The Uttar Pradesh Municipalities (Amendment) Act, 1964

Act 27 of 1964

Keyword(s):
U.P. Municipalities Act, 1916, Building, Master Plan

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 1964*

(U. P. Act No. XXVII of 1964)

[Authoritative English Text† of the Uttar Pradesh Municipalities (Sanshodhan) Adhiniyam, 1964]

AN

ACT

to amend the U. P. Municipalities Act, 1916, for certain purposes

WHEREAS it is expedient to amend the U. P. Municipalities Act, 1916, for certain purposes;

IT IS HEREBY enacted in the Fifteenth Year of the Republic of India as follows:—

1 (1) This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 1964.

(2) Sections 6 and 7 shall come into force on such date as the State Government may by notification in the Gazette appoint in this behalf, and the remaining sections shall come into force at once.

2. In section 2 of the U. P. Municipalities Act, 1916 (herein after called the Principal Act);

(1) for clause (2) the following shall be substituted:—

“(2) ‘Building’ means a house, out-house, stable, shed, hut or other enclosure or structure whether of masonry bricks, wood, mud, metal or any other material whatsoever, whether used as a human dwelling or otherwise, and includes any verandah, platform, plinth, staircase, doorstep, wall including compound wall other than a boundary wall of a garden or agricultural land not appurtenant to a house but does not include a tent or other such portable temporary shelter.”

*For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated March 12, 1964.

†(Passed in Hindi by the Uttar Pradesh Legislative Council on August 7, 1964 and by the Uttar Pradesh Legislative Assembly on September 9, 1964.)

†(Received the Assent of the President on November 12, 1964 under Article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated November 30, 1964.)

Price Re.0.40.]
(2) after clause (8) the following shall be added as a new clause (8-a):

"(8-a) ‘Master Plan’ means a comprehensive plan showing therein the existing and proposed location and general layout of:

(a) arterial streets and transportation lines;
(b) residential sections;
(c) business areas;
(d) industrial areas;
(e) educational institutions;
(f) public parks, playgrounds and other recreational places;
(g) public and semi-public buildings; and
(h) any other places put to any specified use."

(3) in clause (25) between the words “hire” and “or” the words “or for any other commercial purpose” and after the word “gardens” the words “not appurtenant to any dwelling house” shall be inserted.

Amendment of section 4 of U. P. Act II of 1916.

3. In sub-section (1) of section 4 of the Principal Act:

between the words “official Gazette” and “and cause to be affixed” the words “and in a paper, approved by it for purposes of publication of public notices, published in the district or, if there is no such paper in the district, in the division in which the local area covered by the notification is situate” shall be inserted.

Amendment of section 7 of U.P. Act II of 1916.

4. In sub-section (1) of section 7 of the principal Act

(1) after clause (b) the following shall be added as a new clause (bb):

"(bb) making a survey and erection of boundary marks, of the municipality;"

(2) after clause (d) the following shall be added as a new clause (dd):

"(dd) confinement, removal or destruction of stray dogs and dangerous animals;"

(3) in clause (g) between the word “dead” and the semicolon occurring thereafter the words “and making arrangements for the disposal of unclaimed dead bodies after ascertaining from the police in writing that there is no objection to do so” shall be inserted;

(4) after clause (h) the following shall be added, as a new clause (hh):

"(hh) reclaiming unhealthy localities;”;

(5) after clause (j) the following shall be added as a new clause (jj):—
“(jj) maintaining in addition to any other source of water supply, public wells, if any, in working condition guarding from pollution their water and keeping it fit for human consumption ;”;

(6) the existing clause (q) shall be substituted by the following:

“(q) protecting, maintaining and developing the property vested in, or entrusted to the management of the board ;”; and

(7) after clause (q) the following shall be added as a new clause (qq):

“(qq) maintaining the finances of the board in satisfactory condition and meeting its liabilities ;”.

5. In sub-section (1) of section 8 of Principal Act:

(1) the existing clauses (c), (f) and (h) shall be deleted;
(2) after clause (a) the following shall be added as new clause (aa):

“(aa) preparing and executing Master Plan ;”;
(3) after clause (e) the following shall be added as a new clause (ee):

“(ee) granting rewards for information leading to the detection of evasion of tax imposed under this Act, or the detection of the causing of injury to or encroachment on property vested in, or entrusted to the management and control of the board ;”.

(4) after clause (k) the following shall be added as a new clause (kk):

“(kk) promoting tourist traffic ;”; and

(5) the existing clause (mm) shall be substituted by the following:

“(mm) removing social disabilities of scheduled castes and backward classes in such manner as may be prescribed.”

6. In clause (b) of section 9 of the Principal Act, for the figures “15” and “50” the figures “10” and “40” respectively shall be substituted.

7. In section 10-A of the Principal Act, for the words “four years” the words “five years” shall be substituted.

8. In section 13-D of the Principal Act—

(1) for clause (a) the following shall be substituted:

“(a) is a dismissed servant of a local authority, the Central Government or the Government of a State or Union Territory, and is debarred from re-employment thereunder ; or”;

Amendment of section 8 of U. P. Act II of 1916.

Amendment of section 9 of U. P. Act II of 1916.


(2) clause (e) shall be deleted;

(3) in clause (h) between the word "leprosy" and the semi-colon occurring thereafter, the words "or any such infectious disease as may be specified by the State Government by order" shall be inserted;

(4) after clause (i) the following shall be inserted as a new clause (ii):

"(ii) has been convicted of any offence punishable with imprisonment under section 171-E or an offence punishable under section 171-E of the Indian Penal Code, 1860; or";

(5) for clause (j) the following shall be substituted:

"(j) has been sentenced to imprisonment for contravention of any order under the Essential Commodities Act, 1955, or the U. P. Control of Supplies (Temporary Powers) Act, 1947, as re-enacted by the U. P. Control of Supplies (Temporary Powers) Act, 1953, or the Prevention of Food Adulteration Act, 1954, or for an offence which is declared by the State Government to involve such moral turpitude as to render him unfit to be a member, or has been ordered to execute a bond for good behaviour in consequence of proceedings under section 109 or 110 of the Code of Criminal Procedure, 1898, such sentence or order not having been subsequently reversed;"; and

(6) for the "full-stop" occurring at the end of the second proviso a colon shall be substituted and thereafter the following shall be added as third proviso:

"Provided also that in case of (j)—

(i) the disqualification shall cease on the expiry of five years from the date of his release or from the date of the expiry of the period for which he is required to execute a bond for good behaviour, as the case may be; and

(ii) the disqualification shall not, in the case of a person who is, on the date of the disqualification, a member of the board, take effect until three months have elapsed from the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of conviction or order until that appeal or petition is disposed of."

9. For the existing sections 20, 21 and 22 of the Principal Act, the following shall be substituted:

"20. (1) An election petition shall be presented within 30 days after the day on which the result of the election sought to be questioned is announced by the Returning Officer, and shall specify the ground or grounds on which the election of the respondent is questioned and shall contain a concise statement of the material facts
on which the petitioner relies and set forth the full particulars of any corrupt practices that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practices and the date and place of the commission of each such practice.

(2) The petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

(3) The petition may be presented by any candidate in whose favour votes have been recorded and who claims in the petition to be declared elected in the room of the person whose election is questioned or by ten or more electors of the municipality or by a person who claims that his nomination paper was improperly rejected.

(4) The person whose election is questioned and, where the petitioner claims that any other candidate should be declared elected in the room of such person, every unsuccessful candidate who is not a petitioner in the petition shall be made a respondent to the petition.

(5) The petition shall be presented to the District Judges, or in district where there is no headquarters of the District Judge, to the Civil Judge, within whose jurisdiction the municipality to which the election petition relates is situate:

Provided that the petition shall not be entertained by the District Judge or the Civil Judge, as the case may be, unless it is accompanied by a treasury challan showing that the prescribed security has been deposited.

21. (1) Where in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such other candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party shall not be entitled to give such evidence unless he has within twenty-one days from the date of the service upon him of the notice of the election petition, given notice to the election tribunal of his intention to do so and has also deposited the security prescribed in the case of an election petition questioning the election of a member.

(2) Every notice referred to in sub-section (1) shall be accompanied by a settlement of ground or grounds and of material facts and full particulars required by section 20 in the case of an election petition and shall be signed and verified in like manner.
22. (1) An election petition not complying with the provisions of section 20 or upon which the requisite court-fee has not been paid at the time of presentation or within such further time not exceeding fourteen days is the District Judge or the Civil Judge, as the case may be may have granted, shall be rejected by such Judge.

(2) An election petition not rejected under sub-section (1) shall be heard by a Tribunal consisting of a District Judge or an Additional District Judge appointed by the Director of Elections (Local Bodies) in this behalf.

(3) The petition shall be heard at a place in the district within which the municipality to which the election petition relates is situate.

(4) If for any reason a vacancy occurs in the office of a member of Tribunal and the Director of Elections (Local Bodies) appoints any other District Judge or Additional District Judge to fill the vacancy, the trial of the petition shall be continued by the Judge so appointed as if he had been on the Tribunal from the beginning:

Provided that the Tribunal may, if it thinks fit, recall and re-examine any of the witnesses already examined.

10. After section 23 of the Principal Act the following shall be added as a new section:

"23-A. The Director of Elections (Local Bodies) may at any stage, after notice to parties and for reasons to be recorded, withdraw any petition pending before the Tribunal and transfer it for trial to another Tribunal constituted in accordance with the provisions of section 22; and upon such transfer that Tribunal shall proceed with the trial from the stage at which it was withdrawn:

Provided that it may, if it thinks fit, recall and re-examine any of the witnesses already examined."

11. In section 30 of the Principal Act for the words "persists in making" the words "has made a wilful" and for the words "is exceeding or abusing" the words "has exceeded or abused" shall be substituted.

12. In sub-section (1-B) of section 34 of the Principal Act, between the words "public interest" and the comma occurring thereafter, the words "or has been passed or made in abuse of powers or in flagrant breach of any provision of any law for the time being in force" shall be inserted.

13. The full-stop at the end of sub-section (1) of section 35 in the Principal Act shall be deleted and the following words shall be added:

"or the carrying out of that order or direction."
14. In sub-section (1) of section 36 of the Principal Act, for the words “for the safety or protection of the public” the words “for the safety, protection or convenience of the public” shall be substituted.

15. In section 40 of the Principal Act:

(1) In sub-section (1)—

(i) in clause (c), for the words “share or interest”, the words “share or interest, whether pecuniary or of any other nature” shall be substituted;

(ii) in clause (d), for the words “personal interest” the words “personal interest, whether pecuniary or of any other nature” shall be substituted, and the word “or” occurring at the end of this clause shall be omitted;

(iii) for clauses (e) and (f) the following shall be substituted:

“(e) that he being a legal practitioner has during the term of his membership acted or appeared in any suit or other proceeding on behalf of any person against the board or against the State Government in respect of Nazul land entrusted to the management of the board or acted or appeared for or on behalf of any person against whom a criminal proceeding has been instituted by or on behalf of the board;

(f) that he has abandoned his ordinary place of residence in or has voluntarily or otherwise transferred his residence from the municipal area concerned, unless the member himself resigns his seat within three months of such abandonment or transfer;”;

(iv) after clause (f) the following clauses shall be inserted:

“(g) that he has been guilty of persistent misbehaviour or disorderly conduct at meetings of the board and a complaint to that effect is made to the State Government by the President or any other member; or

(h) that he has been guilty of any other misconduct as a member.”

(2) in sub-section (2) between the words “reinstate the member” and the full-stop following them, the words “or substitute an order under sub-section (6)” shall be inserted;

(3) for sub-section (3), the following shall be substituted:

“(3) The State Government may remove from the board a member who, in its opinion, has during the current or the last preceding term of the board so flagrantly abused his position as a member or being a member, wilfully contravened any of the provisions of
this Act or any rule, regulation or bye-law or caused such loss or damage to the fund or property of the board, as to render him unfit to continue as a member;”;

(4) the existing sub-section (5) shall be substituted by the following:—

“(5) The State Government may place under suspension a member who is called upon to show cause in respect of any matter referred to in sub-section (3) or against whom prosecution for an offence, which in the opinion of the State Government involves moral turpitude, is commenced, until the conclusion of the inquiry or the prosecution, as the case may be, and any member who has been so suspended shall not, so long as the order of suspension continues to remain in force, be entitled to take part in any proceedings of the board or otherwise perform the duties of a member:

Provided that notwithstanding an order of suspension under this sub-section, he shall be deemed to continue as a member for purposes of section 87-A and shall be entitled to take part in the proceedings of a meeting convened under that section.”; and

(5) after sub-section (5) the following new sub-section shall be inserted:—

“(6) Without prejudice to any of the foregoing powers the State Government or the Prescribed Authority, as the case may be, may, on any of the grounds referred to in sub-section (1), instead of removing the member, give him a warning or place him under suspension for a specified term not exceeding three months at a time, and any member who has been so suspended shall not, as long as the order of suspension continues to remain in force, be entitled to take part in any proceedings of the board or otherwise perform the duties of a member.

Explanation—The power of administering warning or placing a member under suspension under sub-section (6) may be exercised either by the State Government or the Prescribed Authority, as the case may be, while dealing with the matter originally under sub-section (1) or sub-section (3) or by the State Government on appeal under sub-section (2).”

16. In sub-section (3) of section 41 of the Principal Act the word “four” shall be substituted by the word “five”.

17. In section 43-B of the Principal Act:—

(1) for sub-sections (3), (4) and (5) the following shall be substituted:—

“(3) An election petition shall be presented to the District Judge, or in a district where there is no headquarters of the District Judge, to the Civil Judge,
within whose jurisdiction the municipality to which
the election Petition relates is situate:

Provided that the Petition shall not be entertained
by such Judge unless it is accompanied by a
treasury challan showing that the amount of security
prescribed by order under section 43-C has been
deposited.

(4) An election Petition not presented within the time
or in the manner prescribed by order under section
43-C or upon which the requisite court-fee has not
been paid at the time of the presentation or within
such further time not exceeding 14 days, as the District
Judge, or the Civil Judge, as the case may be, may
have granted, shall be rejected by such Judge.

(5) An election Petition not rejected under sub-
section (4) shall be heard by a Tribunal consisting of
a District Judge or an Additional District Judge
appointed by the Director of Elections (Local Bodies)
in this behalf"; and

(2) after sub-section (5) the following shall be added
as new sub-sections:

"(6) If for any reason, a vacancy occurs in the
office of a member of a Tribunal and another District
Judge or Additional District Judge is appointed by
the Director of Elections (Local Bodies) to fill the
vacancy, the trial of the Petition shall be continued
as if he had been on the Tribunal from the beginning:

Provided that the Tribunal may, if it thinks fit, recall and re-examine any of the witnesses already examined.

(7) The Director of Elections (Local Bodies) may
at any stage, after notice to parties and for reasons
to be recorded, withdraw any petition pending before
a Tribunal and transfer it for trial to another Tribunal
constituted in accordance with sub-section (5); and
upon such transfer that Tribunal shall proceed with
the trial from the stage at which it was withdrawn:

Provided that it may, if it thinks fit, recall and re-examine any of the witnesses already examined."

18. After section 43-C of the Principal Act the following
shall be added as a new section 43-D:

"43-D. (1) The President and every member of a board
shall, before taking his seat, make and subscribe at a meeting of the board an
oath or affirmation of his allegiance to the
Constitution in the following form:

"I, A. B., having been elected a member/President
of this board do swear in the name of God/solemnly
affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, and that I will faithfully and conscientiously discharge the duties upon which I am about to enter."

(2) The President or the member who fails to make within three months of the date on which his term of office commences or at any one of the first three meetings of the board held after the said date, whichever is later, unless this period is extended by the District Magistrate, the oath or affirmation laid down in and required to be taken by sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person required under sub-section (1) to make an oath or affirmation shall not take his seat at a meeting of the board or do any act as a member or President of the board unless he has made and subscribed an oath or affirmation as laid down under sub-section (1).

(4) As soon as may be after the constitution of the board, the District Magistrate shall convene a meeting of the board for the administration of oath or affirmation under this section in the manner prescribed and such meeting shall be presided over by the District Magistrate or in his absence, by a Deputy Collector nominated by him in his behalf.

(5) The Executive Officer shall, as soon as may be, report to the District Magistrate the name of the President or member, if any, who ceases to hold his office under sub-section (2)."

19. In section 47-A of the Principal Act——

(1) In clause (a) of sub-section (1) for the word “sending” the word “receipt” shall be substituted, and for the word “dissolve” the word “supersede” shall be substituted;

(2) for clause (b) of sub-section (1) the following shall be substituted:

"(b) unless he resigns under clause (a), cease to hold office of President on the expiry of three days after the date of receipt of such communication, and thereupon a casual vacancy shall be deemed to have occurred in the office of the President within the meaning of section 44-A:

Provided that if a representation has been made in accordance with clause (a) the board shall not elect a President until an order has been made by the State Government under sub-section (3)."
(3) sub-section (2) shall be deleted;

(4) in sub-section (3) for the words "either ask the President to resign or dissolve the Board including the President" the following shall be substituted:—

"either supersede the board for such period, not exceeding the remainder of the term of the board, as may be specified, or reject the representation."

(5) sub-sections (4) and (5) shall be deleted;

(6) for sub-section (6) the following shall be substituted:—

"(6) If the State Government supersedes the board under sub-section (3) the consequences mentioned in section 31 shall follow as if there had been a supersession under section 30."

