



The Uttar Pradesh Local Self-Government Laws (Amendment) Act, 1984
Act 5 of 1984

Keyword(s):

City, Corporation or Municipal Corporation, Mukhya Nagar Adhikari,
Member of a Corporation, Ward

Amendment appended: 26 of 1995

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Dated Lucknow, March 22, 1984

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 Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam San khya 5 of 1984) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 21, 1984.

**THE UTTAR PRADESH LOCAL SELF-GOVERNMENT LAWS (AMENDMENT)
ACT, 1984**

[U. P. ACT No 5 OF 1984]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Water Supply and Sewerage Act, 1975, the U. P. Municipalities Act, 1916, the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, the Uttar Pradesh Municipalities, the Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978.

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

CHAPTER I
PRELIMINARY

Short title and
Commencement.

1. (1) This Act may be called the Uttar Pradesh Local Self-Government Laws (Amendment) Act, 1984.

(2) Sections 2, 3, 4, 5, 6, 8, 9 and 10 shall be deemed to have come into force on December 12, 1983, sections 11, 12 and 13 shall be deemed to have come into force on December 26, 1983, section 7 shall be deemed to have come into force on February 1, 1984 and the rest of the section shall come into force at once.

CHAPTER II
AMENDMENT OF THE UTTAR PRADESH WATER SUPPLY AND
SEWERAGE ACT, 1975

Amendment of
section 4 of U.P.
Act no. 43 of
1975.

2. In section 4 of the Uttar Pradesh Water Supply and Sewerage Act, 1975, hereinafter in this Chapter referred to as the principal Act,—

(i) in sub-section (2), for clause (d), the following clauses shall be substituted, namely :—

“(d) the Secretary to the State Government in-charge of the Water Supply Department, *ex-officio* ;

(dd) the Secretary to the State Government in the Planning Department, *ex officio* ;”

(ii) in sub-section (4), for the words “in clause (c) or clause(d)” the words “in clauses (c), (d) or clause (dd),” shall be substituted.

3. In section 20 of the principal Act, in sub-section (3), in clause (c), for the words “to be appointed by the Nigam with the approval of the State Government,” the words “to be appointed by the State Government” shall be substituted.

Amendment of
section 20.

4. For section 27 of the principal Act, the following section shall be substituted, namely :—

Substitution of
section 27.

“27 (1) The Jal Sansthan may, with the previous approval of the State Government, create such posts of officers and other employees and with such designations as it considers necessary for the efficient performance of its functions.

(2) The appointments to the posts, referred to in sub-section(1), shall be made by the Jal Sansthan on such terms and conditions as it thinks fit :

Provided that the appointment on such posts as the State Government may, by rules framed under section 27-A or by general or special order, specify shall be made and the terms and conditions of appointment on such posts shall be determined with the approval of the Government.

(3) Subject to general control and directions of the Chairman, the supervision and control over all employees of the Jal Sansthan shall be vested in the General Manager.”

5. In the principal Act, after section 27, the following section shall be inserted, namely :—

Insertion of sec-
tion 27-A.

“27-A. (1) Notwithstanding anything contained in section 27 or Centralisation of in any other provision of the Act, 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 Jal Sansthans or to the Jal Sansthans, Nagar Mahapalikas and Nagarpalikas in the State and prescribe the method of recruitment and conditions of service of persons appointed to any such service.

(2) Where any such service is created, employees serving on the posts included in the service as well as officers and servants performing duties and functions of those posts may, if found suitable, be absorbed in the service, provisionally or finally, and the service of others shall be determined in the prescribed manner.

(3) On the creation of such service it shall be lawful for the Director of Local Bodies or any other officer authorised by the Government in this behalf to transfer an employee serving on any post in any Jal Sansthan or Waterworks to any other Jal Sansthan or Waterworks.

(4) Without prejudice to the generality of the provisions of sub-sections (1) and (2), such rules may also provide for consultation with the State Public Service Commission in respect of any of the matters referred to in the said sub-sections.

6. In section 38 of the principal Act,—

Amendment of
section 38.

(a) in sub-section (1), between the words and figure “service created under” and “section 69-B” the words “section 27-A of this Act” shall be inserted,

(b) in sub-section (9)—

(i) *between* the words and figure “contained in” and “section 69-B”, the words and figure “section 27-A of this Act”, shall be *inserted* ;

(ii) *for* the words “to serve on deputation with such Jal Sansthan or the Nigam, as the case may be, to which his services are for the time being lent” the words “to serve with such Jal Sansthan or the Nigam to which his services are for the time being lent or transferred” shall be *substituted*.

Amendment of section 56.

7. (1) Section 56 of the principal Act shall be renumbered as sub-section (1) and, *after* sub-section (1), as so renumbered, the following proviso and sub-section (2) shall be *inserted*, namely :

“Provided that, in the case covered by clause (a), where such premises is let to more occupiers than one or for any other sufficient reason recovery of tax from the occupier is found to be inexpedient, the Jal Sansthan may, at its option, levy the tax from the owner instead of from the occupier”.

