



The Uttar Pradesh Municipalities (Amendment) Act, 1964

Act 27 of 1964

Keyword(s):

U.P. Municipalities Act, 1916, Building, Master Plan

Amendments appended: 4 of 1965, 17 of 1972, 2 of 1973, 45 of 1975, 18 of 1986, 22 of 2001, 6 of 2004, 2 of 2005, 7 of 2011, 8 of 2011, 7 of 2012, 9 of 2013, 26 of 2018, 6 of 2023

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Cap. 3.

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

U. P. Act II of 1916. 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;

U. P. Act II of 1916. 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.”

Short title.

Amendment of section 2 of U. P. Act II of 1916

*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.)

(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 semi-colon 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.

Amendment of
section 10-A of
U. P. Act II of
1916.

Amendment of
section 13-D 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

Substitution of new sections for sections 20, 21 and 22 of U. P. Act II of 1916.

U. P.
Act
no. II
of
1947.
U. P.
Act
XII
of
1953.
U. P.
Act
no.
XXX
VII
of
1954.

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.

Act
no. V
of
1908.

(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 Hearing of requisite court-fee has not been paid at petition by Elec- the time of presentation or within such ion Tribunal. 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."

Insertion of new section 23-A in U. P. Act II of 1916.

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 Transfer of reasons to be recorded, withdraw any election petition 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."

Amendment of section 30 of U. P. Act II of 1916.

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.

Amendment of section 34 of U. P. Act II of 1916.

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.

Amendment of section 35 of U. P. Act II of 1916.

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.

Amendment of section 36 of U. P. Act II of 1916.

15. In section 40 of the Principal Act :—

Amendment of section 40 of U. P. Act II of 1916.

(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).”

Amendment of section 41 of U. P. Act II of 1916.

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

Amendment of section 43-B of U. P. Act II of 1916.

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

Insertion of a new section 43-D in U. P. Act II of 1916.

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 this 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—

Amendment of
section 48 of
U. P. Act II of
1916.

(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* :—

Amendment of section 50 of U. P. Act II of 1916.

"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* :—

Amendment of section 54-A of U. P. Act II of 1916.

(1) Where a person on being elected President fails 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) :—

Amendment of section 55 of U. P. Act II of 1916.

"(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 appertaining 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—

Amendment of section 60 of U. P. Act II of 1916.

(1) in sub-section (1)—

(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 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—

Amendment of section 60-B of U. P. Act II of 1916.

(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—

Amendment of section 62 of U. P. Act II of 1916.

(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.

Amendment of section 65 of U. P. Act II of 1916.

Amendment of section 66 of U. P. Act II of 1916.

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.”

Insertion of a new section 66-A in U. P. Act II of 1916.

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.”

Amendment of section 67 of U. P. Act II of 1916.

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.”

Amendment of section 68 of U. P. Act II of 1916.

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,

Amendment of
section 69 of U.P.
Act II of 1916.

Amendment of
section 69-A of
U. P. Act II of
1916.

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 sub-section 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.”

Insertion of a new section 69-B in U. P. Act II of 1916.

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—

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

(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*.

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

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* ;

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

(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* :—

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

“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* :—

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

“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 77 of U. P.
Act II of 1916.

Insertion of
new sections 77-A
and 77-B in 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 Powers of ap- against an order of dismissal, removal pellate authority or other punishment is preferred under in disciplinary this Act or the rules may— matters.

(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 Power of sus- or servant of the board may place him pension. 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* :—

Amendment of section 81 of U. P. Act II of 1916.

“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*.

Amendment of section 82 of U. P. Act II of 1916.

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*.

Amendment of section 83 of U. P. Act II of 1916.

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* :—

Amendment of section 86 of U. P. Act II of 1916.

“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.” ; and

(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 :

Amendment of section 87-A of U. P. Act II of 1916.

“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” ; and

(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 situate 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*.

Amendment of section 109 of U. P. Act II of 1916.

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* :—

Amendment of section 115 of U. P. Act II of 1916.

“(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 “nightsoil” and a comma thereafter shall be *inserted*.

Amendment of section 116 of U. P. Act II of 1916.

55. In section 128 of the Principal Act—

Amendment of section 128 of U. P. Act IV of 1916.

(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.’.

U. P. Act VIII of 1919.

Insertion of new section 128-A in U. P. Act II of 1916.

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 immovable property, shall, in the case of immovable 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.

Act II
of
1899

(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 within 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.”

Act II
of
1899

Substitution of a new section for section 129 of U. P. Act of 1916.

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.”

Substitution of a new section for section 130 of U. P. Act II of 1916.

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.”

Amendment of section 130-A of U. P. Act II of 1916.

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 cesspools 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 cesspools including maintenance of sullage farms.”

Insertion of new section 130-B of U. P. Act II of 1916.

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.”

Amendment of section 132 of U. P. Act II of 1916.

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 Kshetra) Bhumi Aur Bhawan Kar Adhiniyam, 1962, shall be the annual value for the purposes of this Act.”

Insertion of a new section 145-A in U. P. Act II of 1916.

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

Amendment of section 152 of U. P. Act II of 1916.

Amendment of section 155 of U. P. Act II of 1916.

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*.

Insertion of a new section 155-A in U. P. Act II of 1916.

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 Power of search, entry and inspection in connection with evasion of octroi, 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.”

Amendment of section 158 of U. P. Act II of 1916.

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 :—

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

“159-A. In computing the amount of any Tax under Rounding off 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*

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

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

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

“173-A. (1) Where any sum is due on account of a tax Recovery of other than octroi or toll or any similar taxes as arrears tax payable upon immediate demand, from a of land revenue. 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) :—

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

“(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* :—

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

“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 :—

Amendment of section 185 of U. P. Act II of 1916.

“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.”

Amendment of
section 196 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*.

Amendment of
section 201 of
U. P. Act II of
1916.

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.”

Amendment of
section 210 of
U. P. Act II of
1916.

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.”

Amendment of
section 212 of
U. P. Act II of
1916.

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*.

Amendment of
section 212-A of
U. P. Act II of
1916.

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.”

Amendment of
section 213 of
U. P. Act II of
1916.

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.

Amendment of
section 217 of
U. P. Act II of
1916.

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".
Amendment of section 255 of U. P. Act II of 1916.
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".
Amendment of section 256 of U. P. Act II of 1916.
82. In sub-section (1) of section 261 of the Principal Act the word "hundred" shall be *substituted* by the word "thousand".
Amendment of section 261 of U. P. Act II of 1916.
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."
Amendment of section 265 of U. P. Act II of 1916.
84. In section 266 of the Principal Act the word "fifty" shall be *substituted* by the words "five hundred".
Amendment of section 266 of U. P. Act II of 1916.
85. In section 274 of the Principal Act, for the word "twenty" the words "two hundred and fifty" shall be *substituted*.
Amendment of section 274 of U. P. Act II of 1916.
86. In section 276 of the Principal Act, for the word "twenty" the words "two hundred and fifty" shall be *substituted*.
Amendment of section 276 of U. P. Act II of 1916.
87. In the concluding part of section 281 of the Principal Act, for the word "twenty" the word "fifty" shall be *substituted*.
Amendment of section 281 of U. P. Act II of 1916.
88. In sub-section (5) of section 285 of the Principal Act, for the word "fifty" the words "five hundred" shall be *substituted*.
Amendment of section 285 of U. P. Act II of 1916.
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."
Amendment of section 295 of U. P. Act II of 1916.
90. In sub-clause (v) 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*.
Amendment of section 297 of U. P. Act II of 1916.
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"
Amendment of section 298 of U. P. Act II of 1916.

(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."

Deletion of section 336-A of U. P. Act II of 1916.

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 entires respectively relating thereto shall be *deleted*.

98. In Schedule II to the Principal Act—

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

(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 alternation 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 Appealable.

(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—

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

(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 entires 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*.

Substitution of a new Schedule for Schedule VIII to Act II of 1916.

100. Schedule VIII to the Principal Act shall be substituted by the following Schedule :—

“SCHEDULE VIII

LIST OF OFFENCES

(Section 314)

Section	Description of offences	Fine or other punishment that may be imposed
148(2)	Failure to report for entry in property assessment list a new or altered building.	Rupees 50 or ten times tax payable for three months.
152(2)	Failure to report re-occupation of vacant building.	Rupees 50 or ten times tax due since occupation.

Section	Description of offences	Fine or other punishment that may be imposed
155	Evasion of octroi	Rupees 500 or twenty times octroi evaded, whichever is greater.
185	Illegal erection or alteration of a building.	Rupees 1,000 subject to a minimum of Rs.250.
191(2)	Illegal construction or alteration of a drain connection.	Rupees 50.
201(2)	Negligence by customary sweeper	Rupees 10.
207	Illegal making of street ..	Rupees 500.
210	Construction of unauthorised projection over street or drain.	Rupees 1,000 subject to a minimum of Rupees 250.
213(3)	Failure to obtain permission for, and to safeguard dangerous tree-cutting and building operation.	Rupees 500 and Rupees 10 for each day that offence is repeated after conviction.
217(2)	Improper interference with street names and house numbers.	Rupees 250.
233(2)	Interference with arrangements made during street repair, etc.	Rupees 50.
237(4)	Slaughter on unlicensed premises of animals for sale.	Rupees 20 per animal.
242	Improper feeding of animals kept for dairy purposes or used for food.	Rupees 50.
245	Failure to obey a notice prohibiting or regulating the use of premises for an offensive trade.	Rupees 200 and Rs.40 for each day that offence is repeated after conviction.
246	Loitering and soliciting for immoral purposes.	Rupees. 50.
247(2)	Disobedience to magistrate's order prohibiting use of house as brothel.	Rupees 25 per day.
248	Importunate begging	Rupees. 50
252	Neglect of the Rules of the road ..	Rupees 10.
253	Driving vehicles without proper lights	Rupees 20.
254	Failure to remove elephant, etc. to safe distance.	Rupees 20.
255(1)	Allowing cattle to stray or be tethered	Rupees 250.
256	Unauthorised use of municipal land as halting place.	Rupees 100 and Rs. 10 for each day that offence is repeated after conviction.
257(3)	Unauthorised erection or continuance of inflammable construction.	Rupees 25 and Rs.10 for each day that offence is repeated after conviction.

