. O., 1950.] Government, make regulations consistent with this Act and with any rules made under this Act--(a) for fixing the amount of security to be furnished by any officer or

servant of the Trust from whom it may be deemed expedient to require security ;(b)for associating members with the Trust under section 17 ;(c)for appointing persons other than Trustees and persons associated with the Trust under section 17 to be members of committees ;(d)for regulating the delegation of the powers or duties of the Trust to committees or to the Chairman ;(e)for the guidance of persons employed by it under this Act ;(f)for prescribing the fees payable for copies or extracts of documents delivered under sub-section (3) of section 39 or for copies of rules and regulations, printed under section 91 ;(g)for the management, use and regulation of [buildings] [Substituted for 'dwelling' by Central Provinces and Berar Act, VII of 1944, section 13.] constructed under any improvement scheme ;[(g-1) for the management, use and regulation of street, markets, parks, garden, open spaces and other public places within any area covered by an improvement scheme] [Inserted by Central Provinces and Berar Act XXXIV of 1949, section 31.] ;(h)for regulating the erection, [re-erection, alteration and use] [Substituted for 're-erection and a alteration' by Central Provinces and Berar Act VII of 1944, section 13.] of buildings in any area covered by any improvement scheme under this Act, and in particular without prejudice to the generality of the foregoing power--(i)for the materials and methods of construction to be used for external and partition walls, roofs, floors, fireplaces, chimneys, drains, latrines, privies, urinals and cesspools,(ii)the position of fire-places, chimneys, drains, latrines, privies, urinals and cess-pools,(iii)the free passage or way front of the building,(iv)the level and width of foundation, the level of the lowest floor and the stability of the structure,(v)the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on,(vi)the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire,(vii)the line of frontage where the building abuts on street,(viii)the number and height of the storeys of which the building may consist, and(ix)the means to be provided for egress from the building in case of fire;(h1)[ for regulating the lay-out on any land in any area covered by an improvement scheme] [Inserted by Central Provinces and Berar Act VII of 1944, section 13.] ;(h2)[ for prescribing the conditions under which and the purposes for which loans may be granted under sub-section (2) of section 82] [Inserted by Central Provinces and Berar Act XXXIV of 1949, s. 31.] ;(h3)[ for protecting from injury or interference anything within the area of the Trust being the property of [Government] [Inserted by Central Provinces and Berar Act XXXIV of 1949, s. 31.] or of the Trust, or under the control or management of the Trust ;](i)generally for carrying out the purposes of this Act.

## **91. Printing and sale of copies of rules and regulations.**

- The Chairman shall cause all the rules and regulations for the time being in force to be printed and shall cause printed copies thereof to be delivered to any applicant on payment of such fee as may be prescribed by regulation made under clause (f) of section 90.

## **92. Power to cancel regulations.**

- The [State] [Substituted for 'Provincial' by A. O., 1950.] Government may, after previous publication of its intention rescind any regulation made by the Trust which it has sanctioned, and thereupon the regulation shall cease to have effect.

## **Chapter X**

### **Procedure and Penalties**

Signature and service of notices or bills.

#### **93. [ Signature on notices or bills. [Substituted by Central Provinces and Berar Act XXXIV of 1949, section 32.]**

- Every notice or bill issued by the Trust under this Act or any rule or regulation made thereunder shall be in writing and signed by the Chairman and such notice or bill shall be deemed to be properly signed if it bears a facsimile of his signature].

#### **94. Method of giving public notice.**

- Subject to the provisions of this Act, every public notice required under this Act shall be deemed to have been given if it is published in some local newspaper, if any, and posted upon a notice board to be exhibited for public information at the building in which the meetings of the Trust are ordinarily held.

#### **95. Service of notice.**

(1)Every notice, other than a public notice, and every bill, issued under this Act, shall, unless it is under this Act otherwise expressly provided, be served or presented--(a)by giving or tendering the notice or bill or sending it by post to the person to whom it is addressed, or(b)if such person is not found, then by leaving the notice or bill at his last known place of abode, if within [City limits] [Substituted for 'Municipal limits' by M.P. Act No. XIV of 1952, section 19.], or by giving or tendering it to some adult male member or servant of his family, or by causing it to be fixed on some conspicuous part of the building.(2)When a notice is required or permitted under this Act, to be served upon an owner or occupier of building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either-(a)by giving or tendering the notice, or sending it by post, to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or(b)if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family, or by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.(3)Whenever the person on whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

#### **96. Penalty for disobedience of Act or notice.**

- Where under this Act or a notice issued thereunder the public or any person is required to do or to refrain from doing anything, a person who fails to comply with such requisition shall be liable on

conviction by a Magistrate to a fine not exceeding five hundred rupees for every such failure and, in the case of a continuing breach, to a further fine which may extend to five rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the breach.