(2) A owner from whom tax is levied under the proviso to sub-section (1) may, in the absence of contract to the contrary, recover it from the occupier’.

Amendment of section 72.

8. *After* clause (g) of sub-section (1) of section 72 of the principal Act the following clause (h) shall be *inserted*, namely :—

“(h) if the consumer does not allow the Jal Sansthan to install meter on his water connection or refuses to deposit security for the supply of meter.”

CHAPTER III

AMENDMENT OF U. P. MUNICIPALITIES ACT, 1916

Amendment of section 69-B of the U.P. Act II of 1916.

9. In section 69-B of the U P. Municipalities Act, 1916, *for* sub-section (1) the following sub-section shall be *substituted*, namely :—

“(1) Notwithstanding anything contained in sections 57, 59, 65 to 68, 69, 69-A, 71, 74, 79 and 80, 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, Mahapalikas and the Jal Sansthans in the State and prescribe the methods of recruitment and conditions of service of persons appointed to any such service.”

CHAPTER IV

AMENDMENT OF U. P. NAGAR MAHAPALIKA ADHINIYAM, 1959

Amendment of section 112-A of the U.P. Act II of 1959.

10. In section 112-A of the U.P. Nagar Mahapalika Adhiniyam, 1959, *for* sub-section (1), the following sub-section shall be *substituted*, namely :—

“(1) Notwithstanding anything contained in sections 106 to 110, 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 the Mahapalikas or to the Mahapalikas, Municipal Boards and Jal Sansthans of the State, and prescribe the method of recruitment and conditions of service of persons appointed to any such Service.”

CHAPTER V

AMENDMENT OF THE UTTAR PRADESH MUNICIPALITIES, NOTIFIED AREAS AND TOWN AREAS (ALPAKALIK VYAVASTHA) ADHINIYAM, 1977

Amendment of section 2 of U.P. Act no. 13 of 1977.

11. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter in this Chapter referred to as the principal Act, *for* the word and figures “December 31, 1983” wherever occurring, the word and figures “December 31, 1984”, shall be *substituted*.

12. In section 3 of the principal Act, for the word and figures "December 31, 1983" the word and figures "December 31, 1984" shall be substituted.

Amendment of section 3.

CHAPTER VI

AMENDMENT OF THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (THIRD AMENDMENT) ACT, 1978

13. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1983", the word and figures "December 31, 1984" shall be substituted.

Amendment of section 24 of U. P. Act no. 35 of 1978.

CHAPTER VII

Miscellaneous

14. (1) The Uttar Pradesh Local Self-Government Laws (Amendment) Ordinance, 1983 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Ordinance, 1983, are hereby repealed.

Repeal and savings.

Ordinance no. 47 of 1983 U.P. Finance 48 of 1983

(2) Notwithstanding such repeal, anything done or any action taken under any of the Acts, referred to in Chapters II, III, IV, V and VI, as amended by the Ordinances 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.

By order,
G. B. SINGH,
Sachiv.

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS
(AMENDMENT) ACT, 1995

(U. P. Act No. 26 of 1995)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Municipal Corporations Act, 1959 and the United Provinces Municipalities Act, 1916.

IT IS HEREBY enacted in the Forty-Sixth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1995.

Short title and Commencement

(2) Section 6, section 8, clauses (a-i) and (b) of section 11, section 12 to section 20, section 22 to section 27, clauses (b) and (c) of section 28, clause (a); sub-clause (i) of clause (b) and clause (c) of section 29, section 30 to section 32, clause (b) of section 35, section 39 to section 49, and section 51 to section 59 shall be deemed to have come into force on May 30, 1994 ;

Section 2 to section 5, section 7, section 9, section 10, clause (a-ii) of section 11, clause (a) of section 28, sub-clauses (i-a), (ii) and (iii) of clause (b) and clause (d) of section 29, section 33, section 34, clause (a) of section 35, and section 36 to section 38, shall be deemed to have come into force on December 28, 1994, and the remaining provisions shall come into force at once.

CHAPTER II

Amendment of the Uttar Pradesh Municipal Corporations Act, 1959

2. In section 2 of the Uttar Pradesh Municipal Corporations Act, 1959 hereinafter in this Chapter referred to as the principal Act,—

Amendment of section 2 of U.P. Act No. 2 of 1959

(a) for clause (10), the following clause shall be substituted, namely—

“(10) ‘city’ means a larger urban area as notified under clause (2) of article 243-Q of the Constitution”;

(b) after clause (11) the following clause shall be inserted, namely :—

“(11-A) ‘Corporation’ or ‘Municipal Corporation’ means the Municipal Corporation constituted for a city under sub-clause (c) of clause (1) of article 243-Q of the Constitution ;”;

(c) in clause (24-A), for the words “referred to in” the words “constituted under” shall be substituted;

(d) for clause (38), the following clause shall be substituted, namely :—

“(38) ‘member of a Corporation’ means a Sabhasad, a Paden Sadasya, a Nam Nirdishta Sadasya or a Chairperson of a Committee, if any, established under clause (e) of section 5, if he is not member of the Corporation and, unless the contrary is indicated, includes a Nagar Pramuks ;”;

