CHHATISGARH VINIRDISHTA BHRASHTA ACHARAM NIVARAM ADHINIYAM,1982.

THE MADHYA PRADESH VINIRDISHTA BHRASHTA ACHARAN NIVARAN ADHINIYAM, 1982. (No. 36 OF 1982) (Received the assent of'the Governor on the 29th October, 1982; assent first published if the "Madhya Pr+désh Gazette (Extraordinary)" dated the 30th' Öc!ober 1982.] An Act to provide for punishment of specific corrupt practices resorted to by the persons serving in connection with the affairs of the Ståte or of public undertakings or local authorities, co-operative societies or other or organisations aided by State Govern ment •and by 'so mé öther•persons their dealings witn theState Government and aforesaid bodles with e a view eradicate and effectively prevent such practices anddor other matters, ;connected , there With. Be it enacted by Legislaturp in thc. Thirty-third ycgr of .thc Rcpublic of , Indiat as' •q follows.:— NOTES Statc ment of objects •and Reasons.—CThc general laws •relating to prevention of corruption have not been ablo to fully achicvc tho dcsircd objective on acéount of too much of generalisations. It •.appeared to be necessary to identify and effectively punish specific points of corruption* in 'relation to the' over expending planning, development and construction activities whcrø largo public funds are involvcd and In relation to Other matter. As the • tter was urgent and tho. Vidhan Sabha was not in session, the Madhya Vinirdishtauhrashta Aeharan•Nivara1i Adhyadesh, 1982' (No. 15 of•'1982Y Was promulgated for the• purpose.. It is now proposed to replace t!le said ordinance by an • Ace of the Legislature with certain. modifications. 2.' this Bill.

CHAPTER 1. Short tltlc tund This. Actmay bc called thc Madhya Pradesh Vinir• dishU1 Bhrashta Achar,an.Nivarai1 Adhiniyam, 1982. (2) It extends to the whole of Madhya Pradesh. Definations.—lg. this. Act, unless the context otherwise requires.— (a) "Local authority" means. A Municipal Corporation constituted undor tho Madhya Pradcsh Municipali tics Act, 1956 (No. 23 of 1956). • (ii) A Municipal Council constituted under the Madhya Pradesh Municipalities Act, 1961 (No.. 37 of 1961). (iii) A Panchayat consti tutcd undcr the Madhya Pradesh Panchayat 1981 (No. 35 of 1981). (iv) A • Mandi Samiti,: constituted under the Madhya Pradesh Srishi Upaj Mandi. Adbiniyam, 197? (No. 24 of 1973). (b) i'fOflicer" means a person serving in connection with the affairs of the State, public undertaking, local authority,• co-operative society or any other institution or organisation aided by the- State• Government; (c) "Public Undertaking" moans n Govornmcnt cojnpany wi thin thc mcaning of' soction 617 of tho Companies Act, 1956 (No. I of 1 956), and includes a Corpora- (a) (g contract orifor in('flagc4 dÅpart•m thb wor extend i tion or other statutory body, by whatever name called, in each case controlled by •the State Government. owned or 93 CHAPTER' II—OFFENCES RELATING: TO WORK 3. this Chaoter •unless the context otherwise requires.— (a) "construction" means all activities. pertaining to the construetion of york and (b) (d) (e) includes excavation, filling, levelling and other allied activities. "contractor"' in relation to a work means a person who undertakps to execute the work under a works department, in pursuance pf a contract and includés, h'here the context so requires, a sub-cpntractor and all other- agencies and personi employed by him or working under him or under his control f0F the executiope ofsuch work and the expression "works contract!! shall be construed aécoréingly ; "Oficer-in-charge"• omcer in relation $0 a work un&r a works contract who. is primarily and directly responsible on the 'wqf.k 9i!e to see tli#i the york ofspecific part of the work is duly executedin accordance witli tefms, condi- tions and specifications of the works contract and the instructions, directions or work order issued by the supervisory omcers or by the works department from time to time; "Oficer of the works department" means Cbe omcer, whatever be the designation, emplOyed in the works department and concerned wi th the survey, construction, repairs, maintenance, planning, drawing, designing, purchase, s upply or store of goods, mechanically propelled or •electrically operated vehicles of all descriptions; plant, machinery, tools, spares or all other materials or equipments and includes an omcer or omcial responsible to make of bills advances, in relation to the work. "Superyisory omcer" means an offper whose duty it is to supervise the work as per instructions containéd in the Manual applicable to the vorks department or contained in any order or direction issued by the works department, from time to time. (f) "Work" means any work relating to survey, construction, repairs or maintenance, of any building, superstructure, dam, wear, canal, reservoir, tank, lake, road, bridge, culvert, Well including tube-well, factory, worbhop, water supply system electric installation system or any other work which the State Government may by notification, specify in this behalf and includes surveying, planning drawing, designing, purchase, supply

or storage of goods, mechanically propelled or electrically overated vehicles of all descriptions, plant, machinery, tools, spares or all other material . and equipment relating to the construction, måintenance or repairs of any of the aforesaid works'; (g) "Works department" means a department of the State Government, a public undertaking, a local a co-operative society registered under the Madhya Pradesh Co-operative Societies Act, •1960 (No. 17 of 1961), which gives a works contractor under orders, directions or control works contract is entered into or work is done and shall include an institution or organisation substantially aided by State Government, as the State Government may, by notification, specify

4. Punish ment of contractor for violation of contract etc.—Whoever, being contractor ofa works contract entered into with a works department intentionally, knowingly or for corrupt motive executes the work in material violation of the terms Of thc cor.,.tract or in flagrant disegard of the standards, specifications, orders or directions given by the works department or its omcers so as to adversely affect the quality, workmanship, strength or life of the work or oart of it, shall be punished with imprisonment of ei ther description Viich may extend to three years or with fine or both.

5. Panish ment of officer-in-charge for lack of sapervlsIon.—Whccver, being an ofa work undera wcrks contract, b3ing executed by a con tractor or other- wise, intentionally or knowing!y—- (a) permits connives at, or (b) omits to prevent or to report about, or (c) abets for corrupt motive, The work being doae in (i) material violation of the terms of the contract, or (ii) flagrant disregard of the standards, specifications orders or directions given by the works deprtment or its offcers in either case so as to adversely affect the quality, workmanship, strength or life of the workor partofit, shall be punished with imprisonment of either description which may extent to three years or with fine or both

6. Punishment for preparing false or fictitious Muster Rolls or Measure ment books.—Whoever, being omcer-ih-charge of a work in connection with the relief work or any other work intentionally or knowingly.— (a) prepares a false or fictitious muster roll, or (b) prepares a false or fictitious measurement book, or (c) makes payment for false or fictitious lead or false or fictitious excavation sand, earth, of (d) incorrectly classifies a strata excavation for making payment at rate, or (e) pays for no work or inadequate or for fictitious or bogus work, or of metal, a higher (f) pays at rates that are grossly inappropriate or makes deliberate overpayments , in- violation of rules and orders, Bhall be punished with imprisonment of either description which may extent to three years or with fine or both

7. Punishment for surreptitious sale of supplied material by contractor.— Whoever, being a contractor under a works contract sells or otherwise transfers cement, iron, or any other material supplied by the works department for the work as per specifications, instead of properly utilizing the same in the work or instead of returning the unused or excess material back to the works department' shall be punished with imprisonment of either descri- ption which may extend to three years or with fine or both

8. Punish ment for sub mitting manipulated tenders—Whoever being a tenderer for a • work under a works department.-— (a) procures obtains or attempts to procure or obtains for himself or for any other person work under a works contract by submitting ficititious competitive tenders in the name of false, or non-existent or bogus person; or (b) enters into a conspiracy with any other tenderer or tenderers in order to eliminate the competition for the purpose of pushing one Of the collusive low-rate tender for acceptance ; or (c) employs or takes active help ofa near relative or of any other person in a position to unduly influence the officer having authority to accept the tender, shall be punished with imprisonment of either description which may extend to three year, or with fire or both. Explanation... Near relation in this section means *son, grand son, father, mothers spouse, brother, sister, brother-in-law, father-in-law and mother-in-law. i offi dep shall with 1 being shall r with 11. Whoeve other m (b shall be p with fine EXE 2. section 11 supplies Offenbe pt machi nery ofeither 13. the works to enable his financi purchase c punishéd or both.