20. In section 48 of the Principal Act—

(1) for the existing sub-section (2) the following shall be substituted:—

"(2) Where the State Government has, at any time, reason to believe that—

(a) there has been a failure on the part of the President in performing his duties, or

(b) the President has—

(i) incurred any of the disqualifications mentioned in sections 12-D and 43-AA; or

(ii) within the meaning of section 82 knowingly acquired or continued to have, directly or indirectly, or by a partner, any share or interest, whether pecuniary or of any other nature, in any contract or employment with, by or on behalf of the board; or

(iii) knowingly acted as a President or as a member in a matter other than a matter referred to in clauses (a) to (g) of sub-section (2) of section 82, in which he has, directly or indirectly, or by a partner, any share or interest, whether pecuniary or of any other nature, or in which he was professionally interested on behalf of a client, principal or other person; or

(iv) being a legal practitioner acted or appeared in any suit or other proceeding on behalf of any person against the board or against the State Government in respect of nazul land entrusted to the management of the board, or acted or appeared for or on
behalf of any person against whom a criminal proceeding has been instituted by or on behalf of the board; or

(v) abandoned his ordinary place of residence in the municipal area concerned; or

(vi) been guilty of misconduct in the discharge of his duties; or

(vii) during the current or the last preceding term of the board so flagrantly abused his position as President of the board, or, being a President or member, willfully contravened any of the provisions of this Act or any rule, regulation or bye-law, or caused such loss or damage to the municipal fund or to property vested in, or entrusted to the management and control of, the board, as to render him unfit to continue to be President; or

(viii) been guilty of any other misconduct whether as President or as a member;

it may call upon him to show cause within the time to be specified in the notice why he should not be removed from office.”;

(2) after sub-section (2) the following new sub-sections shall be added:

“(2-A) After considering any explanation that may be offered by the President and making such enquiry as it may consider necessary, the State Government may, for reasons to be recorded in writing, remove the President from his office:

Provided that in a case where the State Government has issued notice in respect of any ground mentioned in clause (a) or sub-clause (ii), (iii), (iv), (vi), (vii) or (viii) of clause (b) of sub-section (2) it may instead of removing him give him a warning.

(2-B) An order passed by the State Government under sub-section (2-A) shall be final and shall not be questioned in any court.”; and

(3) for the existing sub-sections (3) and (4), the following shall be substituted:

“(3) The State Government may place under suspension a President who is called upon to show cause in respect of any ground mentioned in clause (a) or sub-clause (vi), (vii) or (viii) of clause (b) of sub-section (2) or against whom a prosecution for an
offence which in the opinion of the State Government involves moral turpitude, is commenced until the conclusion of the enquiry or the prosecution, as the case may be, and where a President has been so suspended he shall not, for so long as the order of suspension continues, be entitled—

(a) to exercise the powers or perform the duties of a President conferred or imposed upon him by or under this Act or any other enactment for the time being in force, or

(b) to take part in any proceedings of the board.

(4) A President removed under sub-section (2-A) shall also cease to be a member of the board and in case of removal on any of the grounds mentioned in clause (a) or sub-clause (vi), (vii) or (viii) of clause (b) of sub-section (2), shall not be eligible for re-election as President or member for a period of five years from the date of his removal.”

21. In section 50 of the Principal Act, between the words "the board and" and "not otherwise", a comma and thereafter the following words shall be inserted:—

“subjects to the provisions of sections 53 and 53-A,”.

22. In section 54-A of the Principal Act, for sub-section (1) the following shall be substituted:—

“(1) Where a person on being elected President fails to function or refuses to function, or is otherwise not able to function, or a casual vacancy occurs in the office of the President within the meaning of section 44-A, and no Vice-President has been elected in accordance with this Act, or there is no Vice-President otherwise able to function, the powers and functions of the President shall, until a President or Vice-President is able to function, be exercised and performed by the District Magistrate or by a gazetted officer not below the rank of a Deputy Collector appointed by the District Magistrate in this behalf.”

23. After sub-section (2) of section 55 of the Principal Act the following shall be added as a new sub-section (3):—

“(3) The provisions of section 48 shall apply mutatis mutandis to the Vice-President in respect of the performance of any duty or exercise of any powers under this section.”
Provided that when the period of vacancy which initially did not exceed two months is subsequently extended due to unforeseen circumstances the appointment made by the President may continue subject to the approval of the State Government."

(2) for the existing sub-section (3) the following shall be substituted:

"(3) The salaries and conditions of service pertaining to such appointments shall be such as may be prescribed, and the provisions of section 58, with such modifications as may be prescribed, shall apply to persons so appointed."

27. In section 60 of the Principal Act—

(i) between the figures "57" and the word "or" a comma and thereafter the figures "59" shall be inserted; and

(ii) between the word "and" and the words "not otherwise" a comma and thereafter the words "subject to the provisions of section 62", shall be inserted; and

(2) in sub-section (2) the words "save as provided in section 73" shall be deleted and the word "all" shall be substituted by the word "All".

28. In section 60-B of the Principal Act—

(1) between the words "Waterworks Departments" and "shall exercise", the words "and of Municipal Museum" shall be inserted;

(2) between the words "their departments" and the comma following thereafter, the words "or museum" shall be inserted.

29. In section 62 of the Principal Act—

(1) sub-section (1) shall be substituted by the following:

"(1) With the sanction of the President, an Executive Officer or a Medical Officer of Health may empower, by general or special order, any servant of the board to exercise, under his control, any power, other than a power delegated to him under clause (f) of sub-section (1) of section 60 conferred on him by or under this Act.";

(2) the fullstop at the end of sub-section (3) shall be substituted by a comma and thereafter the words "as the case may be" shall be added.

30. In section 65 of the Principal Act, the words "and to obtain the approval of the State Government to such appointment" shall be deleted.
31. For the existing sub-section (2) of section 66 in the Principal Act the following shall be substituted:

“(2) Each such appointment shall be subject to prior approval of the Prescribed Authority and the salaries and other conditions of service of the persons so appointed shall be such as may be prescribed.”

32. After section 66 of the Principal Act the following shall be added as a new section 66-A:

“66-A. (1) During the absence on leave, or other temporary vacancy in the office of a Secretary appointed under section 66, if the period of such leave or vacancy does not exceed two months, the President may appoint a person to act as Secretary, and if the period exceeds two months an appointment shall be made by the board in accordance with the provisions of section 66.

(2) When the period of vacancy in which appointment has been made under the first part of sub-section (2) is subsequently extended beyond two months due to unforeseen circumstances the appointment made by the President may continue subject to the approval of the State Government.

(3) Every person so appointed may exercise the powers and shall perform the duties conferred or imposed by or under this or any other enactment on the person for whom he is appointed to act.

(4) The salary and other conditions of service of a person appointed under sub-section (1) shall be such as may be prescribed.”

33. For section 67 of the Principal Act the following shall be substituted:

“67. A board may dismiss, remove or otherwise punish any Secretary appointed under section 66 or section 66-A, by special resolution supported by not less than two-thirds of the members constituting the board, subject to this right of appeal to such authority within such time and in such manner, as may be prescribed:

Provided that the board shall, in dismissing, removing or otherwise punishing the Secretary follow the procedure that may be prescribed in this behalf.”

34. For section 68 of the Principal Act the following shall be substituted:

“68. (1) A board may, and if so required by the State Government, shall, by special resolution, appoint the principal officers of its technical departments such as Civil Engineer, Assistant Civil Engineer, Electrical Engineer, Assistant Electrical Engineer, Waterworks Engineer, Assistant Waterworks Engineer, Electrical and Waterworks Engineer, Assistant Electrical and Waterworks Engineer or Overseer and also Secretary where there is already an Executive Officer, and Superintendent or Lady Superintendent of Education.”
(2) During the absence on leave, or other temporary vacancy in the office of any of the officers mentioned in sub-section (1), if the period of such leave or vacancy does not exceed two months, the President may appoint a person to act in such office; if the period exceeds two months an appointment shall be made by the board in accordance with the provisions of sub-section (1).

(3) When the period of vacancy in which appointment has been made under the first part of sub-section (2) is subsequently extended beyond two months due to unforeseen circumstances, the appointment made by the President may continue subject to the approval of the State Government.

(4) Every person appointed under sub-section (2) may exercise the powers and shall perform the duties conferred or imposed by or under this or any other enactment on the person for whom he is appointed to act.

(5) Each appointment made under sub-section (1) or the second part of sub-section (2) shall be subject to the prior approval of the State Government.

(6) The salary and other conditions of service of a person appointed under this section shall be such as may be prescribed.”

35. In section 69 of the Principal Act—
(1) the existing sub-section (1) shall be substituted by the following:

“(1) A board may, by special resolution, dismiss, remove or otherwise punish any officer appointed under section 68 or the proviso to sub-section (2) of section 57, subject to the conditions provided in section 58 in respect of the dismissal, removal or other punishment of an Executive Officer.”;

(2) sub-section (2) shall be deleted.

36. In section 69-A of the Principal Act—
(1) in sub-section (1)—

(i) between the words and figures “under section 68” and the comma following them the words and figures “or the proviso to sub-section (2) of section 57” shall be inserted;

(ii) the fullstop at the end shall be deleted and thereafter the following shall be added:

“and the passing of the final order by the Prescribed Authority or the board, as the case may be, under sub-section (4).”;

(2) for the existing sub-section (2) the following shall be substituted:

“(2) Whenever the President takes action under sub-section (1), he shall within a week inform the Prescribed Authority and also forward to it a copy of the charges,
and in case an order of suspension has been passed, the President shall also forward to the Prescribed Authority the material forming the basis of the charges.”;

(3) after sub-section (2) so substituted the following new sub-section shall be inserted—

“(2-A) The order of suspension under sub-section (1) may at any time be revoked or modified by the Prescribed Authority.”;

(4) for the existing sub-sections (4) and (5) the following shall be substituted:—

“(4) After the enquiry is completed, the President shall submit the record with his recommendations to the Prescribed Authority or to the board, as he may consider fit. The Prescribed Authority or the board, as the case may be, shall thereupon, notwithstanding anything contained in sub-section (1) of section 58 of section 67 or section 69, proceed to consider the report and may, after such further inquiry as it may deem necessary, dismiss, remove or otherwise punish or exonerate the Executive Officer or Secretary or other officer as the case may be:

Provided that the board shall act under this subsection through a special resolution supported by not less than two-thirds of the members constituting the board.

(5) An appeal against an order of dismissal, removal or other punishment passed under sub-section (4) by the President Authority or the board, shall lie to the State Government within such time and in such manner as may be prescribed.”

37. After section 69-A of the Principal Act the following shall be added as a new section 69-B:—

“69-B. (1) Notwithstanding anything contained in sections 57, 59, 65, 66, 66-A, 68 and 74 the State Government may at any time by rules provide for the creation of one or more services of such officers and servants as the State Government may deem fit common to all or some municipal boards or to the municipal boards and Mahapalikas of the State and prescribe the methods of recruitment and conditions of service of persons appointed to any such service.

(2) When any such service is created, officers and servants serving on the posts included in the service may, if found suitable, be absorbed in the prescribed manner in the service and thereupon the provisions of sections 58, 67, 69, 69-A, and 74, as the case may be, shall cease to apply to such officers and servants”.

38. In section 71 of the Principal Act—

(1) *between* the words “by” and “resolution” the word “special” shall be *inserted*.

(2) *for* the words “the salaries to be paid to them respectively” the words “their qualifications and conditions of service” shall be *substituted*.

39. In section 72 of the Principal Act, *between* the words “a board” and the words “may appoint” a comma and thereafter the words “President or Executive Officer, as the case may be,” shall be *inserted*.

40. In section 73 of the Principal Act—

(1) In sub-section (1), *for* the words “the Chairman, Education Committee, or such other” the word “such” shall be *substituted* ;

(2) in sub-section (2) the word “dismissal”. and the comma following it shall be *deleted*.

41. *For* the existing section 74 of the Principal Act the following shall be *substituted* :—

“74. Subject to any provisions to the contrary contained in sections 57 to 73, servants on or drawing a monthly salary exceeding Rs.50 or in a city Rs.75 shall be appointed and may be dismissed removed or otherwise punished, or the services of a probationer may be terminated, by the President, subject to the right of appeal, except in the case of the termination of the service of a probationer, to such authority within such time and in such manner as may be prescribed :—

Provided that an appointment on a monthly salary of Rs.250 or over in the case of cities and Rs.100 or over in other cases shall be subject to approval of the board.”

42. *For* section 76 of the Principal Act the following shall be *substituted* :—

“76. Except as otherwise provided, the Executive Officer, and where there is no Executive Officer, the President may dismiss, remove or otherwise punish servants of the board, or terminate the services of probationers, on or drawing a monthly salary not exceeding Rs.50 or in a city Rs.75 subject to their right of appeal, except in the case of the termination of the service of a probationer, to such authority within such time and in such manner as may be prescribed.”

43. In clause (b) of sub-section (1) of section 77 of the Principal Act, *between* the word “dismissal” and the words “of persons so appointed” a comma and thereafter the words “removal or other punishment or discharge or termination of service” shall be *inserted*. 

---

*Amendment of section 71 of U.P. Act II of 1916.*

*Amendment of section 72 of U.P. Act II of 1916.*

*Amendment of section 73 of U.P. Act II of 1916.*

*Amendment of section 74 of U.P. Act II of 1916.*

*Amendment of section 76 of U.P. Act II of 1916.*

*Amendment of section 77 of U.P. Act II of 1916.*
44. After the existing section 77 of the Principal Act, the following shall be added as new sections 77-A and 77-B:—

"77-A. The appellate authority to which an appeal against an order of dismissal, removal or other punishment is preferred under this Act or the rules may—

(a) set aside, reduce or confirm the penalty; or

(b) remit the case to the authority which imposed the penalty with such directions as it may deem fit.

77-B. (1) The authority competent to punish an officer or servant of the board may place him under suspension—

(a) where a disciplinary proceeding against him is contemplated or pending, or

(b) where a criminal case against him in respect of an offence involving moral turpitude is under investigation, enquiry or trial.

(2) Where a penalty of dismissal or removal imposed upon an officer or servant of the board is set aside in appeal under this Act or the rules and the case is remitted for further enquiry or action or with any other directions, the officer or servant shall be deemed to have been placed or continued under suspension on and from the date of the original order or dismissal or removal.

(3) Where a penalty of dismissal or removal imposed upon an officer or servant of the board is set aside or declared or rendered void in consequence of or by a decision of a Court of law, and the punishing authority, on a consideration of the circumstances of the case decides to hold a further enquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the officer or servant shall be deemed to have been placed or continued under suspension by the punishing authority on and from the date of the original order of dismissal or removal.

(4) An order of suspension made or deemed to have been made under this section may at any time be revoked by the authority which made or is deemed to have made the order or by the appellate authority.

(5) A board shall act under this section by a special resolution supported by not less than two-thirds of the members constituting the board.

(6) An Officer or servant is placed, or is deemed to have been placed under suspension shall during the period of such suspension be entitled to receive, instead of salary, such subsistence allowance as may be prescribed."
45. For the existing section 81 of the Principal Act, the following shall be substituted:

"81. (1) The President and every Vice-President, member, officer and servant of the board shall be liable to surcharge for the loss, waste or misapplication of any money or property of the board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while acting as such President, Vice-President, member, officer or servant.

(2) The procedure of surcharge and the manner of the recovery of the amount involved in loss, waste or misapplication shall be such as may be prescribed.

(3) Where no surcharge proceedings are taken, the board, with the previous sanction of, or on being directed by, the Prescribed Authority, may institute a suit for compensation against such person."

46. In section 82 of the Principal Act, for the words "share or interest" wherever occurring the words "share or interest, whether pecuniary or of any other nature", shall be substituted.

47. In section 83 of the Principal Act, for the words "share or interest", wherever occurring, the words "share or interest, whether pecuniary or of any other nature" shall be substituted.

48. In section 86 of the Principal Act—

(1) in sub-section (2) for the words "one month" the word "fifteen days" shall be substituted and the fullstop at the end shall be substituted by a colon, and thereafter the following shall be added:

"Provided that the President may, for reasons to be recorded, postpone a meeting, other than a meeting convened on the requisition of members as above, by giving such notice as may be provided by regulation in this behalf."

(2) after sub-section (4) the following shall be added as a new sub-section (5):

"(5) The President shall report to the District Magistrate the name of any member who has, without obtaining sanction from the board, absented himself from the meetings of the board for more than three consecutive months or three consecutive meetings, whichever is the longer period."

49. In section 87-A of the Principal Act—

(1) at the end of sub-section (11) for the fullstop, a colon shall be substituted and the following shall be added as a proviso thereto:

"Provided that if the President refuses or avoids to take delivery of the copies so forwarded, the same shall be affixed at the outer door of his last known residence and he shall be deemed to have received the same at the time such affixation is made."
(2) in sub-section (13), between the word "quorum" and the comma occurring thereafter the words "which shall be not less than one-half of the total number of members of the board for the time being" shall be inserted.

Amendment of section 94 of U.P. Act II of 1916.

50. In section 94 of the Principal Act—

(1) after sub-section (1) the following new sub-section shall be added:—

"(1-A) The Executive Officer or where there is no Executive Officer the Secretary of the board shall maintain a register of attendance of members and every member shall sign it before taking his seat at any meeting of the board.";

(2) for sub-section (2) the following shall be substituted:—

"(2) The minutes shall be read out at the meeting or the next ensuing meeting and, unless objected to by a majority of such of the members if any, present at the reading as were also present at the proceedings recorded in such minutes, shall be certified as passed by the signature, of the President of the meeting at which they are read;"; and

(3) in sub-section (3), for the words "be published in a local paper published in Hindi and where there is no such local paper, in such manner as the State Government by general or special order direct," the words "be published in Hindi in any paper approved by the State Government for purposes of publication of public notices, published in the district, or if there is no such paper in the district, in the division, in which the municipality concerned is situated and where there is no such paper, be posted up on the notice boards of the Municipal Office and Collectorate Office for three consecutive days" shall be substituted.

Amendment of section 96 of U.P. Act II of 1916.

51. In section 96 of the Principal Act—

(1) in clause (b) of sub-section (1) for the words "one thousand" and "two hundred and fifty" the words "two thousand" and "five hundred" respectively shall be substituted;

(2) at the end of sub-section (2) the following shall be added:—

"Provided that the contracts sanctioned by a committee, officer or servant shall be placed before the board for information at the next ensuing meeting.";

(3) in sub-section (3), for the words "Provided that, where" the word "Where" shall be substituted and after the word and comma "description," the words "other than a contract of either description specified in sub-section (1)" shall be inserted.


52. After sub-section (2) of section 109 of the Principal Act, the following shall be added as a new sub-section (3):—

"(3) The board may, for reasons to be recorded, vary or over-ride any decision of the committee."
53. For sub-section (1) of section 115 of the Principal Act, the following shall be substituted:

"(1) The municipal fund shall be kept in the Government treasury or sub-treasury or in the State Bank of India or, with the previous sanction of the State Government, in the U. P. Co-operative Bank or in a scheduled bank."

54. In clause (d) of section 116 of the Principal Act between the word and comma "dung," and the word "ashes" the word "night-soil" and a comma thereafter shall be inserted.