Section	Description of offences	Fine or other punishment that may be imposed
261(1)	Unauthorised interference with pavements and other municipal property.	Rupees 1,000.
262	Dangerous discharge of firearms or fire-works and indulgence in dangerous games.	Rupees 20.
265	Obstruction of streets	Rupees 500 and Rs.10 for each day that offence is repeated after conviction.
266	Unauthorised digging on public land	Rupees 500 and Rs.10 for each day that offence is repeated after conviction.
272	Failure of owner or occupier to remove offensive matter.	Rupees 50 and Rs.5 for each day that offence is repeated after conviction.
274	Improper disposal by owner or occupier of rubbish, night-soil etc.	Rupees 250.
275(2)	Failure to dispose of dead animals	Rupees 10.
276	Improper discharge of sewage into a street or drain.	Rupees 250.
279	Failure to give information of cholera, small-pox, etc.	Rupees 50.
281	Doing certain acts while suffering from infectious disorder.	Rupees 50.
285(5)	Burial or burning of corpses in a place not recognised as a burial or burning ground.	Rupees 500.
295	Obstruction to municipal employees ..	Rupees 1,000 or imprisonment to six months or both.
299	Contravention of rules or bye-laws to the breach of which penalty is attached,	Any sum not exceeding Rs.1,000 as prescribed, and up to Rs.25 for each day that offence is repeated after conviction.
306	Disobedience to public notice or provision of the Act applicable to the public.	Rupees, 1,000 and Rs.25 for each day that offence is repeated after conviction.
307	Disobedience to notice issued to individual.	Rupees 1,000 and Rs.25 for each day that offence is repeated after conviction.
310(3)	Regula by occupier to allow owner to take action required by notice.	Rupees 25 for each day of refusal."

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.

Savings.

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 be necessary and expedient.

Power to remove difficulties.

(2) Every order made under sub-section (1) shall be laid as soon as may be before both the Houses of the Legislature.

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**UTTAR PRADESH MUNICIPALITIES (AMENDMENT)
ADHINIYAM, 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.

Short title and extent.

(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.

Amendment of section 43-AA of U. P. Act II of 1916.

(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 sub-section (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.

Transitory provision in respect of certain election petitions.

(2) Where any petition is transferred to a Judge under sub-section (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.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on February 15, 1965 and by the Uttar Pradesh Legislative Council on March 5, 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.

Repeal
saving.

and

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.

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उत्तर प्रदेश म्युनिसिपैलिटीज (संशोधन) अधिनियम, 1972

(उत्तर प्रदेश अधिनियम संख्या 17, 1972)

[उत्तर प्रदेश विधान सभा ने दिनांक 3-4-72 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 10-4-72 ई० की बैठक में स्वीकृत किया।]

['भारत का संविधान' के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 15-4-72 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 19-4-72 ई० को प्रकाशित हुआ।]

यूनाइटेड प्राविन्सेज म्युनिसिपैलिटीज ऐक्ट, 1916 का अग्रेतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के तेईसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :—

1—यह अधिनियम उत्तर प्रदेश म्युनिसिपैलिटीज (संशोधन) अधिनियम, 1972 कहलायेगा।

2—यूनाइटेड प्राविन्सेज म्युनिसिपैलिटीज ऐक्ट, 1916, जिसे आगे मूल अधिनियम कहा गया है, की धारा 10-ए के पश्चात् निम्नलिखित धारा बढ़ा दी जाय, अर्थात्:—

“11—यदि धारा 30 के अधीन राज्य सरकार की शक्ति का तात्पर्यित प्रयोग करके किसी बोर्ड का अतिक्रमण करने का आदेश दिया जाय, और बाद में कतिपय मामलों में बोर्ड के प्रशासन के सम्बन्ध में अस्थायी उपबन्ध ऐसे आदेश शून्य घोषित किया जाय या हो जाय, अथवा उसका प्रवर्तन किसी विधि न्यायालय के आदेश या निर्णय से अथवा उसके परिणामस्वरूप, या राज्य सरकार के किसी ऐसे पश्चात्वर्ती आदेश से अथवा उसके परिणामस्वरूप जिसमें ऐसे बोर्ड का कार्यकाल बढ़ाना तात्पर्यित हो, निलम्बित कर दिया जाय, और इसी बीच बोर्ड का कार्यकाल या बढ़ाया गया कार्यकाल समाप्त हो जाय, तो जब तक कि नया बोर्ड सम्यक् रूप से संघटित न हो जाय :—

(ए) बोर्ड, उसके प्रेसीडेंट और समितियों की सभी शक्तियाँ, कृत्य और कर्तव्य राज्य सरकार द्वारा तदर्थ नियुक्त किसी अधिकारी में (जिसे आगे प्रशासक कहा गया है) निहित हो जायेंगे और उसके द्वारा प्रयोग, संपादित तथा निर्वहन किये जायेंगे, और विधि में प्रशासक को, अवसर की अपेक्षानुसार, बोर्ड, प्रेसीडेंट या समिति समझा जायगा ;

(बी) प्रशासक को ऐसा बतन तथा भत्ता जैसा राज्य सरकार सामान्य या विशेष आदेश द्वारा तदर्थ निश्चित करे, म्युनिसिपल निधि से दिया जायेगा ;

(सी) राज्य सरकार, समय-समय पर, गजट में अधिसूचना द्वारा मूल उपबन्ध पर प्रभाव डाले बिना, ऐसे आनुषंगिक तथा प्रासंगिक उपबन्ध, जिनके अन्तर्गत इस अधिनियम के किसी उपबन्ध का अनुकूलन, परिवर्तन या परिष्कार करने के भी उपबन्ध हैं, जो उसे इस धारा के प्रयोजनों को कार्यान्वित करने के लिए आवश्यक या इष्टकर प्रतीत हों, कर सकती है।”

3—(1) यदि किसी म्युनिसिपल बोर्ड का कार्यकाल या बढ़ाया गया कार्यकाल, मूल अधिनियम की धारा 11 में, जैसी कि इस अधिनियम की धारा 2 द्वारा बढ़ायी गयी है, उल्लिखित परिस्थितियों में इस अधिनियम के प्रारम्भ होने के पूर्व समाप्त हो जाय तो उक्त धारा 11 के खण्ड (ए), (बी) तथा (सी) में उल्लिखित परिणाम इस अधिनियम के प्रारम्भ होने से प्रभावी होंगे।

(2) प्रत्येक ऐसे मामले में जिसमें ऐसे म्युनिसिपल बोर्ड के, जिसका कार्यकाल इस अधिनियम के प्रारम्भ होने के पूर्व समाप्त हो चुका हो, प्रेसीडेंट तथा सदस्यों द्वारा किन्हीं शक्तियों का प्रयोग या कर्तव्यों का पालन किया जाना तात्पर्यित हो तो ऐसा तात्पर्यित प्रयोग या पालन इस प्रकार बंध समझा जायेगा मानों बोर्ड का कार्यकाल इस अधिनियम के प्रारम्भ होने तक बढ़ चुका हो :

प्रतिबन्ध यह है कि मूल अधिनियम में किसी बात के होते हुए भी मूल अधिनियम की धारा 11 में अभिदिष्ट प्रशासक ऐसे तात्पर्यित शक्तियों के प्रयोग या कर्तव्यों के पालन में किये गये किसी कार्य या लिये गये किसी निर्णय जिसके अन्तर्गत, विशेषतया, कोई निष्पादित संविदा अथवा बोर्ड के किसी सेवक की की गयी नियुक्ति, पदोन्नति या सेवोन्मुक्ति या उसे हटाये जाने या अन्य दण्ड दिये जाने का आदेश भी है, का पुनर्विलोकन कर सकता है।

4—उत्तर प्रदेश म्युनिसिपैलिटीज (संशोधन) अध्यादेश, 1972, एतद्द्वारा निरस्त किया जाता है।

राजकीय प्रकाशन
उत्तर प्रदेश, लखनऊ

संक्षिप्त नाम
यू० पी० ऐक्ट
संख्या 2, 1916
में नयी धारा का
बढ़ाया जाना

संक्रमणकालीन
उपबन्ध

उत्तर प्रदेश अध्यादेश
सं० 6 का निरसन

[उद्देश्य और कारणों के विवरण के लिए कृपया दिनांक 1 अप्रैल, 1972 ई० का सरकारी असाधारण गजट देखिये।]

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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

विधान पुस्तकालय
(राजकीय प्रकाशन)
उत्तर प्रदेश, लखनऊ

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. Short title.

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 :— Insertion of new Section 10-AA in U. P. Act II of 1916.

“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— Temporary provisions regarding administration of a Board until a new Board is constituted.

(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. Transitory provisions.

(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 (Extraordinary), 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.)

Price 0.5 Paise.

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.

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT)
ACT, 1975

(U. P. ACT NO. 45 OF 1975)

*[Authoritative English Text of the Uttar Pradesh Municipalities (Sanshodhan)
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.

Short title and commencement.

(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 :—

Substitution of new section for section 224-B of U.P. Act II of 1916.

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

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

Substitution of new section for section 224-C.

“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 subsection, 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 water-works.

(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 :—

COLUMN 1 <i>Description of asset</i>	COLUMN 2 <i>Number of years or period</i>
A. Land owned under full title.	Infinite.
B. Land held under lease.	The period of the lease or the period remaining unexpired on the assignment of the lease.
C. Assets purchased now :—	
(a) Building and Civil Engineering works of a permanent character not mentioned above :—	
(i) Offices	Fifty.
(ii) Temporary erections, such as wooden structures.	Five.
(iii) Roads other than Kuchcha Roads.	One hundred.
(iv) Others	Fifty.
(b) Self-propelled vehicles	Seven.
(c) (i) Office furniture and fittings.	Twenty.
(ii) Office equipment	Ten.
D. Assets purchased second hand and assets not otherwise provided for in this table.	Such reasonable period as the Special Officer determines in each case having regard to the nature, age and condition of the asset at the time of its acquisition by it."

