MADHYA PRADESH NAGAR PALIKA MOHALLA COMMITTEE

RULES 2008

Bhopal, dated 13/10/2008

In exercise of the powers conferred by Section 48-B read with Section 433 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and Section 72-B read with Sections 355 and 356 of the Madhya Pradesh Municipalities Act, 1961 (No.37 of 1961), the State Government, hereby make the following rules, namely:

RULES

1. SHORT TITLE- (1) These rules shall be called the Madhya Pradesh Nagar Palika Mohalla Committee (Constitution, Functions, Powers and Procedure for Conduct of Business) Rules, 2001.

(2) These rules shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. DEFINITIONS- In these rules, unless the context, otherwise requires-

(a) “Act” means the Madhya Pradesh Municipal Corporation Act, 1956 (No.23 of 1956) and

(b) the Madhya Pradesh Municipalities Act, 1961 (No.37 of 1961)

(c) “Council” mean Corporation in case of a Municipal Corporation and Council in case of a Municipality or Nagar Panchayat, as the case may be
(d) (i) Any Portion or Subset of a Local Body or any Colony or Apartment Complex comprising of minimum 100 members will be called a Mohalla, or as the Local Body may decide.

(ii) “Mohalla Committee” means the Mohalla Committee constituted under Rule 3 of said rules.

(e) “Municipal Area” means the area notified under Section 7 of the Madhya Pradesh Municipal Corporation Act, 1956, in case of a Municipal Corporation and under Section 5 of the Madhya Pradesh Municipalities Act, 1961 in case of a Municipal Council or Nagar Panchayat.

(f) “Nagar Palika” means any Municipal Corporation constituted under Section 7 of the Madhya Pradesh Municipal Corporation Act and any Municipal Council or Nagar Panchayat constituted under Section 5 of the Madhya Pradesh Municipalities Act, 1961 (No.37 of 1961).

(g) “Section” means a Section of the Act.

(h) “Territorial Area” means the territorial area of any Mohalla, [Committee].

3. **CONSTITUTION OF MOHALLA COMMITTEE:**

   Based on their collective urge to seek recognition & to accept powers and responsibilities on behalf of the Local Body, people residing in a Mohalla may approach the Local Body, which may then proceed to recognize the
applicants as a collective entity and then designate them as a Mohalla Committee. The Local Body will, however, recognize as acceptable for designation as a Mohalla Committee, only such groups of citizens residing in a Mohalla (ie, residents residing in a colony, or apartment owners residing in an apartment complex) when they are joined as an Association and such Association comprises at least 100 households, (which may be acceptable to the Local Body on a case-by-case basis) for the purpose of recognition as a Mohalla Committee.

4. **STRUCTURE OF THE MOHALLA COMMITTEE:**

   (i) Each Mohalla Committee shall consist of at least-

   (a) President

   (b) Vice President

   (c) Treasurer

   (ii) The elected Councillor of the ward where a Mohalla Committee is constituted shall also be member and patron of such Mohalla Committee.

   (iii) It will be mandatory for the aforesaid office bearers of the Mohalla Committee to be chosen by election. The term of the office bearers of the Mohalla Committee shall be maximum of 5 years and will not necessarily be co-terminus with the term of the Council.
5. FUNCTIONS & ROLE OF THE MOHALLA COMMITTEE:

The Mohalla Committee will:

(a) Be the ‘Eyes and Ears’ in that Mohalla of the Local Body.

(b) Advise the Local Body about the interests of the Mohalla and its residents and help formulation of suitable policy measures, which will enhance the quality of life of the residents living in that Mohalla.

(c) Supervise the maintenance and repair and replacement of common area facilities etc.

(d) Monitor works relating to sanitation, road, drain, water supply, streetlight and solid waste etc.

(e) Create public awareness, and to safeguard against environmental pollution.

(f) Facilitate successful conduct of National programmes such as, amongst others, Health, Development of Women and child, Pension to destitutes, Urban Poverty alleviation program, Program relating to handicapped and to co-operate in Vaccination Programs.

(g) Encourage and organize public participation in tree plantation, improvement of landscaping and gardens etc.

(h) Keep a watch for the safety/security of the property of the Urban body, such as parks, open lands and other public places and to save
them from encroachment, and to inform/ alert the local body about violations such as encroachments or deviations from given building permissions.

(i) Improve the spread of education especially the admission of students in the Primary and Middle Schools and to co-operate in the programs to admit again the students who have left.

(j) Facilitate all Development programs of Municipal Corporation/State Government/Central Government.

(k) Discharge any functions that may be agreed to be entrusted by the Municipal Corporation under the MoU to be signed between the Mohalla Committee and the Local Body.

(l) Campaign to stop the activities against law such as child–labour, liquor, gambling etc.

(m) Oversee the protection and maintenance of service lanes, availability and provision of Daily Needs and Services such as Chaukidaar arrangements, Night Security, Gates, Internal parking Laundry, Ironing, Fresh Vegetables etc. so as to enhance the living quality for the citizens.

