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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 360]

भोपाल, सोमवार, दिनांक 28 सितम्बर 2020—आश्विन 6, शक 1942

नगरीय विकास एवं आवास विभाग
मंत्रालय, वल्लभ भवन, भोपाल

Bhopal, the 28th September 2020

Not. no. १०३ /F 1-250/2020/18-3, In exercise of the powers conferred by section 433 read with section 132-A of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and section 355 and 356 read with section 127-B of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government, hereby, makes the following rules, relating to imposition of user charges for Water Supply, Sewerage and Solid Waste Management Services, namely:-

RULES

1. Short title, extent and commencement and extent.-

(1) These rules may be called the Madhya Pradesh Municipality (User charges for Water Supply, Sewerage and Solid Waste Management Services) Rules, 2020;

- (2) They shall extend to all Municipal Corporations, Municipal Councils and Nagar Parishads;
- (3) They shall come into force from the date of their publication in the Madhya Pradesh Gazette.
2. Definitions.— (1) In these rules, unless the context otherwise requires,-
- (a) “Act” means the Madhya Pradesh Municipal Corporation Act, 1956 or the Madhya Pradesh Municipalities Act, 1961;
- (b) “Annexure” means annexure appended to these rules;
- (c) “Bill” means any consolidated physical or electronic document that raises consolidated demand of user charges, other fees and surcharge for the services provided by the Municipality;
- (d) “Billing Cycle” means the period for which the bill is issued;
- (e) “Bulk Waste Generator” means bulk waste generator defined under rule 3(1) (8) of the Solid Waste Management Rules, 2016 notified by the Central Government or bulk waste generator notified by the Municipality;
- (f) “Construction and Demolition Waste” means construction and demolition waste defined under Rule 3(1) (c) of the Construction and Demolition Rules, 2016 notified by the Central Government;
- (g) “Municipality” means, any Municipal Corporation as constituted under section 7 of the Madhya Pradesh Municipal Corporation Act, 1956 or any Municipal Council or Nagar Parishad as constituted under section 5 of the Madhya Pradesh Municipality Act, 1961;

- (h) **“Municipal officer”** means in case of Municipal Corporation the Municipal Commissioner or any officer or servant of the Municipal Corporation as authorised by him in this behalf and in case of Municipal Council and Nagar Parishad the Chief Municipal Officer or any officer or servant of the relevant Municipal Council or Nagar Parishad as authorised by him in this behalf;
- (i) **“Prescribed Authority”** means committee of experts constituted by the State Government to approve assessed annual expenditure on Water Supply, Sewerage and Solid Waste management services;
- (j) **“Public Place”** means any such place open to the use and enjoyment of the public, whether actually used or enjoyed by the public or not;
- (k) **“Spot Fine”** means any fee imposed for any act as mentioned in Annexure “2” of these rules which shall be payable immediately;
- (l) **“Temporary Water Connection”** means connection given for temporary purpose;
- (m) **“Unauthorized Connection”** means any connection which has been taken from Water Supply System or Sewerage System without permission of the municipality and/or without payment of necessary fee or against the said prescribed provisions;
- (n) **“User”** means a person who uses services described in section 132-A of the Madhya Pradesh Municipal Corporation Act, 1956 and section 127- B of the Madhya Pradesh Municipalities Act, 1961;
- (o) **“User Charges”** means charges imposed under provisions of section 132-A of the Madhya Pradesh Municipal Corporation Act, 1956 and section 127-B of the Madhya Pradesh Municipalities Act, 1961 for 100% percent recovery of expenditure incurred on Water Supply, Sewerage and Solid Waste Management Services.
- (2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them generally or specifically under the Municipal Corporation Act, 1956, Madhya Pradesh Municipalities Act, 1961 and Central Government’s notified Solid Waste Management Rules, 2016 and Construction and Demolition Rules, 2016.
3. **Determination rates of User Charges for Water Supply, Sewerage and Solid Waste Management Services.**- Every Municipality shall determine rates of User Charges for Water Supply, Sewerage and Solid Waste Management Services under provisions of section 132-A of the Madhya Pradesh Municipal Corporation Act, 1956 and section 127-B of the Madhya Pradesh Municipalities Act, 1961 as per the following:-