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

(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.)

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 :—

Short title

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

Amendment of
section 133 of
U. P. Act no. 21
of 1916.

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.

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

Omission of
section 87-A

Amendment of
section 96

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.

Short title

2. In section 48 of the Uttar Pradesh Municipalities Act, 1916, after sub-section (2) the following sub-section shall be *inserted*, namely :-

Amendment of
section 48 of U. P.
Act no. 2 of 1916

“(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.

No. 401/VII-V-1-1(Ka)4-2005

Dated Lucknow, March 17, 2005

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)

AN

ACT

further to amend the Uttar Pradesh Municipalities Act, 1916.

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.

Short title and commencement.

(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,—

Amendment of section 48 of U. P. Act no. 2 of 1916.

(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.

Validation

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.

Repeal and Saving

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

U. P.
Ordinance
no. 4 of
2005

(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 परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, बुधवार, 9 मार्च, 2011
फाल्गुन 18, 1932 शक सम्वत्

उत्तर प्रदेश सरकार
विधायी अनुभाग-1

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

अधिसूचना
विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) विधेयक, 2011 पर दिनांक 08 मार्च, 2011 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 7 सन् 2011 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है:-

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

(उत्तर प्रदेश अधिनियम संख्या 7 सन् 2011)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 और उत्तर प्रदेश नगर निगम अधिनियम, 1959 का अग्रतर संशोधन करने के लिए

अधिनियम

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

अध्याय-एक

प्रारंभिक

1-यह अधिनियम उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) संक्षिप्त नाम अधिनियम, 2011 कहा जायेगा।

अध्याय-2

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 का संशोधन

उत्तर प्रदेश
अधिनियम संख्या 2
सन् 1916 की धारा
114 का संशोधन

2-उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा 114 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात् :-

“114-(1) प्रत्येक नगर पालिका के लिए एक नगर पालिका निधि स्थापित की जायेगी और इसमें प्राप्त सभी राशियां, जिसमें राज्य की राशियां, निधि से प्राप्त राहायता अनुदान और नगर पालिका द्वारा या उसकी ओर से लिए गए सभी ऋण सम्मिलित हैं, जमा की जायेगी।

(2) प्रत्येक नगर पालिका इस अधिनियम के प्रयोजनों के लिए एक विकास निधि का गठन करेगी। विकास निधि का गठन और निरन्तरण ऐसी रीति से प्रभावी किया जायेगा जैसी विहित की जाय।

(3) उपधारा (2) के अधीन गठित विकास निधि का पचीस प्रतिशत अव्ययगमनीय होगा और नगर के निर्धन व्यक्ति और गलिन क्षेत्रों के निवासियों को सेवायें प्रदान करने और सेवाओं के उन्नयन के लिए चिन्हित किया जायेगा और उपयोग में लाया जायेगा।

स्पष्टीकरण :

उपधारा (3) के प्रयोजनों के लिए “सेवायें” में आधारभूत पर्यावरण सेवायें, सड़क, प्राथमिक शिक्षा और स्वास्थ्य, आवास, जलापूर्ति स्वच्छता, सामाजिक सुरक्षा और इसी प्रकार की अन्य सेवायें सम्मिलित हैं। तथापि इसमें सेवा प्रदान करने के लिए सीधे और विशिष्टतः उपगत नहीं किये गये अधिष्ठान संबंधी व्यय (वेतन और मजदूरी सहित) सम्मिलित नहीं होंगे।”

अध्याय-3

उत्तर प्रदेश नगर निगम अधिनियम, 1959 का संशोधन

उत्तर प्रदेश
अधिनियम संख्या 2
सन् 1959 की धारा
139 का संशोधन

3-उत्तर प्रदेश नगर निगम अधिनियम, 1959, जिसे इस अध्याय में आगे मूल अधिनियम कहा गया है, की धारा 139 में, उप धारा (3) के पश्चात निम्नलिखित उप धारा बढ़ा दी जायेगी, अर्थात् :-

“(4) उपधारा (3) के अधीन गठित विकास निधि का पचीस प्रतिशत अव्ययगमनीय होगा और नगर के निर्धन व्यक्ति और गलिन क्षेत्रों के निवासियों को सेवायें प्रदान करने और सेवाओं के उन्नयन के लिए चिन्हित किया जायेगा और उपयोग में लाया जायेगा।

स्पष्टीकरण :

उपधारा (3) के प्रयोजनों के लिए “सेवायें” में आधारभूत पर्यावरण सेवायें, सड़क, प्राथमिक शिक्षा और स्वास्थ्य, आवास, जलापूर्ति, स्वच्छता, सामाजिक सुरक्षा और इसी प्रकार की अन्य सेवायें सम्मिलित हैं। तथापि इसमें सेवा प्रदान करने के लिए सीधे और विशिष्टतः उपगत नहीं किये गये अधिष्ठान संबंधी व्यय (वेतन और मजदूरी सहित) सम्मिलित नहीं होंगे।”

धारा 146 का
संशोधन

4-मूल अधिनियम की धारा 146 में, उपधारा (2) में, खण्ड (च) के पश्चात निम्नलिखित खण्ड बढ़ा दिया जायेगा अर्थात् :-

“(छ) नगर के निर्धन व्यक्तियों के लिए बजट की व्यवस्था करना।”

उद्देश्य और कारण

भारत सरकार की संरक्षित पर मुख्य रूप से निम्नलिखित की व्यवस्था करने के लिए उत्तर प्रदेश नगर पालिका अधिनियम, 1916 (उत्तर प्रदेश अधिनियम संख्या 2 सन् 1916) और उत्तर प्रदेश नगर निगम अधिनियम, 1959 (उत्तर प्रदेश अधिनियम संख्या 2 सन् 1959) को संशोधित करने का विनिश्चय किया गया है :-

(क) प्रत्येक नगर पालिका परिषद द्वारा विकास निधि का गठन ;

(ख) नगर के गरीब और गलिन वर्तियों के निवासियों को सेवाओं की व्यवस्था करने और उनकी उन्नति करने के लिए विकास निधि का 25% उनके लिए रखना और उसका उपयोग करना ;

(ग) नगर के गरीबों के लिए प्रत्येक नगर निगम द्वारा वजट की व्यवस्था किया जाना।

उत्तर प्रदेश नगर स्थानीय स्वायत्त शासन विधि (संशोधन) विधेयक, 2011 तदनुसार पुरस्थापित किया जाता है।

आज्ञा से,
फ़े० के० शर्मा,
प्रमुख सचिव।

No. 341(2)/LXXIX-V-1-11-1(ka)13-2011

Dated Lucknow, March 9, 2011

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 Sthaniya Swayatt Shasan Vidhi (Sansodhan) Adhinyam, 2011 (Uttar Pradesh Adhinyam 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. Short title

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:- Amendment of section 114 of U.P. Act no. 2 of 1916

“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.

(3) 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

Amendment of
section 139 of
U.P. Act no. 2 of
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.”

Amendment of
section 146

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 Corporation 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 utilising 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 परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 11 मार्च, 2011

फाल्गुन 20, 1932 शक सम्वत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-1

संख्या 344/79-वि-1-11-1(क)15-2011

लखनऊ, 11 मार्च, 2011

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नगर पालिका (संशोधन) विधेयक, 2011 पर दिनांक 09 मार्च, 2011 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 8 सन् 2011 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है :-

उत्तर प्रदेश नगर पालिका (संशोधन) अधिनियम, 2011

(उत्तर प्रदेश अधिनियम संख्या 8 सन् 2011)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 का अग्रतर संशोधन करने के लिए

अधिनियम

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

1-यह अधिनियम उत्तर प्रदेश नगर पालिका (संशोधन) अधिनियम, 2011 कहा संक्षिप्त नाम जायेगा।

उत्तर प्रदेश
अधिनियम संख्या
2 सन् 1916 की
धारा 128 का
प्रतिस्थापन

2—उत्तर प्रदेश नगर पालिका अधिनियम, 1916 जिसे आगे गूल अधिनियम कह
गया है, की धारा 128 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात् :—

“128 (1) इस अधिनियम तथा ‘भारत का संविधान’ के अनुच्छेद 285 के
अधिरूपित किये उपबंधों के अधीन रहते हुए नगर पालिका निम्नलिखित
जाने वाले कर कर अधिरोपित करेगी, अर्थात्:—

(एक) भवनों या भूमि या दोनों के वार्षिक मूल्य पर कर;

(दो) भवनों या भूमि या दोनों के वार्षिक मूल्य पर जलकर;

(तीन) भवनों के वार्षिक मूल्य पर जल निकास कर, जो ऐसे भवन पर
उद्ग्रहणीय हो, जो निकटतम सीवर लाइन से प्रत्येक नगर पालिका के लिये
इस निमित्त नियमों द्वारा निर्धारित की जाने वाली दूरी के भीतर स्थित हों;

(चार) शौचालयों, मूत्रालयों और मलकुंडों से मलजनित और प्रदूषित
पदार्थों का संग्रहण करने, हटाने और निस्तारण करने के लिये सफाई कर;

(2) उपधारा (1) में विनिर्दिष्ट करों के अतिरिक्त नगर पालिका, इस
अधिनियम के प्रयोजनों के लिये और उसके उपबंधों के अधीन रहते हुए,
निम्नलिखित में से कोई कर अधिरोपित कर सकती है, अर्थात्:—

(एक) ऐसे व्यापार और आजीविका पर कर, जो नगर पालिका की
सीमाओं के भीतर किये जाते हों, और जिन्हें नगर पालिका सेवाओं से विशेष
लाभ हो रहा हो, या जिनसे उक्त सेवाओं पर विशेष भार पड़ रहा हो;