(e) for clause (39), the following clause shall be substituted, namely :—

“(39) ‘Mukhya Nagar Adhikari’ means the Mukhya Nagar Adhikari appointed under section 58 and includes an Apar Mukhya Nagar Adhikari appointed under the said section, an Upa Nagar Adhikari and a Sahayak Nagar Adhikari appointed under section 107 while exercising powers and performing duties under section 112 ;”;

(f) for clause (82), the following clause shall be substituted, namely :—

“(82) ‘ward’ means the territorial constituency of a Corporation ;”;

(g) in clause (82-A), for the words, figure and letter "constituted under section 6-A" the words, figures and letter "referred to in article 243-S of the Constitution" shall be substituted.

Substitution of section 3

3. For section 3 of the principal Act the following section shall be substituted, namely :—

"3.(1) Any area specified by the Governor in a notification under Declaration clause (2) of article 243-Q of the Constitution with such of larger limits as are specified therein to be a larger urban area, urban area shall be known as a City, by such name as he may specify.

(2) Where, by a subsequent notification under clause (2) of article 243-Q of the Constitution the Governor includes any area in a city, such area shall thereby become subject to all notifications, rules, regulations, bye-laws orders and directions issued or made under this or any other enactment and in force in the city at the time immediately preceding the inclusion of such area and all taxes, fees and charges imposed under this Act, shall be and continue to be levied and collected in the aforesaid area."

Substitution of section 4

4. For section 4 of the principal Act, the following section shall be substituted, namely :—

"4. A Municipal Corporation constituted under sub-clause (c) of Municipal Corporation to be a body corporate. clause (1) of article 243-Q of the Constitution in accordance with Part IX-A thereof shall be known as the Municipal Corporation of (Name of the city) and be a body corporate."

Substitution of section 6-A

5. For section 6-A of the principal Act, the following section shall be substituted, namely :—

"6-A. (1) Each Wards Committee, constituted under clause (1) of Constitution and article 243-S of the Constitution within the territorial composition of area of a Corporation having a population of three wards committees lakh or more, shall consist of ten wards.

(2) The territorial area of a Wards Committee shall consist of the territorial areas of the wards comprised in such committee.

(3) Each Wards Committee shall consist of—

(a) all the Sabhasads representing the wards within the territorial area of the Wards Committee ;

(b) such other members, not exceeding five, as may be nominated by the State Government from amongst persons registered as electors within the territorial area of the concerned Wards Committee who have special knowledge or experience in municipal administration.

(4) The Wards Committee shall, at its first meeting after its constitution and at its first meeting in the same month in each succeeding year, elect one of the members, mentioned in clause (a) of sub-section (3) as the chairperson of that committee.

(5) The duration of the office of the Chairperson shall be one year but he shall hold office until his successor is elected and shall be eligible for re-election.

(6) The Chairperson shall vacate office as soon as he ceases to be a Sabhasad.

(7) In the event of the office of the Chairperson falling vacant, due to resignation or otherwise, before the expiry of his term, the Ward Committee shall, as soon as may be, on the occurrence of the vacancy elect a new Chairperson in accordance with sub-section (4) :

Provided that a Chairperson so elected shall hold office only for the remainder of the period for which the person in whose place he is elected would have held it if such vacancy had not occurred.

(8) The duration of the Wards Committee shall be co-terminous with the term of the Corporation.

[(9) Subject to the provisions of this Act, the Wards Committee shall exercise such powers and perform such functions as may be prescribed by rules".

6. In section 7 of the principal Act—

Amendment of section 7

(a) in sub-section (1),

(i) after the words "the Scheduled Castes and the Scheduled Tribes" the words "and the backward classes" shall be inserted;

(ii) after the words "or of the Scheduled Tribes in the municipal area" the words "or of the backward classes in the municipal area" shall be inserted;

(iii) following provisos shall be inserted at the end, namely :—

"Provided that the reservation for the backward classes shall not exceed twenty seven per cent of the total number of seats in a Corporation :

Provided further that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the manner prescribed by rules."

(b) sub-section (2) shall be omitted;

(c) in sub-section (3), for the words and figures "sub-sections (1) and (2)" the words and figures "sub-section (1)" shall be substituted.

7. In section 8-AA of the principal Act, in sub-section (1),—

Amendment of section 8-AA

(a) for the words and figure "where any local area has been declared to be a city under section 3" the words, figures and letter "Where any area has been specified to be a larger urban area under clause (2) of Article 243-Q of the Constitution" shall be substituted;

(b) for the words "under this Act" the words "under the Constitution" shall be substituted.

8. In section 17 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

Amendment of section 17

"(1) A Nagar Pramukh shall be *ex-officio* member of the Corporation."

9. In section 25 of the principal Act, in sub-section (1), in the second proviso, for the words "declared a city" the words "notified a city" shall be substituted.