9. Puhish ment to officer accepting man!pulated tender.—Wnoever, being an officer ofa works department, having authority to accept tender on behalf of a works department.— (a) abets the of an offence under section 8 by aneptl or recommendin . for acceptance such tender; or (b) dishonestly manipulates evaluation of tenders with the object of giving benefit to a particular tenderer, shall be punished with imprisonment of either description which may extend to three years or with fine or both

10. Punish ment for wrongful or unauthorised disposal pof being an officer of a works department, dishoåestly, wrongfully or fraudulently —(a) disposes of or otherwise transfers; or (b) permits unauthorised use of goods, Plaat machi.nery, tools spares or other material and equipments from the stores,

causing substaltial loss to the works department shall be punished with impriosnment of either description which may extend to three years Or with fine or both

11. Punishment for supply of substandard or lesser quantity of goods, etc, Whoever, being a contractor'or the Supply of goods, plants, machinery, tools spares or other materials Or equipments (a) makes misrepresentation in respect to the quantity supplied; or (b) ' supplies sub-standard goods, plants, machinery, tools, spares, or other materials or equipments which are not of mercantile quality or not in ac20rd with the spe >iicatioas given ia the order of supply, shall be punished with imprisonment of either description Which may extend to three years of with fine or both. Explanation.—.ln this section, contractor for the supply of goods, plants, machinery, tools, spares or other materials or equipme'lts rnnns any person who under a contract supplies any goods, plants, machinery, tools, spares or other materials or equipments to any works department or its officer or to a contractor engaged for a work under a works contract

12. Punishment of officer of works department.for abetting of fences under section 11. —Whoever, • being an officer of a works department, having authority to accept the supplies made by the contractor in pursuance of an order of supply given to him, abets the offence punishable under section 11 knowingly by accepting the supply of goods, plants, machinery, tools, spares or other materials or equipaeats shall be Punished with imprisonment of either description which may extend to three years or wi th fine or both

13. Punish ment for splitting up purchase orders.-—Whoever, being an officer of the works department, with mala fide intention resorts to splitting•of purchase order, in order to enable him. to effect the purchases which would have otherwise been beyond the pale of his financial authority to do so, or in flargant breach of the established procedure for the purchase of goods, plants, machinery, tools; spares or other materials or equipments, shall be punished with imprisonment of either description which may extend to one year or with fine or both. 96 CHAPTER Ill—OFFENCES CONNECTED WITH FOREST PRODUCE 14. Punish ment for illicit fell ing or disposal of forcst produee.—Whoever, being an officer primarily and directly inucharge for the preservation and maintenance of forest area or disposal of forest produce, having jurisdiction or concern with the forest area, intentionally or knowingly permits, connives, abets or suffers on account of his omission to supervise, prevent or report the (i) illegal felling of trees or logs, or (ii) illegal girdling or tappings, 0k (iii) theft of wood, timber or bamboos or other forest produce, or (iv) illegal quarrying of stones, or (v) illegal burning of lime or charcoal from the area, for commercial purpose shal I be punished with imprisonment of either description which shall be not less than one year bit which -n IJ extnd t) thre3 y nrs aad shall also be liable to fine: Provided that the Court may, for any special reasons to be recorded in writing, impose a sentence of imprisonment of less than one year. Explanation.—The provisions of this section shall not make liable as an abettor, any person having nistar or any other rights under any law for the time being in force, or by any order made thereunder to remove or use any forest produce from a forest area

15. Punish ment for falsification of bid-sheet and manipulation of transit passes.—Whoever, being an officer.— (i) manipulates bid-sheets in relation to auction of forest produce, or (ii) manipulates issue of fictitious transit passes with a view to give benefit to any person or for causing wrongful loss to the Government department, shall be punished with imprisonment of either description which may extend to three years or with fine or with both

CHAPTER IV—OFFENCES RELATING TO CLAIM OR AWARD OF DISPROPOR- TIONATELY EXCESSIVE COMPENSATION

16. Punish ment for false or fictitious clai ms.—Whoever, by misrepresenting facts, claims compensation for non-existent or fictious property or in the name of non- or fictitious person or by giving false or fictitious description of the property for grossly exaggerating the value thereof, in a matter relating to the acquisition of such propery, shall be punished with imprisonment of either description which may extend to three years or wit h fine or both

17. Punish ment for award of disproportionately exce.ssive co mpensation. Whoever, being an officer empowered under any law or by an order or otherwise directed to asqe» or award acquisition of property, dishonestly with a malafide intention (i) assess-s or awards compensation which is excessive so as to be grossly dispropor to the mat-ket value of the property so acquired, or in violation of any tionate direction of law for the time bing in force, prescribing the mode of• calculation of compensation, or, (ii) assesses or

awards compensation for the non-existent or fictitious property or to a ficti tious person: shall be puÖ.ished with imprisonment of either description which may extend to three years or with fine or both. CHAPTE enters into , othek contra punished Wii or With fine 19. Pu 11 -11 otherwise de (a) liq (b) an shall (i) if ii) if i xplana CHA TER 20. Puni Wnoev'r, appli existentihcm nt: for c may exténd to t Explanat ot ot su ra of 21. Punis 20.—Whoever, 1 per inquiry, reg the intention to. .11 ei ther descriptic . Amended lished ir {klast wor •s be th to i or ny on to ars 97 CHAPTER V. —OFFENCES RELATING TO COLLUSIVE BIDDING AT PUBLIC AUCTION 18. Punish ment for collusive bidder. —Whoever, being a bidder at a public auction, enters into a conspiracy with the other bidders, so as to procure a Government licence or other contract, including a licence for a liquor shop, at a significantly Iow rate, shall be punished with imprisonment of either desckiption for a term which may extend to one year or with fine or both

19. Punishment for sale of liquor or spurious drug unfit for human consump- tion, holding a licence ot otherwise manufactures, knowingly sells or knowingly •otherwise delivers to the consumers (a) liquor unfit for human consumption, or (b) any drug adulterated or misbranded for internal or external use of a human being shall.(i) if death is thereby caused, be punished with death or imprisonment for life or with imprisonment of either description which shall not be less than 7 years but which may extend to IO years; and (ii) if it causes any other deliterious effect on the health of the consumer, be _punished with imprisonment of either description which may extend to 5 years and shall also be liable to fine. —In this section, the expressions used shall have •the same meaning as Explanation. assigned to them in the Madhya Pcadesh Excise Act, 1915 (No. 2 of 1915) of the Drugs and Cosmetics Act, 1940 (No. 23 of 1940) , as the case may be

CHAPTER VI.—OFFENCES RELATING TO REGISTRATION OF BOGUS FIRMS FOR SALES TAX-EVASION, ETC

20. Punish ment for applying for registration of or use of bogus firm na mee—Whoever, applies for the registratioa ofa bogus or non-existent firm, or uses a bogus or non- existent name,, for the purpse of manipulating, sales-tax evasion for collusive bidding or for sub mitting tender, shall be ptnished with i mprisonment of ei theF description which may extend to three years or with fine or both. Explanation.— 30gus ficm includes a fictitious firm nominally registered in the name ofa relation, frend o:' servant ofa businessman only for showing a seperate entity and having some nomir:al transaction recorded in that name, and having for its objective procurement of business to the real firm of the businessman by submit•ång tenders. at the rates. higher or bidding at the rates lower than the rates given or bids mr.ide by the real firm so as to make is sure- that the real firm of' the gets the contract or licence, as the case may be

