



The Uttar Pradesh Municipal Corporation (Amendment) Act, 1998

Act 8 of 1998

Keyword(s):

Water Tax, Property Tax, Carpet Area, Latrine, Municipal Commissioner, Residential Buildings, Payment of Tax

Amendments appended: 17 of 1999, 7 of 2000, 16 of 2004, 12 of 2008, 7 of 2011, 7 of 2012, 25 of 2018

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Dated Lucknow, February 7, 1998

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 Nagar Nigam (Sanskodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 8 of 1998) as passed by Uttar Pradesh Legislature and assented to by the Governor on February 6, 1998.

THE UTTAR PRADESH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 1998

(U.P. Act No. 8 of 1998)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

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

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 1998.

(2) It shall be deemed to have come into force on November 13, 1997.

Amendment of
section 16 of
U. P. Act No. II
of 1959

2. In section 16 of the Uttar Pradesh Municipal Corporation Act, 1959 hereinafter referred to as the principal Act, in sub-section (15), for the words "a majority of more than one-half" the words "a majority of two-thirds" shall be substituted.

Repeal and
savings

3. (1) The Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 1997 is hereby repealed.

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

By order,

G. S. PANDEY,
Vishesh Sachiv.

कोट नमो यू० पी०—ए० पी० २२९ मा० वि०—(२३८०)—१९९८—३५० (पे० ०)।

No. 782 (2)/XVII-V-1-1 (KA) 15-1999

Dated: Lucknow, March 26, 1999

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 Nigam (Sanskodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 17 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 25, 1999.

THE UTTAR PRADESH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 1999

(U. P. ACT No. 17 of 1999)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Municipal Corporation Act, 1959 and to make consequential amendment in the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972.

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

CHAPTER—I
Preliminary

1. This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 1999,

Short title

CHAPTER—II

Amendment of the Uttar Pradesh Municipal Corporation Act, 1959.

2. In section 173 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter in this chapter referred to as the principal Act,

Amendment of
section 173 of
U. P. Act no. 2
of 1959

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

“(b) a water tax leviable in areas where water is supplied by the Corporation;”

(b) in sub-section (2) for the existing proviso the following proviso shall be substituted, namely :—

“provided that the aggregate of the property taxes shall in no case be less than 22 percent and not more than 32 percent of the annual value of the building or land or both assessed to such taxes, so however, that the general tax shall not be less than 10 percent and not more than 15 percent, the water tax shall not be less than 7.5 percent and not more than 12.5 percent, the drainage tax shall not be less than 2.5 percent and not more than 5 percent and the conservancy tax shall not be more than 2 percent of the annual value.”

3. Section 174 of the principal Act shall be renumbered as sub-section (1) thereof, and,—

Amendment of
section 174

(a) in sub-section (1) as so renumbered, for clause (b) the following clause shall be substituted, namely :—

“(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 Mukhya Nagar Adhikari 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 purposes 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 Corporation, be excessive if calculated in the aforesaid manner, the Corporation may fix the annual value at any less amount which appears to it equitable.

Explanation :— 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 Veranda—full measurement of internal dimension;
- (iii) Balcony, Corridor, Kitchen and Store—50 percent measurement of internal dimension;
- (iv) Garage—one-fourth measurement of internal dimension;
- (v) Area covered by bathroom, latrines, portico and stair case 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 (Regulations of Letting, Rent and Eviction) Act, 1972 shall not be taken into account while calculating the annual value of that building."

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

"(2) where the Corporation 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 percent less and if it is more than ten years but not more than twenty years old, be deemed to be 32.5 percent less, and if it is more than twenty years old, be deemed to be 40 percent less than the annual values 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)."

Amendment of
section 177

4. in section 177 of the principal Act,—

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

"(c) building solely used as jails, court houses, treasuries and schools and colleges other than such professional, vocational, technical and medical institutions as are not run and managed by the Government ;"

(b) in clause (e) the word "and" occurring in the end shall be omitted ;

(c) after clause (f), the following clauses shall be inserted, namely :—

"(g) 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 city; and."

(h) owner occupied residential buildings in any area which has been included in the city within the last ten years."

5. In section 179 of the principal Act, in sub-section (2), after clause (c) the following clause shall be inserted, namely :—

Amendment of section 179

"(d) if the property is let in pursuance of an order under the Uttar Pradesh Urban Buildings (Regulations of Letting, Rent and Eviction) Act, 1972, from the tenant."

6. After section 207 of the principal Act, the following section shall be inserted, namely :—

Insertion of a new section 207-A

"207-A. Notwithstanding any other provisions of this Act, the owner or occupier primarily liable for payment of tax in respect of a residential 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 clause (b) of section 174, and deposit the property tax so assessed by him in such manner, together with a statement of such self assessment in such form, as may be prescribed."

7. In section 211 of the principal Act, in sub-section (1), for the words "five years" the words "two years" shall be substituted,

Amendment of section 211

8. In section 221 of the principal Act, in sub-section (3) after the words "description of property", the words "for such period as may be specified in the order" shall be inserted.

Amendment of section 221

9. After section 221 of the principal Act, the following sections shall be inserted, namely :—

Insertion of new sections 221-A and 221-B

"221-A. (1) Where the owner or occupier primarily liable for payment of tax in respect of any premises has not paid by the date fixed by the Corporation in this behalf the tax or a part of the tax payable by him under this Act, simple interest at the rate of twelve per cent per annum from the date fixed for payment of tax upto the date of payment shall be payable by him upon the amount that has remained unpaid.

(2) Without prejudice to the provisions of sub-section (1), where the owner or occupier of any premises has paid tax under section 207-A on the basis of his own assessment and the tax so paid is found by the Corporation to be less than the amount of tax payable by him, simple interest at the rate of twelve per cent per annum upon the amount by which the tax so paid falls short of the tax which is found to be payable, shall be payable by him from the date fixed by the Corporation for payment of tax upto the date the amount of such difference is paid.