Amendment of section 25

10. In section 31 of the principal Act, in sub-section (1), for the words "every city" the words "each municipal area" shall be substituted.

Amendment of section 31

11. In section 32 of the principal Act,—

Amendment of section 32

(a-i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The State Government shall by order—

(a) divide a City into wards in such manner that the population in each ward shall, so far as practicable, be the same throughout the municipal area ;

(b) determine the number of wards into which a City shall be divided ;

(c) determine the extent of each ward ;

(d) determine the number of seats to be reserved for the Scheduled Castes, the Schedule Tribes, the backward classes, or the women" ;

(a-ii) in sub-section (1) as so substituted, for the words "City" wherever occurring, the words "municipal area" shall be substituted :

(b) in sub-section (2), for the words "fifteen days" the words "seven days" shall be substituted.

Amendment of
section 33

12. In section 33 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-A) For the alteration or amendment of any order under sub-section (1) the provisions of sub-sections (2) and (3) of section 32 shall *mutatis mutandis* apply.”

Amendment of
section 39

13. For section 39 of the principal Act, the following section shall be substituted, namely—

“39. (1) Subject to the superintendence, direction and control of the State Election Commission the electoral roll for each ward shall be prepared and published in the manner prescribed by rules by an Electoral Registration Officer under the supervision of the Chief Election Officer (Urban Local Bodies).

(2) The Chief Election Officer (Urban Local Bodies) and the Electoral Registration Officer, referred to in sub-section (1), shall be such officers of the State Government as the State Election Commission may, in consultation with the State Government, designate or nominate in this behalf.

(3) Upon the publication of the electoral roll it shall, subject to any alteration, addition or correction made in accordance with this Act or the rules made thereunder, be the electoral roll for the ward prepared in accordance with this Act.

(4) The Electoral Registration Officer may, for the purpose of preparation of electoral roll for a ward, adopt, in accordance with the direction of the State Election Commission, the Assembly roll for the time being in force so far as it relates to the area of that ward :

Provided that the electoral roll for that ward shall not include any amendment, alteration or correction made after the last date for making nomination for the election of such ward and before the completion of such election.

(5) Where the Electoral Registration Officer is satisfied after making such enquiry as he thinks fit, whether on an application made to him or on his own motion, that any entry in the electoral roll should be corrected or deleted or that the name of any person entitled to be registered should be added in the electoral roll, he shall subject to the provisions of this Act and rules and orders made thereunder delete or correct or add the entry, as the case may be :

Provided that no such deletion, correction or addition shall be made after the last date for making nominations for an election in the ward and before the completion of such election :

Provided further that no deletion or correction affecting the interest of any person adversely shall be made without giving him reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(6) An appeal shall lie within such time and manner and to such officer or authority as may be prescribed by rules against any order of the Electoral Registration Officer in regard to the inclusion, deletion or correction of a name in the electoral roll.”

Amendment of
Section 41

14. In section 41 of the principal Act, for the words “The State Election Commission may” the words “In so far as provision with respect to any of the following matters is not made by this Act or the rules made thereunder, the State Election Commission may” shall be substituted ;

Amendment of
section 45

15. Section 45 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered the following sub-section shall be inserted, namely :—

“(2) Subject to sub-section (1) the Chief Election Officer (Urban Local Bodies), referred to in sub-section (2) of section 39, shall supervise the conduct of the elections of the Nagar Pramukh, Upa-Nagar Pramukh and Sabhasads of the Corporation.”

16. In section 48 of the principal Act,—
- (a) for the words "State Election Commission", wherever occurring, the words "Chief Election Officer (Urban Local Bodies)" shall be substituted;
- (b) in sub-section (1) after the figures "135" the figures and letter "135-A" shall be inserted.
- Amendment of section 48
17. In section 58 of the principal Act,—
- (a) in the proviso, for the words "the Government may be appointed as such" the words "the State Government may be appointed as Mukhya Nagar Adhikari" shall be substituted ;
- (b) after the existing proviso, the following proviso shall be inserted, namely :—
- "Provided further that no person may be appointed as Apar Mukhya Nagar Adhikari unless he is an Upa Nagar Adhikari of the Corporation in the senior most scale."
- Amendment of section 58
18. In section 85 of the principal Act, in sub-section (1-A), the words and figures "or section 539" shall be omitted.
- Amendment of section 85
19. In section 107 of the principal Act, in sub-section (1) in Hindi version, for the words "राज्य सरकार द्वारा विहित रीति से की जायेगी" the words "नगर प्रमुख द्वारा विहित रीति से की जायेगी" shall be substituted.
- Amendment of section 107
20. In section 541 of the principal Act, after clause (48), the following clause shall be inserted, namely :—
- "(48-A) the provision and the manner for allotment of land to the person engaged traditionally in the vocation of making earthen pottery.
- Explanation*—A person shall be deemed to be engaged traditionally in such vocation if he belongs to such class of persons as may be notified by the State Government."
- Amendment of section 541
21. For section 544 of the principal Act, the following section shall be substituted, namely :—
- "544. The bye-laws made under section 541 shall be published in the Official Gazette."
- Bye-laws to be published
- Substitution of section 544
22. In section 574 of the principal Act, in sub-section (1),—
- (a) in clause (a),—
- (i) for the words "municipalities and municipal boards" the words "municipality or municipal area and Municipal Board or Municipal Council, as the case may be," shall be substituted ;
- (ii) for the words "City or to the Corporation" the words "City and to the Corporation" shall be substituted ;
- (b) in clauses (b) and (d), after the words "Municipal Board" the words "or, as the case may be, of the Municipal Council" shall be inserted.
- Amendment of section 574
23. In section 575 of the principal Act, for the words "the said municipality" wherever occurring, the words "Municipal Board or, as the case may be, to the Municipal Council" shall be substituted.
- Amendment of section 575
24. In section 576 of the principal Act, for the words "said municipality", wherever occurring, the words "Municipal Board or, as the case may be, the Municipal Council" shall be substituted.
- Amendment of section 576
25. In section 577 of the principal Act, in clauses (e) and (ee), for the words, "said municipality", wherever occurring, the words "Municipal Board or, as the case may be, the Municipal Council" shall be substituted.
- Amendment of section 577