### **97. Power of Trust to execute works on failure to comply with notice.**

- If a notice has been given under this Act to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice, then the Trust may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided by [Chapter XII of the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act No. XIV of 1952, section 19.].

### **98. Liability of occupier to pay in default of owner.**

(1) If the person to whom a notice has been served under section 97 is the owner of the property in respect of which it is served, the Trust may, whether any action or other proceedings has been brought or taken against such owner or not, require the person, if any, who occupies such property or a part thereof under such owner, to pay to the Trust instead of to the owner the rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under section 97; and any such payment made by the occupier to the Trust shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been made to the owner of the property. (2) For the purpose of deciding whether action should be taken under sub-section (1), the Trust may require an occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and if the occupier refuses to furnish such information he shall be liable for the whole of the expenses as if he were the owner. (3) All money recoverable by the Trust under this section shall be recoverable in the manner provided by [Chapter XII of the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act No. XIV of 1952, section 16.].

### **99. Right of occupier to execute works in default of owner.**

- Whenever a default is made by the owner of a building or land in the execution of a work required to be executed by him under this Act, the occupier of such building or land may, with the approval of the Trust, cause such work to be executed, and the expense thereof shall, in the absence of any contract to the contrary, be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

### **100. Procedure upon opposition to execution by occupier.**

(1) If, after receiving information of the intention of the owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to

allow such owner to take such action the owner may apply to a Magistrate.(2)The Magistrate upon proof of such refusal may make an order in writing requiring the occupier to allow the owner to execute all such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order.(3)If, after the expiration of eight days from the date of the Magistrate's order, the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable, upon conviction, to a fine which may extend to twenty-five rupees for every day during which he has so continued to refuse.(4)Every owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

### **101. Recovery of cost of work by the occupier.**

- When the occupier of a building or land has, in compliance with a notice issued under this Act, executed a work for which the owner of such building or land is responsible, either in pursuance of the contract of tenancy or by law, he shall, in the absence of any contract to the contrary, be entitled to recover from the owner, by deduction from the rent payable by him or otherwise, the reasonable cost of such work.

### **102. Recovery of expenses of removal by Trust.**

- The expenses incurred by the Trust in effecting any removal [under sections 299, 300, 303 and 304] [Substituted by M.P. Act No. XIV of 1952, section 16.] of 2[the City of Nagpur Corporation Act, 1948] as applied by section 52 or; in the event of a written notice under [section 289 of that Act not being complied with section 97 shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be recoverable from the owner of the said materials in the manner provided by [Chapter XII of the City of Nagpur Corporation Act, 1948.] [Substituted by M.P. Act No. XIV of 1952, section 16.]]

### **103. Relief to agent and trustees.**

(1)When a person, by reason of his receiving, or being entitled to receive the rent of immoveable property as trustee or agent of a person or society, would under this Act, be bound to discharge an obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.(2)When an agent or trustee has claimed and established his right to relief under this section, the Trust may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which come to his hands on behalf, or for the use, of the owner and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

## **104. Application of Chapter XII of the City of Nagpur Corporation Act, 1948.**

- Whenever in this Act or in any section of [the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act No. XIV of 1952, section 19.] made applicable by section 52 it is provided that any sum shall be recoverable in the manner provided by [Chapter XII of the City of Nagpur Corporation Act, 1948] [Substituted by M.P. Act No. XIV of 1952, section 19.] then in applying the provisions of that Chapter [all rules made under that Chapter and bye-laws made by the [Corporation] [Substituted by Central Provinces and Berar Act XXXIV of 1949, section 34.]] in respect thereof shall be applicable to the Trust; and all references to the [Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] shall be construed as referring to the Trust and all references to the municipal offices, [Chief Executive Officer of the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.], a municipal officer or the municipal fund shall be construed as referring to the office of the Trust, the Chairman of the Trust, an officer of the Trust to be nominated by the Chairman, and the Trust fund, respectively.]