221-B. (1) Every owner or occupier primarily liable for payment of tax in respect of any premises shall submit to the Corporation a statement in respect of the carpet area of the building, or in respect of the area of the land, as the case may be, in such form and at such times, as may be prescribed in this behalf.

(2) If the Corporation is, on an enquiry conducted in this behalf in such manner as may be prescribed, satisfied that the statement submitted under sub-section (1) is factually incorrect in as much as may part of the carpet area of building, or any part of the area of the land, as the case may be, has been concealed, the Corporation may impose a penalty not exceeding one thousand rupees on the defaulter in such manner as may be prescribed in this behalf."

10. In section 503 of the principal Act, in clause (6) for the words, "in respect of the property" the words "in respect of the property if such tax is payable by a person entitled to such rent" shall be substituted.

Amendment of section 503

CHAPTER—III

Amendment of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972

Amendment of
section 7 of U. P.
Act no. 13 of
1972

11. In section 7 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 for the words and figures "in section 179 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (U. P. Act No. II of 1959) or in section 149 or in any rule made or notification issued under section 338 of the United Provinces Municipalities Act, 1916 or in section 14 (1) (e) of the United Provinces Town Areas Act, 1914" the words and figure "in section 149 of the Uttar Pradesh Municipalities Act, 1916" shall be substituted.

By Order,
Y. R. TRIPATHI,
Prantukh Sachiv.

Dated Lucknow, January 12, 2000

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 Nigam (Sanskodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 7 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 11, 2000.

**THE UTTAR PRADESH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 2000**

(U. P. ACT No. 7 OF 2000)

[As passed by the Uttar Pradesh Legislature]

**AN
ACT**

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

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on October 1, 1999.

2. In section 12 of the Uttar Pradesh Municipal Corporation Act, 1959 hereinafter referred to as the principal Act, for sub-section (1) the following sub-section shall be substituted, namely :—

Amendment of section 12 of U. P. Act no. 2 of 1959

“(1) The Up Nagar Pramukh shall be elected, as soon as may be, after the election of sabhasads has been completed, or, as the case may be, after the expiry of the term of office of Up Nagar Pramukh.”

3. In section 50 of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely :—

Amendment of section 50

“(2-A) The State Government shall, in consultation with the State Election Commission, by notification published in the Official Gazette, appoint date or dates for election of the Up Nagar Pramukh under section 12 and call upon the sabhasads to elect the Up Nagar Pramukh in accordance with the provisions of this Act.”

4. The provisions of section 50 of the principal Act as amended by this Act shall also apply with respect to the election of the Up Nagar Pramukh, whose office has been vacant, due to the expiry of his term of office, on the date of the commencement of this Act and any order or notification issued by the State Election Commission appointing date or dates for the election to fill such vacancy, shall stand rescinded as if the provisions of the principal Act as amended by this Act were in force at all material times.

Transitory Provision

5. (1) The Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 1999 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken under 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.

U. P.
Ordinance
no. 19 of
1999

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

No. 1233 (2)/VII-V-1-1(KA) 27-2004

Dated Lucknow, August 12, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nigam (Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 16 of 2004) as passed by Uttar Pradesh Legislature and assented to by the Governor on August 11, 2004 :

THE UTTAR PRADESH MUNICIPAL CORPORATION (AMENDMENT)

ACT, 2004

(U.P. ACT NO. 16 OF 2004)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

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

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 2004.

(2) It shall be deemed to have come into force on November 21, 2002.

General
Amendment in
U. P. Act no. II
of 1959

2. In the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter referred to as the principal Act, for the words "Mukhya Nagar Adhikari", "Apar Mukhya Nagar Adhikari", "Upa Nagar Adhikari", "Sahayak Nagar Adhikari", "Nagar Pramukh", "Upa Nagar Pramukh", "Sabhasad" and "Sabhasads", wherever occurring, including headings, sub-headings and marginal headings, the words, "Municipal Commissioner", "Additional Municipal Commissioner", "Deputy Municipal Commissioner", "Assistant Municipal Commissioner", "Mayor", "Deputy Mayor", "Corporator" and "Corporators" shall respectively be substituted.

Amendment of
section 5

3. In section 5 of the principal Act, for clause (d) the following clause shall be substituted, namely:—

"(d) a Municipal Commissioner and one or more Additional Municipal Commissioner appointed for the Corporation under this Act."

Amendment of
section 16

4. In section 16 of the principal Act,—

(a) in sub-section (14) for the words "together, in the event of the motion of non-confidence having been carried out with a report whether or not the Upa Nagar Pramukh has forwarded his resignation in accordance with the provisions of sub-section (17) read with section 19" the words "in the event of the motion of non-confidence having been carried" shall be substituted".

(b) after sub-section (14) the following sub-section shall be inserted, namely:—

"(14-A) (a) the State Government shall, after considering the report of the Commissioner referred to in sub-section (14) on merits shall take decision within one month;

(b) in case the non-confidence motion against a Mayor is rejected by the State Government, no notice of any subsequent motion of non-confidence in that Mayor shall be received within a period of one year from the date of such rejection."

(c) in sub-section (15) for the word "two-third" the word "three-fourth" shall be substituted;

(d) in sub-section (16) for the word "two-third" the word "three-fourth" shall be substituted.

5. In section 25 of the principal Act,-

Amendment of
section 25

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

“(d) is in the service of a State Government or the Central Government or any local authority or any undertaking or body owned or controlled by the State Government or the Central Government or is a District Government Counsel or an Additional or Assistant District Government Counsel or an Honorary Magistrate or an Honorary Munsif or an Honorary Assistant Collector”.