**Insertion of
new section
577-A**

26. After section 577 of the principal Act, the following section shall be inserted, namely :—

“577-A. All officers and servants in the employment of a Nagar Mahapalika as it stood immediately before the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994, shall on such commencement, be the officers and servants of the Corporation under this Act and shall draw the same salaries and allowances and be subject to the same conditions of service to which they were entitled or subjected to immediately before such commencement.”

**Amendment of
section 578**

27. In section 578 of the principal Act, including the marginal heading, the words “superseded or” wherever occurring, shall be omitted.

**Amendment of
section 579**

28. In section 579 of the principal Act, in sub-section (1),—

(a) for the words and figure “on any local area being constituted to be a city under section 3” the words, figures and letter “where any area is specified to be a larger urban area under clause (2) of article 243-Q of the Constitution” shall be substituted;

(b) in clause (a), the words “in relation to elections to constitute the Corporation for such city” shall be omitted;

(c) in clause (b) for the words “the Municipal Board”, the words “the Municipal Council” shall be substituted.

**Amendment of
section 579-A**

29. In section 579-A of the principal Act,—

(a) in sub-section (1), for the words “and the Constitution of Municipal Corporation under this Act” the words “and the first Constitution of the Municipal Corporation under this Act as amended by the said Act” shall be substituted;

(b) in sub-section (2),—

(i) for the words and figures “the Corporation expires within six months from the commencement of the Uttar Pradesh Urban Local self Government Laws (Amendment) Act, 1994 and a new Corporation is not constituted under the provisions of this Act then on such expiry and until the date appointed for the first meeting after the constitution of the new Corporation” the words and figures “the Nagar Mahapalika as it stood immediately before the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994, expires after such commencement and a new Corporation is not constituted under the provisions of this Act as amended by the said Act then on such expiry and until the Constitution of new Corporation” shall be substituted;

(i-a) for the words “expires after such commencement and a new Corporation is not constituted under the provisions of this Act as amended by the said Act then on such expiry and until the Constitution of new Corporation as so substituted”, the words “has expired before such commencement and an officer has been appointed by the State Government (hereinafter referred to as the Administrator then until the first Constitution of the Corporation” shall be substituted;

(ii) clause (a) shall be omitted;

(iii) in clause (b) for the words “vest in and be exercised, performed and discharged by an officer appointed, in this behalf by the State Government (hereinafter referred to as the Administrator) and the Administrator shall” the words “continue to vest in and be exercised, performed and discharged by the Administrator who shall” shall be substituted;

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

“(3) Notwithstanding anything in sub-section (2), the election to constitute the Corporation shall be held within a period of one and a half years from the date of commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 in accordance

with the provisions of this Act as amended by the said Act and on the Constitution of the Corporation, the provisions of clauses (b), (c) and (d) of sub-section (2) shall cease to have effect." ;

(d) sub-section (4) shall be omitted.

30. In section 580-B of the principal Act in the marginal heading, after the words "Sums due" the words "to the Mahapalika" shall be inserted.

Amendment of section 580-B

31. In section 580-C of the principal Act, in the marginal heading after the words "pending proceedings", the words "of the Mahapalika" shall be inserted.

Amendment of section 580-C

CHAPTER III

Amendment of the U. P. Municipalities Act, 1916

32. In the preamble, long title, and sub-section (1) of section 1 of the United Provinces Municipalities Act, 1916, hereinafter in this Chapter referred to as the principal Act, for the words "United Provinces", wherever occurring, the words "Uttar Pradesh" shall be substituted.