55. In section 128 of the Principal Act—

(1) in sub-section (1)—

(i) after clause (iii) the following shall be added as new clause (iii-a):

"(iii-a) a theatre-tax, which means a tax on amusements or entertainments;"

(ii) after clause (x) the following shall be added as new clause (x-a):

"(x-a) a drainage tax on the annual value of buildings leviable on such buildings as are situated within a distance, to be fixed by Rule in this behalf for each municipality, from the nearest sewer line;"

(iii) for clause (xii) the following shall be substituted:

"(xii) a conservancy tax for the collection, removal and disposal of excrementitious and polluted matter from privies, urinals, and cesspools;"

(iv) after clause (xiii) the following shall be added as a new clause (xiii-B):

"(xiii-B) A tax on deeds of transfer of immovable property situated within the limits of the municipality;"

(2) in the first paragraph of sub-section (2) for the fullstop occurring at the end a comma shall be substituted and thereafter the following shall be added:

"nor shall the taxes under clause (x-a) and (xii) of sub-section (1) be levied at the same time:

Provided further that no tax under clause (xii-B) of sub-section (1) shall be levied on deeds of transfer of immovable property situated within such area of the municipality as forms part of the local area of any Improvement Trust created under section 3 of the U. P. Town Improvement Act, 1919."
56. After section 128 of the Principal Act, the following shall be added as a new section—

"128-A. (1) Where a board has imposed a tax referred to in clause (xiii-B) of sub-section (1) of section 128, the duty imposed by the Indian Stamp Act, 1899 on any deed of transfer of immoveable property, shall, in the case of immoveable property situated within the limits of such municipality, be increased by two per cent on the value of the property transferred or in the case of usufructuary mortgage on the amount secured by the instrument:

Provided that the board may by a special resolution with the approval of the State Government raise the aforementioned percentage of the increase in stamp duty up to five.

(2) All collections resulting from the said increase shall, after the deduction of incidental expenses, if any, be paid to the board concerned by the State Government in such manner as may be prescribed.

(3) For the purposes of this sub-section, section 27 of the Indian Stamp Act, 1899 shall be so read and construed as if it specifically requires the particulars referred to therein to be separately set forth in respect of—

(a) property situate with the limits of a municipality,

and

(b) property situate outside the limits of a municipality.

(4) for the purposes of this section all references in section 64 of the Indian Stamp Act, 1899 to the Government shall be deemed to include the board as well."

57. For section 129 of the Principal Act the following shall be substituted:

"129. The imposition of a tax under clause (x) of sub-section (1) of section 128 shall be subject to the restriction that the tax shall not be imposed on land exclusively used for agricultural purposes unless water is supplied by the board for such purposes, where the unit of assessment is plot of land or a building as hereinafter defined, on any such plot or building of which no part is within a radius, to be fixed by Rule in this behalf for each municipality, from the nearest stand-pipe or other waterworks whereat water is made available to the public by the board.

Explanation—In this section—

(a) "building" shall include the compound, if any, thereof, and where there are several buildings in a common Compound, all such buildings and the common compound

(b) "a plot of land" means any piece of land held by a single occupier, or held in common by several co-occupiers, whereof no one portion is entirely separated from any other portion by the land of another occupier or of other co-occupiers or by public property."
58. For section 130 of the Principal Act, the following shall be substituted:

“130. The imposition of a tax under clause (xi) or (xii) of sub-section (1) of section 128 shall be subject to the restriction that the tax shall not be assessed on any house or building, or leviable from the occupier of any house or building unless the board under clause (a) of section 196 undertakes the house scavenging or the collection, removal and disposal of excrementitious and polluted matter from privies, urinals and cess pools of such house or building.”

59. In sub-section (3) of section 130-A of the Principal Act, the “full-stop” at the end shall be deleted and thereafter the following shall be added:

“under sub-section (2) of section 134.”

60. After section 130-A of the Principal Act, the following shall be added as a new section 130-B:

“130-B. All moneys derived from water, drainage, scavenging and conservancy taxes mentioned in clauses (x), (x-a), (xi) and (xii) of sub-section (1) of section 128 and all other incomes derived from waterworks and sullage farms and disposal of excrementitious and polluted matters collected from privies, urinals and cess pools shall be pooled together and shall be used for purposes connected with the construction, maintenance, extension or improvement of the waterworks and drainage works and arrangements for scavenging and collection, removal and disposal of excrementitious and polluted matter from privies, urinals and cess pools including maintenance of sullage farms.”

61. In sub-section (2) of section 132 of the Principal Act, the following proviso shall be added:

“Provided that no such publication shall be necessary where the modification is confined to reduction in the amount or rate of the tax originally proposed.”

62. After section 145 of the Principal Act, the following shall be added as a new section 145-A:

“145-A. Notwithstanding anything contained elsewhere in this Act the board may be special resolution decide that the taxable value of buildings and lands determined under clause (ii) of section 4 of the Uttar Pradesh (Nagar Kshettra) Bhumi Aur Bhawanskar Adhiniyam, 1962, shall be the annual value for the purposes of this Act.”

63. In sub-section (1) of section 152 of the Principal Act, the words “has been given” the words “has been applied for, or given” shall be substituted.
64. In section 155 of the Principal Act—

(1) between the words “person” and “introducing” the words, “whether by himself or by any person on his behalf” shall be inserted;

(2) for the words “ten times” the words “twenty times” shall be substituted and for the word “fifty” the words “five hundred” shall be substituted.

65. After section 155 of the Principal Act, a new section 155-A shall be added as under:

“155-A Subject to any conditions and restrictions that may be prescribed in this behalf, the Executive Officer or an officer not below such rank as may be prescribed, may—

(i) enter into and search any building, vessel or place where he has reason to believe that any goods liable to payment of octroi, for which octroi has not been paid, has been kept or any books of account or other documents which in his opinion will be relevant to any proceeding in this regard may be found;

(ii) if the owner or occupier is absent, or being present obstructs or resists, break open or cause to be opened any door and remove or cause to be removed any other obstacle to such entry; and

(iii) inspect, examine or seize any such goods or books of account or other documents.”

66. In section 158 of the Principal Act—

(1) in sub-section (1) for the opening paragraph beginning with “The board may” and ending with “to ascertain” the following shall be substituted:

“(1) The board or any assessing authority under this Act may by written communication call upon an inhabitant of the municipality to furnish such information or produce such records, books of account and documents as may be necessary in order to ascertain.”

(2) for sub-section (2) the following shall be substituted:

“(2) If an inhabitant so called upon to furnish information or to produce records, books of account or documents, omits to furnish or produce the same or, if furnished or produced, the same appear to the board or the assessing authority to be incorrect or incomplete, the board or the assessing authority, as the case may be, shall after making such inquiry as it considers necessary make the assessment to the best of its judgment.”
67. After section 159 of the Principal Act, the following shall be **added** as a new section 159-A:

“159-A. In computing the amount of any Tax under Rounding of this Act a fraction of a rupee less than of figures, five Paise or which is not a multiple of five Paise shall be rounded off to five Paise or to the next higher multiple of five Paise as the case may be.”

68. In sub-section (2) of section 164 of the Principal Act for the words “upon application or his own motion, to review any order passed by him in appeal by a further order passed within three months from the date of his original order,” the words “upon application made within three months from the date of its original order or on its own motion, to review an order passed by it in appeal by a further order; provided further that no order shall be reviewed by the appellate authority on its own motion beyond three months from its date,” shall be **substituted**

69. After section 173 of the Principal Act, the following shall be **added** as a new section 173-A:

“173-A. (1) Where any sum is due on account of a tax Recovery of taxes as arrears of land revenue. other than octroi or toll or any similar tax payable upon immediate demand, from a person to a board, the board may, without prejudice to any other mode or recovery, appeal to the Collector to recover such sum together with costs of the proceed, as if it were an arrear of land revenue.

(2) The Collector on being satisfied that the sum is due shall proceeding to recover it as an arrear of land revenue.”

70. In section 180 of the Principal Act, after sub-section (5) the following shall be added as a new sub-section (6):

“(6) The board may within six months cancel or modify a sanction granted by it under sub-section (1) if it is found that the sanction was secured through fraud or mis-representation and any work done thereunder shall be deemed to have been done without such sanction:

Provided that before cancelling or modifying any sanction the board shall give a reasonable opportunity to the part concerned of being heard.”

71. In sub-section (1) of section 181 of the Principal Act between the word “bye-law” and the full-stop occurring there-after, the following shall be **inserted**:

“unless it is extended by the board for a further period up to one year.”

72. In section 185 of the Principal Act, the words “five hundred rupees” shall be **substituted** by the words:

“one thousand rupees but which in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court shall not be less than two hundred and fifty rupees.”

---

**Addition of new section 159-A in U. P. Act II of 1916.**

**Amendment of section 164 of U. P. Act II of 1916.**

**Insertion of new section 173-A in U. P. Act II of 1916.**

**Amendment of section 180 of U. P. Act II of 1916.**

**Amendment of section 181 of U. P. Act II of 1916.**

**Amendment of section 185 of U. P. Act II of 1916.**
73. (1) In section 196 of the Principal Act:—

(1) In clause (a) for the words “cleansing of any latrines or privies” the words “collection, removal and disposal of excrementitious and polluted matter from privies, urinals and cess-pools” shall be substituted; and

(2) in clause (c) for the words “removal of night-soil from any latrine or cess-pool” the words “collection, removal and disposal of excrementitious and polluted matter from privies, urinals and cess-pools” shall be substituted.

74. In sub-section (2) of section 201 of the Principal Act, for the full-stop occurring at the end a colon shall be substituted and thereafter the following shall be added as a proviso thereto:—

“Provided that the Magistrate may at any stage during the pendency of the case under this sub-section authorise the board to undertake the house-scavenging of such house or buildings till final orders in the case are passed by him.”

75. In section 210 of the Principal Act, for the words “two hundred and fifty rupees” the following shall be substituted:—

“one thousand rupees and in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court shall not be less than two hundred and fifty rupees.”

76. In section 212 of the Principal Act:—

(1) in sub-section (1) between the word “premises” and the comma occurring thereafter, the words “or lands” shall be inserted;

(2) in sub-section (2), between the word “premises” and the word “and” occurring thereafter, the words “or lands” shall be inserted.

77. For section 212-A of the Principal Act, the following shall be substituted:—

“212-A. Notwithstanding anything contained elsewhere in this Act, a board may subject to such conditions and limitations as may be prescribed, control and regulate under this Chapter the construction of any building, street or drain, beyond the limits of the municipality up to a distance of five miles.”

78. In sub-section (3) of section 213 of the Principal Act, the words “fifty” and “five” shall be substituted by the words “five hundred” and “ten” respectively.

79. In section 217 of the Principal Act:—

(1) in clause (a) of sub-section (1) before the word, “cause” the words “with the prior approval of the Prescribed Authority” shall be inserted;

(2) in sub-section (2) the word “twenty-five” shall be substituted by the words “two hundred and fifty”.

80. In sub-section (1) of section 255 of the Principal Act the word “twenty” shall be substituted by the words “two hundred and fifty”.

81. In section 256 of the Principal Act, the word “twenty” shall be substituted by the words “one hundred” and the word “five” shall be substituted by the word “ten”.

82. In sub-section (1) of section 261 of the Principal Act the word “hundred” shall be substituted by the word “thousand”.

83. In the concluding portion of sub-section (1) of section 265 of the Principal Act, the words “fifty rupees” shall be substituted by the following:—

“five hundred rupees and in the case of a continuing breach to a further fine which may extend to ten rupees for every day after the day of first conviction during which the offender is proved to have persisted in the commission of the offence.”

84. In section 266 of the Principal Act the word “fifty” shall be substituted by the words “five hundred”.

85. In section 274 of the Principal Act, for the word “twenty” the words “two hundred and fifty” shall be substituted.

86. In section 276 of the Principal Act, for the word “twenty” the words “two hundred and fifty” shall be substituted.

87. In the concluding part of section 281 of the Principal Act, for the word “twenty” the word “fifty” shall be substituted.

88. In sub-section (5) of section 285 of the Principal Act, for the word “fifty” the words “five hundred” shall be substituted.

89. In section 295 of the Principal Act, for the words “fifty rupees” the following shall be substituted:—

“one thousand rupees or to imprisonment for a period which may extend to six months or to both.”

90. In sub-clause (vi) of clause (g) of sub-section (1) of section 297 of the principal Act, the words and the comma “where there is no executive officer,” shall be deleted.

91. In section 298 of the Principal Act, in List I—

(1) under head “D” the word “and” occurring at the end of sub-head (a) shall be deleted and thereafter the following shall be added as a new sub-head (aa)—

“(aa) regulating the work of house scavenging by customary sweepers and providing for grant of licences to them and the conditions of any such licence; and”
(2) under head "H"—

(a) in sub-head (i) for the word "dogs" the word "animals" shall be substituted;

(b) in sub-heads (k) and (l), for the words "dog" and "a dog" the words "animal" and "an animal" shall respectively be substituted; and

(c) the full-stop occurring at the end of sub-head (n) shall be substituted by a semi-colon, and thereafter the following shall be added as new sub-head (o):—

"(o) regulating the keeping and tethering of cattle;".

Amendment of section 299 of U. P. Act II of 1916.

92. In sub-section (1) of section 299 of the the Principal Act, for the words "five hundred" the words "one thousand" and for the words "five rupees" the words "twenty-five rupees" shall be substituted.

Amendment of section 306 of U. P. Act II of 1916.

93. In section 306 of the Principal Act, for the words "five hundred" the words "one thousand" and for the words "five rupees" the words "twenty-five rupees" shall be substituted.

Amendment of section 307 of U. P. Act II of 1916.

94. In clause (b) of section 307 of the Principal Act for the words "five hundred" the words "one thousand" and for the words "five rupees" the words "twenty-five rupees" shall be substituted.

Amendment of section 315 of U. P. Act II of 1916.

95. For sub-section (1) of section 315 of the Principal Act, the following shall be substituted:—

"315. (1) The Executive Officer or Medical Officer of Health of a board or, in municipalities in which there is no Executive Officer or Medical Officer of Health, the President of a board may either before or after the institution of proceedings, compound an offence against this Act or a Rule or bye-law, except an offence described in sections 237(4), 242, 246, 247, 281, 285(5) or 295:

Provided that no offence shall be compoundable which is constituted by failure to comply with a written notice issued by or on behalf of the board unless the notice has been complied with, in so far as compliance is possible."


96. Section 336-A of the Principal Act shall be deleted.

Amendment of Schedule I to U. P. Act II of 1916.

97. In Schedule I to the Principal Act—

(1) in column 2 in the entries relating to sections 58, 67 and 69 in column 2, for the words "punish or dismiss" the words "to dismiss, remove or otherwise punish" shall be substituted;

(2) in column 1, the figures "186" and in columns 2 and 3 the entries relating thereto shall be deleted; and
(3) in column 1, the figures, "189", "190" and "211" the figures and brackets "245 (1)" and the figures "278" and in column 2, the entries respectively relating thereto shall be deleted.

98. In Schedule II to the Principal Act—

(1) in the entry relating to section 76 in column 2 for the words "to punish or dismiss", the words "to dismiss, remove or otherwise punish" shall be substituted;

(2) after the entry relating to section 179(2), the following new entries shall be added:—

"186 To direct by a notice that the erection, re-erection or alteration of a building, etc. shall be stopped or that a building, etc. be altered or demolished. Appealable"

189 To construct drains.

190 To alter and discontinue municipal drains.”;

(3) after the entry relating to section 209 the following shall be added as a new entry:—

"211 To issue a notice for the removal or alteration of a projection." Appealable.

(4) after the entry relating to section 244(1), the following shall be added as a new entry:—

"245(1) To issue a notice regarding offensive trades.”; and

(5) after the entry relating to section 277, the following shall be added as a new entry:—

"278 To issue orders regarding buildings unfit for human habitation." Appealable.

99. In Schedule VII to the Principal Act—

(1) between the entries relating to section 10 and section 13-D the following new entry shall be inserted:—

"13-A. (1) To appoint a person or persons to exercise and perform the powers and duties of a board in specified contingencies.”;

(2) the entries relating to sections 22, 43(2), 43(3), 43-B, 73 and 74 in columns 1 and 2 shall be deleted;

(3) against the entry relating to section 47-A, in column 2, for the words "to remove the President" the words "to consider the representation of the President", shall be substituted;

(4) for the existing entry in column 2 against section 40(3) the following shall be substituted:—

"To remove a member in certain specified circumstances.”;
(5) after the entry relating to section 40(3) the following new entries shall be added:—

"40. (5) To suspend a member pending enquiry or prosecution.

40. (6) To warn or to suspend a member as a punishment."

(6) for the existing entry in column 2 against section 48 the following shall be substituted:—

"To remove or suspend a President."

(7) after the entry relating to section 48, the following new entry shall be added:—

"55. (3) To remove or suspend a Vice-President."

(8) in the entries relating to sections 57 and 59(3) in column 2, for the words—

"To approve the appointment, salary and conditions of appointment"

the following words shall be substituted—

"To approve the appointment"

(9) for the existing entry in column 2 against section 58, the following shall be substituted:—

"To entertain and pass orders on an appeal by an Executive Officer against his dismissal, removal or other punishment, to transfer a Medical Officer of Health from one board to another"; and

(10) in the entry relating to section 60-B, in column 2 between the words "Waterworks Departments" and the word "shall" the words "and Municipal Museum" shall be inserted.