21. Punish ment for registering bogus Firm for abeting offence under section 20.—Whoever, beij .g an officer intentionally, knowingly or with.out holding pro- per inquiry, registersa bogus firm or permits th.e use of bogus or non-existentfirm's name, with the intention to abet the offence under section 20, shall be punished with imprisonment of either descriptio,l which may extend to three years or with fine or both. Amended vide M. P. Vinirdishta Bhrast•a• Aeharan Nivar•an• •(Sanshodhan) Adhiniy_am, 1984, pub- lished in M. P. Rajoatra (Asadharan) dated 20-11-1984, pp. 3170-73. Prior to amendment, the last word 'ETC.' of the heading of Chapter VI' was missing

CHAPTER Vli—OFFENCES RELATING TO FICTiTIOUS LOANS AND FALSE VERIFICATION OF THEIR UTILIZATION. 22, Punish ment for advancing loans, etc., to fictitious persons.—Whoever, being an offcer having authority to sanction. or advance loan or subsidy intentionally, knowingly, or for co-z':- upt motive or otherwise, sanctions or advances loan or subsidy— (a) in a fictitious name, or (b) to fictitious or non-existing person, or (c) in the name of another person, and whoever receives actual benefit of such sanction or advance of the loan or of subsidy, shall be punished with imprisonment of either description which may extend to three years or with fine or both. 122-A. Punish ment for delaying etc. loan cases.—Whoever being an omcer having the authority to sanction, advance or to disburse any loan, advance or subsidy of the State Government or local authority ona public undertaking, intentionally, knowingly or for corrupt motive— (a) prepares false report or misrepresents any material fact, or (b) takes inordinately more time than •what is normally required over the preparation of the papers or processing of the case thereby delaying the sanction of loan or advance or subsidy ; or (c) delay or cause to be delayed the sanction or disbursement of loan, advance or sub- sidy to an extent which is oppressive having regard to the common course of business of the omce of the State Government or local authority or a public

undertaking, as the case may be, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both

23. Punishment for false verification of loan utilization.—Whoever, being under a duty to verify and report proper utilization ofa loan or subsidy falsely reports, verifies on testifies to the proper utilization thereof, with reference to the purpose for which it was sanctioned or advanced, when in fact it was not so utilised fully, or was utilised only partly, or was not utilised at all, in relatio;i to that purpoge, 'Wile..ss it wz.s diverted to some other pur- pose with the prior sanction of authority which sar2ctioned 01 advanced the loan or subsidy shall be punished with imprisonment of either description which may extend to one year or with fine or both

CHAPTER VIII—OFFENCES RELATING TO ILLEGAL COLONIZATION 24. Definitions.— In this chapter, the expressions, (a) "a colonizer?' means a person who, in a local area; after taking no objection certificate or prior permission in writing, as the case may be,— (i) under section 172 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), (ii) under the Urban Land, (Ceiling and Regulation) Act, 1976 (No. 33 Of 1976), Inserted vide the M. P. Vinirdishta Bhrashta Acharan Nivaran (Sanshodhan) Adhiniyam, 1983 (No. 37 of 1983), published in "M. P. Rajpatra" (Asadharan) dat.cd. 1-12-1983 at p. 3323' 'i case th the are of settl- laccomr paymer boloniz. 11 Prc Pradesh diversio for dive 25. provisio ånd the of illeg. 26. or the require.n colonizai 27. commits bé punis 28. illegal di 29. construc one year 30, the (i 99 (iii) under the Madhya Pradesh Act, 1961 (No. (iv) under the Madhya Pradesh Muaicipaf Corporation Act. 1956), (v) under the Madhya Pradesh Nagar Tatha Gram Nivesh (No. 23 of 1973), 37 of 1961), 1956 (No. 23 of Adhiniyam, 1973 from the respective authority competent to grant the same or from a Nazul authority in case the land is situate in a Nazul area, divides the land into plots, with or withoutdeveloping the are a transfers or agrees to transfer them gradually or all at a time, to persons desirous of settling down on. those plots by constructing residential or non-residential or composite accommodation and the expression "establishment of colony , 'colonization" "illegal colonizer" and "illegal colonization" shall be construed accordingly : Provided that no person shall undertake the establishment of colony unless he on payment of such fee as may be prescribed for registration of colonizers obtains a licence of colonization from the Collector of revenue district in which the land is situate . Provided further that, not with standing anything contained in Section 172 of Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) more ommission to grant sanction for diversion of land within the period specified there in shall not amount to graht of sanction for diversion for the .purpose of this ChQpter. (b) "local area"means an area comprised within the limits of a Municipal Corporation a Municipality class I, urban agglomeration or a nazul area comprised in such limits and shall .include a planning area notified under section 13 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), within or appurtenant to such limits (c) "plot holder" means a Derson who in a local area holds a plot under a deed of transfer or agreement of transfer from a colonizer ; (d) "Urban agglomeration" shall have the same meanings as is assigned to it in clause (a) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 (No. 33 of 1976)

25. Offence of illegal diversion of colonizer who, in contravention of the provisions of section 172 of the Madhya Pradesh Land Revenue -Code, 1959 (No._20 of 1959) and the rules made thereunder, • diverts the land or the part thereof, commits an offence of illegal diversion of land

26. Offence of illegal co!0'2ization.-a \ cjlonizer who divides into plots his land or the land of any other person with the object of establishing a colony in breach of the requirements contemplated in clause (a) of section 24, commits an offence of illegal colonization

29. Punish ment for illegal diversion and illegal colonization.—Whoever commits or abets the-commission of an offence of illegal diversion or illegal colonization shall be punished with imprisonment •which may extend to three years or with fin± or both

28. Offence of illegal construction.—Whoever, co•lstructs a building in an area of illegal diversion or illegal colonisation commits an offence of illegal construction

29. Punish ment for illegal construction.—Whoever, commits an offence of illegal construction shall be punished with imprisonment of either description which may extend to one year or with fine or both

30. Punish ment for abet ment of the otence of illegal constructio n.—Whoever, the area of illegal diversion or illegal colonization— (i) being an officer, having power to sanction layout or sanction a map

for the cons- truction of a building, grants, sanctions or approves such layout or the map: or I 100 (ii.) an under a primary duty. do so knowingly omits to report illegal diversion of land or illegal construction of a building in such an area to the proper authority; or (jii) an or the authority competent to sanction electrical or water supply connection grants such sanction with respect to the building in such area; or (iv) illegally influences thc omcers afores-zid in granting such sanction or in omitting to mike a reprt of such illegal diversion of lend or construction ofa building in such arca, shall be pa ushed with imprisonment of either description which may extend to one year or with fine or both: I Dcovided that nothi-tg contained in clause (iii) shall apply to the cases covered thereby where tae C)llector of the district concerned certifies that in the public interest there is no ob. jectio.i to p •ovide electrical and water supply connections-to the buildings in the area of illegal diveoion or c)lonizztion in existence immediately p:ior to the 30th October, 1982

31. Transfer of plots in an area of illegal diversion or illegal colonization to be (a) Notwithstanding anything contained in the Madhya Pradesh Land Revenue Code, 1959 (No.20 of 1959) transfer or agreement of transfer of plots made by a coloniser in an area of illegd diversion or illegt•.l colonization shall be void ; (b) The Coilector may after show cause notice to the parties take over the management of the land, cause the area to be planned and developed and shall thereafter allot the land preferentially amongst the plot holders in such manner and subject to such Condi- tions as may be prescribed; (c) The allottee shall 0?! fulfilment of the conditions be deemed to be a valid transferee of the plot from c)lonis3r, and the pjwers•ofthe Collector as' manager of the plot shall come to an end. (2) The p:oösioas of this section shall have retrospective effection all transactions where on the area of illegal diversion or illegal colonisation had not com- menced on the 8th September, 1982