(b) in sub-section (4), after clause (ii) the following clauses shall be inserted, namely :-

“(iii) has created an obstacle in a meeting of the Corporation in such manner that it becomes impossible for the Corporation to conduct its business in the meeting or instigated some one to do so; or

(iv) has misbehaved with any officer or employee of the Corporation; or

(v) has directly or indirectly caused any loss or damage to any property of the Corporation or abets any other person to cause such loss or damage; or

(vi) is convicted for an offence which, in the opinion of the State Government involves moral turpitude;”.

6. In section 132 of the principal Act,-

Amendment of
section 132

(a) after sub-section (3), the following sub-section shall be inserted, namely :-

“(3-A) No contract involving an expenditure exceeding two lakh rupees and not exceeding four lakh rupees shall be made by the Municipal Commissioner unless it has been sanctioned by the Mayor.”;

(b) in sub-section (4), for the words “five lakh rupees”, the words “eight lakh rupees” shall be substituted.

(c) in sub-section (5), for the words “fifty thousand rupees” the words “one lakh rupees” and for the words “one lakh rupees”, the words, “two lakh rupees” shall be substituted.

(d) after sub-section (6) the following sub-section shall be inserted, namely :—

“(7) The State Government may, by notification in the Gazette, modify the monetary limits specified in sub-section (3) or sub-section (4) or sub-section (5) keeping in view the rise in costs or the exigencies of work and efficiency of Corporations.”

7. In section 135 of the principal Act,-

Amendment of
section 135

(a) in the marginal heading for words “five lakh rupees” the words “eight lakh rupees” shall be substituted.

(b) in sub-section (1),-

(i) for the words “one lakh rupees” the words “two lakh rupees” shall be substituted.

(ii) the proviso shall be *omitted*.

(c) after sub-section (1) the following sub-section shall be *inserted*, namely :-

“(1-A) the Mayor may sanction any estimate not exceeding four lakh rupees.”

Amendment of
section 136

8. In section 136 of the principal Act,-

(a) in the marginal heading for the words “five lakh rupees” the words “eight lakh rupees” shall be *substituted*;

(b) in sub-section (1), for the words “five lakh rupees” the words “eight lakh rupees” shall be *substituted*;

(c) in sub-section (2), in clause (a) for the words “ten lakh rupees” the words “sixteen lakh rupees” shall be *substituted*.

Amendment of
section 177

9. In section 177 of the principal Act,-

(a) for clause (c) the following clause shall be *substituted*, namely:-

“(c) building solely used as schools and Intermediate colleges whether aided by the State Government or not;”

(b) for clause (h) the following clause shall be *substituted*, namely:-

“(h) residential buildings occupied by the owner of building, which is located in such area which has been included in the limit of Corporation within five years or the facilities of roads, drinking water and street light provided in the area, whichever is earlier”.

Substitution of
section 207

10. For section 207 of the principal Act, the following section shall be *substituted*, namely:-

“207-The Municipal Commissioner shall cause areawise rental rates Preparation of and an assessment list in the city or part thereof to be assessment list prepared from time to time, in accordance with the manner prescribed in the Rules.”

Insertion of new
section 207-B

11. After section 207-A of the principal Act, the following section shall be *inserted*, namely:-

“207-B (1) For the purposes of annual rental value, the owner or Submission of the the occupier of every house or land shall submit details of houses or a property return upto a date as may be lands for assessment of tax 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 Municipal Commissioner”.

Substitution of
section 208

12. For section 208 of the principal Act, the following section shall be *substituted*, namely:-

“208-The Municipal Commissioner shall publish the list prepared under Publication of list section 207 in accordance with the manner prescribed in the rules.”

13. For section 209 of the principal Act the following section shall be *substituted*, namely:—

Substitution of
section 209

“209—The Municipal Commissioner or an officer authorised by him in this behalf shall dispose off the objections in accordance with the manners prescribed in the rules.”

14. In section 210 of the principal Act, for sub-section (1) the following sub-section shall be *substituted*, namely:—

Amendment of
section 210

“(1) The Municipal Commissioner or an officer authorised by him in this behalf, shall authenticate by his signature the areawise rental rates and the assessment list of the city or any part thereof, as the case may be.”

15. In section 213 of the principal Act, for sub-section (1) for the words “The Executive Committee or a sub-committee thereof appointed in this behalf,” the words “The Municipal Commissioner or an officer authorised by him in this behalf” shall be *substituted*.

Amendment of
section 213

16. For section 214 of the principal Act, the following section shall be *substituted*, namely:—

Substitution of
section 214

“214-(1) When any building is constructed or reconstructed or any addition is made thereto by an owner or occupier and the covered area exceeds by more than 25 per cent then it shall be compulsory for him to submit its information

to the Municipal Commissioner within sixty days of the date of completion or date of occupation whichever is earlier, in the prescribed form.

(2) The owners or occupiers, who do not submit information referred to in sub-section (1) without proper reasons, shall be liable to be punished with fine which may extend to an amount equal to double of the assessed general tax or Rs. 500.00 per day of the delay whichever is less.

(3) The Municipal Commissioner may compound the proposed penalty under sub-section (2).”

U. P.
Ordinance
no. 29 of
2003

17. (1) The Uttar Pradesh Municipal Corporation (Amendment) (Second) Ordinance, 2003 is hereby repealed.

Repeal and
Savings

U. P.
Ordinance
no. 20 of
2002

(2) Notwithstanding such repeal, anything done or any action taken under the provision of the principal Act as amended by Ordinance referred to in sub-section (1), or by the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2002 or by the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2003 shall be deemed to have been done or taken under the corresponding provisions of principal Act as amended by this Act as if the Act were in force at all material times.