---

**Schedule VIII**

**List of Offences**

(Section 314)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description of offences</th>
<th>Fine or other punishment that may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>148(2)</td>
<td>Failure to report for entry in property assessment list a new or altered building.</td>
<td>Rupees 50 or ten times tax payable for three months.</td>
</tr>
<tr>
<td>152(2)</td>
<td>Failure to report re-occupation of vacant building.</td>
<td>Rupees 50 or ten times tax due since occupation.</td>
</tr>
<tr>
<td>Section</td>
<td>Description of offences</td>
<td>Fine or other punishment that may be imposed</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>155</td>
<td>Evasion of octroi</td>
<td>Rupees 500 or twenty times octroi evaded, whichever is greater.</td>
</tr>
<tr>
<td>185</td>
<td>Illegal erection or alteration of a building.</td>
<td>Rupees 1,000 subject to a minimum of Rs.250.</td>
</tr>
<tr>
<td>191(2)</td>
<td>Illegal construction or alteration of a drain connection.</td>
<td>Rupees 50.</td>
</tr>
<tr>
<td>201(2)</td>
<td>Negligence by customary sweeper</td>
<td>Rupees 10.</td>
</tr>
<tr>
<td>207</td>
<td>Illegal making of street</td>
<td>Rupees 500.</td>
</tr>
<tr>
<td>210</td>
<td>Construction of unauthorised projection over street or drain.</td>
<td>Rupees 1,000 subject to a minimum of Rupees 250.</td>
</tr>
<tr>
<td>213(3)</td>
<td>Failure to obtain permission for, and to safeguard dangerous tree-cutting and building operation.</td>
<td>Rupees 500 and Rupees 10 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>217(2)</td>
<td>Improper interference with street names and house numbers.</td>
<td>Rupees 250.</td>
</tr>
<tr>
<td>233(2)</td>
<td>Interference with arrangements made during street repair, etc.</td>
<td>Rupees 50.</td>
</tr>
<tr>
<td>237(4)</td>
<td>Slaughter on unlicenced premises of animals for sale.</td>
<td>Rupees 20 per animal.</td>
</tr>
<tr>
<td>242</td>
<td>Improper feeding of animals kept for dairy purposes or used for food.</td>
<td>Rupees 50.</td>
</tr>
<tr>
<td>245</td>
<td>Failure to obey a notice prohibiting or regulating the use of premises for an offensive trade.</td>
<td>Rupees 200 and Rs.40 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>246</td>
<td>Loitering and soliciting for immoral purposes.</td>
<td>Rupees 50.</td>
</tr>
<tr>
<td>247(2)</td>
<td>Disobedience to magistrate’s order prohibiting use of house as brothel.</td>
<td>Rupees 25 per day.</td>
</tr>
<tr>
<td>248</td>
<td>Importunate begging</td>
<td>Rupees 50</td>
</tr>
<tr>
<td>253</td>
<td>Driving vehicles without proper lights</td>
<td>Rupees 20.</td>
</tr>
<tr>
<td>254</td>
<td>Failure to remove elephant, etc. to safe distance.</td>
<td>Rupees 20.</td>
</tr>
<tr>
<td>255(1)</td>
<td>Allowing cattle to stray or be tethered</td>
<td>Rupees 250.</td>
</tr>
<tr>
<td>256</td>
<td>Unauthorised use of municipal land as halting place.</td>
<td>Rupees 100 and Rs. 10 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>257(3)</td>
<td>Unauthorised erection or continuance of inflammable construction.</td>
<td>Rupees 25 and Rs.10 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>Section</td>
<td>Description of offences</td>
<td>Fine or other punishment that may be imposed</td>
</tr>
<tr>
<td>---------</td>
<td>------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>261(1)</td>
<td>Unauthorised interference with pove-ments and other municipal property.</td>
<td>Rupees 1,000.</td>
</tr>
<tr>
<td>262</td>
<td>Dangerous discharge of firearms or fire-works and indulgence in dange-rous games.</td>
<td>Rupees 20.</td>
</tr>
<tr>
<td>265</td>
<td>Obstruction of streets</td>
<td>Rupees 500 and Rs.10 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>266</td>
<td>Unauthorised digging on public land</td>
<td>Rupees 500 and Rs.10 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>272</td>
<td>Failure of owner or occupier to remove offensive matter.</td>
<td>Rupees 50 and Rs.5 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>274</td>
<td>Improper disposal by owner or occupier of rubbish, night-soil etc.</td>
<td>Rupees 250.</td>
</tr>
<tr>
<td>275(2)</td>
<td>Failure to dispose of dead animals</td>
<td>Rupees 10.</td>
</tr>
<tr>
<td>276</td>
<td>Improper discharge of sewage into a street or drain.</td>
<td>Rupees 250.</td>
</tr>
<tr>
<td>279</td>
<td>Failure to give information of cholera, small-pox, etc.</td>
<td>Rupees 50.</td>
</tr>
<tr>
<td>281</td>
<td>Doing certain acts while suffering from infectious disorder.</td>
<td>Rupees 50.</td>
</tr>
<tr>
<td>285(5)</td>
<td>Burial or burning of corpses in a place not recognised as a burial or burning ground.</td>
<td>Rupees 500.</td>
</tr>
<tr>
<td>295</td>
<td>Obstruction to municipal employees</td>
<td>Rupees 1,000 or imprisonment to six months or both.</td>
</tr>
<tr>
<td>299</td>
<td>Contravention of rules or bye-laws to the breach of which penalty is attached.</td>
<td>Any sum not exceeding Rs.1,000 as prescribed, and up to Rs.25 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>306</td>
<td>Disobedience to public notice or pro-vision of the Act applicable to the public.</td>
<td>Rupees 1,000 and Rs.25 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>307</td>
<td>Disobedience to notice issued to in-dividual.</td>
<td>Rupees 1,000 and Rs.25 for each day that offence is repeated after conviction.</td>
</tr>
<tr>
<td>310(3)</td>
<td>Regusla by occupier to allow owner to take action required by notice.</td>
<td>Rupees 25 for each day of refusal.</td>
</tr>
</tbody>
</table>

101. Notwithstanding the amendment of the Principal Act by this Act, any appeal against an order of suspension, dismissal, removal or other punishment filed before the coming into force of this Act under the provisions of the Principal Act and Rules made thereunder and not finally disposed of before the coming into force of this Act, may either be disposed of by the authority to which the appeal lay under the provisions of the Principal Act and the rules made thereunder or may be transferred by that authority for disposal to the authority to which such appeal lies under the provisions of the Principal Act as amended by this Act or rules made thereunder.

102. (1) The State Government may for the purpose of removing any difficulty, particularly in relation to the transition from the provisions of the Principal Act to the provisions of that Act as amended by this Act, by order direct that the Principal Act amended as aforesaid shall, during the period of twelve months next after the commencement of this Act have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to the necessary and expedient.

(2) Every order made under sub-section (1) shall be laid as soon as may be before both the Houses of the Legislature.
UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ADHINITYAM, 1965*

(U. P. ACT NO. IV OF 1965)

†[Authoritative English Text of Uttar Pradesh Municipalities (Sanshodhan) Adhiniyam, 1965.]

AN
ACT

further to amend the Uttar Pradesh Municipalities Act, 1916.

It is hereby enacted in the Sixteenth year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Municipalities (Amendment) Adhiniyam, 1965.

(2) It extends to the whole of Uttar Pradesh.

2. (1) Clause (b) of sub-section (2) of section 43-AA of the U. P. Municipalities Act, 1916 (hereinafter referred to as the principal Act) shall be omitted and be deemed to have been omitted with effect from the first day of May, 1958.

(2) The provisions of this section shall also apply to all proceedings pending before any court or authority on December 15, 1964.

3. (1) An election petition presented to the Collector of a district under sub-section (2) of section 22, or to any officer under sub-section (3) of section 43-B of the principal Act, as it stood before its amendment by Uttar Pradesh Municipalities (Amendment) Act, 1964 (hereinafter referred to as the Amending Act), before December 15, 1964, whether before or after the commencement of the Amending Act, shall be transferred by the Collector or such other officer to the Judge mentioned in subsection (5) of section 20 or, as the case may be, in sub-section (3) of section 43-B of the principal Act as amended by the Amending Act and shall thereafter be dealt with in accordance with the provisions of the principal Act as so amended.

(2) Where any petition is transferred to a Judge under subsection (1) the Judge may, notwithstanding the expiry of limitation for institution of petitions, allow the petitioner, on an

* [For statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated February 15, 1965.]

† [Received the Assent of the Governor on March 12, 1965 under Article 200, of the Constitution of India and was published in the Uttar Pradesh Gazette (Extraordinary), dated March 19, 1965.]
application made by him in this behalf within thirty days from December 15, 1964, to amend the petition so as to add any party to or otherwise to bring the petition in conformity with provisions of the Amending Act.

4. (1) The Uttar Pradesh Municipalities (Amendment) Ordinance, 1964 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 15th day of December, 1964.
उत्तर प्रदेश मुनिसिपलिटीज़ (संस्थान) अधिनियम, 1972
(उत्तर प्रदेश अधिनियम संख्या 17, 1972)

[उत्तर प्रदेश विधान सभा ने दिनांक 3-4-72 ई।0 तथा उत्तर प्रदेश विधान परिषद् ने दिनांक
10-4-72 ई।0 की बैठक में स्वीकृत किया।]

[‘भारत का संविधान’ के अनुसार 200 के अन्तर्गत राज्यपाल ने दिनांक 15-4-72 ई।0 के स्वीकृति प्राप्त करने तथा उत्तर प्रदेश के असाथ संबंधित गतिविधि करने।]

युनाइटेड प्रिन्सिपल मुनिसिपलिटीज एक्सेट, 1916 का अंतर्गत योजना करने के लिए

भारत गणराज्य के तेजस्वी वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1—यह अधिनियम उत्तर प्रदेश मुनिसिपलिटीज़ (संस्थान) अधिनियम, 1972 कहलायेगा।

2—युनाइटेड प्रिन्सिपल मुनिसिपलिटीज एक्सेट, 1916, जिसे आगे मूल अधिनियम कहा गया है,
के द्वारा 10-ए के पश्चात निम्नलिखित प्राचीन बांडा दिया जाया, अथवा :-

"11—यदि धरातल 30 के अभी राज्य सरकार की प्राप्ति का तत्वशास्त्र प्रयोग करके किसी
बांडा का अभिवर्गन करने का आवेदन दिया जाय, ओर बांडा में
ि कलन दामोदर में
ि ऐसा आवेदन शुरू घोषित किया जाया, ओर बांडा
के प्रस्ताव के उनका प्रस्ताव किसी विचार न्यायालय के आदेश या निर्देश से
सम्मति में अथवा
ि उनका प्रशासनकर्ता या राय सरकार के किसी अन्य
अधिकारियों
ि उनके प्रशासनकर्ता, या राज्य सरकार के किसी ऐसे
ि प्रदान करें और आदेश के आदेश के अनुसार
ि प्रशासनकर्ता को, अवधारी के अपेक्षाकृत, बांडा, प्रेसिडेंट या समिति
सम्मति जानाया।

(बी) प्रशासन के अन्तः और अथवा जैसा राज्य सरकार समायोजन या विशेष
ि आदेश द्वारा चलने निर्दिष्ट करते, मुनिसिपल निधि के लिए जानायें।

(सी) राज्य सरकार, समय-समय पर, गति में अधिकृत द्वारा मूल अधिनियम
ि प्रमाण दास्तान विनियम, ऐसे अनुपालन या प्राप्तिक अवधार, जिनके अंतर्गत
ि अधिनियम के किसी उपकरण का अनुकूलन, प्रत्यक्ष या प्रतिस्पर्धित करने के लिए
ि, जो उससे इस धरातल के प्रयोजनों को कार्यान्वित करने के लिए आवश्यक या इत्यादि
ि होना चाहिए, का दास्तान रखा होगा।"

3—(1) यदि किसी मुनिसिपल बांडा का कार्यान्वयन या बढ़ता या बढ़ता कार्यान्वयन, मूल अधि-
ि नियम की धरातल 11 में, जैसे इस अधिनियम की धरातल 2 द्वारा बढ़ती गई है, उल्लिखित परियोजनाकर्ताओं इस
ि अधिनियम के प्रारंभ होने के पूर्व समाप्त हो जाय तो उस धरातल 11 के लिए (ए), (बी)
ि (सी) में उल्लिखित प्रशासन इस अधिनियम के प्रारंभ होने के प्रभावी होगी।

(2) सबसे ऐसे मामले में जिसमें ऐसे मुनिसिपल बांडा के, जिसका कार्यान्वयन इस अधिनियम के
ि प्रारंभ होने के पूर्व समाप्त हो जाया हो, प्रेसिडेंट तथा सबसे अधिकारियों का प्रयोग या
ि कार्यान्वयन का प्रयोग किया जाना तात्कालिक हो तो ऐसे तात्कालिक प्रयोग या पालन इस
ि बांडा द्वारा कार्यान्वयन के प्रारंभ होने के बाद चुका हो :

प्रतिवेदन यह है कि मूल अधिनियम के किसी बांडा के होने से भी मूल अधिनियम की
ि अधिनियम भाषा ऐसे तात्कालिक प्रक्रिया के प्रयोग या कार्यान्वयन के पालन में किया गया किसी अवधार या
ि किया गया किसी नियम किसी अन्याय, किशोरों, किसी नियमानुसार अवधार बांडा के किसी
ि की गया नियुक्ति, प्रोत्साहन या समन्वयन या उस बांडा के अधिकृत या इत्यादि
ि का पुनर्विवाह कर सकता है।

4—उत्तर प्रदेश मुनिसिपलिटीज (संस्थान) अधिनियम, 1972, ऐतिहासिक विधान
ि संक्षिप्त विवरण

उत्तर प्रदेश अधिकृत बांडा
ि संक्षिप्त विवरण

[उत्तर प्रदेश और कारणों के विवरण के लिए कुप्या दिनांक 1 अप्रैल, 1972 ई।0 के सरकारी
ि असाधारण गति देखिये]
THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 1973
(U. P. Act No. 2 of 1973)

*Authoritative English Text of the Uttar Pradesh Municipalities
(Sonshodhan) Adhiniyam, 1973

AN
ACT

further to amend the United Provinces Municipalities Act, 1916

IT IS HEREBY enacted in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 1973.

2. After section 10-A of the United Provinces Municipalities Act, 1916, hereinafter referred to as the principal Act, the following section shall be inserted, namely:

"10-AA. Where in circumstances other than those mentioned in section 11, the term or the extended term of the Board has expired and a new Board has not been constituted, then until the due constitution of the new Board—

(a) all powers, functions and duties of the Board, its President and Committees shall be vested in and be exercised, performed and discharged by an officer appointed in that behalf by the State Government (hereinafter referred to as the Administrator), and the Administrator shall be deemed in law to be the Board, the President or the Committee, as the occasion may require;

(b) such salary and allowances of the Administrator as the State Government may by general or special order in that behalf fix shall be paid out of Municipal Fund:

(c) the State Government may from time to time, by notification in Gazette, make such incidental or consequential provisions, including provisions for adapting, altering or modifying any provisions of this Act, without affecting the substance, as may appear to it to be necessary or expedient for carrying out the purposes of this section."

3. (1) Where in circumstances other than those mentioned in section 11 of the principal Act, the term or extended term of a Board has expired before the commencement of this Act and a new Board has not been constituted the consequences mentioned in clauses (a), (b) and (c) of section 10-AA of the principal Act, as inserted by section 2 of this Act, shall come into effect from the commencement of this Act.

(2) In every such case—

(a) where the President and members of the Municipal Board whose term had expired, have purported to exercise or perform any powers or duties of the Board before the commencement of this Act, such purported exercise or performance shall be deemed to be valid as if term of the Board stood extended until the commencement of this Act:

(*For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extra-
ordinary), dated December 12, 1972.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on December 13, 1972, and by the Uttar Pradesh Legislative Assembly on January 11, 1973.)

(Received the Assent of the Governor on January 22, 1973 under Article 200, of the
Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated January 22, 1973.)
Provided that notwithstanding anything, in the principal Act, the Administrator, referred to in section 10-AA of the principal Act as inserted by section 2 of this Act, may review any act done or decision taken in such purported exercise or performance of powers and duties, including, in particular, any contract entered into or any order made of appointment or promotion or dismissal or removal or other punishment of a servant of the Board;

(b) where the District Magistrate or any officer appointed by him in that behalf has purported to exercise or perform any powers or duties of the Board whose term or extended term had expired before the commencement of this Act, such purported exercise or performance shall be deemed to be valid as if the District Magistrate, or an officer appointed by him in that behalf, as the case may be, had been duly appointed as Administrator under clause (a) of section 10-AA of the principal Act, as inserted by section 2 of this Act, and he shall continue to act as such Administrator until any officer is appointed in his place under that clause.

Repeal of U. P. Ordinance No. 22 of 1972. 4. The Uttar Pradesh Municipalities (Second Amendment) Ordinance, 1972, is hereby repealed.

PSUP—A. P. 100 Genl. (Leg.)—1973. 1,827+50 SS. (M.)
THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 1975
(U. P. ACT NO. 45 OF 1975)

*Authoritative English Text of the Uttar Pradesh Municipalities (Sanskodhan) Adhiniyam, 1975*

AN ACT

further to amend the United Provinces Municipalities Act, 1916

IT IS HEREBY enacted in the Twenty-sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 1975.

   (2) Section 3 shall be deemed to have come into force on January 1, 1975, and the remaining provisions of this Act shall be deemed to have come into force on June 13, 1975.

2. For section 224-B of the United Provinces Municipalities Act, 1916, hereinafter referred to as the principal Act, the following section shall be substituted, namely:

   "224-B. Every licence granted under clause (c) of section 224 shall, if not already revoked, stand revoked with effect from existing licences. June 13, 1975."

3. For section 224-C of the Principal Act, the following section shall be substituted, namely:

   "224-C. (1) Where the licence of a licensee is revoked under section 224-B as it stood immediately before the commencement of the U. P. Municipalities (Amendment) Act, 1975, or where such licence stands revoked by virtue of the new section 224-B as substituted by the said Act, all the property pertaining to the waterworks (namely, all existing water supply services, including all plants, machinery, waterworks, pumping sets, filter beds, water mains and pipes laid down along, over or under any public street, and all buildings and other works, materials, stores and things appurtenant thereto) belonging to or vested in the licensee immediately before the date of revocation of the licence (hereinafter in this section referred to as 'the said date') shall as from the said date vest in and stand transferred to the Board free from any debt, mortgage or similar obligation of the licensee attached to such property:

   Provided that any such debt, mortgage or similar obligation shall attach to the amount referred to in sub-section (2) in substitution for such property.

   (2) Where any property belonging to the licensee vests in the Board under sub-section (1), not being waterworks, of which only the management was transferred to him by the Board under clause (d) of section 224 the Board shall pay to such licensee an amount determined as hereinafter provided in this section:

   Provided that the licensee shall, in addition to the said amount, be paid interest thereon on the Reserve Bank rate ruling on the said date plus one percentum for the period from the said date to the date of payment of the said amount.

(*For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated July 30, 1975).*

(Passed in Hindi by the Uttar Pradesh Legislative Council on July 29, 1975 and by the Uttar Pradesh Legislative Assembly on August 1, 1975).