32. Forfeiture of the land involved in illegal colonisation.—The right, title and interest of the coloniser in the land under illegal colon ization, shall' upon and from the date of conviction of the colonizer under section 27, stand forfeited and vested in the State free f rom all encumbrances. 2 CHAPTER VIII RELATING TO ALLOTMENT OF GOVERNMENT LAND ETC. 32 (A). Defi nition.—ln this Chap ter "authority" means any authority constituted or appointed by or under any law by the State Legislature and for the time being in force. i 32 allotte(ment tructio functio a term 32 being 1110t la lland, p allotme tend to 32 being a breparc moti ve cer tai n bther p term HAPL 33. I r licen (No. 10 Act, as 1 public 11}, kno\ myaintail With iml 34. cer, dire system, k punishat may exte CHAPTY 35. the State trånsfer c normal o nn?ls, ba relief, shc mdTiths o Expl, 1 2 Inserted vide the M. P. Bhrashta Acharan Nivaran (Sanshodhan) 1985 (No. 4 of 1985), published in 16 M. P. Rajpatra" (Asadharan) dated 26-4-1985 at P

1014. Inserted vide* the M.P. Vinirdishta Bhrashta Acharan Nivaran (Sanshodhan) Adhiniyam, 1983 (Act No. 37 of 1983), published in M. P. Rajpatra (Asadharan) dated 1-12-1983 at pp. 3323-3324. 101 •32 - Punish meut for securing allot ment of land by misrepresenting facts.— Whoever: intentionally, knowingly or corrupt motive, gets lands plot, house or flat allotted by misrepresnting any material fact in order to make himself eligilbe for such allot- ment which he would otherwise not have been so entitled in accordance with the rules or ins- tructions made or issued by the State Government or by the authority entrusted with the function of such allotment, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both. 32 (C). Punish ment for illegal allot ment of land, houses or flats.— Whoever, being an omcer, whether of the State Government or of the authority whose function it is to allot land; plot,house or Rat, dishonestly, wrongfully, fradulently or for corrupt motive allots land, plot,house or flat in flagrant violation of law or instructions, 'governing or regulating such allotment, shall be punished with imprisonment of either description for a term whcih may ex-. tend to three years or with fine or with both. 32 (D). Punish ment for change in layout with malafide intention,— Whoever, being an omcer, whether of the State Government or of the authority whose function it is to prepare layout or divide land into plots,dishonestly,wrongfully, fraudulently or for corrupt motive changes the layout in such a manner as to confer a distinct benefit to holders of certain plots and corresponding distinct disadvantage • to some other holders of some other plots in the same layout, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both

CHAPTER IX.—OFFENCES RELATING TO TAMPERING WITH THE PUBLIC DISTRIBUTION SYSTEM 33. Ta mpering with the system by the licensed dealeL—Whoever, being a dea- ler licensed

undér any order issued' under seption 3 of the Essential Commodities Act, 1955 (No. 10 of 1955), instead of supplying the lessential commodity, declared by or under the said Act, as the State Government may, by notification spedify for the purpoe of this chapter to the public concerned in accordance with the scheme of the public distöbution system intentiona- Ily, knowingly or for corrupt motives transfers such essential commodity to other channels or maintains false or fictitious account for the fair distribution of the same, shall be punished with imprisonment of either description which may extend to three years or with fine or both

34. Abet ment of offence under section 33 by an omcer.—Whoever, being an om- cer, directly or primarily incharge of supervising the proper working of public distribution system, knowingly omits to check and report connives or abets the commission of the offence punishable under section!33 shall be pu nished with inprisonment of either description which may extend to three years or with fine or both

CHAPTER X— OFFENCE OF MANIPULATION OF TRANSFERS AND UNAUTHO- RISED ABSENCE OF OFFICERS 35, Punish ment for manipulation of transfers.—Whoever, being in the service of the State or of a public undertaking, secures or attempts to secure,his transfer or cancellation o transfer or posting or promotion otherwise than by representing or approaching through the normal offCiaI Or prescribed channels, or he has unsuccessfully exhaused all such cha- nnels, barring exceptionally hard and emerÜent cases requiring immediateattention or relief, shall be punished with imprisonment of either dtscription which may extend to six months' or with fine Or both. Explanation.—N0 aid rendered in good faith in an exceptionally hard and emergent case requiring immediate attention and relief to a person in the service Of the l. As per Notification No. 159-83-X-I published in M. P. Rajpatra (Asadharan) dt. 7-1-1983 at p. 7, following essential commodities have been specified for the purposes of Chapter IX of this Act . (1) Sugar, (2) Wheat, (3) Rice, (4) Edible oil (5) Kerosene (6) Petrol (7) I)iesel (8) Controlled cloth and (9) Cement (Levy). 102 state or of a pubiic under taking in the m? tter of such transfer or cance!lation of transfer or posting or prcmotion shall amount •to abetment of the offence under this section within the meaning of section 10'/ of the Indian Penal Code, 1860 (No 45 of 1860)

36. Punishment for drawing salary for the period of unauthorised absence from duty.—Whoever, being an officer intentionally draws, himself or by suppression of facts or otherwise, misrepresenting the facts relating to his absence permits or induces the drawing and disbursing officer to draw and 4isburse the salary to him for the period of his deliberate unauthorised absence from duty unless the same is regularised by grant of permission or sanction of leave with pay and thereby cheats the Government shall be punished with imprisonment of either description which may extend to-one year or with fine or both. 1 CHAPTER RELATING TO ACQUISITION OF PROPERTY BY ILLEGAL MEANS. 36 (A). Chapter to have overriding provisions of this chapter shall prevail notwithstanding anything contained in the Criminal Law Amendment Ordinance, 1944 (No. XXXVIII of 1944). 36 (B). Offence ot acquistion of proqerty by illegal Not with standing anything contained in clause (e) of sub- sectioa (l) of section 5 of the Prevention of Corrup- 1947 (No. 2 of 1947) whoever, being an officer, acquires or holds propery for tion Act, which he cannot satisfactorily account for or which is disproportionate to his known sources of incom3, commits an offence of acquisition of property by illegal means. (2) Whoever tcommits an offence of acquisition of property by illegal means shall be punishale with imprisonment for a term which shall not be less than one year but which may to extend to seven years -andshallalso be liable to fine which may extend to the value of the property in excess of his known sources of income : Provided that the court may, for any special reason to be recorded in writing impose a sentence of imprisonment of less than one year. 36 (C). Attach ment of If the District Magistrate has reason to believe that any omcer holds property for which he cannot satisfactorily account for he may make a declaration to that effect and order for attachment of the said property . Provided that.— (i) no declaration shall be made; or (ii) no attachment of the property shall be ordered, without obtaining the concurrence therefor of the Advisory Committee appointed by the State Government for the purpose : Provided further that no order under this sub-section shall be made without giving the omcer the reasonable opportunity of being heard and adducing the documentary evidence and evidence on afidavit in his defenee. (2) on attachment of the property under sub-section (1), the provisions of the code of Criminal Procedure, 1973 (No. 2 of 1974) shall apply thereto. (3) Notwithstanding the provisions of the Code Of Criminal Procedure, 1973 (No. 2 of 1974), the District Magistrate may, in lieu of surety, appoint an administrator who shall have all the powers to administer the property as he deems fit, in the best interest Of the property . 1' Inserted vide the M. P. Vinirdishta Bhrashta Acharan Nivaran