U. P.
Ordinance
no. 8 of
2003

STATEMENT OF OBJECTS AND REASONS

With a view to bringing uniformity with other Corporations of the Country in the names of certain offices of the Municipal Corporation and making the provisions more effective and practicable in the present situation, the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2002 (U. P. Ordinance no. 20 of 2002) and the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2003 (U. P. Ordinance no. 8 of 2003) were promulgated on November 21, 2002 and April 8, 2003 respectively to amend the Uttar Pradesh Municipal Corporation Act, 1959 (U. P. Act no. 2 of 1959). The provisions of the said Ordinances were replaced by the Uttar Pradesh Municipal Corporations (Amendment) (Second) Ordinance, 2003 (U. P. Ordinance no. 29 of 2003) but it could not be replaced by an Act of the Legislature and was allowed to be lapsed. Now it has been decided to amend the said Act with retrospective effect *i. e.* with effect from November 21, 2002 to provide for,—

1. changing the names of certain offices of the Municipal Corporations;
2. making provision for more than one Additional Municipal Commissioner in a Municipal Corporation;
3. removal of Mayor by the State Government after considering the motion of no-confidence passed by the three-fourth majority of the total number of the members of the Corporation;
4. insertion of certain acts which also disqualify a person from being or from being chosen as the Corporator, a Deputy Mayor or Mayor of a Corporation;
5. increasing financial jurisdiction of the Mayor, the Corporation and the Municipal Commissioner in relation to the execution of contracts and sanction of estimates;
6. changing the procedure of imposition and realization of property tax.

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

By order,
D. V. SHARMA,
Pramukh Sachiv.

No. 519(2)/LXXIX-V-1-08-1(Ka)-12-2008

Dated Lucknow, March 14, 2008

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 Nigam (Sanskodhan) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sankhya 12 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 2008 .

THE UTTAR PRADESH MUNICIPAL CORPORATION

(AMENDMENT) ACT, 2008

(U.P. ACT NO. 12 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

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

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

1. This Act may be called the Uttar Pradesh Municipal Corporation Short title
(Amendment) Act, 2008.

Amendment of
section 132 of
U.P. Act no. 2 of
1959

2. In section 132 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter referred to as the principal Act,—

(a) in sub-section (3) for the words 'one lakh rupees' the words 'fifteen lakh rupees' and for the words 'five lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(b) in sub-section (3-A) for the words 'two lakh rupees' the words 'ten lakh rupees' and for the words 'four lakh rupees' the words 'fifteen lakh rupees' shall be substituted.

(c) in sub-section (4) for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(d) in sub-section (5) for the words 'one lakh rupees' the words 'five lakh rupees' and for the words 'two lakh rupees' the words 'ten lakh rupees' shall be substituted.

(e) in sub-section (7) for the words 'sub-section (3)' the words "sub-section (3) or sub-section (3-A)" shall be substituted.

Amendment of
section 135

3. In section 135 of the principal Act,—

(a) in the marginal heading for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(b) in sub-section (1) for the words 'two lakh rupees' the words 'ten lakh rupees' shall be substituted.

(c) in sub-section (1-A) for the words 'four lakh rupees' the words 'fifteen lakh rupees' shall be substituted.

(d) in sub-section (2) for the words 'five lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(e) after sub-section (2), the following sub-section shall be inserted, namely :—

(3) The State Government may, by notification in the *Gazette*, modify the monetary limits specified in sub-section (1) or sub-section (2) keeping in view the rise of costs or the exigencies of the work and efficiency of Corporation.

Amendment of
section 136

4. In section 136 of the principal Act,—

(a) in the marginal heading for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(b) in sub-section (1) for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(c) in sub-section (2), in clause (a) for the words 'sixteen lakh rupees' the words 'thirty lakh rupees' shall be substituted.

(d) after sub-section (2), the following sub-section shall be inserted, namely :—

(3) The State Government may, by notification in the *Gazette*, modify the monetary limits specified in sub-section (1) or sub-section (2) keeping in view the rise of costs or the exigencies of the work and efficiency of Corporation.

STATEMENT OF OBJECTS AND REASONS

Section 132 of the Uttar Pradesh Municipal Corporation Act, 1959 (U.P. Act no. 2 of 1959) makes certain provisions relating to execution of contracts and sections 135 and 136 make provisions about the estimates not exceeding eight lakh rupees and exceeding eight lakh rupees respectively. The existing provisions of limited amounts in the said sections are not sufficient for the implementation of the time bound schemes. At present the costs of the construction materials have been increased and the rates of the Public Works Department have been revised. Under the above circumstances more amount are required for the implementation of certain important schemes financed by the Government of India. It has, therefore, been decided to amend the said Act to provide for increasing financial jurisdictions of the Municipal Commissioner, the Mayor, the executive committee and the Corporation etc. in relation to the execution of contracts and sanctions of estimates.

The Uttar Pradesh Municipal Corporation (Amendment) Bill, 2008 is introduced accordingly.

By order,
S.M.A. ABIDI,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 1185 राजपत्र (हि०)-(2624)-2008-597 प्रतियां-(कम्प्यूटर/आफसेट)।
पी०एस०यू०पी०-ए०पी० 458 राजविद्यापी-(2625)-2008-850 प्रतियां-(कम्प्यूटर/आफसेट)।



The Uttar Pradesh Municipal Corporation (Amendment) Act, 1998

Act 8 of 1998

Keyword(s):

Water Tax, Property Tax, Carpet Area, Latrine, Municipal Commissioner, Residential Buildings, Payment of Tax

Amendments appended: 17 of 1999, 7 of 2000, 16 of 2004, 12 of 2008

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Dated Lucknow, February 7, 1998

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 Nagar Nigam (Sanskodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 8 of 1998) as passed by Uttar Pradesh Legislature and assented to by the Governor on February 6, 1998.

**THE UTTAR PRADESH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 1998**

(U.P. Act No. 8 of 1998)

[As passed by the Uttar Pradesh Legislature]

**AN
ACT**

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

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 1998.