(Received the Assent of the President on September 7, 1975, under Article 201 of the Constitution of India, and was published in the Uttar Pradesh Gazette Extraordinary, dated September 8, 1975).
(3) The State Government shall appoint, by order in writing, a person having adequate knowledge and experience in matters relating to accounts, to be Special Officer to assess any amount payable under this section to the licensee after making the deductions mentioned in this section.

(4) (a) The Special Officer may call for the assistance of such officers and staff of the State Government in the Local Self-Government Engineering Department or of the licensee as he may deem fit for assessing the net amount payable.

(b) The Special Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:

(i) enforcing the attendance of any person and examining him on oath;

(ii) compelling the production of documents; and

(iii) issuing commissions for the examination of witnesses.

The Special Officer shall also have such further powers as may be specified by the State Government by notification in the Gazette.

(5) The gross amount payable to such licensee shall be the aggregate value of the amounts specified below—

(i) the book value of all completed works in beneficial use pertaining to the waterworks and taken over by the Board (excluding works paid for by the consumers), less depreciation calculated in accordance with the table appended to this section;

(ii) the book value of works in progress taken over, excluding works paid for by the consumers or prospective consumers;

(iii) the book value of all stores, including spare parts taken over, and in the case of used stores and spare parts, if taken over, such sum as may be decided upon by the Special Officer;

(iv) the book value of all other fixed assets in use on the said date and taken over, less depreciation calculated in accordance with the said table;

(v) the book value of all plants and equipments existing on the said date, if taken over, but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in accordance with the said table;

Explanation—The book value of any fixed asset means its original cost, and shall comprise—

(i) the purchase price paid by the licensee for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use, as shown in the books of the licensee;

(ii) the cost of supervision actually incurred, but not exceeding fifteen per cent of the amount referred to in paragraph (i):

Provided that before deciding the amount under this sub-section, the licensee shall be given an opportunity by the Special Officer of being heard, after giving him a notice of at least 15 days therefor.

(6) The Board shall be entitled to deduct the following sums from the gross amount payable under sub-section (5) to the licensee—

(a) all amounts and arrears of interest, if any, thereon, due from the licensee to the Board;

(b) all amounts and arrears of interest, if any, thereon, due to the State Government or the State Electricity Board;

(c) any amount of wages, bonus, gratuity, provident fund or other payments due to remaining unpaid on the said date to persons employed as workmen (within the meaning of the U. P. Industrial Disputes Act, 1947), in connection with the waterworks;
(d) any amount which licensee may have failed to pay in respect of either his contribution or the employees' contribution realised by him or any other dues recoverable from licensee under the Employees Provident Fund Act, 1952 or the Employees State Insurance Act, 1948, in respect of persons employed in connection with the waterworks.

(7) The liability of the licensee towards the State Government or the State Electricity Board or towards his employees, as the case may be, to the extent of deductions made under sub-section (7) shall stand discharged. Upon any such deduction being made the Municipal Board shall to that extent be liable to make payment to the State Government, the State Electricity Board or the workmen, as the case may be.

(8) Where the gross amount payable to the licensee is equal to or less than the amount to be deducted under this section no payment shall be made to the licensee by the Municipal Board.

(9) The amount, if any, payable by the Board to the licensee shall be as determined by the Special Officer under sub-sections (5), (6), (8) and nothing in section 324 shall be construed to apply in relation to the determination of the amount payable by the Board under this section.

Table of depreciation based on the period of life expectancy of various assets

There shall be deducted for each year in respect of fixed assets employed in the licensee's undertaking such an amount as would, if set aside annually throughout the period specified in the following table and accumulated at compound interest at four per cent per annum, produce at the end of the said period an amount equal to ninety per cent of the original cost of the asset after taking into account the sums already written off or set aside in the books of the licensee:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of asset</td>
<td>Number of years or period</td>
</tr>
<tr>
<td>A. Land owned under full title.</td>
<td>Infinite.</td>
</tr>
<tr>
<td>B. Land held under lease.</td>
<td>The period of the lease or the period remaining unexpired on the assignment of the lease.</td>
</tr>
<tr>
<td>C. Assets purchased new:</td>
<td></td>
</tr>
<tr>
<td>(a) Building and Civil Engineering works of a permanent character not mentioned above:</td>
<td></td>
</tr>
<tr>
<td>(i) Offices</td>
<td>Fifty.</td>
</tr>
<tr>
<td>(ii) Temporary erections, such as wooden structures.</td>
<td>Five.</td>
</tr>
<tr>
<td>(iii) Roads other than Kuchcha Roads.</td>
<td>One hundred.</td>
</tr>
<tr>
<td>(iv) Others</td>
<td></td>
</tr>
<tr>
<td>(b) Self-propelled vehicles</td>
<td></td>
</tr>
<tr>
<td>(c) (i) Office furniture and fittings.</td>
<td></td>
</tr>
<tr>
<td>(ii) Office equipment</td>
<td></td>
</tr>
<tr>
<td>D. Assets purchased second hand and assets not otherwise provided for in this table.</td>
<td></td>
</tr>
</tbody>
</table>

P. Ordinance no. 1975. 4. (1) The Uttar Pradesh Municipalities (Amendment) Ordinance, Repeal and savings of 1975, is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

PSUP—A. P. 126 Sa (Vidhayka) 1746–1976. 1827–50 SS. (M.)
No. 1611 (2) /XVII-V-1-1 (KA) -17-76

Dated Lucknow, September 9, 1986

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagarpalika (Sanshodhan) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 18 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 8, 1986.

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 1986

(U. P. Act No. 18 of 1986)

[As passed by the U. P. Legislature]

AN

ACT

further to amend the U. P. Municipalities Act, 1916

IT IS HEREBY enacted in the Thirty-seventh Year of the Republic of India as follows:

1. This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 1986.

2. In section 133 of the U.P. Municipalities Act, 1916, in sub-section(1) for the words “in the case of a municipality other than a city, if” the word “if” shall be substituted.

By order,

S. N. SAHAY,
Sachiv.
No. 2451 (2)-XVII-V-1—1 (KA)-37-2001

Dated Lucknow, October 6, 2001

In pursuance of the provision of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagarpalika (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 22 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001.

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2001
(U.P. Act No. 22 of 2001)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Municipalities Act, 1916.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2001. Short title

2. Section 47-A of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act, shall be omitted. Omission of

section 47-A of
U.P. Act no. 2
of 1916

3. In section 48 of the principal Act,— Amendment of

section 48

(a) in sub-section (2), in clause (b) after sub-clause (viii), the following sub-clause shall be inserted, namely:—

(ix) caused loss or damage to any property of the Municipality; or

(x) misappropriated or misused the Municipal fund; or

(xi) acted against the interest of the Municipality; or

(xii) contravened the provisions of this Act or the rules made thereunder; or

(xiii) created an obstacle in a meeting of the Municipality in such manner that it becomes impossible for the Municipality to conduct its business in the meeting or instigated some one to do so; or
(xiv) wilfully contravened any order or direction of the State
Government given under this Act; or
(xv) misbehaved without any lawful justification with the officers or
employees of the Municipality; or
(xvi) disposed of any property belonging to the Municipality at a price
less than its market value; or
(xvii) encroached, or assisted or instigated any other person to encroach
upon the land, building or any other immovable property of the Municipality;
(b) in sub-section (2-A) of the proviso shall be omitted.

4. Section 87-A of the principal Act shall be omitted.

5. In section 96 of the principal Act, in sub-section (1), in clause (b),—

(a) for the words "ten thousand rupees" the words "fifty thousand
rupees" shall be substituted;
(b) for the words "three thousand rupees" the words "fifteen thousand
rupees" shall be substituted;
(c) in the proviso for the words "twenty thousand rupees" the words
"one lakh rupees" shall be substituted.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

Under the Uttar Pradesh Municipalities Act, 1916, the President of a Municipal Council or a
Nagar Panchayat is elected on the basis of adult suffrage by the electors in the municipal area. Under
section 87-A of the said Act, the President of Municipal Council or a Nagar Panchayat may be removed on
a motion of no confidence passed by a majority of two-thirds of the total number of members of the
municipality. It was considered improper to remove the President elected by electors in the municipal area,
merely on the motion of no confidence of the members of the municipality. Under sub-section (2) of
section 48 of the said Act, the State Government has power to remove the President on any of the grounds
specified in clause (a) and clause (b). It has been considered necessary to provide for certain more grounds
for removal of the President and also to increase financial power of the President with regard to
sanctioning of contracts. It has, therefore, been decided to,—

(a) omit sections 47-A and 87-A of the said Act;
(b) insert sub-clause (ix) to (xvii) in clause (b) of sub section (2) of section 48 of the said
Act;
(c) omit the proviso to sub-section (2-A) of section 48 of the said Act; and
(d) to amend clause (b) of sub-section (1) of section 96 of the said Act to raise the financial
power of the President for sanctioning of contracts.

The Uttar Pradesh Municipalities (Amendment) Bill, 2001 is introduced accordingly.
No. 385(2)/VII-V-1-1 (KA)-11-2004

Dated Lucknow, February 27, 2004

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Palika (Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 6 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 26, 2004.

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2004

(U.P. ACT NO. 6 OF 2004 )

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Municipalities Act, 1916.

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows :–

1. This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2004.
2. In section 48 of the Uttar Pradesh Municipalities Act, 1916, after sub-section (2) the following sub-section shall be inserted, namely:—

“(2-A) Where in an inquiry held by such person and in such manner as may be prescribed, if a President or a Vice-President is prima-facie found to be guilty on any of the grounds referred to in sub-section (2), he shall cease to exercise, perform and discharge the financial and administrative powers, functions and duties of the President or the Vice-President, as the case may be, which shall, until he is exonerated of the charges mentioned in the show cause notice issued to him under sub-section (2), be exercised and performed by the District Magistrate or by an officer nominated by him not below the rank of the Deputy Collector.”

STATEMENT OF OBJECTS AND REASONS

Section 48 of the Uttar Pradesh Municipalities Act, 1916 (U. P. Act no. 2 of 1916) provides for the removal of President of a municipality. In the said section the State Government is empowered to issue show-cause notice to the guilty President on the grounds mentioned under section 48, before removing him from his office. Most of the Presidents used to delay the proceedings by not replying the show-cause notice in time and they continue to misuse their financial powers. It has therefore been decided to amend the said Act to cease the financial powers of such President or a Vice-President during the pendency of the inquiry and his financial powers and functions will be exercised and performed by the District Magistrate until he is exonerated of the charges.

The Uttar Pradesh Municipalities (Amendment) Bill, 2004 is introduced accordingly.

By order,

R. B. RAO,

Pramukh Sachiv.
IN pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Palika (Sanshodhan) Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 2 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 16, 2005.

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2005
[U.P. Act No. 2 of 2005]
(As passed by the Uttar Pradesh Legislature)

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2005.
   
   (2) It shall be deemed to have come into force on February 27, 2004.

2. In section 48 of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act,—

   (a) in sub section (2) the following proviso shall be inserted at the end, namely:—

   “Provided that where the State Government has reason to believe that the allegations do not appear to be groundless and the President is prima facie guilty on any of the grounds of this sub-section resulting in the issuance of the show cause notice and proceedings under this sub-section he shall, from the date of issuance of the show cause notice containing charges, cease to exercise, perform and discharged the
financial and administrative powers, functions and duties of the President until he is exonerated of the charges mentioned in the show cause notice issued to him under this sub-section and finalization of the proceedings under sub-section (2-A) and the said powers, functions and duties of the President during the period of such ceasing, shall be exercised, performed and discharged by the District Magistrate or an officer nominated by him not below the rank of Deputy Collector’;

(b) sub-section (2-A) as inserted on February 27, 2004 by the Uttar Pradesh Municipalities (Amendment) Act, 2004 (U. P. Act no. 6 of 2004) shall be omitted.

3. Anything done or any action taken under the principal Act as amended by the Uttar Pradesh Municipalities (Amendment) Act, 2004 shall be deemed to have been done or taken under this Act as if this Act were in force at all material times.

4. (1) The Uttar Pradesh Municipalities (Amendment) Ordinance, 2005, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

With a view to providing for refraining the President of a Municipality from exercising, performing and discharging the financial and administrative powers, functions and duties of his office in respect of whom the State Government has reason to believe that he is prima facie guilty on any of the grounds mentioned in sub-section (2) of section 48 of the Uttar Pradesh Municipalities Act, 1916 from the date of issuance of show cause notice till he is exonerated of the charges mentioned in the show cause notice and omitting sub-section (2-A) as inserted by U. P. Act no. 6 of 2004, it was decided to amend the said Act of 1916.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decisions, the Uttar Pradesh Municipalities (Amendment) Ordinance, 2005 (U. P. Ordinance no. 4 of 2005) promulgated by the Governor on January 24, 2005.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

D. V. SHARMA,

Pramukh Sachiv
सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित
असाधारण

विधायी परिषिष्ट
भाग—1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, दुधवार, 9 मार्च, 2011
फालनु 18, 1932 शक सम्बत

उत्तर प्रदेश सरकार
विधायी अनुभाग—1

संख्या 341/79-वि-11-1-(क)13-2011
लखनऊ, 9 मार्च, 2011

अधिसूचना

"भारत का संविधान" के अनुसार 200 के अनुरूप राज्यपाल महोदय ने उत्तर प्रदेश नागर स्थानीय स्वायत्त भारत विधि (संशोधन) विधेयक, 2011 पर स्वीकार 08 मार्च, 2011 को अनुगति प्रदान की और यह उत्तर प्रदेश अधिनियम संख्या 7 जनवरी 2011 के रूप में सर्वसाधारण हेतु सूचित के अधिनियम के तत्त्वों से प्रकाशित किया जाता है?

उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) अधिनियम, 2011

(उत्तर प्रदेश अधिनियम संख्या 7 जनवरी 2011)
(उसी उत्तर प्रदेश विधान गण्डल हारा पारित हुआ)

उत्तर प्रदेश नागर पालिका अधिनियम, 1916 और उत्तर प्रदेश नागर निगम अधिनियम, 1959 का अनुरूप संशोधन करने के लिए अधिनियम

भारत गणराज्य के बास्तर्व वर्ष में निम्नलिखित अधिनियम वसाया जाता है:

अध्याय—एक
प्रारंभिक

1—यह अधिनियम उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) शासित नगर अधिनियम 2011 कहा जाता है।
अध्याय-2
उत्तर प्रदेश नगर पालिका अधिनियम, 1916 का संशोधन

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा 114 के प्रयोग पर निय-नियत सभा रख दी जायेगी, अर्थातः --

"114—(1) प्रत्येक नगर पालिका के लिए एक नगर पालिका निदेश रचनात्मक की जायेगी और इसमें प्रत्येक नगर पालिका. जिसमें शर्तों की अनुमति और नगर पालिका द्वारा या उसकी ओर के लिए एक नया नगर पालिका संस्थान है, जागरूक की जायेगी।

(2) प्रत्येक नगर पालिका इस अधिनियम के प्रयोग पर निर्भर निर्मित का गठन करेगी। निर्माण निदेश का गठन और विशेष का निर्माण अयोग्य संविधान के लिए एक नियम निर्मित होगा।

(3) उपकार (2) के अंतिम समय के लिये निर्मित निर्मित प्रशिक्षण अन्य भागों और नगर के निर्माण व्यक्ति और नवीन क्षेत्रों के नियम योजना को संयोजन प्रदान करने और रोजगारों के उन्माद के लिए निर्मित नियम जारी किया जायेगा और उपकार व्यापक लागू जायेगा।

साधनकारणः

उपकार (3) के अनुसार नौकरी प्रशिक्षण 'संघाएँ' ई आयुक्त संघाएँ, नगर, प्रत्यक्ष शिक्षा और स्वास्थ्य, अवसाद, जलवायु प्रशिक्षण, सामाजिक-रुचिकार और प्रत्येक प्रशिक्षण की उपलब्ध संस्थान सम्मिलित है। त्यसकी इससे रोजगार प्रदान करने के लिए शीघ्र और निर्मित: उपकार नौकरी अनुपस्थित नगरी ग्राम (नगर और ग्रामपंचायत सहित) सम्मिलित नहीं होगे।"

अध्याय-3
उत्तर प्रदेश नगर निगम अधिनियम, 1959 का संशोधन

उत्तर प्रदेश नगर निगम अधिनियम, 1959 के अर्थातः उपकार (3) के प्रकाशित नियम योजना बढ़ा दी जायेगी, अर्थातः --

"(4) उपकार (3) के अनुसार गठित नियम निदेश का प्रशिक्षण अन्य भागों और नगर के निर्माण व्यक्ति और नवीन क्षेत्रों के नियमों को संयोजन प्रदान करने और रोजगारों के उन्माद के लिए निर्मित नियम जारी किया जायेगा और उपकार व्यापक लागू जायेगा।

साधनकारणः

उपकार (3) के अनुसार नौकरी प्रशिक्षण 'संघाएँ' ई आयुक्त संघाएँ, नगर, प्रत्यक्ष शिक्षा और स्वास्थ्य, अवसाद, जलवायु प्रशिक्षण, सामाजिक-रुचिकार और नवीन प्रशिक्षण की उपलब्ध संस्थान सम्मिलित है। त्यसकी इससे रोजगार प्रदान करने के लिए शीघ्र और निर्मित: उपकार नौकरी अनुपस्थित नगरी ग्राम (नगर और ग्रामपंचायत सहित) सम्मिलित नहीं होगे।"

उपकार (2) में संशोधन की धारा 146 में, उपकार (2) में, खंड (3) के प्रकाशित नियम योजना बढ़ा दिया जायेगा अर्थातः --

"(3) नगर के निर्माण व्यक्तियों के लिए वज्र की व्यवस्था करना।"
In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Samitiya Swayatt ShaSan Vidhi (Sansodhan) Adhiniyam, 2011 (Uttar Pradesh Adhiniyam Sankhya 7 of 2011) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 8, 2011:—

THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (AMENDMENT) ACT, 2011
(U.P. Act no. 7 of 2011)
(As passed by the Uttar Pradesh Legislature)

AN ACT

further to amend the Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959.