(Sanshodhan) Adhiniyam, 1984 (No. 50 of 1984), published in M. P. Rajpatra (Asadharan) dt. 20th November, 1984 at P.P. 3170 to 3173. (4 and ef: stance 36 36-C make a by whic (2) release after de 36 If Oon (l) tih% lint rbmain (2) trjct Jud: of section property _ (3) Or being issued urm that speci att#chmer such prop (4) thereof mv make an o under sub 36 (i no c use is datel the D remåin atta 2) If proceed to i and ibi all o exercise 19081(No. rcquired to 1) in the prop« Order Ilto the criminal the property I i 103 (4) The District Magistarate may provide police help to the Administrator for prope r and effective administration of the property. (5) The expenses incurred oa the administ•cation of the property, including on the ass. stance by the police, shall be a charge on the property. 36 (D). Release of When the property is attached under section 36-C the owner there of inay, within threé months of the date of knowledge of attachment, make a representation to the District Magistrate, showing the circumstances and the means by which the property was acq uired by him. (2) If the District, Magistrate is satisfi)d with the representation he may forthwith release the property from attachment and thereupon the property alongwith 'mesne profits after deductiOn all expenses chargcd on the property shall vest in the owner thereof 36 (E). Reference by District Magistrate to District Judge in certain cases.— If the District Magistrate is not satisfied with the representation made under sub-sec- tion (I) of section 36-D he shall send thc matter with his report to the District Judge within the limits of Whose jurisdiction t.he property is situate for deciding whether the property should remain attached. (2) on receipt of the repon from the District Magistrate under sub-section (l), the Dis- trict Judge shall issue a notice to the person whose property is attached under sub-section (1) of section 36-C, calling upon him to show cause on a day to be specified in the notice why the property should not remain attached till the date of the termination of the criminal proceedings. (3) The District Judge shali also issue notices to all persons represented to him as having' or being likely to claim, any interest or title in the property of the person to whom notice is issued under sub-section (2), calling upon each such person to appear on the same date as that specified in the notice under sub-section (l) and make objection, if he so desires, to the attachment of the property or any portion {hereof on the ground that he has an interest in such property or portion thereof. (4) Any other person claiming an interest in the attached property car a rw portion thereof may, notwithstanding that no notice has been served upon him under this section, make an objection as aforesaid to the District Judge at any time before an order is passed under subsection (1) or sub-section (3), as the case may be, of section 36-F. 36 Investigation by District Judge of objections to attach ment. If (1) no cause is shown and no objections are made under section 36-E on or before the specified date, the District Judge shall forthwith pass an order to the effect that the property shall remain attached till the termination of the criminal proceedings. (2) If-cause is shown or any objectons are made as aforesaid, the district Judge shall proceed to investigate the same, and ili so doing, as regards the examination of the parties and in all other respects he shall, subject to the provisions of this Act, follow the procedure and exercise all the powers of a court in hearing a suit under the Code of Civil Proccdure, 1908 (No. V of 1908), and any person making an objection under section 36-E shall be required to adduce evidence to show-that at the date of the attachment he had some interest in the property attached. (3) After investigation under sub-section (2), the District Judge shall either pass an order to the effect that property shall remain attached till the date of the terminaton of the criminal proceedings or vary the order of the Dis!rict Magistrate by releasing a • portion or the property from attachment or withdraw the said order. 104 Explanation.—For the purposes of this section and section 36-H the date of the termina, tion of the criminal proceedings shall be deemed to be— (a) mewhere such proceedings are taken to the, High Court, whether in appeal or revi- Sion, the date on which the High Court passes its final order in such appeal or revision; or (b) where such proceedings are not taken to the High Court, the day immediately following the expiry of sixty days from the date of the last • Judgment or order ofa criminal court in the proceedings. 36. (G) Cri minal Courts to evaluaté property procured by the.) Where before judgment is pronounced in any criminal trial for the offence under section 36-B it is represented to the court that an order of attachment of property has been passed un- der this Act, in connection with such offence, the court shall,ifit is convicting the accused, re- cord a finding as to the amount of money or value of other property procured by the accused by means of the offence. (2) In any appeal or revisional proceedings against such conviction, the appellate or re- visional court shall, unelss it sets aside the conviction, -either confirm such finding or modify it in such manner as it thinks proper. (3) In any appeal or revisional proceedings against an •order of acquittal passed in a trial such as is referred •to in sub-section (I), the appellate or revisional court, if it convicts the ac3used, shall record a finding such as

is referred to in that sub-section. 36. (H) Disposal of attached property upon ter mination of cri minal procee- Upon the termination of any criminal proceédings for offence in respect of which any order of attachment of prorErty has been made under this Act or security given in 'lieu thereof, the Disctirct Magistrate shall, without delay, inform the District Judge, and shall where criminial proceedings have been taken in any Court, furnish the District Judge with a copy Of the judgment or order of the trying Court and with .cop ies of the Judgments or orders, if any, of the appellate or revisional Court thereon. (2) Where it is reported to the District Judge _under sub-section (1) that cogni- zance of the alleged offence under section 36-B has not been taken or where the final judgment or order of the criminal courtsis one of acquittal the District Judgé shal!for the with withdraw any orders of a ttachment of property made in connection with the offence or where security has been given in list of such attachment, order such security to be returned. (3) Wnere the final judgment or order of the criminal court is one of conviction the Distri ct Judge Ghall order that from the property of the convicted person attached under this Act or out of the security given in lieu Of such attachment, there shall be forfeited to the state such amount or value as is found in the final judgment or order of the criminal courts in pursuance of section 36-G to have been procured by the con victed person by means of the offence together with the costs of attchment as determined by the District Judge; and where the final judgment or order of the criminal courts has imposed or upheld a sentence of fine on the said person • (whether alone or in conjunction with any Other punishment), the District Judge may order, without prejudice to any other mode of recovery, that he said fine shall b' recovered from the residue of the said attached propérty or of the security given in lieu of attachment. 36; (I) Appeal.—An appeal shall lie to the High Court against every decision of the Court made under section 36—F. 36. (J) Barof ju risdiction of t he Civil Court.—-.The order passed or the decision mad3 under thisChaptér shall not be appealable except as provided therein and no other civil court shall have juirsdiction in.respect of any matter which the Court is empowered by or under this Chapter to determine and no injunction or interlocutory order. i-,hter?., other any P 37 an ssible sancti0i it. 38. defect i • affairs brejudi 39. Ämendment of Section 39 1 ihterfefing with the attachment or confiscation of the property shall be granted by any other court or authority in respect of any action taken or to be taken in pursuance of any power coaforred by or under this cnapter. " Explanation.—For the purposes of this Chapter the property acquired. or held by-— (i) husband or wife, as the case may be, of an omcer, or (ii) soa o: daughter or step son or step daughter of an omcer and wholly delßndent on him: other than the pcoperty which is acquired or held by any of the aforesaid persons with their own source and without the knowledge of such • offcer shall be deemed to have been acquired or held by the omcer." CHAPTER XI—MISCELLANEOÜS PROVISIONS 37. Proof. of sanction.—The sanction for prosecution of a government servant for an offence unde this Act, issued under section 197 of the Code of Criminal Procedure- 1973 (No.2 of 1974), and purporting to be duly authenticated and sealed, shall be admi- ssible in evidence without formal proof : Provided that, wnere the facts constituting the offence do ?not appear on the face of the .sanction, the Court may call tile. o•icer authenticating the sanction to give evidence before it

38. Curability of technical defects in the form of sanction.—Any technical .defect in the formal sanction.granted under section 197 of the Code of Criminal • Procedure 1973 (No. 2 of 1974) for the prosecutioa of a person employed in connection with the affairs of the State shall not vitiate the trial, unless it is proved that it caused substantial prejudice to the accused

39. Congnizance of offences.—All offences under this Act shall be cognizable : - -n,-.t -investigate an offence. under this Act Amendment 2. In Section 39 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Of Section 39. Nivaran Adhihiyam, 1982 (No. 36 Otf 1982) after the existing proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 30th day of Octo ber, 1982, namely : • etProvided further that' the State Government may, at any tixne for the purpose of satisfying itself as do the propriety of any order passed by the Commissioner of the Division as prescrib- ed authority either on its own motion or on reference made by the prescribed authority, shall call for and examine the record of any case pending before or disposed Of by such authority • and may pass such order in reference thereto as it thinks fit." Provided secondly that if on receiving an information of the commission on under this Act an offcer specified under this section apprehends that delay may result in disappearance of material piece of evidence, he may 1Substituted for the four provisions to Sec. 39 vide M. P. Vinirdishta Bhrashta Acharan Nivaran (Sanshodhan) Adhiniyam, 1984 (No. SO of 1984), published in M. P. Rajpat.ra (Asadharan), dated at pp. 3170—73. 106 forthwith direct •an Executive Magistrate

sabordinate to him to proceed to collect the evidence or ensure agai nst disappearance of the facts relatina- • thereto and facts shall forthwith be reported ty such Executive Magistrate to the Committing Magistrate having jurisdiction and also to 'Lhe omcer specified under this section. Provided thirdly that no direction shall be issued under this section against a member of the judicial service of the State save with the prior concurrence of the High Court: Provided fourthly that if the court while discharging or acquitting the accused finds that any ofr,,er while giving directions under this section or while granting sanction under section 197 of the Code of Criminal Procedure, 1973 (No. 2 of 1974), acted maliciously without just cause or e.xcuse, he shall be pro- secuted according to law tor an offence punishable under section 182 or 211 of the Indian Penal Code, as the case may be." 42. Code of Crt minal Procedure to apply.—Save as provided in this. the provisions of the Code of Criminal Procedur, 1973 (No. 2 of 1974) shall apply to an offence under this Act: Provided that if an offence punishable under this Act is also punishable under any other enactment for the time being in force then notwithstanding any thing contained in that Act or in the Code of Criminal Procedure, •1973 (No. 2 of 1974) to the contrary the provisions of section 39, 40 and 41 of this Aet shall apply