(दो) ऐसे व्यापार, आजीविका और व्यवसाय पर कर, जिनमें ऐसे सभी
सेवायोजन भी सम्मिलित हैं, जो वेतन या फीस के रूप में पारिश्रमिक दिया
जाता है;

(तीन) नाट्यशाला कर, जिसका तात्पर्य विनोद या आमोद का कर है;

(चार) नगर पालिका के भीतर रखे गये कुत्तों पर कर;

(पाँच) सफाई कर;

(छः) नगर पालिका की सीमाओं के भीतर स्थित स्थावर सम्पत्तियों के
अन्तारण विलेखों पर कर;

(सात) विज्ञापनों पर कर, जो समाचार पत्रों में प्रकाशित विज्ञापन
न हों,

(आठ) नगर पालिका की सीमा के भीतर चलाये जाने वाले यानों और
अन्य वाहनों या उसकी सीमा में बांधी जाने वाली नावों पर कर;

(नौ) सुधार कर।

(3) नगर पालिका करों का निर्धारण और उद्ग्रहण इस अधिनियम और
तदधीन बनाये गये नियमों व उपविधियों के उपबंधों के अनुरार किया जायेगा।

(4) इस धारा की कोई बात किसी ऐसे कर के अधिरोपण का प्राधिकार न
देगी, जिसके लिये राज्य विधान मण्डल को संविधान के अधीन राज्य में अधिरोपित
करने की शक्ति न होगी:

प्रतिबंध यह है कि कोई नगर पालिका जो संविधान के प्रारम्भ होने के ठीक पूर्व
तत्समय प्रवृत्त इस धारा के अधीन कोई ऐसा कर विधिपूर्वक उद्ग्रहीत कर रही थी, उस कर
का उद्ग्रहण जारी रख सकती है, जबतक कि संसद द्वारा इसके प्रतिकूल उपबंध न बनाया
जाय।

3-मूल अधिनियम की धारा 129 में, शब्द और अंक "उपधारा (1) के खण्ड (दस)" के स्थान पर शब्द और अंक "उप धारा (1) के खण्ड (दो)" रख दिये जायेंगे।

धारा 129 का संशोधन

4-मूल अधिनियम की धारा 129 के पश्चात निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात् :-

धारा 129-क का बढ़ाया जाना

129-क-भवनों या भूमि या दोनों के वार्षिक मूल्य पर कर का उद्ग्रहण नगर भवनों या भूमि या पालिका सीमा में, स्थित निम्नलिखित को छोड़ कर, समस्त दोनों के वार्षिक मूल्य पर कर उद्ग्रहण भवनों और भूमि के संबंध में किया जायेगा :-

(क) मृतकों के निरस्तारण से संबंधित प्रयोजनों के लिये अनन्य रूप से प्रयुक्त भवन या भूमि;

(ख) भवनों और भूमि या उनके भाग, जिनका अधिभोग और उपभोग अनन्य रूप से सार्वजनिक पूजा या धर्मार्थ प्रयोजनों, अनुराधान एवं विकास के सरकारी सहायता प्राप्त संस्थाओं के मैदान, कृषि क्षेत्र और उद्यान, सरकारी सहायता प्राप्त या गैर सहायता प्राप्त, मान्यता प्राप्त शैक्षणिक संस्थाओं के खेल के मैदान या क्रीड़ा स्टेडियम के लिये किया जाता हो;

(ग) भवन, जिनका उपयोग अनन्य रूप से विद्यालय या इण्टरमीडिएट कालेज के रूप में किया जाता हो, चाहे वे राज्य सरकार द्वारा मान्यता प्राप्त हों अथवा न हों;

(घ) प्राचीन संस्मारक परिरक्षण अधिनियम, 1904 में यथा परिभाषित प्राचीन संस्मारक, जो किसी ऐसे संस्मारक के संबंध में राज्य सरकार के किसी निदेश के अधीन हों ;

(ङ) भारत संघ में निहित भवन और भूमि, सिवाय वहाँ के जहाँ भारत का होते हों

(च) किसी

मीटर के माप वाले या पन्द्रह वर्ग मीटर तक के कारपेट क्षेत्रफल वाले भूखण्ड पर निर्मित हो, परन्तु उसके स्वामी के स्वामित्व में नगर पालिका सीमा के अन्तर्गत कोई अन्य भवन न हो ; और

(छ) भवन स्वामी द्वारा अध्यासित आवाशिक भवन, जो ऐसे क्षेत्र में स्थित हो जिसे पाँच वर्ष के भीतर नगर पालिका परिषद की सीमा के भीतर सम्मिलित कर लिया गया हो या जहाँ उस क्षेत्र में सड़क, पेयजल और मार्ग प्रकाश की सुविधा उपलब्ध करा दी गयी हो, इसमें से जो भी पहले हो।

5-मूल अधिनियम की धारा 130 में, शब्द और अंक "उपधारा (1) के खण्ड (ग्यारह) या (बारह)" के स्थान पर शब्द और अंक "उप धारा (1) के खण्ड (चार) या उपधारा (2) के खण्ड (छः)" रख दिये जायेंगे।

धारा 130 का संशोधन

6-मूल अधिनियम की धारा 130 ख में शब्द और अंक "उपधारा (1) के खण्ड(दस), (दस-क), (ग्यारह) और (बारह)" के स्थान पर शब्द और अंक "उप धारा (1) के खण्ड(दो), (तीन), (चार) और उपधारा (2) के खण्ड (छः)" रख दिये जायेंगे।

धारा 130-ख का संशोधन

7-मूल अधिनियम की धारा 131 में, उपधारा (1) में, खण्ड (क) में शब्द और अंक "उपधारा (1)" के स्थान पर शब्द और अंक "उप धारा (2) " रख दिये जायेंगे।

धारा 131 का संशोधन

8-मूल अधिनियम की धारा 133 में, उपधारा (1) में, शब्द और अंक "यदि प्रस्तावित कर धारा 128 की उपधारा (1) के खण्ड (एक) से (बारह) के अन्तर्गत हों" के स्थान पर शब्द "पूर्ववर्ती धाराओं के अधीन प्रस्तावों और आपत्तियों की प्राप्ति पर" रख दिये जायेंगे।

धारा 133 का संशोधन

धारा 138 का
संशोधन

9—मूल अधिनियम की धारा 138 में, उपधारा (1) में, शब्द और अंक "उपधारा (1) के खण्ड (एक), (दस) और (ग्यारह)" के स्थान पर शब्द और अंक "उपधारा (1) के खण्ड (एक) और (दो) और उपधारा (2) के खण्ड (छः)" रख दिये जायेंगे।

धारा 140 का
प्रतिस्थापन

10—मूल अधिनियम की धारा 140 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात् :-

"140—(1) "वार्षिक मूल्य" का तात्पर्य —

वार्षिक मूल्य की
परिभाषा

(क) रेलवे स्टेशनों, कालेजों, स्कूलों, होटलों, कारखानों, वाणिज्यिक भवनों और अन्य अनावसिक भवनों की दशा में, यथास्थिति, भवन के आच्छादित क्षेत्र या भूमि के खुले क्षेत्र या दोनों के साथ खण्ड (ख) के अधीन नियत आवासिक भवनों के प्रति वर्ग फुट मासिक किराये की दर में नियमों द्वारा नियत किये जाने वाले, गुणक से गुणा करने पर प्राप्त का 12 गुना मूल्य से है।

(ख) खण्ड (क) के उपबन्धों के अन्तर्गत न आने वाले किराी भवन या भूमि की दशा में, यथास्थिति, भवन की दशा में प्रति वर्गफुट कारपेट क्षेत्रफल पर लागू न्यूनतम मासिक किराया दर या भूमि की दशा में प्रतिवर्ग फुट क्षेत्रफल पर लागू न्यूनतम मासिक किराया दर भवन के कारपेट क्षेत्रफल या भूमि के क्षेत्रफल से गुणा किये जाने पर आये 12 गुना मूल्य से है और इस प्रयोजन के लिए प्रतिवर्ग फुट न्यूनतम मासिक किराया दर इस प्रकार होगी जैसी कि नगर पालिका के अधिशासी अधिकारी द्वारा प्रत्येक दो वर्ष में एक बार भवन या भूमि की अवस्थिति, भवन निर्माण की प्रकृति, भारतीय स्टाम्प अधिनियम, 1899 के प्रयोजन के लिए कलेक्टर द्वारा नियत सर्किल दर के आधार पर नियत किया जाये और ऐसे भवन या भूमि के लिए क्षेत्रफल में चालू न्यूनतम किराया दर और ऐसे अन्य कारक इस प्रकार होंगे जैसे विहित किये जायः

प्रतिबन्ध यह है कि जहाँ नगर पालिका की राय में असाधारण परिस्थितियों के कारण किसी भवन का वार्षिक मूल्य, यदि उपर्युक्त रीति से गणना की गयी हो, अत्यधिक हो, वहाँ नगर पालिका किसी भी कम धनराशि पर जो उसे साम्यापूर्ण प्रतीत हो, वार्षिक मूल्य नियत कर सकती है।

स्पष्टीकरण—एक—वार्षिक मूल्य की गणना के प्रयोजन के लिए कारपेट क्षेत्र की गणना निम्नलिखित रूप से की जायेगी :-

(एक) कक्ष—आंतरिक आयाम की पूर्ण माप;

(दो) आच्छादित बरामदा—आंतरिक आयाम की पूर्ण माप;

(तीन) बाल्कनी, गलियारा, रसोईघर और भण्डार गृह—आंतरिक आयाम की 50 प्रतिशत माप;

(चार) गैराज—आंतरिक आयाम की एक चौथाई माप;

(पाँच) रनानागार, शौचालयों, द्वारमण्डप और जीना से आच्छादित क्षेत्रफल, कारपेट क्षेत्रफल का अंग नहीं होगा।