IT IS HEREBY enacted in the Sixty-second Year of the Republic of India as follows:—

CHAPTER-I
Preliminary

1. This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 2011.

CHAPTER-II
Amendment of the Uttar Pradesh Municipalities Act, 1916

2. For section 114 of the Uttar Pradesh Municipalities Act, 1916, the following section shall be substituted, namely:—

"114. (1) There shall be established, for each municipality a Municipal Fund and to the credit whereof shall be placed all sums received including the grants-in-aid from the consolidated fund of the State and all loans raised, by or on behalf of the municipality.

(2) Every municipality shall constitute a Development Fund for the purpose of this Act. The constitution and disposal of the Development Fund shall be effected in such manner as may be prescribed."
Amendment of section 146
(U.P. Act no. 2 of 1959)

Twenty five per cent of the Development Fund constituted under sub-section (2) shall be non lapsable and shall be earmarked and utilized to provide and promote services for the urban poor and the inhabitants of the slum areas.

Explanation:—For the purposes of sub-section (3) “services” shall include basic environmental services, roads, primary education and health, housing, water supply, sanitation, social security and such like services. However it shall not include establishment expenses (including salary and wages) not directly and specifically incurred for delivery of services."

CHAPTER-III
Amendment of the Uttar Pradesh Municipal Corporation Act, 1959

3. In section 139 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter in this chapter referred to as the principal Act, the following sub-section shall be inserted at the end, namely:—

“(4) Twenty five per cent of the Development Fund constituted under sub-section (3) shall be non lapsable and shall be earmarked and utilized to provide and promote services for the urban poor and the inhabitants of the slum areas.

Explanation:—For the purposes of sub-section (4) “services” shall include basic environmental services, roads, primary education and health, housing, water supply, sanitation, social security and such like services. However, it shall not include establishment expenses (including salary and wages) not directly and specifically incurred for delivery of services.”

4. In section 146 of the principal Act, in sub-section (2), after clause (f) the following clause shall be inserted, namely:—

(g) “provide the budget for the urban poor.”

STATEMENT OF OBJECTS AND REASONS

On the recommendations of the Government of India it has been decided to amend the Uttar Pradesh Municipalities Act, 1916 (U.P. Act no. 2 of 1916) and the Uttar Pradesh Municipal Corporations Act, 1959 (U.P. Act no. 2 of 1959) mainly to provide for,—

(a) constitution of Development Fund by every Municipal Council;

(b) earmarking and utilizing 25% of the Development Fund to provide and promote services of urban poor and inhabitants of slum areas;

(c) providing by every Municipal Corporation the budget for urban poor.

The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Bill, 2011 is introduced accordingly.

By order,

K. K. SHARMA,

Pramukh Sachiv.
सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित
असाधारण

विधायी परिषिक्षा
भाग—1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 11 मार्च, 2011
फाल्गुन 20, 1932 शाक संवत

उत्तर प्रदेश सरकार
विधायी अनुभाग—1

संख्या: 344/79-वि-1-11-1(क)-13-2011
लखनऊ, 11 मार्च, 2011

अधिसूचना
विवेचन
“भारत का संविधान” के अनुसार 200 के अभिवृद्धि सर्वयुक्त पश्चिम ने उत्तर प्रदेश नए पालिका अधिनियम (संशोधन) विधेयक, 2011 पर दिनांक 29 मार्च, 2011 को अनुमोदित प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 8 सन् 2011 के अंतर्गत सरकारी वा सूचनाएं इस अधिनियम द्वारा प्रकाशित किया जाता है ।

उत्तर प्रदेश नगर पालिका (संशोधन) अधिनियम, 2011
(उत्तर प्रदेश अधिनियम संख्या 8 सन् 2011)
(जैसा उत्तर प्रदेश विधान सभा स्वतंत्रता हुआ)
उत्तर प्रदेश नगर पालिका अधिनियम, 1916 का अंतगत संशोधन करने के लिए
अधिनियम

भारत गणराज्य के बलात्कार वर्धन के हिन्दीशिष्ट अधिनियम वगैर्ह जाता है ।

1—यह अधिनियम उत्तर प्रदेश नगर पालिका (संशोधन) अधिनियम, 2011 के अंतर्गत नाम योग्य होगा।
उत्तर प्रदेश अभिनियम गठन, 11 जून, 2011

2-उत्तर प्रदेश नागर पालिका अभिनियम (1916) जिसे आगे जून अभिनियम कहा गया है, की घाट में 128 के रूप में निर्माणित वाला रव थी जानरों, अधिकता —

"28 (1) इस अभिनियम तथा भारत का संविधान के अनुसार 285 के अधिकता फिर उपरता के अधिक रहने हुए नागर पालिका निर्माणित जाने गए कर अधिकता करती है। अधिकता—

(एक) भवनों या डूंगरों या दोंरों के साधारण घर मूल पर कर;

(दो) भवनों या डूंगरों या दोंरों के बाहिर घर मूल पर जलकर;

(तीन) भवनों के बाहिर घर मूल पर जल निकलने कर जो ऐसे स्थान पर उद्यमीहीन हो, जो निकलता सांकेत तालाब से प्रभावित नागर पालिका के लिए इस दिनता दिया द्वारा निर्देशात्मक की जाने वाली दृष्टि के नियमात्मक हो।

(चार) हावाओं, बूंजालों और मलबुद्गों से गलज़मित और प्रभावित पदवियों का सहारण करने, हटाने और निर्माण व्रमण के लिए आज़ाद कर।

(2) उपरांत (1) में विनिर्देश करने के अधिकता नागर पालिका: इस अभिनियम के प्रयोजनों के लिए और उपरांत उपरांत के अधिक रहने हुए, निर्माणित में से कोई कर अधिकता कर सकती है, अधिकता—

(एक) ऐसे व्यापार और आज़ादिका कर जो नागर पालिका की सीमाओं के भीतर किये जाते हो, और जिन्हें नागर पालिका सीमाओं से व्यापार नहीं हो रहा हो या जिन्हें उसके सीमाओं पर विशेष भार मह हो रहा हो;

(दो) ऐसे व्यापार, आज़ादिका और उद्यमीय रो रो, जिन्हें ऐसे सभी संबंधित भी सामान्य है, जो केवल या जीवन के रूप में प्रभावित किया जा रहा है।

(तीन) नागर शासन कर, जिसका तालाब विदेश या आंदोल बन कर कर है;

(चार) नागर पालिका के भीतर रखे गये बुद्ध रखे कर;

(पाँच) बांध कर;

(आठ) नागर पालिका की सीमाओं के भीतर स्थान स्वामित्व के अन्तर विदेशों पर कर;

(सात) विस्टरियों पर कर, जो संग्रहार पानी में प्रक्रियात्मक विज्ञापन न हों;

(अष्ट) नागर पालिका की सीमाओं के भीतर चलाई जाने वाले बांधों और अन्य चीजों के उसकी सोम से बांधे जाने दूसरे गांवों पर कर;

(हरी) भूमि कर।

(3) नागर पालिका कंपन का निर्माण और उद्यमीय इस अभिनियम और तत्कालीन निर्माण गये गये वार्ता न उपरांत द्वारा उपरांत के अनुसार किया जाना।

(4) इस धारा की कोई बात किसी ऐसे कर के अधिकता का प्रावधान न होगी, जिसके द्वारा तत्कालीन विवाद गणन का संविधान के अधिकार रखने में अधिकता करने के शक्ति हो।

प्रति: यहां है कि कौई नागर पालिका जो संविधान के राजनयन हो जो खरी उत्पत्ति अभिनियम इसी धारा के अधीन वही प्रथित उपरांत कर ची धारा का उद्यमीय जारी रख तक है, जबतक कि संसद द्वारा इसके प्रतिकूल उपरांत न बनाया जायः
3-गूल अधिनियम की धारा 129 में, श्रद्धा और अंक “उपराहा (1) के खंड (दसह)”
के स्थान पर शब्द और अंक “उप धारा (1) के खंड (दी)” रख दिये जायेंगे।

4-गूल अधिनियम की धारा 129 के प्रवचन निरन्तरित धारा दो दी जायेंगी,
अथवा अथवा

129-क. भवानों वा भूमि या दोनों के वायाधि, भूमि पर कर का उद्देश्य नहीं
या मनो या भूमि वा
दोनों के वायाधि
भवानों वा भूमि वा दोनों के संबंध से किया जायेगा।

(ब) मृत्युकों के निस्तारण से संबंधित प्रश्नों के दिये अन्य रूप से
प्रयुक्त भवन वा भूमि;

(क) भवानों और भूमि या उनके भाग, जिनका अधिग्रह और उसको
अन्य रूप से द्वारपालक या
विकास के सरकारी सहायता प्राप्त संस्थाओं के गैतियां,
कृषि क्षेत्र और उद्यान,
सरकारी सहायता प्राप्त या
गैर सहायता प्राप्त,
मान्यता प्राप्त शैक्षिक
संस्थाओं के खेत के गैतियां या
कृषि विकास के दिये किया जाता है;

(र) भवन, जिनका उपयोग अन्य रूप से विधायत या इप्टरकटिक
कोलेज के रूप में किया जाता हो, और
ये राज्य सरकार द्वारा पाउने प्राप्त
ही अथवा न हो;

(अ) वार्षिक संस्थापक परिषद अधिनियम, 1904 ने गैतियां प्रदायित
प्राप्त संस्थापक,
जो विकली ऐसे संस्थापक से संबंध में राज
सरकार के
किसी निदेश के अस्वीकार हो;

(ब) भारत संघ में निर्वहन भवन और भूमि, सिवाय दोनों के यहाँ भारत
का
होते हो

(च) किसी
नीटर के भाग वाले वा पतझर वर्ग गैटर तक के भाग अस्त्रों के वाले
मूलधार या निष्कर्षही, परतु उसके स्वाक्षर की स्वायत्त में
मान वाला धीमे कोई अन्य भवन न हो ; और

(इ) भवन स्वायत्त द्वारा अधिकारिक अधीनता, जो ऐसे क्षेत्र में निखरा
हो अतः दंड वर्ग के
भीतर नए वाला विस्मय की तीन के नीटर
स्वायत्त किया लिया
हो।

5-गूल अधिनियम की धारा 130 में, श्रद्धा और अंक “उपराहा (1) के खंड (दसह)
या (वर्गह)” के स्थान पर शब्द और अंक “उप धारा (1) के खंड (दाय) या उपराहा (2) के
खंड (3)” रख दिये जायेंगे।

6-गूल अधिनियम की धारा 130 ख में श्रद्धा और अंक “उपराहा (1) के खंड (दसह),
(रस)”, (स्थापय) और (वर्गह) के स्थान पर शब्द और अंक “उप धारा (1) के खंड (दाय),
(सी), (सत) और उपराहा (2) के खंड (3)” रख दिये जायेंगे।

7-गूल अधिनियम की धारा 131 में, उपराहा (1) में, खंड (क) में श्रद्धा और अंक “उपराहा (1)” के स्थान पर शब्द और अंक “उप धारा (2)” रख दिये जायेंगे।

8-गूल अधिनियम की धारा 133 में, उपराहा (1) में, श्रद्धा और अंक “यदि प्रसाधित
कर धारा 128 की उपराहा (1) के खंड (क) से (क्रम) के अन्तर्गत हो” के स्थान पर शब्द
“पूर्ववर्ती धाराओं के अधीन प्रस्तावों और आयशित धाराओं की प्राप्ति पर” रख दिये जायेंगे।
उत्तर प्रदेश असाधारण गठब, 11 जून, 2011
d
भाग 138 का सारांश

9—मूल अधिनियम का भाग 138 में, उपधारा (1) में, शब्द और अंक "उपधारा (1) के ख़ंड (एक), (दो) और (तीन)" के राख पर शब्द और अंक "उपधारा (1) के ख़ंड (एक) और (दो) और उपधारा (2) के ख़ंड (ए)" रह दिखे जायेंगे।

भाग 140 का प्रस्तावना

10—मूल अधिनियम का भाग 140 के सारांश पर निम्नलिखित धारा रख दी जायेगी:

अध्यात्म —

"140—(1) 'वारिक गृह' का तालमेल—

वारिक गृह की परिभाषा

(क) ऐसे स्टेंसलों, बुलभंजों, स्क्वूलों, हॉटलों, बास्फोनियों, बापिसिक गावों और अन्य आमावासार्थ निवासी की दर्शन में, वास्तविकता, भवन के आवश्यकता ही से या भूमि के ख़ुले क्षेत्र या घरों के साथ खान (क) के अन्तर्गत निवास आमावासार्थ निवासी के प्रति वर्ष फुट मासिक किराया की दर में निम्न से हादसा निश्चित किये जाने वाले, गुना के गुण करने पर ब्राह्मण का 12 बुना गुण से है।

(ख) खान (क) के उपभोक्ताओं के उपरान्त न आने वाले किसी भगवान या धूम की दर्शन में, वास्तविकता, भवन के दर्शन में प्रतिवर्ष मध्यमत क्षेत्र के रूप में निर्माता मासिक किराया दर या भूमि की दर में प्रतिवर्ष मध्यमत क्षेत्र के रूप में निर्माता मासिक किराया दर भवन के कतेल्ट क्षेत्र के रूप में गुना के गुण करने पर आये 12 गुण गृह से है और इस प्रयोजन के लिए प्रतिवर्ष मध्यमत निर्माता मासिक किराया दर इस प्रकार होगी जो कि नगर पालिका की अधिकारी अधिकारी द्वारा प्रदेख के वर्ष में एक बार नियुक्त या भूमि की अधिकारी, नियुक्त निभान की प्रकृति, वास्तविकता अधिनियम, 1999 के प्रयोजन के लिए करार किराया द्वारा निर्माता किराया दर के अधार पर नियुक्त किया जाने और ऐसे अन्य कारक इस प्रकार होंगे जो विधि दिये जाएं।

प्रतिबंध यह है कि जहाँ नगर पालिका की दर में असाधारण परिस्थितियों के कारण किसी भवन का वारिक गृह, वर्दि उपनुक्त अतिरिक्त से ग昊ना की गयी हो, अन्यत्र इस हो, वर्तमान समय में किसी भवन दर में हर अति क्षेत्र प्रतिदिन हो, वारिक गृह नियुक्त कर सकती है।

स्पष्टीकरण—(1) वारिक गृह की गणना के प्रयोजन के लिए कतेल्ट क्षेत्र की गणना निर्मातियों रूप से की जायेगी—

(एक) कक्ष—अतिरिक्त आयाम की पूर्ण गाप;

(डी) आचारित बराबर—अतिरिक्त आयाम की पूर्ण गाप;

(तीन) बालाभागी, गलियारों, रसोईघर और भवनार गृह—अतिरिक्त आयाम की 50 प्रतिशत गाप;

(चतुर्थ) गैरवार—अतिरिक्त आयाम की एक शीताई गाप;

(पांच) स्वास्थ्य, सेवालयों, भारतीय और जीवन से आचारित अन्य क्षेत्र का अंत नहीं होगा।

स्पष्टीकरण—(दो) उत्तर प्रदेश शासी भवन (किसीरों पर देने, किसी तथा बेदालों का स्थिरितम) अधिनियम, 1972 के प्रयोजनों के लिए किसी भवन का गापाक किराया, अनुबंधित किराया या पुनर्नियुक्त वारिक किराया को भवन के वारिक गृह की गणना करने समय हिसाब में नहीं लिया जाएगा।

(2) जहाँ नगर पालिका इस प्रकार संकल्प करे वहाँ सम्पत्ति करों के निरीक्षण के प्रयोजन के लिए वारिक मूल्य —
(क) मूल और स्वामी द्वारा अभिव्यक्ति आयुक्तिक भवन, जो दस वर्ष से अनवरित पुरातन है, के माले में 25 प्रतिशत कम समझा जायेगा और यदि वह दो वर्ष से अविश्वास पुरातन हो किन्तु 20 वर्ष से अविश्वास पुरातन न हो तो 32.5 प्रतिशत कम समझा जायेगा और यदि वह 20 वर्ष से अविश्वास पुरातन हो तो उपभाषा (1) के खण्ड (व) के अधीन अवधारित वार्षिक मूल्य से 40 प्रतिशत कम समझा जायेगा, और

(ख) किसी वर्ष में दिये गये आयुक्तिक भवन, जो 10 वर्ष से अविश्वास पुरातन हो, के माले में 25 प्रतिशत अवधारित वार्षिक मूल्य जायेगा और यदि वह 10 वर्ष से अविश्वास पुरातन हो किन्तु 20 वर्ष से अविश्वास पुरातन न हो तो उपभाषा (1) के खण्ड (व) के अधीन अवधारित वार्षिक मूल्य से 12.5 प्रतिशत अवधारित वार्षिक मूल्य जायेगा, और यदि वह 20 वर्ष से अविश्वास पुरातन हो तो उपभाषा (1) के खण्ड (व) के अधीन अवधारित वार्षिक मूल्य के ब्यापार समझा जायेगा।

11—मूल अभिव्यक्ति की धारा 141 के स्थान पर मिलाकर विभाग से रख दी जायेगी, अथवा —

"141—नागर पालिका या इस निम्नलिखित उसके द्वारा प्रधान कार्यालय के निर्यात आयुक्तिक नियमांश, नागर पालिका क्षेत्र या उसके भाग में निर्माणाधीन सूची का तैयार किया जाना

दर और कर निर्धारण सूची तैयार कर्यायेगा।"

141—(क) इस अभिव्यक्ति के किसी अन्य उपभाषा में किसी वर्ष के प्रतिवर्ष स्वर्णवर्ष द्वारा होते हुए भी किसी भवन के सम्बन्ध में कर पुगातन के लिए मूल्य का मूल या शुद्ध के अधीन अवधारित मूल्य से उत्तराधिक शुद्ध और अति अवधारित अधिक मूल्य के अवधार्य स्वर्ण कर सकता है और ऐसा करने में वह धारा 140 के उपर्युक्त भवन के वार्षिक मूल्य का अवधारण स्वर्ण कर सकता है और अपने द्वारा इस शुद्ध के इस प्रकार निर्धारित कर सकता है, ऐसे वार्षिक विवरण ऐसे प्राप्त भवन में जैसा कि शुद्ध किया जाय, जाना और कर सकता है।

141—(ख)—(1) वार्षिक किराया मूल्य के प्रसवात्मक के लिए, प्रत्येक भवन या जल निर्यात के लिए मूल्य का शुद्ध या अवधारित उसे दिनांक तक उसकी बुक के निर्धारण में शुद्ध के अवधारण 

का प्रस्तुत किया जाना

(2) इनाम मुद्रित कर्यार के उपभाषा (1) में विनियमित विवरण की प्रस्तुत करने में विकल्प कोई व्यक्ति यथाविध शुद्ध का पुगातन करने के लिए उल्लंघन कर सकता है

(3) उपभाषा (2) में विनिमय शास्त्री का प्रशासन अधिकारी अधिकारी द्वारा किया जा सकता है

12—मूल अभिव्यक्ति की धारा 142 के स्थान पर मिलाकर विभाग से रख दी जायेगी, अथवा —

"12—नागर पालिका या इस निम्नलिखित उसके द्वारा प्रधान कार्यालय के अधीन निर्माण आयुक्तिक नियमांश, नागर पालिका क्षेत्र या उसके भाग में विनियमित शैली के अनुसार धारा 141 के अधीन तैयार की गयी सूची को प्रकाशित कर्यायेगा।"
IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Nagar Pakhā (Sanskodhan) Adhiniyam, 2011 (Uttar Pradesh Adhiniyam Sankhya 8 of 2011) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 9, 2011:

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2011
U.P. Act no. 8 of 2011
(As passed by the Uttar Pradesh Legislature)
AN
ACT
further to amend the Uttar Pradesh Municipalities Act, 1916.
IT IS HEREBY enacted in the Sixty-second Year of the Republic of India as
follows:-

1. This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2011.

2. For section 128 of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act, the following section shall be substituted, namely:—

128—(1) Subject to the provisions of this Act and of article-285 of the Constitution of India, a Municipality shall impose the following taxes, namely:

(i) a tax on the annual value of buildings or lands or both;

(ii) a water tax on the annual value of buildings or lands or both;

(iii) a drainage tax on the annual value of buildings leviable on such buildings as are situated within a distance, to be fixed by rules in this behalf for each municipality from the nearest sewer line;

(iv) a conservancy tax for the collection, removal and disposal of excrementious and polluted matter from privies, urinals, cesspools;

(2) In addition to the taxes specified in sub-section (1), the Municipality may, for the purposes of this Act and subject to the provisions thereof, impose any of the following taxes, namely:

(i) a tax on trades and callings carried on within the municipal limits and deriving special advantages from, or imposing special burdens on, the municipal services;

(ii) a tax on trades, callings and vocations including all employments remunerated by salary or fees;

(iii) a theatre tax which means a tax of amusements or entertainments;

(iv) a tax on dogs kept within the Municipality;

(v) a scavenging tax;

(vi) a tax on deeds of transfer of immovable properties situated within the limits of the Municipality;

(vii) a tax on advertisements not being advertisements published in the newspapers;

(viii) a tax on vehicles and other conveyances plying within the Municipality limit or on boats moored therein.

