

MADHYA PRADESH VINIRDISHT BHRASHTACHAR NIVARAN ADHINIYAM, 1982 TATHA USKE ADHEEN BANAYE GAYE NIYAM

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 in the "Madhya Pradesh Gazette (Extraordinary)" dated the 30th October 1982.] An Act to provide for punishment of specific corrupt practices resorted to by the persons serving in connection with the affairs of the State or of public undertakings or local authorities, co-operative societies or other organisations aided by State Government and by such other persons their dealings with the State Government and aforesaid bodies with a view to eradicate and effectively prevent such practices and other matters, connected therewith. Be it enacted by the Legislature in the Thirty-third year of the Republic of India as follows:—

NOTES State ment of objects and Reasons.—The general laws relating to prevention of corruption have not been able to fully achieve the desired objective on account 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 where large public funds are involved and in relation to other matter. As the matter was urgent and the Vidhan Sabha was not in session, the Madhya Vinirdishtauhrashta Acharan Nivarañi Adhyadesh, 1982' (No. 15 of 1982) was promulgated for the purpose. It is now proposed to replace the said ordinance by an Act of the Legislature with certain modifications. 2. this Bill.

CHAPTER 1. Short title and name. This Act may be called the Madhya Pradesh Vinirdish Bhrashta Acharan Nivarañi Adhiniyam, 1982. (2) It extends to the whole of Madhya Pradesh. Definitions.—In this Act, unless the context otherwise requires.— (a) "Local authority" means— (i) A Municipal Corporation constituted under the Madhya Pradesh Municipalities 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 constituted under the Madhya Pradesh Panchayat Act, 1981 (No. 35 of 1981). (iv) A Mandi Samiti, constituted under the Madhya Pradesh Srishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973). (b) "Officer" 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" means a Government company within the meaning of section 617 of the Companies Act, 1956 (No. 1 of 1956), and includes a Corporation— (a) (i) a contract or for in flagrant part thereof or extend in 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 Chapter unless the context otherwise requires.— (a) "construction" means all activities pertaining to the construction of work and (b) (d) (e) includes excavation, filling, levelling and other allied activities. "contractor" in relation to a work means a person who undertakes to execute the work under a works department, in pursuance of a contract and includes, where the context so requires, a sub-contractor and all other agencies and persons employed by him or working under him or under his control for the execution of such work and the expression "works contract" shall be construed accordingly; "Officer-in-charge" means an officer in relation to a work under a works contract who is primarily and directly responsible on the whole to see that the work of specific part of the work is duly executed in accordance with the terms, conditions and specifications of the works contract and the instructions, directions or work order issued by the supervisory officers or by the works department from time to time; "Officer of the works department" means an officer, whatever be the designation, employed in the works department and concerned with the survey, construction, repairs, maintenance, planning, drawing, designing, purchase, supply 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 officer or official responsible to make of bills advances, in relation to the work. "Supervisory officer" means an officer whose duty it is to supervise the work as per instructions contained in the Manual applicable to the works 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, workshop, 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, maintenance 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 of a works contract entered into with a works department intentionally, knowingly or for corrupt motive executes the work in material violation of the terms of the contract or in flagrant disregard of the standards, specifications, orders or directions given by the works department or its officers so as to adversely affect the quality, workmanship, strength or life of the work or part of it, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

5. Punish ment of officer-in-charge for lack of supervision.—Whoever, being an officer of a work under a works contract, being executed by a contractor or otherwise, intentionally or knowingly— (a) permits, connives at, or (b) omits to prevent or to report about, or (c) abets for corrupt motive, the work being done 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 department or its officers in either case so as to adversely affect the quality, workmanship, strength or life of the work or part of it, shall be punished with imprisonment of either description which may extend to three years or with fine or both

6. Punishment for preparing false or fictitious Muster Rolls or Measure ment books.—Whoever, being officer-in-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, or (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, shall be punished with imprisonment of either description which may extend 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 description 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 fictitious 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 of a 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 fine or both. Explanation... Near relation in this section means son, grand son, father, mother's spouse, brother, sister, brother-in-law, father-in-law and mother-in-law. i offi dep shall with 1 being shall r with 11. Whoever other m (b shall be p with fine EXE 2. section 11 supplies Offense pt machinery of either 13. the works to enable his financial purchase c punished or both.