स्पष्टीकरण—दो—उत्तर प्रदेश शहरी भवन (किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम, 1972 के प्रयोजनों के लिए किसी भवन का मानक किराया, अनुबन्धित किराया या युक्तियुक्त वार्षिक किराये को भवन के वार्षिक मूल्य की गणना करते समय हिसाब में नहीं लिया जायेगा।

(2) जहाँ नगर पालिका इस प्रकार संकल्प करे वहाँ सम्पत्ति करों के निर्धारण के प्रयोजन के लिए वार्षिक मूल्य —

(क) भूमि और स्वामी द्वारा अध्यासित आवासिक भवन, जो दस वर्ष से अनधिक पुराना हो, के मामले में 25 प्रतिशत कम समझा जायेगा और यदि वह दस वर्ष से अधिक पुराना हो किन्तु 20 वर्ष से अधिक पुराना न हो तो 32.5 प्रतिशत कम समझा जायेगा और यदि वह 20 वर्ष से अधिक पुराना हो तो उपधारा (1) के खण्ड (ख) के अधीन अवधारित वार्षिक मूल्य से 40 प्रतिशत कम समझा जायेगा, और

(ख) किराये पर दिये गये आवासिक भवन, जो 10 वर्ष से अनधिक पुराना हो, के मामले में 25 प्रतिशत अधिक समझा जायेगा और यदि वह 10 वर्ष से अधिक पुराना हो किन्तु 20 वर्ष से अधिक पुराना न हो तो उपधारा (1) के खण्ड (ख) के अधीन अवधारित वार्षिक मूल्य से 12.5 प्रतिशत अधिक समझा जायेगा, और यदि वह 20 वर्ष से अधिक पुराना हो तो उपधारा (1) के खण्ड (ख) के अधीन अवधारित वार्षिक मूल्य के बराबर समझा जायेगा।

11—मूल अधिनियम की धारा 141 के स्थान पर निम्नलिखित धाराएं रख दी जायेंगी,

धारा 141 का प्रतिस्थापन

अर्थात् :-

“141—नगर पालिका या इस निमित्त उसके द्वारा प्राधिकृत कार्यपालक कर निर्धारण सूची का तैयार किया जाना अधिकारी, नगर पालिका क्षेत्र या उसके भाग में नियमावली में विहित रीति के अनुसार क्षेत्रवार समय समय पर किराया दर और कर निर्धारण सूची तैयार करवायेगा।”

141—क—इस अधिनियम के किसी अन्य उपबन्ध में किसी बात के प्रतिकूल स्वनिर्धारण द्वारा होते हुए भी किसी भवन के सम्बन्ध में कर भुगतान के लिए भवन या भूमि या दोनों के वार्षिक प्राथमिक रूप से उत्तरदायी स्वामी या अध्यासी अपने द्वारा मूल्य पर कर संदेय सम्पत्ति कर की धनराशि के सम्बन्ध में प्रतिवर्ष अपने जमा करने का विकल्प देनदारी का निर्धारण स्वयं कर सकता है और ऐसा करने में वह धारा 140 के उपबन्धों के अनुसार भवन के वार्षिक मूल्य का अवधारण स्वयं कर सकता है और अपने द्वारा इस रीति से इस प्रकार निर्धारित कर के साथ, ऐसे स्वनिर्धारण विवरण ऐसे प्रपत्र में जैसा कि विहित किया जाये, जमा कर सकता है।

141—ख—(1)—वार्षिक किराया मूल्य के प्रयोजनों के लिए प्रत्येक भवन या कर निर्धारण के भूमि का स्वामी या अध्यासी उस दिनांक तक उसकी लिए भवनों या भूमि के विवरणों विवरणी प्रस्तुत करेगा जैसा कि विहित किया जाय। का प्रस्तुत किया जाना

(2) बिना समुचित कारण के उपधारा (1) में विनिर्दिष्ट विवरणी को प्रस्तुत करने में विफल कोई व्यक्ति यथाविहित शास्ति का भुगतान करने के लिए उत्तरदायी होगा।

(3) उपधारा (2) में निर्दिष्ट शास्ति का प्रशमन अधिशासी अधिकारी द्वारा किया जा सकता है।

12—मूल अधिनियम की धारा 142 के स्थान पर निम्नलिखित धारा रख दी जायेगी,

धारा 142 का प्रतिस्थापन

अर्थात् :-

42—नगर पालिका या इस निमित्त उसके द्वारा प्राधिकृत अधिशासी सूची का प्रकाशन अधिकारी नियमावली में विहित रीति के अनुसार धारा 141 के अधीन तैयार की गयी सूची को प्रकाशित करेगा।”

- धारा 143 का प्रतिस्थापन
- 13—मूल अधिनियम की धारा 143 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात्:—
- “143—नगर पालिका या इस निमित्त उसके द्वारा प्राधिकृत अधिशासी प्रस्तावित दशों अधिकारी नियमावली में विहित रीति के अनुसार आपत्तियों और सूची पर आपत्तियां का निस्तारण करेगा।”
- धारा 144 का प्रतिस्थापन
- 14—मूल अधिनियम की धारा 144 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात्:—
- “144—(1) अधिशासी अधिकारी या इस निमित्त उसके द्वारा प्राधिकृत सूची का अधिकारी, यथास्थिति, नगर पालिका क्षेत्र या उसके किसी अधिप्रमाणिकरण भाग के क्षेत्रवार किराया दरों और निर्धारण सूची को, अपने अभिरक्षा हस्ताक्षर से अधिप्रमाणित करेगा।
- (2) इस प्रकार अधिप्रमाणित प्रत्येक सूची को नगर पालिका के कार्यालय में जमा किया जायेगा।
- (3) जैसे ही सम्पूर्ण नगर पालिका क्षेत्र की सूची इस प्रकार जमा कर दी जाय वैसे ही निरीक्षण हेतु खुले होने के लिए सार्वजनिक सूचना द्वारा इसकी घोषणा की जाएगी।”
- धारा 147 का संशोधन
- 15—मूल अधिनियम की धारा 147 में शब्द “नगर पालिका” जहां कहीं आये हों के स्थान पर शब्द “नगर पालिका या उसके द्वारा प्राधिकृत अधिशासी अधिकारी” रख दिये जायेंगे।
- धारा 149 का संशोधन
- 16—मूल अधिनियम की धारा 149 में, उपधारा (3) में शब्द “नगर पालिका” के स्थान पर शब्द “नगर पालिका या इसके द्वारा प्राधिकृत अधिशासी अधिकारी” रख दिये जायेंगे।

उद्देश्य और कारण

राज्य वित्त आयोग की संस्तुतियों को कार्यान्वित करने और राज्य की नगर पालिका और नगर पंचायतों के वित्तीय स्रोतों की वृद्धि करने के दृष्टिकोण से मुख्य रूप से निम्नलिखित की व्यवस्था करने के लिए उत्तर प्रदेश नगर पालिका अधिनियम, 1916 (उत्तर प्रदेश अधिनियम संख्या 2, सन् 1916) को संशोधित करने का विनिश्चय किया गया है :-

- (क) नगर पालिका द्वारा संपत्ति कर को उद्ग्रहीत करना;
- (ख) नगर पालिका के निवासियों को स्वकर निर्धारण की सुविधा प्रदान करना
- (ग) नगर पालिका के क्षेत्र के भीतर गैर-आवासीय सम्पत्ति के संबंध में वार्षिक मूल्य की परिभाषा को परिवर्तित करना।

तदनुसार उत्तर प्रदेश नगर पालिका (संशोधन) विधेयक, 2011 पुरःस्थापित किया जाता है।

आज्ञा से,
के० के० शर्मा,
प्रमुख सचिव।

No. 344(2)/LXXIX-V-1-11-1(ka)15-2011

Dated Lucknow, March 11, 2011

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 (Sansodhan) 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 :-

- | | |
|--|---|
| <p>1. This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2011.</p> | <p>Short title</p> |
| <p>2. For section 128 of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act, the following section shall be <i>substituted</i>, namely :-</p> | <p>Substitution of section 128 of U.P. Act no.2 of 1916</p> |
| <p>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:-</p> | |
| <p>(i) a tax on the annual value of buildings or lands or both;</p> | |
| <p>(ii) a water tax on the annual value of buildings or lands or both;</p> | |
| <p>(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;</p> | |
| <p>(iv) a conservancy tax for the collection, removal and disposal of excrementous and polluted matter from privies, urinals, cesspools;</p> | |
| <p>(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:-</p> | |
| <p>(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;</p> | |
| <p>(ii) a tax on trades, callings and vocations including all employments remunerated by salary or fees;</p> | |
| <p>(iii) a theatre tax which means a tax of amusements or entertainments;</p> | |
| <p>(iv) a tax on dogs kept within the Municipality;</p> | |
| <p>(v) a scavenging tax;</p> | |
| <p>(vi) a tax on deeds of transfer of immovable properties situated within the limits of the Municipality;</p> | |
| <p>(vii) a tax on advertisements not being advertisements published in the newspapers;</p> | |
| <p>(viii) a tax on vehicles and other conveyances plying within the Municipality limit or on boats moored therein.</p> | |
| <p>(ix) betterment tax.</p> | |
| <p>(3) The municipal taxes shall be assessed and levied in accordance with the provisions of this Act and the rules and bye-laws framed thereunder.</p> | |
| <p>(4) Nothing in this section shall authorize the imposition of any tax which the State Legislature has no power to impose in the State under the Constitution:</p> | |
| <p>Provided that a Municipality which immediately before the commencement of the Constitution was lawfully levying any such tax under this section as then in force, may continue to levy that tax until provisions to the contrary is made by the Parliament.</p> | |
| <p>3. In section 129 of the principal Act, <i>for</i> the words and figures "clause (x) of sub-section (1)" the words and figures "clause (ii) of sub-section (1)" shall be <i>substituted</i>.</p> | <p>Amendment of section 129</p> |
| <p>4. After section 129 of the principal Act, the following section shall be <i>inserted</i> namely:-</p> | <p>Insertion of section 129-A</p> |
| <p>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,-
Levy of tax on annual value of buildings or lands or both</p> | |

(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.