(2) It shall be deemed to have come into force on November 13, 1997.

Amendment of
section 16 of
U. P. Act No. II
of 1959

2. In section 16 of the Uttar Pradesh Municipal Corporation Act, 1959 hereinafter referred to as the principal Act, in sub-section (15), for the words "a majority of more than one-half" the words "a majority of two-thirds" shall be substituted.

Repeat and
savings

3. (1) The Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 1997 is hereby repealed.

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

By order,

G. S. PANDEY,
Vishesh Sachiv.

कोट नमो यू० पी०—ए० पी० २२९ मा० वि०—(२३८०)—१९९८—३५० (पे०)।

No. 782 (2)/XVII-V-1-1 (KA) 15-1999

Dated: Lucknow, March 26, 1999

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 Nigam (Sanskodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 17 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 25, 1999.

THE UTTAR PRADESH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 1999

(U. P. ACT No. 17 of 1999)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Municipal Corporation Act, 1959 and to make consequential amendment in the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972.

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

CHAPTER—I
Preliminary

1. This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 1999,

Short title

CHAPTER—II

Amendment of the Uttar Pradesh Municipal Corporation Act, 1959.

2. In section 173 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter in this chapter referred to as the principal Act,

Amendment of
section 173 of
U. P. Act no. 2
of 1959

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

“(b) a water tax leviable in areas where water is supplied by the Corporation;”

(b) in sub-section (2) for the existing proviso the following proviso shall be substituted, namely :—

“provided that the aggregate of the property taxes shall in no case be less than 22 percent and not more than 32 percent of the annual value of the building or land or both assessed to such taxes, so however, that the general tax shall not be less than 10 percent and not more than 15 percent, the water tax shall not be less than 7.5 percent and not more than 12.5 percent, the drainage tax shall not be less than 2.5 percent and not more than 5 percent and the conservancy tax shall not be more than 2 percent of the annual value.”

3. Section 174 of the principal Act shall be renumbered as sub-section (1) thereof, and,—

Amendment of
section 174

(a) in sub-section (1) as so renumbered, for clause (b) the following clause shall be substituted, namely :—

“(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 Mukhya Nagar Adhikari 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 purposes 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 Corporation, be excessive if calculated in the aforesaid manner, the Corporation may fix the annual value at any less amount which appears to it equitable.

Explanation :— 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 Veranda—full measurement of internal dimension;
- (iii) Balcony, Corridor, Kitchen and Store—50 percent measurement of internal dimension;
- (iv) Garage—one-fourth measurement of internal dimension;
- (v) Area covered by bathroom, latrines, portico and stair case 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 (Regulations of Letting, Rent and Eviction) Act, 1972 shall not be taken into account while calculating the annual value of that building."

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

"(2) where the Corporation 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 percent less and if it is more than ten years but not more than twenty years old, be deemed to be 32.5 percent less, and if it is more than twenty years old, be deemed to be 40 percent less than the annual values 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)."

Amendment of
section 177

4. in section 177 of the principal Act,—

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

"(c) building solely used as jails, court houses, treasuries and schools and colleges other than such professional, vocational, technical and medical institutions as are not run and managed by the Government ;"

(b) in clause (e) the word "and" occurring in the end shall be omitted ;

(c) after clause (f), the following clauses shall be inserted, namely :—

"(g) 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 city; and."

(h) owner occupied residential buildings in any area which has been included in the city within the last ten years."

5. In section 179 of the principal Act, in sub-section (2), after clause (c) the following clause shall be inserted, namely :—

Amendment of section 179

"(d) if the property is let in pursuance of an order under the Uttar Pradesh Urban Buildings (Regulations of Letting, Rent and Eviction) Act, 1972, from the tenant."

6. After section 207 of the principal Act, the following section shall be inserted, namely :—

Insertion of a new section 207-A

"207-A. Notwithstanding any other provisions of this Act, the owner or occupier primarily liable for payment of tax in respect of a residential 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 clause (b) of section 174, and deposit the property tax so assessed by him in such manner, together with a statement of such self assessment in such form, as may be prescribed."

7. In section 211 of the principal Act, in sub-section (1), for the words "five years" the words "two years" shall be substituted,

Amendment of section 211

8. In section 221 of the principal Act, in sub-section (3) after the words "description of property", the words "for such period as may be specified in the order" shall be inserted.

Amendment of section 221

9. After section 221 of the principal Act, the following sections shall be inserted, namely :—

Insertion of new sections 221-A and 221-B

"221-A. (1) Where the owner or occupier primarily liable for payment of tax in respect of any premises has not paid by the date fixed by the Corporation in this behalf the tax or a part of the tax payable by him under this Act, simple interest at the rate of twelve per cent per annum from the date fixed for payment of tax upto the date of payment shall be payable by him upon the amount that has remained unpaid.

(2) Without prejudice to the provisions of sub-section (1), where the owner or occupier of any premises has paid tax under section 207-A on the basis of his own assessment and the tax so paid is found by the Corporation to be less than the amount of tax payable by him, simple interest at the rate of twelve per cent per annum upon the amount by which the tax so paid falls short of the tax which is found to be payable, shall be payable by him from the date fixed by the Corporation for payment of tax upto the date the amount of such difference is paid.

221-B. (1) Every owner or occupier primarily liable for payment of tax in respect of any premises shall submit to the Corporation a statement in respect of the carpet area of the building, or in respect of the area of the land, as the case may be, in such form and at such times, as may be prescribed in this behalf.

(2) If the Corporation is, on an enquiry conducted in this behalf in such manner as may be prescribed, satisfied that the statement submitted under sub-section (1) is factually incorrect in as much as may part of the carpet area of building, or any part of the area of the land, as the case may be, has been concealed, the Corporation may impose a penalty not exceeding one thousand rupees on the defaulter in such manner as may be prescribed in this behalf."