## **105. Penalty for removing fence etc., in street.**

- If any person, without lawful authority, -(a) removes any fence, or any timber used for propping or supporting any building, wall or other thing, or extinguishes any light set up at any place where the surface of a street or other ground has been opened or broken up by the Trust for the purpose of carrying out any work, or (b) infringes any order given, or removes any bar, chain or post fixed by the Trust for the purpose of closing any street to traffic, he shall be punishable with fine which may extend to fifty rupees.

## **106. Power to prevent or demolish building in contravention of sections 32, 33 and 35.**

(1) If any person without the permission of the Trust erects, re-erects, adds to or alters any building or wall so as to make the same project beyond the street alignment prescribed under section 32 or the street alignment or building line shown in any plan finally adopted by the Trust under section 33, or erects, re-erects, adds to or alters any building or wall in the area specified in sub-section (4) of section 35, the Chairman may, by a written notice, -(a) direct that the building, alteration or addition be stopped, and (b) require such building, alteration or addition to be altered or demolished as he may deem necessary. (2) If any person on whom a notice under sub-section (1) has been served neglects or refuses to carry out the order or requisition in the manner and within the period specified in the notice, the Chairman may have such alteration or demolition carried out and may recover the cost incurred thereon from the owner or the person on whom the notice was served in the manner provided by [Chapter XII of the City of Nagpur Corporation Act, 1948.] [Substituted by M.P. Act No. XIV of 1952, section 19.]



### **107. Penalty for obstructing contractor or removing mark.**

- If any person, - (a) obstructs, or molests any person with whom the Trust has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees. Disposal of [\*\*\*] [The words 'fines and' were omitted by A. O., 1937.] damages.

### **108. Damages to be paid to Trust.**

- All [\*\*\*] [The words 'fines and' were omitted by A. O., 1937.] damages realised in connection with prosecutions under this Act shall be paid to the Trust. [CHAPTER XA] [Inserted by Mah. 31 of 2011, s. 11.] Appeals

#### **108A. [ [Inserted by Mah. 31 of 2011, s. 11.]**

(1) Any person aggrieved by an order of an Officer of the Trust passed under this Act or under any rule or regulation made thereunder, may within a period of thirty days from the date of receipt of such order, appeal to such Officer who has been designated by the Chairman to hear such appeals, or if no such Officer has been designated to the Chairman. (2) Any order passed in appeal by any such Officer, other than the Chairman, shall be subject to revision by the chairman. (3) If the original order has been passed by the Chairman himself, the appeal shall lie to the State Government or any of its officer as it may direct.]

## **Chapter XI**

### **Supplemental Provisions**

#### **109. Trustees, etc, deemed public servants.**

- Every Trustees, and every officer and servant of the Trust, and every member and officer and servant of the Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Contribution towards leave allowances, passages and pensions of servants of the [Government] [Substituted for 'Crown' by A. O., 1950.]. Contribution towards leave allowances, passages and pensions of servants of the [Government] [Substituted for 'Crown' by A. O., 1950.].

#### **110. Contributions by Trust towards leave allowances, passages and pensions of servants of the [Government.] [Substituted for 'Crown' by A. O., 1950.]**

- The Trust shall be liable to pay such contributions for the leave allowances, passages and pensions of any servant of the [Government] [Substituted for 'Crown' by A. O., 1950.] employed as Chairman or as an officer or servant of the Trust, or as a member or officer or servant of the Tribunal, as may be [required by the conditions of his service under the [Government] [Substituted for 'prescribed in any general or special orders of the Local Government' by A. O., 1937.] to be paid by him or on his behalf.]Legal Proceedings.

### **111. Authority for prosecutions.**

- Unless otherwise expressly provided, no Court shall take cognizance of any offence punishable under this Act, except on the complaint of, or upon information received from, the Trust or some person authorised by the Trust by general or special order in this behalf.

### **112. Magistrates empowered to try offences.**

- No Court inferior to that of a Magistrate of the second class shall try any offence against this Act.

### **113. Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice.**

- The Chairman may, subject to the control of the Trust, -(a)institute, defend or withdraw from legal proceedings under this Act, or(b)[ compound any offence against this Act, or] [Substituted by Central Provinces and Berar Act XXXIV of 1949, section 35.](c)admit, compromise or withdraw any claim made under this Act, and(d)obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Trust to obtain, for any of the purposes referred to in the forgoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Trust or any officer or servant of the Trust.