9. Punish ment to officer accepting manipulated tender.—Whoever, being an officer of a works department, having authority to accept tender on behalf of a works department.— (a) abets the commission of an offence under section 8 by accepting or recommending 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 of being an officer of a works department, dishonestly, wrongfully or fraudulently —(a) disposes of or otherwise transfers; or (b) permits

unauthorised use of goods, Plant machinery, tools spares or other material and equipments from the stores, causing substantial loss to the works department shall be punished with imprisonment 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 accordance with the specifications given in the order of supply, shall be punished with imprisonment of either description Which may extend to three years of with fine or both. Explanation.—In this section, contractor for the supply of goods, plants, machinery, tools, spares or other materials or equipments means 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 offences 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 equipments shall be Punished with imprisonment of either description which may extend to three years or with fine or both

13. Punishment 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 flagrant 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 III—OFFENCES CONNECTED WITH FOREST PRODUCE 14. Punishment for illicit felling or disposal of forest produce.—Whoever, being an officer primarily and directly in charge 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 tapplings, or (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 shall be punished with imprisonment of either description which shall be not less than one year but which may extend to three years and 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 no right 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. Punishment 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 DISPROPORTIONATELY EXCESSIVE COMPENSATION

16. Punishment for false or fictitious claims.—Whoever, by misrepresenting facts, claims compensation for non-existent or fictitious 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 property, shall be punished with imprisonment of either description which may extend to three years or with fine or both

17. Punishment for award of disproportionately excessive compensation. Whoever, being an officer empowered under any law or by an order or otherwise directed to assess or award acquisition of property, dishonestly with a mala fide intention (i) assesses or awards compensation which is excessive so as to be grossly disproportionate to the market value of the property so acquired, or in violation of any statutory direction

of law for the time being 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 fictitious person: shall be punished with imprisonment of either description which may extend to three years or with fine or both. CHAPTER 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 low rate, shall be punished with imprisonment of either description 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 consumption, holding a licence of 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 10 years; and (ii) if it causes any other deleterious 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 Pradesh 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 name—Whoever, applies for the registration of a bogus or non-existent firm, or uses a bogus or non-existent name, for the purpose of manipulating, sales-tax evasion for collusive bidding or for submitting tender, shall be punished with imprisonment of either description which may extend to three years or with fine or both. Explanation.—Bogus firm includes a fictitious firm nominally registered in the name of a relation, friend or servant of a businessman only for showing a separate entity and having some nominal transaction recorded in that name, and having for its objective procurement of business to the real firm of the businessman by submitting tenders at the rates higher or bidding at the rates lower than the rates given or bids made by the real firm so as to make it 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 abetting offence under section 20.—Whoever, being an officer intentionally, knowingly or without holding proper inquiry, registers a bogus firm or permits the use of bogus or non-existent firm's name, with the intention to abet the offence under section 20, shall be punished with imprisonment of either description which may extend to three years or with fine or both. Amended vide M. P. Vinirdishta Bhrastra Acharan Nivaran (Sanshodhan) Adhiniyam, 1984, published 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 VII.—OFFENCES RELATING TO FICTITIOUS LOANS AND FALSE VERIFICATION OF THEIR UTILIZATION. 22, Punish ment for advancing loans, etc., to fictitious persons.—Whoever, being an officer having authority to sanction or advance loan or subsidy intentionally, knowingly, or for corrupt 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 officer having the authority to sanction, advance or to disburse any loan, advance or subsidy of the State Government or local authority on a 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 subsidy 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 of a loan or subsidy falsely reports, verifies or 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 relation to that purpose, '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 and 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 without developing 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 \ cjl onizer 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 the omcers afores-zid in granting such sanction or in omitting to mike a rept 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 Dcovidet 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:öösioas of this section shall have retrospective effecton 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.—In 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 breparec 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 trãnsfer 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. Tampering with the system by the licensed dealer.—Whoever, being a dealer licensed under any order issued under section 3 of the Essential Commodities Act, 1955 (No. 10 of 1955), instead of supplying the essential commodity, declared by or under the said Act, as the State Government may, by notification specify for the purpose of this chapter to the public concerned in accordance with the scheme of the public distribution system intentionally, 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. Abetment of offence under section 33 by an officer.—Whoever, being an officer, 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 punished with imprisonment of either description which may extend to three years or with fine or both

