

Bill Summary

The Madhya Pradesh Nagarpalik Vidhi (Tritiya Sanshodhan) Vidheyak, 2021

- The Madhya Pradesh Nagarpalik Vidhi (Tritiya Sanshodhan) Vidheyak, 2021 was introduced in Madhya Pradesh Assembly on February 24, 2021. It amends the Madhya Pradesh Municipal Corporation Act, 1956, and the Madhya Pradesh Municipalities Act, 1961. The 1956 Act provides for the establishment of Municipal Corporations for certain cities in the state. The 1961 Act provides for the constitution and administration of Municipalities in the state. The Bill changes the manner of the election of Mayors of Municipal Corporations, and Presidents of the Municipal Councils and Nagar Panchayats, from indirect to direct election.
- **Elections:** The 1956 and 1961 Acts provide for indirect election of the Mayor of a Municipal Corporation and the President of a Municipal Councils and a Nagar Panchayat. These heads are elected by the elected councillors of respective bodies. The Bill provides for the direct election of the Mayor and President by the registered voters of a municipal area. If any municipal area fails to elect a Mayor or President, the seat should be filled within six months through fresh elections.
- The Bill also specifies that if any person is elected as both Mayor and Councillor of a Municipal Corporation, they will have to resign from one of the posts within seven days of election results.
- **Determination of number and extent of wards:** The 1956 and 1961 Acts specify that the process for inclusion or exclusion of area or reformation of wards should be completed two months before the completion of tenure of local bodies. In case the process is not completed, the State Election Commission (SEC) shall start the election process on the basis of the prevailing delimitation. The Bill extends the period from two months to six months.
- **Recalling of Mayor and President:** The Bill provides that the Mayor of a Corporation and President of Municipal Council and Nagar Panchayat shall be recalled if more than half of the total voters vote for it through secret ballot. For initiating the process of recall, the proposal should be signed by at least three-fourth of the total number of elected Councillors. The proposal will be presented to the Divisional Commissioner in the case of a Mayor and the Collector in the case of a President. The Divisional Commissioner/ Collector will send the proposal to the state government and the government will refer it to the SEC. The Bill further specifies that the process cannot be initiated: (i) within two years of the Mayor or President starting office, or (ii) if half of the period of tenure is not completed, in case of the Mayor or President elected through a by-election. It also states that the process for the recall of the Mayor or President shall be initiated only once in their whole term.
- **First meeting after general election:** The 1961 Act states that the SEC shall call for a meeting of elected councillors for electing the President and the Vice-President of the Municipal Council and Nagar Panchayat. The meeting should be held within 15 days from the date of notification of election and will be presided over by the officer authorised by the SEC. The Bill provides that the Chief Municipal Officer, with the approval of the prescribed authority, shall call the meeting of elected councillors for electing a Vice-President. The meeting should be held within 15 days of every general election. The meeting will be presided by an officer, not below the rank of: (i) Deputy Collector in case of Municipal Council, and (ii) Tehsildar appointed by the Collector in case of Nagar Parishad.

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