29-A. The tax on annual value of buildings or lands or both shall be levied in respect of all buildings and, lands situated in the municipal limit except—

1. The municipal taxes shall be assessed and levied in accordance with the provisions of this Act and the rules and bye-laws framed thereunder.

3. In section 129 of the principal Act, for the words and figures "clause (x) of sub-section (1)" the words and figures "clause (ii) of sub-section (1)" shall be substituted.

4. After section 129 of the principal Act, the following section shall be inserted, namely:

129-A. - The tax on annual value of buildings or lands or both shall be levied in respect of all buildings and, lands situated in the municipal limit except—
(a) buildings and lands solely used for purposes connected with the disposal of the dead;
(b) buildings and lands or portions thereof solely occupied and used for public worship or for the charitable purposes, fields, farms and gardens of Government aided institutions of research and development, play grounds of Government aided or unaided, recognised educational institutions or sports stadium;
(c) buildings solely used as schools and intermediate colleges, whether aided by the State Government or not;
(d) ancient monuments as defined in the Ancient Monuments Preservation Act, 1904, subject to any direction of the State Government in respect of any such monument;
(e) buildings and lands vested in the Union of India, except where provisions of clause (2) of Article 285 of the Constitution of India apply;
(f) any owner occupied residential building constructed on a plot of land measuring thirty square meters or having a carpet area upto fifteen square meters, provided that the owner thereof does not own any other building in the municipal limit; and
(g) residential buildings occupied by the owner of the building which is located in such area which has been included in the limit of municipal council, within five years or the facilities of roads, drinking water and street light provided in the area, whichever is earlier.

5. In section 130 of the principal Act, for the words and figures "clause (xi) of (xii) of sub-section (1)" the words and figures "clause (iv) of sub-section (1) or clause (vi) of sub-section (2)" shall be substituted.

6. In section 130B of the principal Act, for the words and figures "clauses (x), (x-a), (xi) and (xii) of sub-section (1)" the words and figures "clauses (ii), (iii), (iv) of sub-section (1) and clause (vi) of sub-section (2)" shall be substituted.

7. In section 131 of the principal Act, in sub-section (1), in clause (a) for the words and figures "sub-section (1)" the words and figures "sub-section (2)" shall be substituted.

8. In section 133 of the principal Act, in sub-section (1), for the words and figures "If the proposed tax falls under clauses (i) to (xii) of sub-section (1) of section 128" the words "Upon receipt of the proposals and objections under the preceding sections" shall be substituted:

9. In section 138 of the principal Act, in sub-section (1) for the words and figures "clauses (i), (x) and (xi) of sub-section (1)" the words and figures "clauses (i) and (ii) of sub-section (1) and clause (vi) of sub-section (2)" shall be substituted.

10. For section 140 of the principal Act, the following section shall be substituted, namely:-

140-(1) "Annual Value" means-

Definition of annual value
(a) in the case of railway stations, colleges, schools, hotels, factories, commercial buildings and other non-residential buildings, twelve times the value arrived at on multiplying with multiplier to be fixed by rules in the monthly rate of rent per square foot of residential buildings fixed under clause (b) with the covered area of the building or open area of the land or both, as the case may be.
(b) in the case of a building or land not falling within the provisions of clause (a), twelve times the value arrived at on multiplying the carpet area of the building, or the area of the land, by the applicable minimum monthly rate of rent per square foot of the carpet area in the case of building or the applicable minimum monthly rate of rent per square foot of the area in the case of land, as the case may be, and for this purpose the minimum monthly rate of rent per square foot shall be such as may be fixed once in every two years by the executive officer of the Municipality on the basis of the location of the building or the land, nature of the construction of the building, the circle rate fixed by the Collector for the purpose of the Indian Stamp Act, 1899 and the current minimum rate of rent in the area for such building or land and such other factors, and in such manner, as may be prescribed:

Provided that where the annual value of any building would, by reason of exceptional circumstances, in the opinion of the Municipality, be excessive if calculated in the aforesaid manner, the Municipality may fix the annual value at any less amount which appears to it equitable.

Explanation I—For the purpose of calculation of annual value the carpet area shall be calculated as under:

(i) Rooms—full measurement of internal dimension;
(ii) Covered Verandah—full measurement of internal dimension;
(iii) Balcony, Corridor, Kitchen and Store—50 per cent measurement of internal dimension;
(iv) Garage—one-fourth measurement of internal dimension;
(v) Area covered by bathroom, latrines, portico and staircase shall not form part of the carpet area.

Explanation II—The standard rent, the agreed rent or the reasonable annual rent of a building for the purposes of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 shall not be taken into account while calculating the annual value of the building.

(ii) Where the Municipality so resolves, the annual value for the purpose of assessment of property taxes shall—

(a) in the case of land and owner-occupied residential building which is not more than ten years old, be deemed to be 25 per cent less and if it is more than ten years but not more than twenty years old, be deemed to be 32.5 per cent less, and if it is more than twenty years old, be deemed to be 40 per cent less than the annual value determined under clause (b) of sub-section (1); and

(b) in the case of residential building let on rent, which is not more than ten years old, be deemed to be 25 per cent more and if it is more than ten years but not more than twenty years old, be deemed to be 12.5 per cent more than the annual value determined under clause (b) of sub-section (1), and if it is more than twenty years old, be deemed to be equal to the annual value determined under clause (b) of sub-section (1)."

11—For section 141 of the principal Act the following sections shall be substituted, namely—

"141—The Municipality or the Executive Officer authorized by it in this behalf, shall cause areawise rental rates and an assessment list in the municipal area or part thereof to be prepared from time to time in accordance with the manner prescribed in the rules"
141-A. Notwithstanding anything to the contrary in any other provision of this Act, the owner or occupier primarily liable for payment of tax in respect of a building may himself assess every year his liability regarding the amount of property tax payable by him and in doing so he may himself determine the annual value of the building in accordance with the provisions of section 140, and deposit the tax so assessed by him in such manner, together with a statement of such self-assessment, in such form as may be prescribed.

141-B. (1) For the purposes of annual rental value, the owner or the occupier of every house or land shall submit a return thereof up to a date as may be prescribed.

(2) Any person failing to submit the return referred to in sub-section (1) without proper reasons shall be liable to pay penalty as may be prescribed.

(3) The penalty referred to in sub-section (2) may be compounded by the Executive Officer.

12. For section 142 of the principal Act the following section shall be substituted, namely:

"142. The Municipality or the Executive officer authorized by it in this behalf shall publish the list prepared under section 141 in accordance with the manner prescribed in the rules."

13. For section 143 of the principal Act the following section shall be substituted, namely:

"143. The Municipality or the Executive Officer authorized by it in this behalf shall dispose off the objections in accordance with the manner prescribed in the rules."

14. For section 144 of the principal Act, the following section shall be substituted, namely:

"144. (1) The Executive Officer or an officer authorised by him in this behalf, shall authenticate by his signature the area-wise rental rates and the assessment list of the municipal area or any part thereof, as the case may be.

(2) Every list so authenticated shall be deposited in the office of the Municipality.

(3) As soon as the list for the entire municipal area is so deposited it shall be declared by public notice to be open for inspection."

15. In section 147 of principal Act for the word 'Municipality' wherever occurring the words "Municipality or the Executive Officer authorised by it" shall be substituted.

16. In section 149 of the principal Act, in sub-section (3), for the words 'Municipality' the words "Municipality or the Executive Officer authorised by it" shall be substituted.
STATEMENT OF OBJECTS AND REASONS

With a view to implementing the recommendations of the State Finance Commission and augmenting the financial resources of the Municipal Councils and Nagar Panchayats of the State, it has been decided to amend the Uttar Pradesh Municipalities Act, 1916 (U.P. Act no. 2 of 1916) mainly to provide for,—

(a) imposition of property tax by a municipality;

(b) giving facility of self assessment to the inhabitants of municipality;

(c) changing the definition of annual value in respect of non-residential property within the area of a municipality.

The Uttar Pradesh Municipalities (Amendment) Bill, 2011 is introduced accordingly.

By order,

K. K. SHARMA,

Pramukh sachiv.
उत्तर प्रदेश नगर स्थानीय स्वायत्त शाखा (संस्थापन) अधिनियम, 2012

उत्तर प्रदेश नगर स्थानीय स्वायत्त शाखा का संस्थापन 7 जुलाई 2012 को द्वारा आयोजित किया गया है।

उत्तर प्रदेश नगर स्थानीय स्वायत्त शाखा का अधिनियम 1950 का अधिनियम संप्रभुत करने के लिए।

अधिनियम

अधिनियम

भारत गणराज्य के तरंगत के बीच निर्माणित अधिनियम बनाना जाता है :-

अधिनियम

उत्तर प्रदेश नगर स्थानीय स्वायत्त शाखा का संस्थापन अधिनियम, 2012 का अधिनियम ओडी.

(1) यह अधिनियम उत्तर प्रदेश नगर स्थानीय स्वायत्त शाखा का संस्थापन अधिनियम, 2012 का अधिनियम ओडी.

(2) यह 15 सितंबर, 2006 को प्राप्त हुआ समाप्त जाने जाएगा।
उत्तर प्रदेश नागरिकता का अधिनियम, 1916 का संशोधन

उत्तर प्रदेश नागरिकता का अधिनियम, 1916 को धारा 99 के में, उपदर 3 (1) में, वार्ता (5) के परामर्श नियमित व्यक्तियों का नियम ग्रहण का दिन और उन 15 दिसंबर, 2006 को बदला हुआ संशोधन जारी किया। कारणः-

"स्वत्त्वरूप-एक --एवंदुर यह स्पष्ट किया जाता है कि इस वार्ता (5) में और अधिनियम में अन्यथा अन्तर्भाक्त शब्द "पूर्वतंत्री निर्णय" और "पश्चात्तंत्री निर्णय" में उत्तर प्रदेश नागरिकता (संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 3 वि 2006) और उन अधिनियम द्वारा यथासंरचना इस अधिनियम के उपरांत अनुरोध हुए निर्णयों वाले जाने और बैठकी या सभाभीत किये गए हैं।"

"स्वत्त्वरूप-दो --उत्तर प्रदेश नागरिकता (संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 4 वि 2006) के लिये और उत्तर प्रदेश नागरिकता यथार्थता साधन विधि (संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 25 वि 2006) द्वारा उनमें प्रतिष्ठित वा किसी यथार्थता, अभद्रता या अभिव्यक्ति के रूप में, आयोग या दिग्दर्शिक को इत्यादि किया जाता है कि उन भारतीय और उन अधिनियम द्वारा यथासंरचना इस अधिनियम के उपरांत अनुरोध हुए निर्णयों द्वारा जाने के अभियोग या अनुसरण "पूर्वतंत्री निर्णय" नहीं समझे जाने और इस धारा के प्रभाव होने वाले अन्य निर्णयों "पश्चात्तंत्री निर्णय" नहीं समझे जाने।"

उत्तर प्रदेश नागरिकता अधिनियम (संशोधन) 2 वि 1959 का विनिमय 1959 का संशोधन

उत्तर प्रदेश नागरिकता अधिनियम, 1959, धारा 7 में, उपदर 5 (3) में, वार्ता (1) में, उपदर 3 (4) के परामर्श नियमित स्वत्त्वरूप का दिन दिया गया और उन 15 सितंबर, 2006 को बदला हुआ संशोधन जारी किया। कारणः-

"स्वत्त्वरूप-एक --एवंदुर यह स्पष्ट किया जाता है कि इस वार्ता (4) में और इस अधिनियम में अन्यथा अन्तर्भाक्त शब्द "पूर्वतंत्री निर्णय" और "पश्चात्तंत्री निर्णय" में उत्तर प्रदेश नागरिकता (संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 29 वि 2006) द्वारा उनमें प्रतिष्ठित निर्णयों या किसी यथार्थता, अभद्रता या अभिव्यक्ति के रूप में आयोग या दिग्दर्शिक को इत्यादि किया जाता है कि उन भारतीय और उन अधिनियम द्वारा यथासंरचना इस अधिनियम के उपरांत अनुरोध हुए निर्णयों के अभियोग या अनुसरण "पूर्वतंत्री निर्णय" नहीं समझे जाने और इस धारा के प्रभाव होने वाले अन्य निर्णयों "पश्चात्तंत्री निर्णय" नहीं समझे जाने।"

उत्तर प्रदेश नागरिकता अधिनियम (संशोधन) 2012 एवंदुर निर्मित सिद्धांत जाने हेतु:

(1) उत्तर प्रदेश नागरिकता यथार्थता साधन विधि (संशोधन) जारी प्रकाशित 2012 एवंदुर निर्मित विधान जाने हेतु:

(2) ऐसे विनिमय के होते हुए भी उपदर (1) में विनिमय अधिनियम द्वारा यथासंरचना उत्तर प्रदेश नागरिकता अधिनियम, 1916 और उत्तर प्रदेश नागरिकता अधिनियम, 1959 द्वारा उनमें प्रभाव होने वाले अधिनियम द्वारा यथासंरचना उन अधिनियम के उपरांत अनुरोध हुए निर्णयों के अभियोग या अनुसरण "पूर्वतंत्री निर्णय" नहीं समझे जाने और इस धारा के प्रभाव होने वाले अन्य निर्णयों "पश्चात्तंत्री निर्णय" नहीं समझे जाने।"
Dated Lucknow, December 10, 2012

In pursuance of the provisions of clause (2) of article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Shabha Vidhan and Swayat Shasan Vidhi (Sanshodhan) Adhiniyam, 2012 (U.P. Act No. 7 of 2012) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 2, 2012.

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS (AMENDMENT) ACT, 2012
(U.P. ACT NO. 7 OF 2012)

(As passed by the Uttar Pradesh Legislature)

AN ACT

further to amend the Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959.

IT IS HEREBY enacted in the Sixty-third Year of the Republic of India as follows:

CHAPTER-1
PRELIMINARY

1. (1) This Act may be called the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2012.

(2) It shall come into force on September 15, 2006.
CHAPTER-2

AMENDMENT OF THE UTTAR PRADESH MUNICIPALITIES ACT, 1916

2. In section 9-A of the Uttar Pradesh Municipalities Act, 1916, in sub-section (5), in clause (1) after sub-clause (f) the following Explanations shall be inserted and be deemed to have been inserted on September 15, 2006, namely:

"Explanation 1: It is hereby clarified that the words “previous election” and “subsequent election” as occurring in sub-clause (f) of this clause and elsewhere in the Act shall not include and shall be deemed to have never included the elections held in accordance with the provisions of the Uttar Pradesh Municipalities (Amendment) Ordinance, 2006 (Utter Pradesh Ordinance no. 3 of 2006) and this Act as amended by the said Ordinance.

Explanation II: Notwithstanding the repeal of the Uttar Pradesh Municipalities (Amendment) Ordinance, 2006 (U.P. Ordinance no. 3 of 2006) and its substitution by the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2006 (U.P. Act no. 25 of 2006) or the judgement, order or decree of any Court, Tribunal or Authority it is hereby declared that the elections held in accordance with the provisions of the said Ordinance and this Act as amended by the said Ordinance shall not be deemed to be the “previous election” as contemplated under this section and the next elections to be held under this section accordingly shall not be deemed to be subsequent election."

CHAPTER-3


3. In section 7 of the Uttar Pradesh Municipal Corporation Act, 1959, in sub-section (5), in clause (1) after sub-clause (f) the following Explanations shall be inserted and be deemed to have been inserted on September 15, 2006, namely:

"Explanation 1: It is hereby clarified that the words “previous election” and “subsequent election” as occurring in sub-clause (f) of this clause and elsewhere in this Act shall not include and shall be deemed to have never included the elections held in accordance with the provisions of the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2006 (U.P. Ordinance no. 4 of 2006) and this Act as amended by the said Ordinance.