CHAPTER X— OFFENCE OF MANIPULATION OF TRANSFERS AND UNAUTHORISED ABSENCE OF OFFICERS 35, Punishment 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 of transfer or posting or promotion otherwise than by representing or approaching through the normal official or prescribed channels, or he has unsuccessfully exhausted all such channels, barring exceptionally hard and emergent cases requiring immediate attention or relief, shall be punished with imprisonment of either description which may extend to six months or with fine or both. Explanation.—Not rendered in good faith in an exceptionally hard and emergent case requiring immediate attention and relief to a person in the service of the State. 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) Diesel (8) Controlled cloth and (9) Cement (Levy). 102 state or of a public undertaking in the matter of such transfer or cancellation of transfer or posting or promotion shall amount to abetment of the offence under this section within the meaning of section 107 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 disburse 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 of acquisition of property by illegal Notwithstanding anything contained in clause (e) of sub-section (1) of section 5 of the Prevention of Corruption Act, 1947 (No. 2 of 1947) whoever, being an officer, acquires or holds property for which he cannot satisfactorily account for or which is disproportionate to his known sources of income, commits an offence of acquisition of property by illegal means. (2) Whoever commits an offence of acquisition of property by illegal means shall be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years and shall also 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). Attachment of If the District Magistrate has reason to believe that any officer 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 thereof 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 officer the reasonable opportunity of being heard and adducing the documentary evidence and evidence on affidavit in his defence. (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 (1) tih% lint rbmain (2) trjet 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 remâin 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 Magistrate 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 threeé 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 charged 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 the 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 (1), 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 (1) 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 Procddure, 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 accused, shall record a finding such as is referred to in that sub-section. 36. (H) Disposal of attached property upon termination of criminal proceedings— Upon the termination of any criminal proceedings for offence in respect of which any order of attachment of property has been made under this Act or security given in lieu thereof, the District Magistrate shall, without delay, inform the District Judge, and shall where criminal 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 copies 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 cognizance of the alleged offence under section 36-B has not been taken or where the final judgment or order of the criminal court is one of acquittal the District Judge shall for the withdrawal of any orders of attachment of property made in connection with the offence or where security has been given in lieu of such attachment, order such security to be returned. (3) Where the final judgment or order of the criminal court is one of conviction the District Judge shall 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 court in pursuance of section 36-G to have been procured by the convicted person by means of the offence together with the costs of attachment as determined by the District Judge; and where the final judgment or order of the criminal court 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 the said fine shall be recovered from the residue of the said attached property 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) Bar of jurisdiction of the Civil Court.—The order passed or the decision made under this Chapter shall not be appealable except as provided therein and no other civil court shall have jurisdiction in respect of any matter which the Court is empowered by or under this Chapter to determine and no injunction or interlocutory order, whether, other any Part 37 an assible sanction it. 38. defect in affairs prejudicial 39. Amendment of Section 39 interfering 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 conferred by or under this chapter. " Explanation.—For the purposes of this Chapter the property acquired, or held by— (i) husband or wife, as the case may be, of an officer, or (ii) son or daughter or step son or step daughter of an officer and wholly dependent on him: other than the property which is acquired or held by any of the aforesaid persons with their own source and without the knowledge of such officer shall be deemed to have been acquired or held by the officer." CHAPTER XI—MISCELLANEOUS PROVISIONS 37. Proof. of sanction.—The sanction for prosecution of a government servant for an offence under 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 admissible in evidence without formal proof : Provided that, where the facts constituting the offence do not appear on the face of the sanction, the Court may call the officer 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 prosecution 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. Cognizance 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 Of 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 October, 1982, namely : • etProvided further that' the State Government may, at any time for the purpose of satisfying itself as to the propriety of any order passed by the Commissioner of the Division as prescribed 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 officer specified under this section apprehends that delay may result in disappearance of material piece of evidence, he may substituted 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 subordinate 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 Act 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. 20)