### **114. Bar of suit or other legal proceeding.**

- No suit or other legal proceeding shall lie against the Trust or any trustee or any officer or servant of the Trust, or any person acting under the direction of the Trust or of the Chairman or any officer or servant of the Trust for anything in good faith done or intended to be done under this Act.

### **115. Notice of suit against Trust, etc.**

(1)No suit shall be instituted against the Trust or any Trustee or any person associated with the Trust under section 17 or any member of a committee appointed under section 18 or any officer or servant of the Trust, or any person acting under the direction of the Trust or of the Chairman or of any officer or servant of the Trust, in respect of anything purporting to be done under this Act, until the expiration of two months next after notice in writing has been, in the case of the Trust, left at its office, and in any other case delivered to or left at the office or place of abode of the person to be

sued, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intending plaintiff ; and the plaint shall contain a statement that such notice has been so delivered or left.(2)Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.(3)If the Trust or other person referred to in sub-section (1) shall have tendered sufficient amends to the plaintiff before the institution of such suit, the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.Evidence.

### **116. Mode of proof of Trust records.**

- A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of the Trust shall if duly certified, by the legal keeper thereof or other person authorised by the Trust in this behalf, be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

### **117. Restriction on the summoning of Trust servants to produce documents.**

- No Trustee or officer or servant of the Trust shall in any legal proceeding to which the Trust is not a party be required to produce any register or document the contents of which can be proved under section 116 by certified copy, or to appear as a witness to prove the matter and transactions recorded therein, unless by order of the Court made for special cause.Validation.

### **118. Validation of acts and proceedings.**

(1)No act done or proceeding taken under this Act shall be questioned on the ground merely of,-(a)the existence of any vacancy in, or any defect in the constitution of the Trust or any committee ; or(b)any person having ceased to be a Trustee ; or(c)any trustee, or any person associated with the Trust under section 17 or any other member of a committee having voted or taken any part in any proceeding in contravention of section 20 ; or(d)the failure to serve a notice on any person, where no substantial injustice has resulted from such failure ; or(e)any omission, defect or irregularity not affecting the merits of the case.(2)Every meeting of the Trust, the minutes of the proceedings of which have been duly signed as prescribed in clause (g) of sub-section (1) of section 16, shall be taken to have been duly convened and to be free from all defects and irregularity.Compensation.

### **119. General power of Trust to pay compensation.**

- In any case not otherwise expressly provided for in this Act, the Trust may pay reasonable compensation to any person who sustains damage or loss by reason of the exercise of any of the powers vested under this Act in the Trust or the Chairman or any officer or any servant of the Trust.

## **120. Compensation to be paid by offenders for damage caused by them.**

(1) If, on account of any act or omission any person has been convicted of an offence under this Act, and by reason of such act or omission damage has been caused to any property of the Trust, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for such offence. (2) In the event of a dispute the amount of compensation payable by a person under sub-section (1) shall be determined by the Magistrate before whom he was convicted of the said offence. (3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate, as if it were a fine inflicted by him on the person liable therefore. Dissolution of Trust.

## **121. Ultimate dissolution of Trust, and transfer of its assets and liabilities to [the Corporation.] [Substituted by M.P. Act No. XIV of 1952, section 19.]**

(1) When all schemes sanctioned under this Act have been executed, or have been so far executed as to render the continuance of the Trust, in the opinion of the [State] [Substituted for 'Provincial' by A. O., 1950.] Government unnecessary, the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may by notification declare that the Trust shall be dissolved from such date as may be specified in this behalf in such notification ; and the Trust shall be deemed to be dissolved accordingly. (2) From the said date—(a) all properties, funds, and dues which are vested in or realizable by the Trust shall vest in and be realizable by [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] : Provided that, the [State] [Substituted for 'Provincial' by A. O., 1950.] Government may resume the management of any street, square, park, open space or other land, [\*\*\*] [The words 'which was at the commencement of this Act the property of Government or has since been acquired by Government and was' were omitted by A. O., 1937.] vested in the trust under sub-section (1) of section 45 ; and (b) all liabilities which are enforceable against the Trust shall be enforceable only against [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] ; and (c) for the purpose of completing the execution of any scheme, sanctioned under this Act, which has not been fully executed by the Trust, and of realizing properties, funds, and dues referred to in clause (a), the functions of the trust under this Act shall be discharged by [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] respectively ; and (d) [the Corporation] [Substituted by M.P. Act No. XIV of 1952, section 19.] shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised thereunder have been repaid, and until all other liabilities referred to in clause (b) have been duly met.