- (i) based on the actual expenditure on the items mentioned in rule 4, audited by Local Fund Auditor or Chartered Accountant, the calculation of user charges for water supply services shall be done in such manner that annual expenditure incurred on water supply services can be recovered cent percent.
- (ii) based on the audited actual expenditure on the items mentioned in rule 5, the calculation of user charges for solid waste management shall be done in such manner that annual expenditure incurred on solid waste management system can be recovered cent percent.
- (iii) sewerage charges shall be minimum 60 percent of user charges for water supply services.
- (iv) user charges for Fecal Septage Management shall be minimum 40 percent of user charges for water supply services:

Provided that the rates of user charges for water supply, sewerage and solid waste management services determined by the municipality shall not be less than the minimum rate assessed to recover the annual expenditure approved by the prescribed authority:

Provided further that in relation to above, under special circumstances, the rates of user charges can be determined by the State Government by general or special order that will be binding:

Provided also that under provisions of clause (ii) of sub-section (2) of section 132-A of the Madhya Pradesh Municipal Corporation Act, 1956 and clause (ii) of sub-section (2) section 127-B of the Madhya Pradesh Municipalities Act, 1961, in addition to the user charges, municipality may levy certain percentage of property tax as additional charges:

Provided also that if as a result of application of these rules, the prevalent rates of user charges are increased more than double, then such excess increase shall be applied in phased manner during next three years in such manner that by the third year the annual expenditure incurred on the services as per sub-clause (i) and (ii) recovered cent percent.

Note: The calculation of user charges for water supply services shall be done as per example given in Annexure 1.

4. Items to be considered for determination of expenditure on operations and maintenance of Water supply and Sewerage services.-

Every municipality shall determine annual expenditure on operation and maintenance of water supply and sewerage services separately by considering following items:-

- (i) salary of Employees and other establishment related expenditure of concerned branch;
- (ii) electricity expenditure;
- (iii) expenditure on chemical treatment;
- (iv) cost of raw water;
- (v) annual expenditure on maintenance of STP, WTP, Intake well, Pump, Pipes, Overhead Tanks and ancillary machinery;
- (vi) expenditure on operation and maintenance of Tubewell;
- (vii) if the municipality has taken loan for operation and maintenance of services, then annual amount of repayment of loan;
- (viii) transportation expenditure;
- (ix) expenditure on operation and maintenance in case of public private partnership or outsourcing of services;
- (x) any other expenditure related to services.

5. Items to be considered for determination of expenditure on operation and maintenance of solid waste management services.-

Every municipality shall determine annual expenditure on operation and maintenance of solid waste management services separately by considering following items.-

- (i) salary of employees and other establishment related expenditure of concerned branch;
- (ii) electricity expenditure;
- (iii) expenditure on chemical treatment;
- (iv) if the municipality has taken loan for operation and maintenance of services, then annual amount of repayment of loan;
- (v) expenditure on maintenance of machinery;
- (vi) expenditure on collection of solid waste;
- (vii) expenditure on transportation of solid waste
- (viii) expenditure on segregation of solid waste;
- (ix) expenditure on disposal of solid waste;
- (x) expenditure on operation and maintenance in case of public private partnership or outsourcing of services;
- (xi) any other expenditure related to services.

- 6. Additional Fees and Surcharges.-** Every municipality shall levy following fees and surcharges in addition to the user charges determined under Rule 3-
- (i) registration fee;
 - (ii) security amount;
 - (iii) expenditure on Road cutting and restoration;
 - (iv) connection fee;
 - (v) disconnection fee;
 - (vi) Fee for meter security;
 - (vii) meter rent and maintenance charges;
 - (viii) meter testing fee;
 - (ix) surcharge on delayed payment of user charges;
 - (x) any other fee to be determined by the State Government:

Provided that the State Government may, by general or special orders, in relation to the above, can determine fee/charges which shall be binding.