Amendment of the long title, preamble and section 1 of U.P. Act no. 2 of 1916

33. In section 2 of the principal Act :—

Amendment of section 2

(a) in clause (6-a), for the words "referred to in" the words "constituted under" shall be substituted ;

(b) in clause (9), for the words, figure and letter "constituted under section 3-A" the words, figures and letter "referred to in clause (e) of article 243-P of the Constitution" shall be substituted ;

(c) in clause (9-A), the words and figure "the limits whereof shall be such as are defined under section 3" shall be omitted ;

(d) for clauses (9-B) and (9-C) the following clauses shall be substituted, namely :—

"(9-B) 'Municipal Council' means the Municipal Council constituted under sub-clause (b) of clause (1) of article 243-Q of the Constitution ;

(9-C) 'Nagar Panchayat' means the Nagar Panchayat constituted under sub-clause (a) of clause (1) of article 243-Q of the Constitution ;"

(e) for clause (22-A), the following clause shall be substituted namely :—

"(22-A) 'Smaller urban area' means an area notified as such under clause (2) of article 243-Q of the Constitution ;"

(f) in clause (22-B) for the words "referred to in" the words "constituted under" shall be substituted ;

(g) for clause (23-A) the following clause shall be substituted, namely :—

"(23-A) 'transitional area' means an area in transition from a rural area to an urban area notified as such under clause (2) of article 243-Q of the constitution ;"

(h) in clause (24-A) for the words, figure and letter "constituted under section 3-B" the words, figures and letter "referred to in article 243-S of the Constitution" shall be substituted.

34. In section 3 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

Amendment of section 3

"(1) Any area specified by the Governor in a notification under clause (2) of article 243-Q of the Constitution with such limits as are specified, therein to be a transitional area or a smaller urban area, as the case may be.

(2) The Governor may, by a subsequent notification under clause (2) of article 243-Q of the Constitution, include or exclude any area in or from a transitional area or a smaller urban area referred to in sub-section (1), as the case may be."

(b) in sub-section (3), for the words and figure "The power to issue a notification under sub-section (1)" the words and figures "the notifications referred to in sub-sections (1) and (2)" shall be substituted.

Amendment of
section 3-A

35. In section 3-A of the principal Act,—
(a) for sub-section (1), the following sub-section shall be substituted
namely :—

“(1) A municipality constituted under clause (1) of article 243-Q of the Constitution in accordance with part IX-A thereof shall—

(a) for every transitional area, be known as the Nagar Panchayat;

(b) for every smaller urban area be known as the Municipal Council.”;

(b) in sub-section (3),—

(i) in clause (a), for the words “on such commencement” the words “from such commencement and until the first constitution of the Municipal Council under this Act as amended by the said Act,” shall be substituted;

(ii) in clause (b), for the words “on such commencement” the words “from such commencement and until the first constitution of the Nagar Panchayat under this Act, as amended by the Act referred to in clause (a)” shall be substituted.

Substitution of
section 3-B

36. For section 3-B of the principal Act, the following section shall be substituted, namely :—

“3-B. (1) Each Wards Committee constituted under clause (1) of article 243-S of the Constitution within the territorial area of a Municipal Council, having a population of three lakhs or more, shall consist of five wards.

(2) The territorial area of a Wards Committee shall consist of the territorial area of the wards comprised in such Committee.

(3) Each Wards Committee shall consist of—

(a) all the members of the Municipal Council representing the wards within the territorial area of the Wards Committee;

(b) such other members, not exceeding three as may be nominated by the State Government from amongst persons registered as electors within the territorial area of the concerned Wards Committee who have special knowledge or experience in municipal administration.

(4) The Wards Committee shall, at its first meeting after its constitution and at its first meeting in the same month in each succeeding year, elect one of the members, mentioned in clause (a) of sub-section (3), as the Chairperson of that Committee.

(5) The duration of the office of the Chairperson shall be one year but he shall hold office until his successor is elected and shall be eligible for re-election.

(6) The Chairperson shall vacate office as soon as he ceases to be a member of the Municipal Council.

(7) In the event of the office of the Chairperson falling vacant, due to resignation or otherwise, before the expiry of his term the Wards Committee shall, as soon as may be on the occurrence of the vacancy, elect a new Chairperson in accordance with sub-section (4).

Provided that a Chairperson so elected shall hold office only for the remainder of the period for which the person in whose place he is elected would have held it if such vacancy had not occurred.

(8) The duration of the Wards Committee shall be co-terminous with the term of the Municipal Council.

(9) Subject to the provisions of this Act, the Wards Committee shall exercise such powers and perform such functions as may be prescribed by rules.”.

37. In section 4 of the principal Act, in sub-section (1), for the words and figure "under section 3" the words and figure "referred to in section 3" shall be *substituted*. Amendment of section 4

38. In section 5 of the principal Act, for the words and figure "When by reason of a notification under section 3 any local area is included" the words, figures and letter "Where by a notification referred to in sub-section (2) of section 3, the Governor includes any area" shall be *substituted*. Amendment of section 5

39. In section 7 of the principal Act, for the words "within the municipality for —" the words "within the municipal area for—" shall be *substituted*. Amendment of section 7

40. In section 9-A of the principal Act,—

Amendment of section 9-A

(a) in sub-section (1),—

(i) for the words "Scheduled Castes and the Scheduled Tribes" the words "Scheduled Castes, the Scheduled Tribes and the backward classes" shall be *substituted*;

(ii) after the words "or of the Scheduled Tribes in the municipal area" the words "or of the backward classes in the municipal area" shall be *inserted*;

(iii) following provisos shall be *inserted* at the end, namely :—

"Provided that the reservation for the backward classes shall not exceed twenty seven per cent of the total number of seats in the municipality;"

Provided further that if the figures of population of the backward classes are not available, their population may be determined by carrying out a survey in the manner prescribed by rules.";

(b) sub-section (2) shall be *omitted*;

(c) in sub-section (3), for the words and figures "sub-sections (1) and (2)" the words and figure "sub-section (1)" shall be *substituted*.