## **122. [ Inapplicability of Central Provinces Tenancy Act, 1920, to lands acquired by Trust. [Inserted by Central Provinces and Berar Act No. XXXIV of 1949, section 36.]**

- The provisions of the Central Provinces Tenancy Act, 1920, shall not apply to the land acquired or purchased by the Trust for its purposes.] The Schedule [Referred to in Section 61] Further modifications in the Land Acquisition Act, 1894

**1. Amendment of section 3. - After clause (e) of section 3, the following clause shall be deemed to be inserted, namely :-**

"(ee) the expression, 'local authority' includes the Trust constituted under the Nagpur Improvement Trust Act, 1936."

**2. Notification under section 4 and declaration under section 6 to be replaced by notifications under sections 39 and 45 of this Act. - (1) The first publication of a notice of an improvement scheme under section 39 of the Nagpur Improvement Trust Act, 1936, shall be substituted for, and have the same effect as publication in the Official Gazette and in the locality of, a notification under subsection (1) of section 4, except where a declaration under section 4 or section 6 has previously been made and is still in force.**

(2) Subject to the provisions of clauses 10 and 11 of this Schedule, the issue of notice under sub-section (4) of section 32 of the Nagpur Improvement Trust Act, 1936, in the case of land acquired under that sub-section, and in any other case the publication of a notification under section 45 of the Nagpur Improvement Trust Act, 1936, shall be substituted for, and have the same effect as a declaration by the [State] [Substituted for 'Provincial' by A. O., 1950.] Government under section 6, unless a declaration under the last mentioned section has previously been made and is in force.

**3. Amendment of section 11. - The full stop at the end of section 11 shall be deemed to be changed to a semicolon, and the following shall be deemed to be added, namely :-**

"and (iv) the costs which, in his opinion, should be allowed to any person who is found to be entitled to compensation, and who is not entitled to receive the additional sum of fifteen per centum mentioned in sub-section (2) of section 23 as having been actually and reasonably incurred by such person in preparing his claim and putting his case before the Collector. The Collector may disallow, wholly or in part, costs incurred by any person, if he considers that the claim made by such person for compensation is extravagant."

**4. Amendment of section 15. - In section 15 for the word and figures" and 24" the figure, word and letter" 24 and 24-A,"preceded by a comma, shall be deemed to be substituted.**

**5. Amendment of section 17. - (1) In sub-section (3) of section 17 after the figures" 24" the words, figures and letter" or section 24-A" shall be deemed to be inserted.**

(2)to section 17, the following shall be deemed to be added, namely :-(5) When proceedings have been taken under this section for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession."

**6. New section 17A. - After section 17, the following section shall be deemed to be inserted, namely :-**

**17A. Transfer of land to Trust. - In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Trust and the land shall thereupon vest in the Trust, subject to the liability of the Trust to pay any further costs which may be incurred on account of its acquisition."**

**7. Amendment of section 18. - The full stop at the end of sub-section (1) of section 18 shall be deemed to be changed to a comma, and the words" or the amount of the costs allowed" shall be deemed to be added.**

**8. Amendment of section 19. - After the words" amount of compensation," in clause (c) of section 19 the words "and of costs (if any) "shall be deemed to be inserted.**

**9. Amendment of section 20. - After the words" amount of the compensation," in clause (c) of section 20, the words" or costs"shall be deemed to be inserted.**

**10. Amendment of section 23. - (1) In clause first and clause sixthly of sub-section (1) of section 23 for the words and figures "publication of the notification under section 4, sub-section (1)" and "publication of the declaration under section 6" the following clauses shall be deemed to be respectively substituted :-**

"(a) if the land is being acquired under sub-section (3) of section 32 of the Nagpur Improvement Trust Act, 1936, the words" issue of the notice under sub-section (3) of section 32 of the Nagpur Improvement Trust Act, 1936, [\*\*\*] [The word 'and' was omitted by Central Provinces and Berar Act XXXIV of 1949, section 37.],[(a-1) if the land is being acquired consequent on the refusal of permission under sub-section (4) of section 33 or sub-section (5) of section 3 of the Nagpur Improvement Trust Act, 1936, the words 'the refusal' ; and] [Inserted by central provinces and Berar Act XXXIV of 1949 section 37.](b)in any other case, the words" first publication of the notification under section 39 of the Nagpur Improvement Trust Act, 1936." .(2)The full stop at the end of