Explanation II: Notwithstanding the repeal of the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2006 (U.P. Ordinance no. 4 of 2006) and its substitution by the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2006 (U.P. Act no. 25 of 2006) or the judgement, order or decree of any Court, Tribunal or Authority it is hereby declared that the elections held in accordance with the provisions of the said Ordinance and this Act as amended by the said Ordinance shall not be deemed to be the “previous election” as contemplated under this section and the next elections to be held under this section accordingly shall not be deemed to be subsequent election.


(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959 as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the said Acts as amended by this Act as if the provisions of this Act were in force at all material times.
STATEMENT OF OBJECTS AND REASONS

On July 12, 2006 two Ordinances namely the Uttar Pradesh Municipalities (Amendment) Ordinance, 2006 (U.P. Ordinance no. 3 of 2006) and the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2006 (U.P. Ordinance no. 4 of 2006) were promulgated by the Governor. In accordance with the provisions of the said Ordinances preparations of the elections of 2006 of urban local bodies were made and the elections thereof were conducted after completing the reservation procedure in accordance therewith. The provisions of the said Ordinances were replaced by the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2006 (U.P. Act no. 25 of 2006) but the said Act was passed by the State Legislature with certain amendments in the provisions of the said Ordinances. Since due to fundamental differences in the provisions relating to reservation procedures of the said Act to those of the said Ordinances, the elections of urban local bodies held in the year, 2006 cannot be said to be the previous election as it was held in accordance with the provisions of the said Ordinances and accordingly the elections of urban local bodies held in the year, 2012 may be said to be the first election instead of subsequent election because it was first held in accordance with the provisions of the Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959 as amended by the said Act of 2006. Since there was no provision to explain the words “previous election” and the words “subsequent elections”, it was decided to amend section 9-A of the said Act of 1916 and section 7 of the said Act, of 1959 to insert therein explanations to explain the said words.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Urban Local Self Government Laws (Amendment) Ordinance, 2012 (U.P. Ordinance no. 5 of 2012) was promulgated by the Governor on August 08, 2012.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S.K. PANDEY
Pramukh Sachin
सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित
असाधारण

विद्यालय अधिनियम
भाग—1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, वृहतपतिवार, 28 मार्च, 2013
चैत्र 7, 1935 रक्षा सम्बत

उत्तर प्रदेश सरकार
विद्यालय अनुशासन—1

संख्या 328/79-वि-1-17-1(क)-II-2012
लखनऊ, 28 मार्च, 2013

अधिशुल्क

विवेक

"भाषा का संविधान" के अनुसार 2006 के अधीन राज्यपाल महादेव ने उत्तर प्रदेश नगरपालिका (संसदीय) अधिनियम, 2012 पर दिनांक 28 मार्च, 2013 को अनुमानि प्रदान की और वह (उत्तर प्रदेश अधिनियम संख्या 9 सन् 2013) के अंतर्गत सरकार की सूचना इस अधिशुल्क से प्रकाशित किया गया है।

उत्तर प्रदेश नगरपालिका (संसदीय) अधिनियम, 2012
(उत्तर प्रदेश अधिनियम संख्या 9 सन् 2013)
[जैसा उत्तर प्रदेश विधान मंडल द्वारा पारित हुआ]
उत्तर प्रदेश नगरपालिका अधिनियम, 1975 का अद्वितीय संशोधन करते हुए लिखित किया गया है—

अधिनियम

भारत गणराज्य के विभिन्न वर्षों में निम्नलिखित अधिनियम बनाया जाता है—

1—(1) यह अधिनियम उत्तर प्रदेश नगर पालिका (संसदीय) अधिनियम, 2012 केंद्र सत्ता नूतन और प्रामस्या

(2) यह 8 नवंबर, 2012 को प्रकट हुआ समझा जायेगा।
उत्तर प्रदेश अधिनियम संख्या 2
मसूद बदौलती, उत्तर प्रदेश अधिनियम संख्या 2, 28 मार्च, 2013

2—उत्तर प्रदेश नगरपालिका अधिनियम, 1916 जिसे अग्नि मूर्ति अधिनियम कहा गया है, की धारा 13—पूर्व के पर्यावरण नियन्त्रित धारा यद्य प्रतिकूल होते हुए भी—

13—पूर्व घ—इस अधिनियम के किसी अन्य उपसंह एवं अन्तरित किसी वात के अधिक या सरकार होने या प्रवाह दान के लिये विभागों पर रोक

(क) कोई व्यक्ति अंधकार या सदस्य निर्विवाद किया जाने और होने के लिये अन्वेष हो जायेगा, यदि वह संसद या राज्य विधान मण्डल का सदस्य हो।

(ख) यदि कोई व्यक्ति अंधकार या सदस्य निर्विवाद हो जाने के पर्यावरण धारा में खण्ड (क) में निरिखित किसी पद पर निर्विवाद या नाम—निरिखित हो जाये, तो वह अपने निर्विवाद या अपने नाम—निरिखित धारा के भारत या उत्तर प्रदेश के गाजट में प्रभाय बार प्रकाशित किये जाने के दिनांक को और ऐसी अधिसूचना प्रकाशित होने के दिनांक से चौथाई दिन के भीतर, ऐसे निरिखित नोटिस हारा, जिस पर उसके हस्ताक्षर हों, और किसी ऐसे व्यक्ति को जिसे उस संदर्भ में सरकार अधिकृत कर, दिया गया हो, यह सूचित करेगा कि वह किस पद पर कार्य करना चाहता है और उसका इस सकर सूचित किया गया पर्यावरण अधिनियम हो और उसका सूचना न देने पर और उसका अवधि शीघ्र जाने पर इस अंधकार या सदस्य के पद पर न रह जायेगा और तद्पर्वतस्त अंधकार या सदस्य के, जैसी भी स्थिति हो, वह में आक्रामक रूप से हो जायेगी।

—सन 2012 तक अपना एवं

3—(1) उत्तर प्रदेश नगरपालिका (संयोजन) अधिनियम, 2012 उत्तर प्रदेश अधिनियम संख्या 10 सन 2012

(2) ऐसे निरसन के होते हुए भी, उपधारा (1) ने निरिखित अधिनियम ज्ञाता या संयोजित मूल अधिनियम के उपसंह के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा या संयोजित मूल अधिनियम के तत्समक उपसंह के अधीन कृत कार्य या कार्यवाही समझी जायेगी या उस अधिनियम के उपवत्ता सभी सार्वजनिक समय प्रस्तुत थे।

उदेश्य और कारण

उत्तर प्रदेश नगर प्रदेश अधिनियम, 1959 (उत्तर प्रदेश अधिनियम संख्या 2, सन 1959) की धारा 25—क में महापौर, उप—महापौर अथवा पार्षद होने या बने होने के लिए विधियां या संसदों पर रोक के संबंध में यह व्यवस्था है कि कोई व्यक्ति महापौर, उप—महापौर या पार्षद निर्विवाद किया जाने और होने के लिए अन्वेष हो जायेगा यदि वह संसद या राज्य विधान मण्डल का सदस्य हो और यदि कोई व्यक्ति महापौर, उप—महापौर या पार्षद निर्विवाद हो जाने के पर्यावरण संबंध या राज्य विधान मण्डल के सदस्य के पद पर निर्विवाद या नाम—निरिखित हो जाये तो वह अपने निर्विवाद या अपने नाम—निरिखित धारा के भारत या उत्तर प्रदेश के गाजट में प्रभाय बार प्रकाशित किये जाने के दिनांक को और ऐसी अधिसूचना प्रकाशित होने के दिनांक से चौथाई दिन के भीतर ऐसे निरिखित नोटिस हारा, जिस पर उसके हस्ताक्षर हों, और किसी ऐसे व्यक्ति को दी गयी हो जिसके उस संदर्भ में सरकार अधिकृत किया गया हो, यह सूचित करेगा कि वह किस पद पर कार्य करना चाहता है और उसका इसकर सूचित किया गया पर्यावरण अधिनियम हो और उसका सूचना न देने पर और उसका अवधि शीघ्र जाने पर यह महापौर, उप—महापौर या पार्षद के पद पर न रह जायेगा और तद्पर्वतस्त महापौर, उप—महापौर या पार्षद के जैसी भी स्थिति हो, पद में आक्रामक रूप हो जायेगी। अधिक और सदस्यों के संबंध में उच्च अधिनियम उत्तर प्रदेश नगरपालिका अधिनियम, 1916 (उत्तर प्रदेश अधिनियम संख्या 2, सन 1916) में नहीं की गई थी। उदाहरण दोनों अधिनियमों में एक समान व्यवस्था सिये जाने के उद्देश्य से यह विश्वास किया गया कि उत्तर प्रदेश
In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagarpalika (Sanshodhan) Adhiniyam, 2012 (Uttar Pradesh Adhiniyam-Sankhya 9 of 2013) as passed by the Uttar Pradesh Legislature and assented by the Governor on March 26, 2013.

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2012

(UP. ACT No. 9 OF 2013)

[As passed by the Uttar Pradesh Legislature]

AN ACT

further to amend the Uttar Pradesh Municipalities Act, 1916.

IT IS HEREBY enacted in the Sixty-third Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2012.

   (2) It shall be deemed to have come into force on November 8, 2012.

2. After section 13-D of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act, the following section shall be inserted, namely:

   "13-DD—Notwithstanding anything to the contrary contained in any other provision of this Act,—

   (a) a person shall be disqualified for being elected as, and for being a President or Member, if he is a Member of Parliament or of the State Legislature;

   (b) if a person, after his election as President or Member, is subsequently elected or nominated to any of the offices referred to in clause (a) he shall on the date of first publication in the Gazette, of India or of the Uttar Pradesh of the declaration of his election or nomination, within a period
Repeal and saving

3. (1) The Uttar Pradesh Municipalities (Amendment) Ordinance, 2012 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

In section 25-A of the Uttar Pradesh Municipal Corporation Act, 1959 (U.P. Act no. 2 of 1959) it has been provided with respect to bar to Legislators becoming or continuing as Mayor, Deputy Mayor or Corporator that a person shall be disqualified for being elected as, and for being a Mayor, Deputy Mayor or Corporator if he is a Member of Parliament or of the State Legislature and if a person after his election as Mayor, Deputy Mayor or Corporator is subsequently elected or nominated as a Member of Parliament or of the State Legislature he shall on the date of first publication in the Gazette of India or of the Uttar Pradesh of the declaration of his election or his nomination, within a period of fourteen days from such notification intimate by notice in writing signed by him and delivered to any person authorized by the Government in this behalf, submit his option, in which office he wishes to serve and any choice so intimated shall be conclusive, failing which he shall upon the expiry of the said period, cease to hold the office of the President or Member and a casual vacancy shall thereupon occur in the office of the President or Member as the case may be.

The said provision with respect to the President and Members did not exist in the Uttar Pradesh Municipalities Act, 1916 (U.P. Act no. 2 of 1916). With a view to making uniform provision in both the said Acts it was decided to amend the Uttar Pradesh Municipalities Act, 1916 to make similar provision therein with respect to the President and Member.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Municipalities (Amendment) Ordinance, 2012 (U.P. Ordinance no. 10 of 2012) was promulgated by the Governor on November 08, 2012.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

S.K. PANDEY,
Pramukh Sachiv.
सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित
असाधारण

विधायी परिषिद्ध
भाग–1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, बृहस्पतिवार, 12 अप्रैल, 2018
चैत्र 22, 1940 शक सम्पूर्ण

उत्तर प्रदेश शासन
विधायी अनुभाग–1

संख्या 816/79-वि-1-18-1(क)2-18
लखनऊ, 12 अप्रैल, 2018

अधिसूचना
विवेक

“भारत का संविधान” के अनुसार 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नगर पालिका
(संशोधन) विचारक, 2018 पर दिनांक 10 अप्रैल, 2018 को अनुमूल्य प्रदान की और यह उत्तर प्रदेश अधिनियम
संख्या 26 सन् 2018 के रूप में सर्वसाधारण की सुचनायां इस अधिसूचना द्वारा प्रकाशित किया जाता है :–

उत्तर प्रदेश नगर पालिका (संशोधन) अधिनियम, 2018
(उत्तर प्रदेश अधिनियम संख्या 26 सन् 2018)
[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारंपरित हुआ]

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 में अप्रैल संशोधन करने के लिए

अधिनियम
भारत गणराज्य के उपनगरीय वर्ग में निम्नलिखित अधिनियम बनाया जाता है:–

1–(1) यह विचारक उत्तर प्रदेश नगर पालिका (संशोधन) विचारक, 2018 कहा जायेगा।
(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश राज्य में होगा।
(3) यह दिनांक 29 जनवरी, 2018 को प्रकट हुआ समझा जायेगा।

संशोधन नाम,
विस्तार और
प्रारम्भ
उत्तर प्रदेश अधिनियम, 1916 जिसे आगे मूल अधिनियम कहा गया है, की धारा 7 में, उपधारा (1) में खण्ड (ज) में शब्द “बाजारों, व्यवसायिक क्षेत्र” के स्थान पर शब्द “बाजार” रख दिया जायेगा।

3-मूल अधिनियम की धाराएं 237 और 238 निकाल दी जाएगी।

4-(1) उत्तर प्रदेश नगर पालिका (संशोधन) अध्यादेश, 2018 एतद्वारा निरसित किया जाता है।

(2) ऐसे निरसन के होते हुए भी उप धारा (1) में निहित अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गई कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के तह प्रत्येक उपबंध के अधीन कृत या की गयी समग्री जाती है इस अधिनियम के उपबंध सबी सार्वजनिक समयों में प्रभावित होगी।

उद्देश्य और कारण

उत्तर प्रदेश राज्य में नगर पालिकाओं से सम्बन्धित विचारों को समीक्षित करने और संशोधित करने के लिए उत्तर प्रदेश नगर पालिका अधिनियम, 1916 अधिनियमित किया गया है। उक्त अधिनियम की धारा 7 की उप धारा (1) के खण्ड (ज) में यह उपबंध है कि नगर पालिका क्षेत्र में सार्वजनिक मानों, पुलियों, बाजारों, व्यवसायित्वों, शैक्षणिक, शैक्षणिक, मूर्तियों, नालियों, जलनिकारी प्रणाली, मल, वहन प्रणाली को स्थापित करने, उनमें परिवर्तन करने तथा उनका अनुरक्षण करने का युक्तियुक्त उपबंध द्वारा प्रत्येक नये नगर पालिका का कर्तव्य होगा। इसके अनुसार धारा 237 और 238 में क्रमशः किसी नगर पालिका को बिक्री के लिए पियुओं के वस्त्र के स्थान और प्राकृतिक प्रणालियों के लिए बिक्री के वस्त्र के श्रेणी के विषय के बिना, पियुओं के वस्त्र के लिए स्थापना नियत करने की शक्ति प्रदान की गयी है। उक्त धाराओं के उपबंध, पियुओं के प्रति कृता का निर्भर अधिनियम, 1960 तथा खाद रुखारा और मानक अधिनियम, 2006 तथा तद्विध प्रवर्तक विनियम नियमित नियम और मानक अधिनियम, 2006 तथा तद्विध प्रवर्तक विनियम नियमित नियम और मानक अधिनियम, 2006 तथा तद्विध प्रवर्तक विनियम नियमित नियम और मानक अधिनियम के साथ इस अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ज) में संशोधन करने, उसमें से शब्द ‘व्यवसाय’ को निकालने और धारा 237 तथा 238 को निकालने का विनिमय किया गया है।

चूँकि राज्य विधान मण्डल सभा में नहीं था और पूर्वक विनिमय को लागू करने के लिए तर्क विधायी कार्यकारी कार्यकारी आवश्यक था, अतः राज्यपाल द्वारा विनियम 29 जनवारी, 2018 को उत्तर प्रदेश नगर पालिका (संशोधन) अध्यादेश, 2018 (उत्तर प्रदेश अध्यादेश संख्या 3 संव 2018 ) प्रकाशित किया गया।

यह विशेषक पूर्वक अध्यादेश को प्रतिस्थापित करने के लिए पुर: स्थापित किया जाता है।

आशा से,

वीरेन्द्र कुमार श्रीवास्तव,

प्रमुख सचिव।
No. 816(2)/LXXIX-V-1-18-1(ka) 2-2018  
Dated Lucknow, April 12, 2018

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Palika (Sanskodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 26 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 10, 2018:

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2018  
(U.P. ACT NO. 26 OF 2018)

[As passed by the Uttar Pradesh Legislature]

AN ACT

further to amend the Uttar Pradesh Municipalities Act, 1916.

IT IS HEREBY enacted in the Sixty-ninth Year of Republic of India.

1. (1) This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2018.

(2) It shall extend to the whole of the State of Uttar Pradesh.

(3) It shall be deemed to have come into force on January 29, 2018.

2. In section 7 of the Uttar Pradesh Municipalities Act, 1916 hereinafter referred to as the principal Act, in sub-section (1), in clause (h) for the words "markets, slaughter houses" the word "markets" shall be substituted.

3. Sections 237 and 238 of the principal Act shall be omitted.

4. (1) The Uttar Pradesh Municipalities (Amendment) Ordinance, 2018 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

---

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Municipalities Act, 1916 has been enacted to consolidate and amend the laws relating to Municipalities in the State of Uttar Pradesh. Clause (h) of sub-section (1) of section 7 of the said Act, provides that it shall be the duty of every Municipality to make reasonable provision within the Municipal area for constructing, altering and maintaining public streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works. Besides, section 237 and 238 empowers a Municipality to fix the places for slaughter of animals for sale and places for slaughter of animals not intended for sale or slaughter for religious purposes respectively. The provisions of the said sections were not in conformity with the provisions of the Prevention of Cruelty to Animals Act, 1960 and the Food Safety and Standards Act, 2006 and the rules made thereunder which are central enactments falling under the entries enumerated in the Concurrent List of the Seventh Schedule to the constitution of
India. In the aforesaid situation and in the light of the decision of the Hon'ble Supreme Court in the writ petition Laxmi Narayan Modi versus Union of India and Others, it has been decided to amend clause (h) of sub-section (1) of section 7, to omit the words 'slaughter houses' therefrom and to omit section 237 and 238 of the said Act.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Municipalities (Amendment) Ordinance, 2018 (U.P. Ordinance no. 3 of 2018) was promulgated by the Governor on January 29, 2018.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

VIREN德拉 KUMAR SRIVASTAVA,

Pramukh Sachiv.