41. In section 11-B of the principal Act,—

Amendment of section 11-B

(a) in sub-section (2), for the words "published for objection for a period of not less than 15 days and a copy of same shall be sent to the municipality or municipalities concerned for comments;" the words "published in the manner prescribed for a period of not less than seven days" shall be *substituted*;

(b) in sub-section (3), the words "and the comments" shall be *omitted*.

42. Section 11-C of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely :—

Amendment of section 11-C

"(2) For the alteration or amendment of any order under sub-section (1), the provisions of sub-sections (2) and (3) of Section 11-B shall *mutatis mutandis* apply."

43. In section 12-B of the principal Act,—

Amendment of section 12-B

(a) for sub-section (2) the following sub-sections shall be *substituted*, namely :—

"(2) Subject to sub-section (1), the electoral roll for every ward shall be prepared and published by the Electoral Registration Officer in the manner prescribed by rules under the supervision of the Chief Election Officer (Urban Local Bodies).

(2-A) The Chief Election Officer (Urban Local Bodies) and the Electoral Registration Officer referred to in sub-section (2) shall be such officers of the State Government as the State Election Commission may, in consultation with the State Government, nominate or designate in this behalf;

(2-B) Upon the publication of the electoral roll, it shall, subject to any alteration, addition or modification made by or under this Act be the electoral roll for the ward prepared in accordance with this Act.";

(b) in sub-section (3), for the words "State Election Commission may for the purpose of preparation of electoral roll for a ward adopt" the words "Electoral Registration Officer may for the purpose of preparation of electoral roll for a ward, adopt, in accordance with the direction of the State Election Commission," shall be substituted.

Substitution of
section 12-F

44. For section 12-F of the principal Act, the following section shall be substituted, namely :-

"12-F. (1) Where the Electoral Registration Officer is satisfied, after making such enquiry as he thinks fit, whether on an application made to him or on his own motion, that any entry in the electoral roll should be corrected or deleted or that the name of any person entitled to be registered should be added in the electoral roll, he shall subject to the provisions of this Act and the rules or orders made thereunder, delete or correct or add the entry, as the case may be:

Provided that no such deletion or correction or addition shall be made after the last date for making nomination for an election in the ward and before the completion of such election :

Provided further that no deletion or correction affecting the interest of any person adversely shall be made without giving him reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(2) An appeal shall lie within such time and manner and to such officer or authority as may be prescribed by rules against any order of the Electoral Registration Officer in regard to the inclusion, deletion or correction of a name in the electoral roll."

Amendment of
section 12-H

45. In section 12-H of the principal Act, for the words "The State Election Commission may" the words "In so far as provision with respect to any of the following matters is not made by this Act or the rules made thereunder, the State Election Commission may" shall be substituted.

Amendment of
section 13-B

46. section 13-B of the principal Act, shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :-

"(2) Subject to sub-section (1), the Chief Election Officer (Urban Local Bodies), referred to in sub-section (2-A) of section 12-B shall supervise the conduct of all elections to the municipalities."

Amendment of
section 13-J

47. In section 13-J of the principal Act, -

(a) for the words "State Election Commission," wherever occurring the words "Chief Election Officer (Urban Local Bodies)" shall be substituted.

(b) in sub-section (1) after the figures "135" the figures and letter "135-A" shall be inserted.

Amendment of
section 43-C

48. In section 43-C of the principal Act, for the words "The State Election Commission may," the words "In so far as provision with respect to any of the following matters is not made by this Act or the rules made thereunder, the State Election Commission may," shall be substituted.

Amendment of
section 298

49. In section 298 of the principal Act, -

(a) in sub-section (2) for the words "municipal area" wherever occurring, the word "Municipality" shall be substituted.

(b) in list I thereof, -

(i) in the heading, for the words "municipal area" the word "Municipality" shall be substituted.

(ii) under the sub-heading J-Miscellaneous, after entry (q), the following entry shall be inserted, namely :-

"(r) providing the manner of allotment of land to the persons engaged traditionally in the vocation of making earthen pottery.

Explanation :- A person shall be deemed to be engaged traditionally in such vocation if he belongs to such class of persons as may be notified by the State Government."

(c) in list II thereof, in the heading, for the words "municipal area" the words "Municipality" shall be substituted.