Amendment of section 130

5. In section 130 of the principal Act, for the words and figures "clause (xi) or (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*.

Amendment of section 130 B

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*.

Amendment of section 131

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*.

Amendment of section 133

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*.

Amendment of section 138

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*.

Substitution of section 140

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.

(2) 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 :-

Substitution of section 141

"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 upto 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."

Substitution of section 142

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."

Substitution of section 143

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

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

Substitution of section 144

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 areawise 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".

Amendment of section 147

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.

Amendment of section 149

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.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 10 दिसम्बर, 2012

अग्रहायण 19, 1934 शक सम्वत्

उत्तर प्रदेश सरकार
विधायी अनुभाग-1

संख्या 990/79-वि०-1-12-1(क)5-2012

लखनऊ, 10 दिसम्बर, 2012

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) विधेयक, 2012 पर दिनांक 05 दिसम्बर, 2012 को अनुमति प्रदान की और वह (उत्तर प्रदेश अधिनियम संख्या 7 सन् 2012) के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश नागर स्थानाय स्वायत्त शासन विधि (संशोधन)

अधिनियम, 2012

(उत्तर प्रदेश अधिनियम संख्या 7 सन् 2012)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश नगरपालिका अधिनियम, 1916 और उत्तर प्रदेश नगर निगम अधिनियम, 1959 का अप्रति संशोधन करने के लिए

अधिनियम

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

अध्याय-1

- प्रारम्भिक

1-(1) यह अधिनियम उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) अधिनियम, 2012 कहा जायेगा।

संक्षिप्त नाम और
पारम्भ

(2) यह 15 सितम्बर, 2006 को प्रवृत्त हुआ समझा जायेगा।

अध्याय-2

उत्तर प्रदेश नगरपालिका अधिनियम, 1916 का संशोधन

उ0प्र0 अधिनियम
संख्या 2
सन् 1916 की धारा
9-क का संशोधन

2-उत्तर प्रदेश नगरपालिका अधिनियम, 1916 की धारा 9-क में, उपधारा (5) में खण्ड (1) में उपखण्ड (च) के पश्चात् निम्नलिखित स्पष्टीकरण बढ़ा दिये जायेंगे और उन 15 सितम्बर, 2006 को बढ़ाया हुआ समझा जायेगा, अर्थात् :-

"स्पष्टीकरण-एक :-एतद्वारा यह स्पष्ट किया जाता है कि इस खण्ड के उपखण्ड (च) में और अधिनियम में अन्यत्र आने वाले शब्द "पूर्ववर्ती निर्वाचन" और "पश्चात्तवर्ती निर्वाचन" में उत्तर प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2006 (उत्तर प्रदेश अध्यादेश संख्या 3 सन् 2006) और उक्त अध्यादेश द्वारा यथासंशोधित इस अधिनियम के उपबन्धों के अनुसार हुये निर्वाचन सम्मिलित नहीं होंगे और वे कभी भी सम्मिलित नहीं किये गये समझे जायेंगे।"

"स्पष्टीकरण-दो :-उत्तर प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2006 (उत्तर प्रदेश अध्यादेश संख्या 3 सन् 2006) के निरसन और उत्तर प्रदेश नगर स्थानीय स्वायत्त शासन विधि (संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 25 सन् 2006) द्वारा उसके प्रतिस्थापन या किसी न्यायालय, अधिकरण या प्राधिकरण के निर्णय, आदेश या डिक्री के होते हुये भी, एतद्वारा यह घोषित किया जाता है कि उक्त अध्यादेश और उक्त अध्यादेश द्वारा यथासंशोधित इस अधिनियम के उपबन्धों के अनुसार हुए निर्वाचन इस धारा के अधीन यथा अनुध्यात "पूर्ववर्ती निर्वाचन" नहीं समझे जायेंगे और इस धारा के अधीन होने वाले आगामी निर्वाचन तदनुसार "पश्चात्तवर्ती निर्वाचन" नहीं समझे जायेंगे।"

अध्याय-3

उत्तर प्रदेश नगर निगम अधिनियम, 1959 का संशोधन

उत्तर प्रदेश
अधिनियम संख्या 2
सन् 1959 की धारा
7 का संशोधन

3-उत्तर प्रदेश नगर निगम अधिनियम, 1959, की धारा 7 में, उपधारा (5) में, खण्ड (1) में उपखण्ड (च) के पश्चात् निम्नलिखित स्पष्टीकरण बढ़ा दिये जायेंगे और उन्हें 15 सितम्बर, 2006 को बढ़ाया हुआ समझा जायेगा, अर्थात् :-

"स्पष्टीकरण-एक :-एतद्वारा यह स्पष्ट किया जाता है कि इस खण्ड के उपखण्ड (च) में और इस अधिनियम में अन्यत्र आने वाले शब्द "पूर्ववर्ती निर्वाचन" और "पश्चात्तवर्ती निर्वाचन" में उत्तर प्रदेश नगर निगम (संशोधन) अध्यादेश, 2006 (उत्तर प्रदेश अध्यादेश संख्या 4 सन् 2006) और उक्त अध्यादेश द्वारा यथासंशोधित इस अधिनियम के उपबन्धों के अनुसार हुये निर्वाचन सम्मिलित नहीं होंगे और वे कभी भी सम्मिलित नहीं किये गये समझे जायेंगे।"

"स्पष्टीकरण-दो :-उत्तर प्रदेश नगर निगम (संशोधन) अध्यादेश, 2006 (उत्तर प्रदेश अध्यादेश संख्या 4 सन् 2006) के निरसन और उत्तर प्रदेश नगर स्थानीय स्वायत्त शासन विधि (संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 25 सन् 2006) द्वारा उसके प्रतिस्थापन या किसी न्यायालय, अधिकरण या प्राधिकरण के निर्णय, आदेश या डिक्री के होते हुये भी, एतद्वारा यह घोषित किया जाता है कि उक्त अध्यादेश और उक्त अध्यादेश द्वारा यथासंशोधित इस अधिनियम के उपबन्धों के अनुसार हुए निर्वाचन इस धारा के अधीन यथा अनुध्यात "पूर्ववर्ती निर्वाचन" नहीं समझे जायेंगे और इस धारा के अधीन होने वाले आगामी निर्वाचन "पश्चात्तवर्ती निर्वाचन" नहीं समझे जायेंगे।"

निरसन एव अपवाद

4-(1) उत्तर प्रदेश नगर स्थानीय स्वायत्त शासन विधि (संशोधन) अध्यादेश 2012 एतद्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या 5
सन् 2012

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथासंशोधित उत्तर प्रदेश नगरपालिका अधिनियम, 1916 और उत्तर प्रदेश नगर निगम अधिनियम, 1959 के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथासंशोधित उक्त अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान समय पर प्रवृत्त थे।

उद्देश्य और कारण

दिनांक 12 जुलाई, 2006 को राज्यपाल द्वारा दो अध्यादेश अर्थात् उत्तर प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2006 (उत्तर प्रदेश अध्यादेश संख्या 3 सन् 2006) तथा उत्तर प्रदेश नगर निगम (संशोधन) अध्यादेश, 2006 (उत्तर प्रदेश अध्यादेश संख्या 4 सन् 2006) प्रख्यापित किये गये थे। उक्त अध्यादेशों के उपबन्धों के अनुसार वर्ष 2006 में नागर स्थानीय निकायों के निर्वाचन की तैयारियां की गयी और उसी के अनुसार आरक्षण प्रक्रिया पूर्ण करने के पश्चात् निर्वाचन संचालित किया गया। उक्त अध्यादेश के उपबन्धों को उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 25 सन् 2006) द्वारा प्रतिस्थापित किया गया किन्तु राज्य विधान मण्डल द्वारा उक्त अध्यादेशों के उपबन्धों में कतिपय संशोधनों सहित उक्त अधिनियम को पारित किया गया। चूंकि उक्त अधिनियम की आरक्षण प्रक्रिया से संबंधित उपबन्धों में और उक्त अध्यादेशों के उपबन्धों में मूलभूत भिन्नताएं होने के कारण वर्ष 2006 में हुए नागर स्थानीय निकायों के निर्वाचन को पूर्ववर्ती निर्वाचन नहीं कहा जा सकता क्योंकि यह निर्वाचन उक्त अध्यादेशों के उपबन्धों के अनुसार हुआ था और तदनुसार वर्ष 2012 में हुए नागर स्थानीय निकाय के निर्वाचन को पश्चात्वर्ती निर्वाचन के बजाय प्रथम निर्वाचन कहा जा सकता है, क्योंकि यह निर्वाचन उत्तर प्रदेश नगर पालिका अधिनियम, 1916 और उत्तर प्रदेश नगर निगम अधिनियम, 1959, सन् 2006 के उक्त अधिनियम द्वारा यथासंशोधित के उपबन्धों के अनुसार पहले आयोजित किये गये थे। चूंकि शब्द "पूर्ववर्ती निर्वाचन" और शब्द "पश्चात्वर्ती निर्वाचन" को स्पष्ट करने के लिए कोई उपबन्ध नहीं था, अतएव यह विनिश्चय किया गया कि सन् 1916 के उक्त अधिनियम की धारा 9-क और सन् 1959 के उक्त अधिनियम की धारा 7 को संशोधित करके उनमें स्पष्टीकरण को बढ़ाकर उक्त शब्दों को स्पष्ट किया जाय।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 08 अगस्त, 2012 को उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) अध्यादेश, 2012 (उत्तर प्रदेश अध्यादेश संख्या 5, सन् 2012) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
एस0के0 पाण्डेय
प्रमुख सचिव।

No. 990(2)/LXXIX-V-1-12-1(ka)5-2012

Dated Lucknow, December 10, 2012

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 Sthaniya Swayatt Shasan Vidhi (Sanshodhan) Adhiniyam, 2012 (Uttar Pradesh Adhiniyam Sankhya 7 of 2012) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 5, 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

to further 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 Short title and commencement

(2) It shall be deemed to have come into force on September 15, 2006.