sub-section (2) of section 23 shall be deemed to be changed to a colon, and the following proviso shall be deemed to be added :-"Provided that, this sub-section shall not apply to any land acquired under the Nagpur Improvement Trust Act, 1936, except---(a)buildings in the actual occupation of the owner or occupied free of rent by a relative of the owner, and land appurtenant thereto, and(b)gardens not let to tenants but used by the owners as a place of resort."(3)At the end of section 23, the following shall be deemed to be added, namely :--"(3) For the purposes of clause first of sub-section (1) of this section---(a)the market-value of the land shall be the market-value according to the use of which the land was put at the date with reference to which the market-value is to be determined under that clause;(b)if it be shown that before such date the owner of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use of the same, further compensation based on his actual expenditure may be paid to him ;(c)if any person, without the permission of the Trust required by clause (b) of sub-section (1) of section 32 or by sub-section (3) of section 33 or by sub-section (4) of section 35 of the Nagpur Improvement Trust Act, 1936, has erected, re-erected added to or altered any building or wall so as to make the same project beyond the street alignment prescribed under the said section 32 or the street alignments or building line shown in any plan finally adopted by the Trust under the said section 33, or within the area specified in sub-section (4) of the said section 35, as the case may be, then any increase in the market value resulting from such erection, re-erection, addition or alteration shall be disregarded ;(d)if the market-value has been increased by means of any improvement made by the owner or his predecessor-in-interest within two years before the aforesaid date, such increase shall be disregarded, unless it be proved that the improvement so made was made in good faith and not in contemplation of proceedings for the acquisition of the land being taken under this Act;(e)if the market-value is specially high in consequence of the land being put to use which is unlawful or contrary to public policy that use shall be disregarded and the market-value shall be deemed to be the market-value of the land if put to ordinary uses;(f)if the market-value of any building is specially high in consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded and the market-value shall be deemed to be the market-value of the building if occupied by such number of persons only as could be accommodated in it without risk of danger from overcrowding; and(g)when the owner of the land or building has after passing of the Nagpur Improvement Trust Act, 1936, and within two years preceding the date with reference to which the market-value is to be determined, made a return under [section 146] [Substituted by M.P. Act No. XIV of 1952, section 18.] of [the City of Nagpur Corporation Act,1948] [Substituted by M.P. Act No. XIV of 1952 section 19.], of the rent of the land or building, the rent of the land or building shall not in any case be deemed to be greater than the rent shown in the latest return so made, and the market value shall be determined on the basis of such rent :Provided that, where any addition to, or improvement of, the land or building has been made after the date of such latest return and previous to the date with reference to which the market-value is to be determined, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement."

## **11. Amendment of section 24. - For clause seventhly of section 24, the following clause shall be deemed to be substituted, namely :-**

"seventhly, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market-value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair."

**12. New section 24-A. - After section 24, the following section shall be deemed to be inserted, namely :-**

"24A. Further provision for determining compensation. - In determining the amount of compensation to be awarded for any land acquired for the Trust under this Act, the Tribunal shall also have regard to the following provisions, namely :-(1)when any interest in any land acquired under this Act has been acquired after the date with reference to which the market-value is to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land ;(2)if, in the opinion of the Tribunal, any building is in a defective state, from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation for such building shall not exceed the sum which the Tribunal considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, minus the estimated cost of putting it into such condition or state ;(3)if, in the opinion of the Tribunal, any building which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation for such building shall not exceed the value of the materials of the building, minus the cost of demolishing the building."

**13. Amendment of section 31. - (1) After the words" the compensation"in sub-section (1) of section 31, and after the words" the amount of the compensation"in sub-section (2) of that section the words" and costs, if any,"shall be deemed to be inserted.**

(2)After the words" any compensation"in the concluding proviso to sub-section (2) of section 31, the words" or costs"shall be deemed to be inserted.

**14. New section 48-A. - After section 48, the following section shall be deemed to be inserted, namely :-**

"48A. Compensation to be awarded when land not acquired within two years. - (1) If within a period of two years from the date of the publication of the declaration under section 6 in respect of any land, the Collector has not made an award under section 11 with respect to such land, the owner of the land shall, unless he has been to a material extent responsible for the delay, be entitled to receive compensation for the damage suffered by him in consequence of the delay.(2)The provisions of Part III of this Act, shall apply so far as may be, to the determination of the compensation payable under this section."