10. In section 503 of the principal Act, in clause (6) for the words, "in respect of the property" the words "in respect of the property if such tax is payable by a person entitled to such rent" shall be substituted.

Amendment of section 503

CHAPTER—III

Amendment of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972

Amendment of
section 7 of U. P.
Act no. 13 of
1972

11. In section 7 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 for the words and figures "in section 179 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (U. P. Act No. II of 1959) or in section 149 or in any rule made or notification issued under section 338 of the United Provinces Municipalities Act, 1916 or in section 14 (1) (e) of the United Provinces Town Areas Act, 1914" the words and figure "in section 149 of the Uttar Pradesh Municipalities Act, 1916" shall be substituted.

By Order,
Y. R. TRIPATHI,
Prantukh Sachiv.

Dated Lucknow, January 12, 2000

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 Nigam (Sanskodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 7 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 11, 2000.

**THE UTTAR PRADESH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 2000**

(U. P. ACT No. 7 OF 2000)

[As passed by the Uttar Pradesh Legislature]

**AN
ACT**

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

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on October 1, 1999.

2. In section 12 of the Uttar Pradesh Municipal Corporation Act, 1959 hereinafter referred to as the principal Act, for sub-section (1) the following sub-section shall be substituted, namely :—

Amendment of section 12 of U. P. Act no. 2 of 1959

“(1) The Up Nagar Pramukh shall be elected, as soon as may be, after the election of sabhasads has been completed, or, as the case may be, after the expiry of the term of office of Up Nagar Pramukh.”

3. In section 50 of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely :—

Amendment of section 50

“(2-A) The State Government shall, in consultation with the State Election Commission, by notification published in the Official Gazette, appoint date or dates for election of the Up Nagar Pramukh under section 12 and call upon the sabhasads to elect the Up Nagar Pramukh in accordance with the provisions of this Act.”

4. The provisions of section 50 of the principal Act as amended by this Act shall also apply with respect to the election of the Up Nagar Pramukh, whose office has been vacant, due to the expiry of his term of office, on the date of the commencement of this Act and any order or notification issued by the State Election Commission appointing date or dates for the election to fill such vacancy, shall stand rescinded as if the provisions of the principal Act as amended by this Act were in force at all material times.

Transitory Provision

5. (1) The Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 1999 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken under 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.

U. P.
Ordinance
no. 19 of
1999

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

No. 1233 (2)/VII-V-1-1(KA) 27-2004

Dated Lucknow, August 12, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nigam (Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 16 of 2004) as passed by Uttar Pradesh Legislature and assented to by the Governor on August 11, 2004 :

THE UTTAR PRADESH MUNICIPAL CORPORATION (AMENDMENT)

ACT, 2004

(U.P. ACT NO. 16 OF 2004)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

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

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Municipal Corporation (Amendment) Act, 2004.

(2) It shall be deemed to have come into force on November 21, 2002.

General
Amendment in
U. P. Act no. II
of 1959

2. In the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter referred to as the principal Act, for the words "Mukhya Nagar Adhikari", "Apar Mukhya Nagar Adhikari", "Upa Nagar Adhikari", "Sahayak Nagar Adhikari", "Nagar Pramukh", "Upa Nagar Pramukh", "Sabhasad" and "Sabhasads", wherever occurring, including headings, sub-headings and marginal headings, the words, "Municipal Commissioner", "Additional Municipal Commissioner", "Deputy Municipal Commissioner", "Assistant Municipal Commissioner", "Mayor", "Deputy Mayor", "Corporator" and "Corporators" shall respectively be *substituted*.

Amendment of
section 5

3. In section 5 of the principal Act, for clause (d) the following clause shall be *substituted*, namely:—

"(d) a Municipal Commissioner and one or more Additional Municipal Commissioner appointed for the Corporation under this Act."

Amendment of
section 16

4. In section 16 of the principal Act,—

(a) in sub-section (14) for the words "together, in the event of the motion of non-confidence having been carried out with a report whether or not the Upa Nagar Pramukh has forwarded his resignation in accordance with the provisions of sub-section (17) read with section 19" the words "in the event of the motion of non-confidence having been carried" shall be *substituted*."

(b) after sub-section (14) the following sub-section shall be *inserted*, namely:—

"(14-A) (a) the State Government shall, after considering the report of the Commissioner referred to in sub-section (14) on merits shall take decision within one month;

(b) in case the non-confidence motion against a Mayor is rejected by the State Government, no notice of any subsequent motion of non-confidence in that Mayor shall be received within a period of one year from the date of such rejection."

(c) in sub-section (15) for the word "two-third" the word "three-fourth" shall be *substituted*;

(d) in sub-section (16) for the word "two-third" the word "three-fourth" shall be substituted.

5. In section 25 of the principal Act,-

Amendment of
section 25

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

"(d) is in the service of a State Government or the Central Government or any local authority or any undertaking or body owned or controlled by the State Government or the Central Government or is a District Government Counsel or an Additional or Assistant District Government Counsel or an Honorary Magistrate or an Honorary Munsif or an Honorary Assistant Collector".

(b) in sub-section (4), after clause (ii) the following clauses shall be inserted, namely :-

"(iii) has created an obstacle in a meeting of the Corporation in such manner that it becomes impossible for the Corporation to conduct its business in the meeting or instigated some one to do so; or

(iv) has misbehaved with any officer or employee of the Corporation; or

(v) has directly or indirectly caused any loss or damage to any property of the Corporation or abets any other person to cause such loss or damage; or

(vi) is convicted for an offence which, in the opinion of the State Government involves moral turpitude;"

6. In section 132 of the principal Act,-

Amendment of
section 132

(a) after sub-section (3), the following sub-section shall be inserted, namely :-

"(3-A) No contract involving an expenditure exceeding two lakh rupees and not exceeding four lakh rupees shall be made by the Municipal Commissioner unless it has been sanctioned by the Mayor.";

(b) in sub-section (4), for the words "five lakh rupees", the words "eight lakh rupees" shall be substituted.