50. For section 301 of the principal Act, the following sections shall be substituted, namely :-

Substitution of section 301

"301. (1) The power of the municipality to make bye-laws under Regulations and section 298 shall be subject to the condition of the bye-laws to be published bye-laws being made after previous publication.

(2) The regulations made under section 297 and U.P. Primary Education Act, 1919 and the bye-laws made under section 298 shall be published in the *Official Gazette*.

301-A. (1) If, at any time, it appears to the State Government that any State Government bye-law should be modified or repealed either wholly or in part, it shall cause its reasons for such opinion to be communicated to the municipality and prescribe reasonable period within which the municipality may make any representation with regard thereto which it shall think fit.

(2) After receipt and consideration of any such representation or, if in the mean time no such representation is received, after the expiry of the prescribed period, the State Government may at any time, by notification in the *Official Gazette*, modify, or repeal such bye-law either wholly or in part.

(3) The modification or repeal of a bye-law under sub-section (2) shall take effect from the date of the publication of the notification in the *Official Gazette*."

51. In section 341 of the principal Act,-

Amendment of section 341

(a) after the words and figures "Town Areas Act, 1914" the words and figures "or the Notified Area Committee constituted under section 338" shall be inserted;

(b) for the words "respectively to the Municipal Council or the Nagar Panchayat" the words "to the Municipal Council for the Municipal Board or to the Nagar Panchayat for the Town Area Committee or the Notified Area Committee" shall be substituted.

52. In section 342 of the principal Act,-

Amendment of section 342

(a) for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) Notwithstanding anything in this Act, all the powers, functions and duties of every Municipal Board, its President and Committees, Notified Area Committee and its Chairman, or Town Area Committee and its Chairman, as they stood immediately before the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 shall on such commencement vest in and be exercised, performed and discharged by the District Magistrate who shall in respect of Municipal Board, its President and Committees, be deemed to be Municipal Council, its President and Committees and in respect of Notified Area Committee and its Chairman or Town Area Committee and its Chairman be deemed to be Nagar Panchayat and its Chairman."

(b) for sub-section (4), the following sub-section shall be substituted, namely :-

"(4) Notwithstanding anything in this section, the elections to constitute the Municipal Councils and the Nagar Panchayats shall be held within a period of one and a half years from the date of commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 in accordance with the provisions of this Act as amended by the said Act and on the

Amendment of
the Schedule

constitution of the Municipal Council or the Nagar Panchayat, as the case may be, the provisions of sub-sections (1), (2) and (3) shall cease to have effect."

53. In the principal Act,—

(a) in Schedule I, in the entry of Column 2 against section 212-A, for the words "municipal limits", the words "municipal area" shall be substituted ;

(b) in Schedule III, the words "toll, octroi" shall be omitted ;

(c) in Schedule VII,—

(i) for the entries in respect of section 3, the following entries shall be substituted, namely :—

"3 (1) To specify with limits any area to be a transitional area or a smaller urban area, as the case may be.

(2) To include or exclude any area in or from a transitional area or a smaller urban area, as the case may be."

(ii) in Column I, for the figure "9" the figure and letter "9(a)" shall be substituted ;

(iii) after the entry of section 9 (a) as so substituted, the following entry shall be inserted, namely :—

"9 (d) To nominate the members to the Nagar Panchayats or to the Municipal Council, as the case may be, " ;

(iv) the entry in respect of section 10 shall be omitted ;

(v) for the entry in respect of section 13-A (1), the following section and entry shall be substituted, namely :—

"13-A—To appoint date or dates for general election to a municipality " ;

(x) in the entry against section 122 (2), for the words "excluded from the municipality", the words "excluded from the transitional area or the smaller urban areas, as the case may be" shall be substituted.

(d) in Schedule VIII, the entries in respect of Section 155 shall be omitted.

CHAPTER IV
Repeal and SavingsRepeal and
savings

54. (1) The Uttar Pradesh Urban Local-Self Government Laws (Amendment) Ordinance, 1995, and the Uttar Pradesh Urban Local-Self Government Laws (Third Amendment) Ordinance, 1995 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the Uttar Pradesh Municipal Corporations Act, 1959 or the United Provinces Municipalities Act, 1916 as amended by the Ordinances referred to in sub-section (1) or by the Uttar Pradesh Urban Local Self Government Laws (Amendment) Ordinance, 1994 or by the Uttar Pradesh Urban Local self Government Laws (Second Amendment) Ordinance, 1994 or by the Uttar Pradesh Urban Local self Government laws (Third Amendment) Ordinance, 1994 or by the Uttar Pradesh local self Government Laws (Second Amendment) Ordinance, 1995 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.

U. P.
Ordinance
no. 15 of
1995

U. P.
Ordinance
no. 29 of
1995

U. P.
Ordinance
no. 17 of
1994

U. P.
Ordinance
no. 28 of
1994

U. P.
Ordinance
no. 33 of
1994

U. P.
Ordinance
no. 27 of
1995

U. P.
Act no. 2
of 1959

U. P.
Act no. 2
of 1916

By order,
N. K. NARANG,
Pramukh Sachiv