CHAPTER-2

AMENDMENT OF THE UTTAR PRADESH MUNICIPALITIES ACT, 1916

Amendment of
section 9-A of
U.P. Act no. 2
of 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 I : 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 (Uttar 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

AMENDMENT OF THE UTTAR PRADESH MUNICIPAL CORPORATION ACT, 1959.

Amendment of
section 7 of
U.P. Act no. 2
of 1959

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 I : 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 shall not be deemed to be subsequent election."

U.P.
Ordinance
no. 5 of 2012

4. (1) The Uttar Pradesh Urban Local Self Government Laws (Amendment) Ordinance, 2012.

Repeat and
saving

is hereby repealed.

(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 can not 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

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, बृहस्पतिवार, 28 मार्च, 2013

चैत्र 7, 1935 शक सम्वत्

उत्तर प्रदेश सरकार
विधायी अनुभाग-1

संख्या 328/79-वि-1-13-1(क)-11-2012

लखनऊ, 28 मार्च, 2013

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नगरपालिका (संशोधन) विधेयक, 2012 पर दिनांक 26 मार्च, 2013 को अनुमति प्रदान की और वह (उत्तर प्रदेश अधिनियम संख्या 9 सन् 2013) के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश नगरपालिका (संशोधन) अधिनियम, 2012

(उत्तर प्रदेश अधिनियम संख्या 9 सन् 2013)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश नगरपालिका अधिनियम, 1916 का अग्रतर संशोधन करने के लिए
अधिनियम

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

1-(1) यह अधिनियम उत्तर प्रदेश नगरपालिका (संशोधन) अधिनियम, 2012 कंहा संक्षिप्त नाम और जायेगा। प्रारम्भ

(2) यह 8 नवम्बर, 2012 को प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या 2
सन् 1916 की नई
धारा 13-घ का
बढ़ाया जाना

2-उत्तर प्रदेश नगरपालिका अधिनियम, 1916 जिसे आगे मूल अधिनियम कहा गया है, की धारा 13-घ के पश्चात् निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात्:-

"13-घ घ-इस अधिनियम के किसी अन्य उपबंध में अन्तर्विष्ट किसी बात के अध्यक्ष या सदस्य होने या बने रहने के लिये विधायकों पर रोक प्रतिकूल होते हुए भी.-

(क) कोई व्यक्ति अध्यक्ष या सदस्य निर्वाचित किये जाने और होने के लिये अनर्ह हो जायेगा, यदि वह संसद या राज्य विधान मण्डल का सदस्य हो;

(ख) यदि कोई व्यक्ति अध्यक्ष या सदस्य निर्वाचित हो जाने के पश्चात् बाद में खण्ड (क) में निर्दिष्ट किसी पद पर निर्वाचित या नाम-निर्दिष्ट हो जाये, तो वह अपने निर्वाचन या अपने नाम-निर्देशन की घोषणा के भारत या उत्तर प्रदेश के गजट में प्रथम बार प्रकाशित किये जाने के दिनांक को और ऐसी अधिसूचना प्रकाशित होने के दिनांक से चौदह दिन के भीतर, ऐसे लिखित नोटिस द्वारा, जिस पर उसके हस्ताक्षर हों, और किसी ऐसे व्यक्ति को जिसे उस संबंध में सरकार अधिकृत करे, दिया गया हो, यह सूचित करेगा कि वह किस पद पर कार्य करना चाहता है और उसका इस प्रकार सूचित किया गया वरण अन्तिम होगा और उक्त सूचना न देने पर और उक्त अवधि बीत जाने पर वह अध्यक्ष या सदस्य के पद पर न रह जायेगा और तदुपरान्त अध्यक्ष या सदस्य के, जैसी भी स्थिति हो, पद में आकस्मिक रिक्ति हो जायेगी।"

निरसन और
अपवाद

3-(1) उत्तर प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2012 उत्तर प्रदेश
एतद्वारा निरसित किया जाता है। अध्यादेश संख्या
10 सन् 2012

(2) ऐसे निरसन के होते हुए भी, उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान् समय पर प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश नगर निगम अधिनियम, 1959 (उत्तर प्रदेश अधिनियम संख्या 2, सन् 1959) की धारा 25-क में महापौर, उप-महापौर अथवा पार्षद होने या बने रहने के लिए विधायकों या सांसदों पर रोक के संबंध में यह व्यवस्था है कि कोई व्यक्ति महापौर, उप-महापौर या पार्षद निर्वाचित किये जाने और होने के लिए अनर्ह हो जायेगा यदि वह संसद या राज्य विधान मण्डल का सदस्य हो और यदि कोई व्यक्ति महापौर, उप-महापौर या पार्षद निर्वाचित हो जाने के पश्चात् संसद या राज्य विधान मण्डल के सदस्य के पद पर निर्वाचित या नाम-निर्दिष्ट हो जाये तो वह अपने निर्वाचन या अपने नाम-निर्देशन की घोषणा के भारत या उत्तर प्रदेश के गजट में प्रथम बार प्रकाशित किये जाने के दिनांक को और ऐसी अधिसूचना प्रकाशित होने के दिनांक से चौदह दिन के भीतर ऐसी लिखित नोटिस द्वारा जिस पर उसके हस्ताक्षर हों और किसी ऐसे व्यक्ति को दी गयी हो जिसे उस संबंध में सरकार द्वारा अधिकृत किया गया हो, यह सूचित करेगा कि वह किस पद पर कार्य करना चाहता है और उसका इस प्रकार सूचित किया गया वरण अन्तिम होगा और उक्त सूचना न देने पर और उक्त अवधि बीत जाने पर वह महापौर, उप-महापौर या पार्षद के पद पर न रह जायेगा और तदुपरान्त महापौर, उप-महापौर या पार्षद के जैसी भी स्थिति हो, पद में आकस्मिक रिक्ति हो जायेगी। अध्यक्ष और सदस्यों के संबंध में उक्त व्यवस्था उत्तर प्रदेश नगरपालिका अधिनियम, 1916 (उत्तर प्रदेश अधिनियम संख्या 2, सन् 1916) में नहीं की गयी थी। उक्त दोनों अधिनियमों में एक समान व्यवस्था किये जाने के उद्देश्य से यह विनिश्चय किया गया कि उत्तर प्रदेश

नगरपालिका अधिनियम, 1916 को संशोधित करके उसमें अध्यक्ष और सदस्य के संबंध में तत्समान व्यवस्था की जाय।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 08 नवम्बर, 2012 को उत्तर प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2012 (उत्तर प्रदेश अध्यादेश संख्या 10 सन् 2012) प्रख्यापित किया गया।

इह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
एस0 के0 पाण्डेय,
प्रमुख सचिव।

No. 328(2)/LXXIX-V-1-13-1(Ka)-11-2012

Dated Lucknow, March 28, 2013

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

(U.P. ACT NO. 9 OF 2013)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furth^r 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.

Short title and commencement

(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 :-

Insertion of new section 13-DD of U.P. Act no. 2 of 1916

"13-DD—Notwithstanding anything to the contrary contained in any other provision of this Act,—
Bar to legislators becoming or continuing as president or Member

(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

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 casual vacancy shall thereupon occur in the office of the President or Member as the case may be.”

Repeal and saving

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

U.P. Ordinance
no. 10 of 2012

(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 at, 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 expiry of the said period to hold the office of Mayor, Deputy Mayor or Corporator, and a casual vacancy shall thereupon occur in the office of the Mayor, Deputy Mayor or Corporator 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 परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, बृहस्पतिवार, 12 अप्रैल, 2018

चैत्र 22, 1940 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 816/79-वि-1-18-1(क)2-18

लखनऊ, 12 अप्रैल, 2018

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नगर पालिका (संशोधन) विधेयक, 2018 पर दिनांक 10 अप्रैल, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 26 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ 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 पारित हुआ]

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 में अग्रतर संशोधन करने के लिये

अधिनियम

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

1-(1) यह विधेयक उत्तर प्रदेश नगर पालिका (संशोधन) विधेयक, 2018 कहा जायेगा।

(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश राज्य में होगा।

(3) यह दिनांक 29 जनवरी, 2018 को प्रवृत्त हुआ समझा जायेगा।

संक्षिप्त नाम,
विस्तार और
प्रारम्भ

उत्तर प्रदेश
अधिनियम
संख्या 2 सन्
1916 की
धारा 7 का
संशोधन

2-उत्तर प्रदेश नगर पालिका अधिनियम, 1916 जिसे आगे मूल अधिनियम कहा गया है, की धारा 7 में, उपधारा (1) में खण्ड (ज) में शब्द "बाजारों, वधशालाओं" के स्थान पर शब्द "बाजारों" रख दिया जायेगा।

धारा 237
और 238 का
निकाला जाना
निरसन और
व्यावृत्ति

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

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

उत्तर प्रदेश
अध्यादेश
संख्या 3
सन् 2018

(2) ऐसे निरसन के होते हुए भी उप धारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या की गई कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्था उपबंधों के अधीन कृत या की गयी समझी जायेगी मानों इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश राज्य में नगर पालिकाओं से सम्बन्धित विधियों को समेकित 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 उपबन्ध है कि नगर पालिका क्षेत्र में सार्वजनिक मार्गों, पुलियों, बाजारों, वधशालाओं, शौचालयों, शौचगृहों, मूत्रालयों, नालियों, जलनिकासी प्रणाली, मल वहन प्रणाली को निर्मित करने, उनमें परिवर्तन करने तथा उनका अनुरक्षण करने का युक्तियुक्त उपबंध करना प्रत्येक नगर पालिका का कर्तव्य होगा। इसके अतिरिक्त धारा 237 और 238 में क्रमशः किसी नगर पालिका को बिक्री के लिये पशुओं के वध के स्थान और धार्मिक प्रयोजनों के लिये बिक्री या वध के आशय के बिना, पशुओं के वध के लिये स्थान नियत करने की शक्ति प्रदान की गयी है। उक्त धाराओं के उपबंध, पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 तथा खाद्य सुरक्षा और मानक अधिनियम, 2006 तथा तद्धीन बनायी गयी नियमावली के उपबन्धों के अनुरूप नहीं थे, जो भारत का संविधान की सातवीं अनुसूची की समवर्ती सूची में संख्यांकित प्रविष्टियों के अधीन आने वाली केन्द्रीय अधिनियमितियां हैं पूर्वोक्त स्थिति में तथा रिट याचिका लक्ष्मी नारायण मोदी बनाम यूनियन ऑफ इण्डिया व अन्य में मा0 उच्चतम न्यायालय के विनिश्चय के आलोक में उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ज) में संशोधन करने, उसमें से शब्द 'वधशाला' को निकालने और धारा 237 तथा 238 को निकालने का विनिश्चय किया गया है।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को लागू करने के लिए तुरन्त विधायी कार्यवाही करनी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 29 जनवरी, 2018 को उत्तर प्रदेश नगर पालिका (संशोधन) अध्यादेश, 2018 (उत्तर प्रदेश अध्यादेश संख्या 3 सन् 2018) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरः स्थापित किया जाता है।

आज्ञा 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 (Sanshodhan) 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.