43. Provisions not to be derogatory to certain laws.—qThe Provisions of this Act shall be in addition to and not in derogation of the provisions of the Prevention of Corruption Act, 1947 (No. 2 of 1947) Indian Penal code, 1860 (No. 45 of 1860), Indian Forest Act, 1927 (No. 27 of 1927), the Madhya Pradesh Excise Act, 1915 (No. 2 of 1915), Essential Commoditie•s Act, 1955 (No. IO of 1955) or any other law for the time being in force and nothing contained herein shall exempt-any person from any proceeding which migh ta part from the sections under this Act, be instituted against him

44. Rule making power.—(1)The State Government may make rules for carrying out the purposes of this Act. (2) All rules made under this Act shall be laid on the table Assembly

45. Repeat—The Madhya Pradesh Vinirdishta Bhrashta A dhyadesh, 1982 (No. 15 of 1982) is hereby repealed. of the Legislative Acharan Nivaran i 1. (2) (3) 3. 4. 5. 6. 7. 9. 10. i 11. 13. 14. (415. 16. 17. 18. 19

20. PAR - 21.FO I FO FO FO Notifi 107 THE MADHYA PRADESH VINIRDISHTA BHRASHTA ACHARAN NIVARAN (REGISTRATION AND DEVELOPMENT OF COLONIES) RULLS, 1982. TABLE CONTENTS PART I—PRELIMINARY 1. Short title

2. Definitions—- (1) "Act". (2) "Development Authority". (3) "Form". (4) "Section AND PERMISSION 3. 4. 5. 6. 7. 8. 9. IO. 11. 12. 13. 14. 15. 16. 17. 18. 19. 2()

PART 11—LICENCB Application for Licence. Enquiry by Collector. Grant •or refusal of Licence. Development of Colonization. Fee for Licence. Cancellation of Licence. Maintenance of Register. Esta blishment of colony. Presumption as to permission of Collector. Effect of non-compliance of rule 10

PART Ill—MANAGEMENT OF COLONIES Notice of show cause. C0'1sideration of replies to show cause notice. Taking over the management of the land or dropping the proceedingq. Aid of police in taking over the management. Assistance for management. Preparation of scheme for development and allotment .of land. Publication of scheme. Recovery of expenses incurred by the Collector

PART IV—PROCEDURE FOR GRANT OF SANCTION FOR PROSEC UTON 21; Proceduce for issue o? direction or grant of sanction for prosecution. FORM 1 FORM 11 FORM 111 FonM IV Notification No. dt. 25—11—1982 relating to notified omcer for the purpose Of Sec. 39 of the M. P. Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982. Notification No. F. 14-5-85-XLIX—IO, dated 23rd September, 1987 regarding omcen competent to direct a Police ()ficer to investigate an offence under thia Act. 1 08 Bnopal, the 14th December 1982 No. 7362-82- X-1. ecrclse of the powers conferred by sub-section (i) of section 44 read with first proviso to clause (a) of section 24 and sub-section (i) of section 31 of the Madhya l•tradesh Vinirdtshta Bhrashta Acharan Nivaran Adhiniyam, 1982 (No. 36 of 1982), the State aovernrænt hereby makes the following rules for registration of colonizers, granting licences to them and taking over the management of the colonies, namely RULES PART PRELIMINARY l. SåDtt title. — T:tes•' rules may be called the Madhya Pradesh Vinirdishta Bhtashta• Achacan Nivaran (Registration and Development of Colonies) Rules, 1982

2. Definitions In these rules, unless the context otherwise requires,—(l) "Act" mea:as the Madhya Pradesh Vinirdishta Bhrashta Achaian Nivara n Adhini-yam, 1982 (No. 36 of 1982); (2) "Development

Authority" means a Town and Country Development Authority or Special Area Development Authority constiuted respectively under section 38 or section 65, of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam , 1973 (No. 23 of 1973) or the Town Improvement Trust conStituted under section 5 of the Madhya Pradesh Town Improvement Trusf Act, 1960 (No. 14 of 1961), as the case may be, (3) (4) ' S3ction" means a for.n appended to these rules; and means a seetion of the Act

PART 11. LICENCE AND PERMISSION 3. Application for Licence.— Any person who intends to undertake the establish- ment of colony within the mnning of clause (a) of section 24 shall apply in

form I to the Collector within wnose juqisdiction the land is situated for the grant of a licence. The application should tn accompanied by the treasury challan in token of payment of licence fee in the treasury

4. Eaquiry by Collector.— Tae Collector may get such inquiry made as he deems fit. In InrtiCdIar, he shoald satisfy himself on the following accounts. Firstly, the application should be bonafide. Secondly, the applicant's financial status should be adequate and he should be solvent to the extent. of at least ten per cent of the total cost of development. Tbirdty, the applicant has not t)3n co•uvicted for a:1Y offence involving moral turpitude

5. Grant or Refusal of Licence.— Wnen the Colictor decides to grant licence, he shall grant the same in form subject to such terms, conditions and restrictions, if any, as he may deem fit to specify ia the licence. Reasons for grant or refusal of licence shall be recorded in writing

6. Develop ment of Colonozation.— The licence shall entitle the licensee to unde r- take the* developmeat of coloaization in the district •to which it relates subject to the pr o- visions of the Act and these rules. 7. ree for Licence.— (1) The fee for licence shall be Rs. 500. (2) The fee shall be credited in the treasury uader the head "084 urban development— C—other fees for Colonization". (3) The fee so creöited shall be refunded after deducting a sum of Rs. 100 where the application for licence is rejected. 3 8. from a tra vem Igiven wherei ,yith te gull ad in the 10 establif to take Collect Collect 11 the app be pres inform coloniz 12 sions of deci Prc a valid reasons 13. ferof pl to the T such

form IN such pe bé take] (2) a. copy specified any P?rs agent. w it. as be o- he 1 09 8. Cance\lation of Licence.—The Collector on his own motiön or or. informåtion from any source and for reasons to be recorded in writing may cancel the licence for cone travention of any of the terms, conditions or restrictions of licence , Provided that no licence shall be cancelled unless an opportunity of being heard is given to •the licensee

9. Maintenance of Collector shall maintain a register in form Ill wherein shall be entered the full details of the licences issued under these rules, together with terms, conditions or restrictions, subject to whichlicence is granted and it shall contain full address of the applicant. The licensee shall inform the Collector in case of any change in the address

10. Establish ment of colony.—-Whenever. any licensee intends to undertake the establishment of colony within the meaning of clause (a) of section 24, he shall be required to take permission of the Collector for which purpose he shall intimate in

form IV to the Collector of the district for which he holds the licence. Suchan intimation shall reach the Collector at least 90 days before he takes up development or sale of plots in the colony

11. Presumption as to per mission of Collector.—ln case no reply is received by the applicant form within a period of 90 days of the receipt of intimation, permission shall be presumed to have been granted. If the Collectpr decides to make any inquiry, he shall inform the licensee to await his orders. In such a case the licensee shall not proceed with colonization without Colleétor's permission