(c) in sub-section (5), for the words "fifty thousand rupees" the words "one lakh rupees" and for the words "one lakh rupees", the words, "two lakh rupees" shall be substituted.

(d) after sub-section (6) the following sub-section shall be inserted, namely :—

"(7) The State Government may, by notification in the Gazette, modify the monetary limits specified in sub-section (3) or sub-section (4) or sub-section (5) keeping in view the rise in costs or the exigencies of work and efficiency of Corporations."

7. In section 135 of the principal Act,-

Amendment of
section 135

(a) in the marginal heading for words "five lakh rupees" the words "eight lakh rupees" shall be substituted.

(b) in sub-section (1),-

(i) for the words "one lakh rupees" the words "two lakh rupees" shall be substituted.

(ii) the proviso shall be *omitted*.

(c) after sub-section (1) the following sub-section shall be *inserted*, namely :-

“(1-A) the Mayor may sanction any estimate not exceeding four lakh rupees.”

Amendment of
section 136

8. In section 136 of the principal Act, -

(a) in the marginal heading for the words “five lakh rupees” the words “eight lakh rupees” shall be *substituted*;

(b) in sub-section (1), for the words “five lakh rupees” the words “eight lakh rupees” shall be *substituted*;

(c) in sub-section (2), in clause (a) for the words “ten lakh rupees” the words “sixteen lakh rupees” shall be *substituted*.

Amendment of
section 177

9. In section 177 of the principal Act, -

(a) for clause (c) the following clause shall be *substituted*, namely:-

“(c) building solely used as schools and Intermediate colleges whether aided by the State Government or not;”

(b) for clause (h) the following clause shall be *substituted*, namely:-

“(h) residential buildings occupied by the owner of building, which is located in such area which has been included in the limit of Corporation within five years or the facilities of roads, drinking water and street light provided in the area, whichever is earlier”.

Substitution of
section 207

10. For section 207 of the principal Act, the following section shall be *substituted*, namely:-

“207-The Municipal Commissioner shall cause areawise rental rates Preparation of and an assessment list in the city or part thereof to be assessment list prepared from time to time, in accordance with the manner prescribed in the Rules.”

Insertion of new
section 207-B

11. After section 207-A of the principal Act, the following section shall be *inserted*, namely:-

“207-B (1) For the purposes of annual rental value, the owner or Submission of the the occupier of every house or land shall submit details of houses or a property return upto a date as may be lands for assessment of tax 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 Municipal Commissioner”.

Substitution of
section 208

12. For section 208 of the principal Act, the following section shall be *substituted*, namely:-

“208-The Municipal Commissioner shall publish the list prepared under Publication of list section 207 in accordance with the manner prescribed in the rules.”

13. For section 209 of the principal Act the following section shall be *substituted*, namely:—

Substitution of
section 209

“209—The Municipal Commissioner or an officer authorised by him in this behalf shall dispose off the objections in accordance with the manners prescribed in the rules.”

14. In section 210 of the principal Act, for sub-section (1) the following sub-section shall be *substituted*, namely:—

Amendment of
section 210

“(1) The Municipal Commissioner or an officer authorised by him in this behalf, shall authenticate by his signature the areawise rental rates and the assessment list of the city or any part thereof, as the case may be.”

15. In section 213 of the principal Act, for sub-section (1) for the words “The Executive Committee or a sub-committee thereof appointed in this behalf,” the words “The Municipal Commissioner or an officer authorised by him in this behalf” shall be *substituted*.

Amendment of
section 213

16. For section 214 of the principal Act, the following section shall be *substituted*, namely:—

Substitution of
section 214

“214-(1) When any building is constructed or reconstructed or any addition is made thereto by an owner or occupier and the covered area exceeds by more than 25 per cent then it shall be compulsory for him to submit its information

to the Municipal Commissioner within sixty days of the date of completion or date of occupation whichever is earlier, in the prescribed form.

(2) The owners or occupiers, who do not submit information referred to in sub-section (1) without proper reasons, shall be liable to be punished with fine which may extend to an amount equal to double of the assessed general tax or Rs. 500.00 per day of the delay whichever is less.

(3) The Municipal Commissioner may compound the proposed penalty under sub-section (2).”

U. P.
Ordinance
no. 29 of
2003

17. (1) The Uttar Pradesh Municipal Corporation (Amendment) (Second) Ordinance, 2003 is hereby repealed.

Repeal and
Savings

U. P.
Ordinance
no. 20 of
2002

(2) Notwithstanding such repeal, anything done or any action taken under the provision of the principal Act as amended by Ordinance referred to in sub-section (1), or by the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2002 or by the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2003 shall be deemed to have been done or taken under the corresponding provisions of principal Act as amended by this Act as if the Act were in force at all material times.

U. P.
Ordinance
no. 8 of
2003

STATEMENT OF OBJECTS AND REASONS

With a view to bringing uniformity with other Corporations of the Country in the names of certain offices of the Municipal Corporation and making the provisions more effective and practicable in the present situation, the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2002 (U. P. Ordinance no. 20 of 2002) and the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2003 (U. P. Ordinance no. 8 of 2003) were promulgated on November 21, 2002 and April 8, 2003 respectively to amend the Uttar Pradesh Municipal Corporation Act, 1959 (U. P. Act no. 2 of 1959). The provisions of the said Ordinances were replaced by the Uttar Pradesh Municipal Corporations (Amendment) (Second) Ordinance, 2003 (U. P. Ordinance no. 29 of 2003) but it could not be replaced by an Act of the Legislature and was allowed to be lapsed. Now it has been decided to amend the said Act with retrospective effect *i. e.* with effect from November 21, 2002 to provide for,—

1. changing the names of certain offices of the Municipal Corporations;
2. making provision for more than one Additional Municipal Commissioner in a Municipal Corporation;
3. removal of Mayor by the State Government after considering the motion of no-confidence passed by the three-fourth majority of the total number of the members of the Corporation;
4. insertion of certain acts which also disqualify a person from being or from being chosen as the Corporator, a Deputy Mayor or Mayor of a Corporation;
5. increasing financial jurisdiction of the Mayor, the Corporation and the Municipal Commissioner in relation to the execution of contracts and sanction of estimates;
6. changing the procedure of imposition and realization of property tax.