- 7. Appointment, Duties and Powers of Prescribed Authority.-** The State Government under provisions of these rules, for approval of annual expenditure assessed by the municipality on the items mentioned in rule 4 and 5 for the purpose of calculating user charges, shall constitute a Prescribed Authority meaning a Committee consisting of five specialists as per the following:-

(1) Relating to Municipal Corporations – (At State Level)

- (i) Commissioner, Directorate of Urban Administration and Development or Officer nominated by him – Chairman
- (ii) Concerned Divisional Joint Director, Local Fund Auditor - Member
- (iii) Joint Director (Finance), Directorate of Urban Administration and Development - Member
- (iv) Commissioner, Concerned Municipal Corporation - Member
- (v) Engineer-in-Chief, Directorate of Urban Administration and Development - Member-Secretary

(2) Relating to Municipal Councils/Nagar Parishads:

- (i) Concerned Divisional Commissioner or Officer nominated by him – **Chairman**
- (ii) Concerned Divisional Joint Director, Local Fund Auditor – **Member**
- (iii) Joint Director (Finance), Directorate of Urban Administration and Development – **Member**
- (iv) Commissioner, Concerned Municipal Corporation – **Member**
- (v) Concerned Divisional Joint Director, Directorate of Urban Administration and Development – **Member-Secretary**

Information of assessed annual expenditure on items as mentioned in rule 4 and 5 for water supply, sewerage, and solid waste management services for the purpose of calculating user charges, shall be provided to the Committee at least 4 months before closure of the financial year by the Municipality.

The committee shall accord approval to the expenditure after examining the information provided by the municipality.

The committee may seek additional information from the municipality relating to expenditure on items mentioned in rule 4 and 5.

The committee shall approve the expenditure definitely within one month of receipt of above information from the Municipality by convening meeting as required, the responsibility of convening the meeting for necessary action within the fixed time frame shall lie with the member secretary.

The expenditure approved by the committee as above, shall be the final basis for calculation of user charges.

8. Categorization of Users.- The users shall be classified into following categories:

| Category | Description |
|----------|---------------------------------------|
| A | Residential Units |
| B | Non-Residential Units |
| C | Industrial Units |
| D | Government and Semi-Government Units: |

Provided that the municipality can further divide the above categories into sub- categories as per their requirement.

- 9. Adoption of Resolution by Municipality.-** Every municipality shall by a resolution, at the time of final adoption of the budget estimates for the next financial year, subject to such limitations and conditions, as may be prescribed by the State Government in this behalf, in accordance with these rules under section 132-A of the Municipal Corporation Act, 1956 in case of municipal corporations and section 127-B of the Municipalities Act, 1961 in case of Municipal Councils/Nagar Parishads, determine the category wise rates of user charges, other fees and surcharge related to services:

Provided that in any financial year rates of user charges/fees cannot be less than the previous year.

Provided further that in the year of coming into effect of these rules, the rates of user charges shall be determined under first proviso to rule 3.

- 10. Procedure in case of Resolution is not adopted.-** If in any year the municipality does not adopt the resolution under rule 9 till 31st March, then action shall be taken under rule 12 of the Madhya Pradesh Municipalities (Conduct of Business of the Mayor-in-Council/President-in-Council and Powers and Functions of the Authorities) Rules, 1998.
- 11. Publication of rates of user charges etc.-** On adoption of the resolution by the municipality under Rule 9, the rates shall be given adequate publicity for the awareness of the public by the Municipal Officer. The relevant information shall be published in at least two daily newspapers, displayed on the notice board of the municipality office, on website and other places.
- 12. Billing cycle and collection system of user charges.-**
- (1) Every municipality shall determine the billing cycle and collection system of user charges and announce system of deposit of user charges online or through any agency and bank branches.

- (2) In case any building or land has mixed use, the user charges for water supply shall be charged at the highest rate available for said connection.
- (3) The bill shall be raised by the municipality for the actual consumption of water registered by the meter. Municipality shall raise bills at the rates determined by it for unmetered connection.
- (4) The user shall be given a rebate for advance payment at the rate as determined by the municipality for that financial year, but the municipality can give such rebate only once in a financial year provided the amount of rebate shall not be in excess of one month's user charges.