12. Effect of non-co mpliance of rule 10.—If intimation is not sent as per the provi— sions of rule IO the Collector may cancel the licence and initiate such other legal action he decides under the law Provided that such cancellation shall not make illegal the 2010nization initiated under a valid licence and which tisfies the propisions of the Act and these rules Provided further that a licence shall not be cancelled under this rule unless an oppor- tunity of being heard is given to the licensee and the Collector shall record in writing reasons for the cancellation of licence

PART Ill—MANAGEMENT OF COLONIES 13. Notice of show cause.—- (l) Whenever the fact of transfer or agreement of tfnns- ferof plots made by a coloniser in an area of illeg@l diverson or illegal colonization comes to the notice of the Collector and he considers it desirable to take over the management of such land under clause (b) of sub-section (l) of section 31 , he shall issue a public notice* ' 'in

form I V" and publish it in at least two local news papers, of which one must be in Hindi language, calling uponall the persons interested in the said land to show cause within such period as may be specified therein, why the management of the said land should not be taken over by him. (2) If the address of any party interested is knowa to the Collector, he shall cause a copy of the O,aid notice to be sent to his address

14. Consideration of replies to show cause notice.—On the expiry of the period specified in the notice, the Co Hector shall consider the objections or suggestions, if any, received in relation to thc notice, or otherwise and he may, if considered necessary,require any p3rson who has filed any objection to present himself in person OT through authorised agent with all relevent documents for oral hearing. *In rule 13 the words and figures "in

Form I V" have been omitted vide the Notification' No. 2660-973-83-x-l, dated 10th May 1983, Published in "M. P. Rajmtra" (Asadharan), dt. 10-5-1983. 110 15. Taking over the Manage ment of the laad og dropping the proceeding—After hearing the person if present on date fixed for that purpose and after making any further enquiry in the matter which he may think proper, the Collector may— (a) take-over the management of the land, if he finds any illegal diversion or illegal colonization thereon: (b) drop the proceedings, ifthe is satisfied that the land is not subjected to illegal dive. rsion or illegal colonization

16. Aid of Police in taking over the manage ment.—lf the Collector apprehends any resistance or obstruction to the taking Over of the management of land by or on behalf of the colon:zer or any person claiming through colonizer, the Collector may take or cause to be taken aid of the police for effectively taking over the management of the land to such an extent as the circumstance of the case may warrant

17. Assistance for manage In the discharge of his duty for management of land, the Collector may confer upon one or more omcer sub-ordinate to him or any other omcer whose services may be placed at the disposal of the Collector by the State Gove- rnment, such power or authority as may be necessary for proper management, protection and preservation of the property and wherever necessary, forthe collection of rents and profits, for bringing defending any suitor prosecution or any other legal proceedings for management, protection and preservation of the property.(2) The Collector may in addition appoint any agen t, servant or watchman for due management, protection and preservation of the property. (3) The omcers, agent, servant and watchman shall be paid such remuneration, allo- wances or commission as the case may be, and at such rates, as may be approved by the State Government by general or special order

18. Preparation of sche me for Develop ment and allot ment of land.—Where the management of any land is taken over by the Collector, he maydirect the local autho- rity or the Development Authority, if there is any, for the local area in which the land is situate to draw up a scheme for the development and allotment of land to individual plot-holders, if any. The scheme submitted by the local authority or the Devel opment Authority may be appproved by the Collector without any modification or with such modifications as he may consider fit

19. Publication of sche me.—The scheme as finally approved by the Collector shall be published by putting it in his offce for public ins#ection

20. Recovery of expenses incurred by the Collector.—The expenses incurred by the Collector in the management of the land shall be included in the development charges of the land and shall be recoverable on "Pro rata" or any other reasonable and fair basis from person.s to whom the plots have been allotted under the scheme

PART IV—PROCEDURE FOR GRANT OF SANCTION FOR PROSECUTION 21. Procedure for issue of direction or grant of sanction for prosecution.— (l) No omcer whose duty is to issue any direction on behalf of the State Government and on other officer or authority shall prepare a case for issuing any direction under the first proviso to section 39 of the Act in any case in which he may be directly or indirectly interested. In all such cases, the matter shall be reported to the State Government for such orders as it may deem fit to pass for compliance. (2) No omcer of the State«Government shall process a case relating to grant of any sanc- tion or authenticate any sanction in a case under section 197 of the Code of Criminl Proce- duré, (1973 No. 2 of 1974), in the result whereof he may be directly or indirectly interested. Such case will be reported by him to the State Government for such orders as it deem fit to pass för compliance. 1/Wt sbta Bhi 2. 3. (iii (iv) (v) (vi) (vii (viii (ix) (x) (xi) 11 we (read)! to fu P lace... 11 Dated. 111

FORM 1 (See Rule 3) Form of application for a !icence under section 24 of the Madhya Pradesh Vinirdishta Bhrashta Acharan NivaranAdhiniyam, 1982 To The. Collector, District.. . Dated .....day of ..... .19.... I/ We request that a licence be . granted to me/us under the Madhya Pradesh Vinirdi- sbta Bhrashta Acharan Nivaran Adhiniyam, 1982

2. A sum of Rs.500 being the fees in respect of this application has been deposited. 3. • The required particulars are given below . (i) Name of the applicant with complete present address and permanent address ; (ii) Is the applicant a private individual/private company/public company/firm or association (iii) In case applicant is (a) an individual, his nationality; (b) a private company, the nationality of all members of the company alongwith place of registration; (c) a public •comiany, the nationality of directors, the percentage of share capi- tal feld by Indian national s, alongwith place •of incorporation; (d) a firm or association, the nationality of all the, partners of the firm or of the association; (e) a society, details thereof; (iv) profession or nature of business of applicant; (v) Details of immovable and movable property owned by the applicant; (vi) Whether he has developed any land before the date of this application. If yes, give details thereof; (vii) Whether applicant, has financial resources to establish colony (State sumcient particulars) ; (viii) Whether applicant has ever been convicted for any offence ? If yes, give details; (ix) Income tax permanent account number (copy of the statement for the last year for which account has been filed should be enclosed) (y) Nature of joint interest, if any (xi) If the applicant intends to supervise the works, his previous experience should be explained. If he intends to appoint a manager the name of the manager, his qualifications , nature and extent of his previous experience should be spe- cified and his consent letter should be attached. I/ We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details as may be required by you. Place.... .. Dated... Signature Yours faithfully, and designation of the applicant 112 FORM .11 (See Rule 5) Licence ander section 24 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982. Licace No. Subject to th3 terms, conditions and restrictions specified below and the rules made under the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982, licence is hereby granted under the first proviso to clause (a) of section 24 of the said Adhiniyam to Shri sja of for establishment of colonies in district: Address Collector District. Date... l. 2. 3. 4. 5. 6. 7

3. FORM 111 (See Rule 9) Register Date and year of issue of licence Number of licence Name of person to whom licence is issued. Fathe r's name . If firm, company or association or society, names of all the partners/members Terms, condi tions and restrictions, subject to which licence is granted. Plac Date Date of cancellation of licence and brief reasons for cancellation Dates of intimations received under rule IO. Dates of permissions gtanted under rule IO. .1 •o Place.... .. ... 113 • (SeeRule 10) mation of colonization The Collector, District. I/ We am are sending intimation of colonization as follows :— (1) (2) (3) (4) (5) (6) (7) (8) (9) Full name of applicant (State whether individual, firm, co-operative society or other class of society, company).. Licence number.. Present address ... . D3tails of land inéluding survey numbers which is intended to be developed.. The right in which the land is held by the applicant.. ... Details of immovable and movable property owned by applicant... Whether he has developed any land before the date of this application. If yes provide details thereof..... Details of financial resources for establishment of colony.. . .Wnether applicant has ever been convicted of any offence ? If yes, give details.... .... (IO) I am enclosing the following with this intimation — title or interest "in (l) True copy of each document, evidencing right, relation to land in regard to •which •licence for colonization under section 24 Of the Act 'is.sought•." (2) Certified copies each of no objection certificate or prior permission in writing by whatever name called, under the relevant enactments referred to in clause (a) of section 24 of the Act; and (3) Proposed development plan. (11) I/ We do hereby declare that the particulars furnished above are correct and am/are ready to fucnish any other details as may *be• required, by you. Kindly grant me/us permission to undertake the colonization. Yours faithfully, Signature and designatim of the applmzt. 1. •The. words and figuze• "in relation to land in regard to which permission for colonization under section 24 of the Act is sought," have been 8ubstitutdfor-."in relatioh to -la•nd ixi regard to which licence for colonization under section 24 of the A'eFié 86ügh", 'vide Notification'No: •F. 83•C-1 dated 8th September, 1983 published in M. P. Rajpatra (Asadharan) Dt. 8-9-1983. 114 Bhopal, the 25th November 1982 No. 7027-10894-82-X-I.— In exercise of the powers oonferred by section 39 of the Madhya Pradesh Vinirdishia Bhrashta Acha-ran Nivaran Adhiniyam, 1982 (No. 36 of 1982) and in super- session of this department Notification No. 5686-10894-82-X-I, dated 16th September 1982 and No. 5789-10894-82-X-I,