Short title, extent and commencement

(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*.

Amendment of section 7 of U.P. Act no. 11 of 1916

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

Omission of sections 237 and 238

U.P. Ordinance no. 3 of 2018

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

Repeal and saving

(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,
VIRENDRA KUMAR SRIVASTAVA,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 19 राजपत्र-2018-(46)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।
पी०एस०यू०पी०-ए०पी० 7 सा० विधायी-13-4-2018-(47)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 21 अगस्त, 2023

श्रावण 30, 1945 शक सम्बत्

उत्तर प्रदेश शासन
विधायी अनुभाग-1

संख्या 419/79-वि-1-2023-1-(क)-6-2023
लखनऊ, 21 अगस्त, 2023

अधिसूचना
विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल ने उत्तर प्रदेश नगर पालिका (संशोधन) विधेयक, 2023 जिससे नगर विकास अनुभाग-1 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 17 अगस्त, 2023 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 6 सन् 2023 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश नगर पालिका (संशोधन) अधिनियम, 2023

(उत्तर प्रदेश अधिनियम संख्या 6 सन् 2023)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 का अग्रतर संशोधन करने के लिए
अधिनियम

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

1-(1) यह अधिनियम उत्तर प्रदेश नगर पालिका (संशोधन) अधिनियम, 2023
कहा जायेगा।

(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश राज्य के लिए होगा।

(3) यह दिनांक 29 मार्च, 2023 को प्रवृत्त हुआ समझा जायेगा।

संक्षिप्त नाम,
विस्तार और
प्रारम्भ

उत्तर प्रदेश
अधिनियम संख्या 2
सन् 1916 की
धारा 9-क का
संशोधन

2- उत्तर प्रदेश नगर पालिका अधिनियम, 1916 में धारा 9-क की उपधारा (5) में उपखण्ड (1) के पश्चात निम्नलिखित उपखण्ड रख दिया जायेगा, अर्थात् :-

“(2) आवंटन आदेश—(क) पूर्वगामी खण्डों में अन्तर्विष्ट किसी भी बात के होते हुए, राज्य सरकार अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्गों एवं महिलाओं के लिए आरक्षित किये जाने वाले पदों की संख्या का अवधारण करके गजट में प्रकाशित आदेश द्वारा पदों को नगर पालिकाओं को आवंटित करेगी:—

(ख) उपखण्ड (क) के अधीन आदेश का प्रारूप आपत्तियों के लिये कम-से-कम सात दिन की अवधि के लिये प्रकाशित किया जायेगा।

(ग) राज्य सरकार आपत्तियों, यदि कोई हों, पर विचार करेगी, परन्तु उन आपत्तियों पर तब तक व्यक्तिगत सुनवाई किया जाना आवश्यक न होगा जब तक कि राज्य सरकार ऐसा करना आवश्यक न समझे और तदुपरान्त यह अंतिम हो जायेगा।

(घ) उपखण्ड (ख) में विनिर्दिष्ट आदेश का प्रारूप सम्बन्धित जिले में व्यापक परिचालन रखने वाले कम से कम एक दैनिक समाचार पत्र में प्रकाशित किया जायेगा और उसे जिला मजिस्ट्रेट तथा सम्बन्धित नगर पालिका के कार्यालयों के सूचना पट्ट पर चस्पा किया जायेगा।”

निरसन और
व्यावृत्ति

3—(1) उत्तर प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2023 एतद्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या 4
सन् 2023

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गयी कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबंधों के अधीन कृत या की गयी समझी जायेगी मानों इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य एवं कारण

उत्तर प्रदेश में नगर पालिकाओं से संबंधित विधि को समेकित और संशोधित करने के लिए उत्तर प्रदेश नगर पालिका अधिनियम, 1916 (उत्तर प्रदेश अधिनियम संख्या II सन 1916) अधिनियमित किया गया है।

उत्तर प्रदेश नगरपालिका अधिनियम, 1916 की धारा 9-क की उपधारा (5) तथा उत्तर प्रदेश नगर निगम अधिनियम, 1959 की धारा 7 की उपधारा (5) में संशोधन, द्वारा नगरपालिका परिषदों एवं नगर पंचायतों के अध्यक्ष पद पर आरक्षण अवधारित करने की प्रक्रिया में संशोधन करने के उद्देश्य से उत्तर प्रदेश नागर स्थानीय स्वायत्त शासन विधि (संशोधन) अध्यादेश, 2023, राज्यपाल द्वारा दिनांक 29 मार्च, 2023 को प्रख्यापित किया गया।

अनुसूचित जातियों, अनुसूचित जनजातियों, अन्य पिछड़े वर्गों एवं महिलाओं के लिए आरक्षित किये जाने वाले पदों की अनंतिम अधिसूचना प्रकाशित कर आपत्ति प्राप्त करने के पश्चात आरक्षण को अंतिम रूप देने के संबंध में उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा 9-क की उपधारा (5) के खंड (1) के पश्चात खंड (2) जोड़ने का विनिश्चय किया गया।

चूँकि राज्य विधानमंडल सत्र में नहीं था और पूर्वोक्त विनिश्चय को क्रियान्वित करने के लिए तुरंत विधायी कार्यवाई आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 6 अप्रैल, 2023 को उत्तर प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2023 (उत्तर प्रदेश अध्यादेश संख्या 4 सन् 2023) प्रख्यापित किया गया।

उत्तर प्रदेश नगरपालिका (संशोधन) विधेयक, 2023 पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
अतुल श्रीवास्तव,
प्रमुख सचिव।

No. 419(2)/LXXIX-V-1-2023-1-(ka)6-2023

Dated Lucknow, August 21, 2023

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, 2023 (Uttar Pradesh Adhiniyam Sankhya 6 of 2023) as passed by the Uttar Pradesh Legislature and assented to by the Governor on 17 August, 2023. The Nagar Vikash Anubhag-1 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH MUNICIPALITIES (AMENDMENT) ACT, 2023
(U.P. Act No. 6 of 2023)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Municipalities Act, 1916.

IT IS HEREBY enacted in the Seventy fourth Year of the Republic of India as follows :-

- | | |
|--|---|
| <p>1. (1) This Act may be called the Uttar Pradesh Municipalities (Amendment) Act, 2023.</p> <p>(2) It shall extend to the whole of the State of Uttar Pradesh.</p> <p>(3) It shall be deemed to have come into force on March 29, 2023.</p> | <p>Short title,
extent and
commencement</p> |
|--|---|

- | | |
|--|---|
| <p>2. In sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916, <i>after</i> clause (1), the following clause shall be <i>inserted</i>, namely :-</p> | <p>Amendment of
section
9-A of U.P. Act
no. 2 of 1916</p> |
|--|---|

“(2) Allotment order-(a) Notwithstanding anything contained in the foregoing clauses the State Government shall, determining, the number of offices to be reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and the Women, by order published in the *Gazette*, allot the offices to the Municipalities.

(b) The draft of order under sub-clause (a) shall be published for objections for a period of not less than seven days.

(c) The State Government shall consider the objections, if any, but it shall not be necessary to hear in person on such objections unless the State Government considers it necessary so to do and thereupon it shall become final.

(d) The draft of order referred to in sub-clause (b) shall be published in at least one daily newspaper having wide circulation in the concerned district and shall also be affixed on the notice board of the offices of the District Magistrate and the concerned Municipality.”

- | | | |
|------------------------------|--|---|
| <p>Repeal and
saving</p> | <p>3. (1) The Uttar Pradesh Municipalities (Amendment) Ordinance, 2023 is hereby repealed.</p> | <p>U.P. Ordinance
no. 4 of 2023</p> |
|------------------------------|--|---|

(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 (U.P. Act no. II of 1916) has been enacted to consolidate and amend the law relating to Municipalities in Uttar Pradesh.

In order to amend the procedure for determining the reservation on the post of Chairperson of Municipal Councils and Nagar Panchayats by amending sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916 and sub-section (5) of section 7 of the Uttar Pradesh Municipal Corporation Act, 1959, the Uttar Pradesh Urban Local Self Government Laws (Amendment) Ordinance, 2023 was promulgated by the Governor on March 29, 2023.

In relation to finalization of reservation after receiving objections by publishing provisional notification of posts to be reserved for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women it was decided to add clause (2) *after* clause (1) of sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916.

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, 2023 (Uttar Pradesh Ordinance no. 4 of 2023) was promulgated by the Governor on April 6, 2023.

The Uttar Pradesh Municipalities (Amendment) Bill, 2023 is introduced to replace the aforesaid Ordinance.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.