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 III—MANAGEMENT OF COLONIES Notice of show cause. C0'lsideration 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 UTION 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. S&Dtt 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,—(1) "Act" means 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 constituted 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 Trust Act, 1960 (No. 14 of 1961), as the case may be, (3) (4) 'Section' means a form appended to these rules; and means a section 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 whose jurisdiction the land is situated for the grant of a licence. The application should be accompanied by the treasury challan in token of payment of licence fee in the treasury

4. Enquiry by Collector.— The Collector may get such inquiry made as he deems fit. In the inquiry, he should 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. Thirdly, the applicant has not been convicted for any offence involving moral turpitude

5. Grant or Refusal of Licence.— When the Collector 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 in the licence. Reasons for grant or refusal of licence shall be recorded in writing



6. Development of Colonization.— The licence shall entitle the licensee to undertake the development of colonization in the district to which it relates subject to the provisions of the Act and these rules. 7. Fee for Licence.— (1) The fee for licence shall be Rs. 500. (2) The fee shall be credited in the treasury under the head "084 urban development— C—other fees for Colonization". (3) The fee so credited shall be refunded after deducting a sum of Rs. 100 where the application for licence is rejected. 3 8. from a time given where, with the aid in the 10 established to take Collect Collect 11 the application be presented inform colonization 12 signs of decision of the Collector a valid reasons 13. referred to the Tribunal 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. informâtion 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 III wherein shall be entered the full details of the licences issued under these rules, together with terms, conditions or restrictions, subject to which licence 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.—In 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 Collecétor'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 III—MANAGEMENT OF COLONIES 13. Notice of show cause.— (1) Whenever the fact of transfer or agreement of tfnns- ferof plots made by a coloniser in an area of illeg@l diversion 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 (1) 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 upon all 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 known to the Collector, he shall cause a copy of the said 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 the notice, or otherwise and he may, if considered necessary, require any person who has filed any objection to present himself in person or through authorised agent with all relevant 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-1, 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.—If 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 approved 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 office 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.— (1) 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 licence under section 24 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhinyam, 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 Adhinyam, 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 held 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 under section 24 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhinyam, 1982. Licence No. Subject to th3 terms, conditions and restrictions specified below and the rules made under the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhinyam, 1982, licence is hereby granted under the first proviso to clause (a) of section 24 of the said Adhinyam to Shri sja of for establishment of colonies in district: Address Collector District. Date... 1. 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. Father's name . If firm, company or association or society, names of all the partners/members Terms, conditions and restrictions, subject to which licence is granted. Place Date Date of cancellation of licence and brief reasons for cancellation Dates of intimations received under rule IO. Dates of permissions granted under rule IO. .1 •o Place.... .. 113 • (See Rule 10) Intimation 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 Details of land including 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.. . Whether 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 (I) 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 furnish any other details as may *be• required, by you. Kindly grant me/us permission to undertake the colonization. Yours faithfully, Signature and designation 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 substituted for-"in relation to -la•nd in 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 conferred by section 39 of the Madhya Pradesh Vinirdishia Bhrashta Acha-ran Nivaran Adhinyam, 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 Government hereby specifies, with respect to an officer and the person mentioned in column No. (1) of the table below, the officer mentioned in column No. (2) thereof, to be notified officer for the purpose of the said section subject to the condition mentioned in the corresponding entry in column No. (3) thereof S. No. Officer or person in respect of whom report is to be made (1) TABLE The officer competent to direct (2) The : authority from whom prior concurrence/approval shall have to be obtained by the officer mentioned in column No. (2) (3) I. Officer of the rank below the rank of a The Collector of the district in district level officer. which the offence is committed