13. Procedure for Water and Sewerage Connection.-

(1) Water Connection:

Permanent Connection

User shall submit application for permanent water connection online or in the concerned office in the prescribed format along with registration fee. The municipality after examining the application may sanction the connection and inform the applicant to deposit the amount as mentioned in rule 3 and 6. After deposit the said amount the connection shall be given as soon as possible and within the prescribed period.

Temporary Connection:

- (i) User shall submit application for temporary water connection online or in the concerned office in the prescribed format along with registration fee. The municipality after examining the application may sanction the connection and inform the applicant to deposit the amount as mentioned in rule 3 and 6. After deposit the said amount the connection shall be given as soon as possible and within the prescribed period.
- (ii) Temporary connection shall be given for a period not exceeding three months at a time, and may extended from time to time with payment of renewal fee upto a maximum period of one year.
- (iii) The applicant shall deposit one-time user charges and connection fee for temporary connection at the time of approval of the connection.
- (iv) The temporary connection shall be disconnected immediately after expiry of sanctioned period at the expense of the user.

- (2) **Sewerage Connection:** User shall submit application for sewerage connection online or in the concerned office in the prescribed format along with registration fee. The municipality after examining the application may sanction the connection and inform the applicant to deposit the amount as mentioned in rule 3 and 6. After deposit of the said amount the connection shall be given within the prescribed period.
- (3) **Sanction of Connection:** The decision on the application for water sewerage connection and process of providing connection by the municipality shall be completed within the time limit prescribed in Madhya Pradesh Lok Seva Guarantee Adhiniyam, 2010 (No. 24 of 2010) and other relevant provisions. The municipality shall inform the applicant within the prescribed time limit, in case the connection cannot be sanctioned due to technical or other reasons. The applicant can submit fresh application after removing the shortcomings if the grounds for rejections are other than technical.
- (4) **Regularization of unauthorized water connection:** On detecting any unauthorized water connection, the user shall be issued notice immediately by the municipality for regularization. Within three months of issuing notice, on the request of the user, the said connection if technically feasible, shall be regularized after deposit of connection fee that will be ten percent more than the prescribed fee:

Provided that even after issue of notice by the municipality if the user does not initiate process of regularization, then the water supply shall be disconnected by the municipality and six months user charges shall be imposed as penalty and recovery shall be initiated along with other actions under relevant provisions of the Act.

14. Provisions for Meters.-

- (1) As far as possible, the municipality shall ensure that meters are installed at every water connection and bills are raised based on actual consumption measured by the meter.
- (2) User shall be responsible for safety of water meter installed by the municipality. In case of theft of the meter or damage to the meter, municipality shall recover cost of meter from the user and shall install new meter on the expense of the user.
- (3) The meter shall be installed at a place from where reading can be taken easily.
- (4) In case it is not possible to take reading, then the amount shall be payable on average of three previous bills.

- (5) The testing of meter shall be carried out on advance payment of testing charges by the user. If the meter is found to be defective, the testing fee deposited shall be adjusted in the next bill.
- (6) During inspection, if meter is found to be non-working, the municipality shall have the right to charge average user charges for that period.

15. Spot fine on violation of SWM rules.-

- (1) On violation of or failure to comply with any of the provisions of SWM rules or these rules, minimum spot fine as mentioned in Annexure-2 to these rules, shall be payable by any person/ group/ organization/institution etc.
- (2) The municipal officer, with approval of the MIC/PIC shall designate an officer for imposing fine as mentioned in Annexure-2. The designated officer shall collect amount of spot fine under the rules.
- (3) In case spot fine is not paid on the spot as per Annexure- 2 necessary action shall be taken under relevant provisions of the Act.

16. Miscellaneous.-

In case of any doubt or difficulty in interpretation or execution of these rules, the matter shall be placed before the Municipal Officer, whose decision thereon shall be final in that matter.

Annexure-1

(See Rule 3)

Example of Determination of User Charges of Water Supply and Sewerage Services

: Procedure for determining rates of user charges for the financial year 2021-22

(1) User Charges for Volumetric Water Supply

A = Audited expenditure during financial year 2019-20 on all the relevant items mentioned in Rule 4 and duly approved by the Prescribed Authority.