(n) Such other functions as may be assigned by the Government from time to time.
6. **SOURCE OF INCOME OF THE MUNICIPAL COMMITTEE:**

(a) Funds can be received from the Central Government, State Government or Municipality.

(b) Contribution received from the residents of Mohalla or MP/MLA Funds for the development of Mohalla.

(c) Sharing of funds between the Local Body and the Mohalla Committee, as per mutually agreed terms, based on tasks performed for and on behalf of Local Body- such as collection of taxes, spot fines etc.

(d) Receipts from events, magazines and other resident services provided by the Mohalla Committee to its members.

(e) Supervision charges from deposit works done on behalf of Local Body.

(f) Consultancy fees paid by the State Government/Central Government/Local Body/ Private entities for any studies, research, assignments etc.

7. **RECEIPT OF SUMS AND WITHDRAWALS** –

(1) Each Mohalla Committee shall have a Bank Account in any branch of a Nationalized Bank.

(2) All sums received to the Mohalla Committee shall immediately be deposited in the Bank Account opened under sub-rule 7 (1)
(3) After the approval of the Managing Committee of the Mohalla Committee, funds may be drawn with the joint signatures of any two officer bearers from amongst, Treasurer, President, Vice President or Secretary as may be decided by resolution of the Mohalla Committee.

8. **WORKS THAT CAN BE UNDERTAKEN BY MOHALLA COMMITTEE**

Mohalla Committee would be entitled to undertake any kind of civil or other works on behalf of the Local Body as an agency working for the Local Body. It will also be able to recommend and initiate proposals for improvement of properties and common facilities belonging to the Local Body which are in a state of disuse or which are not being optimally utilized by suggesting modifications and improvements in design, utility etc. However all proposals will be subject to the acceptance of the proposal by the Local Body.

9. **DEVOLUTION OF RESOURCES AND ASSETS/ STAFF FROM MUNICIPAL CORPORATION TO MOHALLA COMMITTEE**

The Mohalla Committee shall be entitled to apply for, to accept, and to administer such staff of the Local Body that the Local Body is
agreeable to deploy in the Mohalla for the effective functioning of the Mohalla Committee. Such staff may comprise of Managerial staff or operational/technical staff such as engineer, janitorial, enforcement, health, revenue etc. In such cases, the salaries to be paid to such staff which are already on the books of the Local Body will now be paid by Mohalla Samiti and the staff will be deemed to be on deputation from the Local Body to the Mohalla Committee. However, the Mohalla Committee will be entitled to further top-up the emoluments and perquisites of such staff that it is taking on deputation from the Local Body, so as to further incentivise them for a higher quality of efficiency at the local level. Such top-up will be done entirely from funds contributed by the Mohalla Committee and its members and will not be from devolutions made by the Local Body or funds devolving from the State/Central Government. That staff which is sent on deputation to the Mohalla Committee shall continue to retain its lien on the Local Body and therefore will be liable to disciplinary action as would apply if they were working in the Local Body. The disciplinary authority shall be the Local Body and such action will be initiated on the recommendations of the Managing Committee of the Mohalla Committee which will necessarily include the approval of the President and the Secretary of the Mohalla Committee.
10. **PROCEDURE FOR THE CONDUCT OF BUSINESS OF THE MOHALLA COMMITTEE**-

(1) Each Mohalla Committee shall have an Office and a Secretary therein.

(2) The date and time of the meeting of Mohalla Committee shall be fixed by its President and in his absence by its Vice-President and such meeting shall necessarily be held at least once in fifteen days. The notice of conveying the meeting shall necessarily be given at least three days before the date of meeting by the Secretary of the Mohalla Committee.

(3) Every meeting of the Mohalla Committee shall be presided over by its President, if present. If the President is absent then by the Vice-President, and if the Vice-President is also absent then the members of the Mohalla Committee shall choose one amongst themselves them to preside. In the meeting the decision shall be taken by majority of the votes and in case of the equality of votes the person presiding over the meeting shall have the right of casting vote.

(4) In each meeting of the Mohalla Committee, Secretary shall necessarily be present.

(5) The quorum for the meeting shall be one half of the total number of members.
(6) Each Mohalla Committee shall have its own Minutes Book in which the names of the members present in each meeting, the details of the cases discussed in the meeting, the decision taken in each case, the names of the members who voted in favour of the decision and the names of members who voted against the decision, etc. shall be recorded.

(7) Minutes of the proceedings at each meeting shall be signed by the President and Secretary of the Mohalla Committee.

11. REMOVAL OF DIFFICULTIES-

The State Government shall have all powers to remove any difficulties so as to ensure effective and appropriate coordination between the Municipal & Mohalla Committees.

12. MEMORANDUM OF UNDERSTANDING BETWEEN MUNICIPAL BODY AND MOHALLA COMMITTEE-

An MoU will initially be signed between the Mohalla Committee and the Local Body defining their respective responsibilities and obligations. This will contain details of the respective roles and responsibilities that would be shared between the Local Body and the Mohalla Committee. This will be duly honoured. It will be reviewed by both entities, from time-to-time, to ensure
effective dialogue and coordination. The Local Body will always have an encouraging attitude towards the Mohalla Committee.