2. Officer of the rank of a district level The Commissioner of the division in which the offence is committed. 3. Officer outside the Secretariat, of the Secretary to the Government rank above the rank of a district level in the Department in which officer. the officer" mentioned in column (1) is for the time being employed or, as the case may be of the administrative Department under which the local body or the Public Undertaking functions

4. Officer designated as Chief Secretary. The State Government. Additional Chief Secretary, Principal Secretary, Secretary, Special Secretary, Deputy Secretary or Under Secretary in the State Government or Chairman, Vice-Chairman, President, Vice President, by whatever name called of the local body or of the Public Undertaking

5. Officer of the Registrar's of the Registrar of the High Court other than the Registrar and an designated as a Judge or Magistrate and belonging to the State Judicial Service. Secretariat at at ser 9. Off 11 and I IO. secr. Secretariat 11. Commission 12. President the Bench. not et NOTE. (2) High Court. After Obtaining approval of High Court. 115 6. The Registrar of the High Court

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

8. Officer of the Vidhan Sabha Secretary, Vidhan Sabha. Secretariat other than those mentioned at serial No. 7

9. Officer of the office of Lokayukt Lokayukt. i and Up-Lokayukt. 10. secretary, Deputy Secretary or Under Secretary of Public Service Commission

11. Officers of the office of Public Service Commission other than those mentioned at serial No.10

12. Presiding Officer of the Member of the Board of Revenue or labour Tribunal. 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 officer or person mentioned in Column (1) of S. Nos. 1 to 12 (3) After obtaining concurrence of the Speaker of the Vidhan Sabha. After obtaining approval of the Speaker. After obtaining concurrence of the Chairman, Public Service Commission. After approval of the Chairman Public Service Commission NOTE. (2) the same officer as is mentioned in the corresponding entry of this column of the respective serial number ; (ii) if not associated with an officer or any of the persons mentioned in S. Nos. 1 to 12 in column (1) the Commissioner of the division in which the offence is committed. In regard to the cases in which more than one officer of various levels are involved in an offence under the Act, the sanction [permission will be granted by] the officer competent to accord such sanction in regard to the highest level officer which shall be deemed to be proper sanction permission against all the officers involved. District level Officer means an officer in charge of a district and includes an officer in charge of a division in the case of Public. Works Department, Irrigation Department, Public Health Engineering Department and Forest Department. By or for 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.—You exercise of the powers conferred by sub-section (1) of Section 44 read with Section 39 of the Madhya Pradesh Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982 (No. 36 of 1982), the State Government 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 officers -mentioned in column (2) of the table below shall be competent to direct, a Police Officer to investigate an offence under this Act in respect of an officer or person mentioned in column (3) of the said table • S. No. Officer competent to direct investigation 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 Officer mentioned in column (3) is for the time being employed or, as the case may be of the Administrative Department under which the local body or

the public undertaking TABLE Officer or person in respect of whom investi- gation• is to be made. (3) Officer up to and of the rank of a district level omcer. Officer 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. Officers 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 offcys and employees of the cfiice of Loka- yukt and Up-Lokayukt. All ofücers and employees of the office 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 sanction,..../permission shall be granted by thc officer or auth.- rity competent to accord such sanction in respect of the highest level officer In respect of any person (including a Con.tt•actor) who is involved in an offence u this Act in association wi th any 0lficer 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 officer 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.