dated 21st September 1982, the State Govenment hereby spe- cifies, with respect to an omcer and the person mentioned in column No. (1) of the table below, the omcer mentioned in column No. (2) therof, to be notified omcer for the purpose of the said section subject to the condition mentioned in the corresponding entry in column No. (3) thereof S. No. Oficer or person in respect of whom report is to be made (1) TABLE The omcer competent to direct (2) The : authority from whom prior concurren- cé/approval shall have to be obtained by the omcer mentio- ned in column No. (2) (3) I. Oncer of the rank below the rank ofa The Collector of the district in district level offcer. which the pffence is commi- tted

2. Offcer of the rank of a district level The Commissioner of the divi- offcer. Sion in •which the offence is committed.•a 3. Oficer out side the Secretariat, of the Secretary to the Government rank above the rank of a district level in the Department in which omcer. the omcer" mentioned •in co- lumn (1) is for the time being employed or, as the case may be of the administrative De- partment under which the local body or the Public Undertaking functions

4. Offcer designated as Chief Secretary,. The State Government. Additional Chief Secretary, Principal Secretary, Secretary S,pecial Secretary, Deputy Secretary or Under Secretary in the State Government or Chairman, Vice-Chairman, President, Vice Pre- sident, by whatever name called of the local body or of the Public Under- taking

5. Offcer of the Registrar's of the Registrar of the High Court other tfian the Registrar and an designated as a Judge or Magistrate and belonging to the State Judicial. Service. Secr€ Secre omc tari at at ser 9. Off 11 and I IO. secr. Secre ssion 11. Com tionec 12. Pres the Bc nal. not ct NOTE. (2) High Court. After Obtaining approval of High Court. 115 6. The Registrar of the High Court

7. Oficer designated Secretary, Special Secretary Deputy Secretary, or Under Secretary of Vidhan Sabha Secretariat. The High Court State Government

8. Offcer of the Vidhan Sabha Secre- Secretary, Vidhan Sabha.tariat other than those mentioned at serial No. 7

9. OEcer of the offce of Lokayukt Lokayukt.i and Up-Lokayukt. 10. secretary, Deputy Secretary or Under Secretary of P ublic Service Commi- ssion

11. Offcors of the offce of Public Service Com mission other than those men- tioned at serial No.10

12. Presiding Oficer of the Member of the Board of Revenue or labour Tribu- nal. Any person (including a contractor) covered by any of the entries against serial numbers 1 to 12 above. State Government. Secretary, Public Service Commission. State Government. (1) If associated with any off- cer or person mentioned in Column (1) of S. Nos. 1 to 12 (3) After obtaining concurrence of the Speaker of the Vidhan Sabha. After obtainin g approval of the Speaker. After obtaing concurrence of the Chairman, Public Service Commission. After approval of the Chair- man Public Ser- vice Commission NOTE. (2) the same offcer as is mentioned in the corresponding entry of this column of the respective serial number ; (ii) if not associated with an omcer or any of the persons mentioned in S. Nos. 1 to 12 in column (l) the Commissio- ner of the division in which the offence is coinmitted. In regard to the cases in which more than one omcer of various levels are involved in an offence under the Act, the sanction [permission will be granted b} the omcer competent to accord such sanction in regard to the highest level omcer which shall be deemed to be proper sanction permission against all thc offcers involved. District level Offeer means an omcer in charge of a district and includes an oßcer in charge of a division in the case of Public. Works Department, Irrigation Departrn3nt, Public Health Engineering Department and Forest Depratment. By or&r and in the name of the Governor of Madhya Pradesh, BRAHMA SWARUP , Addl. Chief secy. 1 16 Bhopal, the 23rd September 1987 No. F. 14-5-85-XLIX-IO.—Y xn exercise of the powers conferred by sub-section (l) of Section 44 ro•ad with Section 39 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982 (No. 36 of 1982), • the State Govrnment hereby makes the following rules to specify the prescribed authority on whose direction a police officer shall investigate an offence under the said Act,,, namely RULES The omcers -mentioned in column (2) of the table below shall be competent to direct, a Police Offcer to investigate an offence under this Act in respect of an omcer or person men- tioned in column (3) of the said table • S. No. Offcer competent to direct investi- (1) I 2 3 4 'S 6 gation on report submitted by the Police (2) The Commissioner of the Division in which' the offence is committed. Secretary to the Government in the department in which the Offcer mentioned in column (3) is for the time being employed or, as the eage may be' of the Administrative De- partment under which the local body or

the public undertaking TABLE Offcer or person in respect of whom investi- gation• is to be made. (3) Offcer up to and of the rank of a district level omcer. Offcer above the rank of district level omcer. functions. The State Government High Court Speaker of Vidhan Sabha Secretary -Vidhati Sabha (i) All omcers and employees working in the Secretariat of M. P. Government. (ii) Chairman, Vice-Chairman, President, Vice- President, Managing Director, by whatever name called of a local body or of a Public Undertaking, as. the case may be. (iii) Presiding • officer or Member of the Board of Revenue or a State Tribunal. (iv) %cretary, Deputy Secretary or Under Secretary of Public Service Commission. All omcers and employees working in- the omce of the Registrar of the High Court, including Registrar and an . omcer designated as a Judge or Magistrate and belonging to the State Judicial Service. Offcers of and above the level of Under Secre- tary working in-the Secretariat of the M. P • Vidhan Sabha. All omcers and employees of the Vidhan Sabha Secretariat other than those mentioned at serial No

5. GC 7 8 9 Lokayukt Chairman, Pabt i.c Servi Commission. All officys and employees of the cfiice of Loka- yukt and Up-Lokayukt. All ofücers and employees of the oflice of Public Service Commission other than those men- tioned at Serial No. 3 (iv). Commissioner of the Divis:on in Ali not covered by any other entry of which the offence is c.ojnniit•ted. this table. NOTE.—(I) In cases in which oflicers of various levels are involved in an offence un- der the Act, the sanctior,../permission shall be granted by thc offcer or auth.- rity competent to accord such sanction in respect of the highest level offcer In respect of any person (including a Con.tt•actor) who is involved in an offence u this Act in association wi th any 01ficer or person mentioned in column (3) the sanctio.n/pennission shall be gca.nted by the officer or authority compe- tent to accord such sanction in respect of such omcer or person in accor- dance with the above table. (3) District level omce!' means, an cficer in-charge ofa district and includes an offcer in-charge ofa division. in the case of Public Works Department, Irriga.tion De partment, Public Health Eligineering Department and Forest Dep_u-trnent 2. Government of Madhya Pradesh, Hoyne Depzrtment's X-S3ction Notification No. 7027-10894-82-x-l, dated 25th November 1982, is hereby rescinded. By order and in the naine of the Governor of Madhya Pr.n desh. R. L. VARSHNEY, Dy. Secoy, GCPB -308 —SLMP 29-7-88 —5 00.