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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 330]

भोपाल, गुरुवार, दिनांक 4 दिसम्बर 2025—अग्रहायण 13, शक 1947

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 4 दिसम्बर 2025

क्र. 11741-208-इक्कीस-अ (प्रा.)- भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश नगरपालिका (संशोधन) विधेयक, 2025 (क्रमांक 20 सन् 2025) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. पी. गुप्ता, अतिरिक्त सचिव.

MADHYA PRADESH BILL

No. 20 of 2025

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MADHYA PRADESH BILL

No. 20 OF 2025

THE MADHYA PRADESH MUNICIPALITIES (AMENDMENT) BILL, 2025

A Bill further to amend the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the seventy-sixth year of the Republic of India as follows:-

1. (1) This Act may be called the Madhya Pradesh Municipalities (Amendment) Act, 2025. Short title and commencement.
- (2) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.
2. In Section 19 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) (hereinafter referred to as the principal Act), in sub-section (1), for clause (a), the following clause shall be substituted, namely :- Amendment of Section 19.

"(a) the President, that is Chairperson, elected by direct election from the Municipal area;"
3. In Section 20 of, the principal Act,- Amendment of Section 20.
 - (i) in sub-section (2), in clause (b), for sub-clause (iii), the following sub-clause shall be substituted, namely:-

"(iii) in the case of election of President by any voter of the Municipal area;"
 - (ii) in sub-section (3), for clause (i), the following clause shall be substituted, namely:-

"(i) it is presented within thirty days from the date on which the result of such election or nomination was notified in the Gazette; and."
4. In Section 32 of, the principal Act, before the word "Councillors", wherever it occurs the words "President and" shall be inserted. Amendment of Section 32.
5. For Section 32-A of the principal Act, the following section shall be substituted, namely:- Substitution of Section 32-A.

"32-A. (1) Every candidate at election of President and Councillor shall, either by himself or by his election agent, keep a separate and correct account of all expenditures in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive. Account of election expensess.

Explanation-I.- Any expenditure incurred or authorised in connection with the election of a President and Councillor by a political party or by any other association or body of persons or by any individual other than the President and Councillor or his election agent shall not be deemed to be expenditure in connection with the election incurred or authorised by the President and Councillors or by his election agent for the purpose of this sub-section.

Explanation-II.- For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangement made, facilities provided or any other

act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 of the Representation of the Peoples Act, 1951 (43 of 1951), in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a President and Councillors or by his election agent for the purpose of this sub-section.

(2) The total of the said expenditure shall not exceed, such amount, as may be prescribed by the State Government, in consultation with the State Election Commission.

(3) The account of expenditure shall contain such particulars, as may be prescribed by the State Election Commission."

Amendment of Section 32-B. 6. In Section 32-B of the principal Act, before the word "Councillor", the words "President and" shall be inserted.

Amendment of Section 32-C. 7. In Section 32-C of the principal Act, before the word "Councillor", the words "President or" shall be inserted.

Amendment of Section 33. 8. In Section 33 of the principal Act, before the word "Councillors" or "Councillor", wherever it occurs the words "President or" shall be inserted.

Amendment of Section 34. 9. In Section 34 of the principal Act, after sub-section (3), the following sub-section shall be added, namely:-

"(4) If any person is elected to both the offices of President and Councillor, he shall, within seven days from the date on which he is so declared to be elected, resign from either of the offices."

Amendment of Section 35. 10. In Section 35 of the principal Act, for the opening paragraph, the following paragraph shall be substituted, namely:-

"No person shall be eligible to be elected or nominated as a candidate for the office of President or Councillor, if he-".

Amendment of Section 43. 11. In Section 43 of, the principal Act,-

- (i) in the marginal heading, the words "President and" shall be omitted.
- (ii) in sub-section (1), the words "President and" and the words "a President and" shall be omitted.
- (iii) in sub-section (3), the words "the President and" shall be omitted.

Amendment of Section 43-A. 12. In Section 43-A of the principal Act,-

- (i) in the marginal heading, the words "President or" shall be omitted.
- (ii) in sub-section (1), the words "the President or wherever they occur" shall be omitted.
- (iii) in sub-section (2), in clause (ii), the word and comma "President," shall be omitted.

Amendment of Section 45. 13. In Section 45 of the principal Act, in the marginal heading and in the provision, before the word "Councillors", the words "President and" shall be inserted.

14. After Section 45 of the principal Act and section 46 that is vacate, the following section shall be inserted, namely:-

Insertion of
Section 47.

"47. (1) President of any Council shall forthwith be deemed to have vacated his office, if he is recalled through a secret ballot by a majority of more than half of the total number of voters of the municipal area casting the vote in accordance with the procedure, as may be prescribed:

Recalling of
President.

Provided that no such process for recall shall be initiated unless a proposal is signed by not less than three-fourth of the total number of elected Councillors and presented to the Collector:"

Provided further that no such process shall be initiated:-

- (i) within a period of three years from the date on which such President is elected and enters his office;
- (ii) if half of the period of tenure of the President elected in a by-election has not expired:

Provided also that process for recall of the President shall not be initiated more than once in his whole term.

- (2) The Collector, after satisfying himself and verifying that the three fourth of the Councillors specified in sub-section (1) have signed the proposal of recall, shall send the proposal to the State Government and the State Government shall make a reference to the State Election Commission.
- (3) On receipt of the reference, the State Election Commission shall arrange for voting on the proposal of recall in such manner, as may be prescribed.

15. In Section 55 of the principal Act, the words "a President and" shall be omitted.

Amendment of
Section 55.

16. In Section 63 of the principal Act, in the proviso, before the words "the Chairman of any committee", the words "Vice-President, or" shall be inserted.

Amendment of
Section 63.

17. In Section 328 of the principal Act, in sub-section (1), in clause (b), the words "President and wherever they occur shall be omitted.

Amendment of
Section 328.

18. (1) The Madhya Pradesh Municipalities (Amendment) Ordinance, 2025 (No. 1 of 2025) is hereby repealed.

Repeal and
saving.

- (2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

STATEMENT OF OBJECTS AND REASONS

According to the current provisions of the Madhya Pradesh Municipalities Act, 196 (No. 37 of 1961), the election of the Presidents of Municipalities/Nagar Parishad is conducted indirectly by the elected Councillors. If the Presidents of Municipal Councils/Nagar Parishad were directly elected by the citizens of urban local bodies, they would have the opportunity to choose the first citizen of their choice. Directly elected Presidents are accountable to the public, whereas indirectly elected Presidents are accountable to the Councillor. It is noteworthy that the election of ward Councillors is based on local issues within the ward, whereas directly elected Presidents are elected by direct election and have knowledge of the entire area of the Municipal Council/Nagar Parishad. Keeping this in mind, it is proposed to elect the President of the Municipal Council and Nagar Parishad through a direct system of direct election by the voters in the upcoming general elections.

2. Therefore, it is proposed to make suitable amendments in Section 19, 20, 32, 32-A, 32-B, 32-C, 33, 34, 35, 43, 43-A, 45, 47, 55, 63 and 328 of the said Act.

3. As the matter was urgent and the Legislative Assembly was not in session, the Madhya Pradesh Municipalities (Amendment) Ordinance, 2025 (No. 1 of 2025) was promulgated for the purpose. It is now proposed to replace the said Ordinance by an Act of the State Legislature without any modification.

4. Hence this Bill.

Bhopal :

KAILASH VIJAYVARGIYA

Dated, the 28th November, 2025

Member-in-charge.