B = Quantity of total water supplied (in kilolitres) to the metered connections by Municipality for the financial year 2019-20.

C = Per Kilolitre expenditure for the financial year 2019-20 = A/B

D = Per Kilolitre expenditure for the financial year 2020-21 = $C + 5\%$ of C

E = Per Kilolitre expenditure for the financial year 2021-22 = $D + 5\%$ of D

(2) User Charges for Non-Volumetric Water Supply

A = Audited expenditure during financial year 2019-20 on all the relevant items mentioned in Rule 4 and duly approved by the Prescribed Authority.

B = Total number of un-metered connections in the Municipality during the financial year 2019-20.

C = Per user annual expenditure for the financial year 2019-20 = A/B

D = Per user annual expenditure for the financial year 2020-21 = $C + 5\%$ of C

C

E = Per user expenditure for the financial year 2021-22 = $D + 5\%$ of D

Rates of User Charges for the year 2021-22

| Category | Description | Minimum Rates of User Charges | |
|----------|--------------------------------------|-------------------------------|-----------------|
| | | Volumetric (Per Kilolitre) | Fixed |
| A | Residential Units | Equal to E | Equal to E |
| B | Non-Residential Units | $E \times 1.50$ | $E \times 1.50$ |
| C | Industrial Units | $E \times 2.00$ | $E \times 2.00$ |
| D | Government and Semi Government Units | Equal to E | Equal to E |

* In case there are metered and un-metered connections in any municipality the calculation of user charges for the relevant consumers shall done separately as per 1 and 2 above.

Related to Bulk Connections: Rates of User Charges for bulk connections shall be determined by the Municipality by considering ferrule size and water supplied.

Annexure- 2
(see rule 15)
Spot Fine

| S. No. | Activity | Fine (for each violation in Rs.) | | | |
|--------|---|--------------------------------------|--------------------------------------|--------------------------------|--------------------------------|
| | | Municipal Corporations | | Municipal Councils | Nagar Parishad |
| | | With population of more than 10 Laes | With population of less than 10 Laes | | |
| 1 | Dumping of Solid waste, littering, spitting urinating in open, open defecation, burning of solid waste or any other activity that affects cleanliness of citizens or environmental health | 1000 | 500 | 200 | 100 |
| 2 | Non segregation of solid waste at the source, not handing over garbage to collector, throwing garbage in open, or burning of garbage by the bulk solid waste generator according to Solid Waste Management Rules, 2016 (Per day) | 1000 | 500 | 300 | 100 |
| 3 | Non segregation of solid waste at the source, not handing over garbage to collector, throwing garbage in open, or burning of garbage by other than bulk solid waste generator according to Solid Waste Management Rules, 2016 (Per day) | 500 | 200 | 100 | 50 |
| 4 | Dumping non bio-degradable solid waste, bio-medical waste, e-waste and sanitary waste in open or not handing over to collector. (Per Day) | 500 | 200 | 100 | 50 |
| 5 | Violation of non- standardized plastic banned under Plastic Waste Management Rules, 2016 | 500 | 250 | 200 | 200 |
| 6 | Dumping of Construction and Demolition Waste in the residential or commercial areas, public places or on roads in colonies within the city limits | 1000 and actual cost of removal | 500 and actual cost of removal | 300 and actual cost of removal | 200 and actual cost of removal |
| 7 | Dumping of fish, poultry, slaughter house by non-residential institution in open or community dumping ground. | 1500 | 1000 | 800 | 500 |
| 8 | On persons disposing animal excreta in open or not cleaning | 500 | 500 | 500 | 200 |
| 9 | Dumping of solid waste in City's scenic spots, parks, and tourists places by small shopkeeper and cart venders. | 500 | 300 | 250 | 100 |
| 13 | Interfering or damaging the water supply system | in addition to recovery of damages | | | |
| | | 1000 | 750 | 500 | 250 |
| 14 | Interfering or damaging the sewerage system | in addition to recovery of damages | | | |
| | | 1000 | 750 | 500 | 250 |

By order and in the name of the Governor of Madhya Pradesh,
RAJIV NIGAM, Dy. Secy.