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

By order,
D. V. SHARMA,
Pramukh Sachiv.

No. 519(2)/LXXIX-V-1-08-1(Ka)-12-2008

Dated Lucknow, March 14, 2008

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 Nigam (Sanskodhan) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sankhya 12 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 2008 .

THE UTTAR PRADESH MUNICIPAL CORPORATION

(AMENDMENT) ACT, 2008

(U.P. ACT NO. 12 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

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

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

1. This Act may be called the Uttar Pradesh Municipal Corporation Short title
(Amendment) Act, 2008.

Amendment of
section 132 of
U.P. Act no. 2 of
1959

2. In section 132 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter referred to as the principal Act,—

(a) in sub-section (3) for the words 'one lakh rupees' the words 'fifteen lakh rupees' and for the words 'five lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(b) in sub-section (3-A) for the words 'two lakh rupees' the words 'ten lakh rupees' and for the words 'four lakh rupees' the words 'fifteen lakh rupees' shall be substituted.

(c) in sub-section (4) for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(d) in sub-section (5) for the words 'one lakh rupees' the words 'five lakh rupees' and for the words 'two lakh rupees' the words 'ten lakh rupees' shall be substituted.

(e) in sub-section (7) for the words 'sub-section (3)' the words "sub-section (3) or sub-section (3-A)" shall be substituted.

Amendment of
section 135

3. In section 135 of the principal Act,—

(a) in the marginal heading for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(b) in sub-section (1) for the words 'two lakh rupees' the words 'ten lakh rupees' shall be substituted.

(c) in sub-section (1-A) for the words 'four lakh rupees' the words 'fifteen lakh rupees' shall be substituted.

(d) in sub-section (2) for the words 'five lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(e) after sub-section (2), the following sub-section shall be inserted, namely :—

(3) The State Government may, by notification in the *Gazette*, modify the monetary limits specified in sub-section (1) or sub-section (2) keeping in view the rise of costs or the exigencies of the work and efficiency of Corporation.

Amendment of
section 136

4. In section 136 of the principal Act,—

(a) in the marginal heading for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(b) in sub-section (1) for the words 'eight lakh rupees' the words 'twenty lakh rupees' shall be substituted.

(c) in sub-section (2), in clause (a) for the words 'sixteen lakh rupees' the words 'thirty lakh rupees' shall be substituted.

(d) after sub-section (2), the following sub-section shall be inserted, namely :—

(3) The State Government may, by notification in the *Gazette*, modify the monetary limits specified in sub-section (1) or sub-section (2) keeping in view the rise of costs or the exigencies of the work and efficiency of Corporation.

STATEMENT OF OBJECTS AND REASONS

Section 132 of the Uttar Pradesh Municipal Corporation Act, 1959 (U.P. Act no. 2 of 1959) makes certain provisions relating to execution of contracts and sections 135 and 136 make provisions about the estimates not exceeding eight lakh rupees and exceeding eight lakh rupees respectively. The existing provisions of limited amounts in the said sections are not sufficient for the implementation of the time bound schemes. At present the costs of the construction materials have been increased and the rates of the Public Works Department have been revised. Under the above circumstances more amount are required for the implementation of certain important schemes financed by the Government of India. It has, therefore, been decided to amend the said Act to provide for increasing financial jurisdictions of the Municipal Commissioner, the Mayor, the executive committee and the Corporation etc. in relation to the execution of contracts and sanctions of estimates.

The Uttar Pradesh Municipal Corporation (Amendment) Bill, 2008 is introduced accordingly.

By order,
S.M.A. ABIDI,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 1185 राजपत्र (हि०)-(2624)-2008-597 प्रतियां-(कम्प्यूटर/आफसेट)।
पी०एस०यू०पी०-ए०पी० 458 रा०विद्यायी-(2625)-2008-850 प्रतियां-(कम्प्यूटर/आफसेट)।



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 नगर 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 राशियाँ, जिसमें राज्य की राशियाँ, 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 पच्चीस 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, जिसमें 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 पच्चीस 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 परिषद् द्वारा विकास निधि का गठन ;

(ख) नगर के गरीब और मलिन 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 बजट की व्यवस्था किया जाना।

उत्तर प्रदेश नगर स्थानीय स्वायत्त शासन विधि (संशोधन) विधेयक, 2011 तदनुसार पुरःस्थापित 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 Sthanika Swayatt Shasan Vidhi (Sansodhan) Adhiniyam, 2011 (Uttar Pradesh Adhiniyam Sankhya 7 of 2011) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 8, 2011 :-

THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (AMENDMENT) ACT, 2011

(U.P. Act no. 7 of 2011)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

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

CHAPTER-I

Preliminary

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

(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 नागर 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 नागर 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 नागर 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। चूँकि उक्त अधिनियम की आरक्षण प्रक्रिया से संबंधित उपबन्धों में और उक्त अध्यादेशों के उपबन्धों में मूलभूत भिन्नताएँ 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 पश्चात्पूर्व 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। चूँकि शब्द "पूर्ववर्ती निर्वाचन" और शब्द "पश्चात्पूर्व 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।

चूँकि 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 Sthaneya 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.

Repeal 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, 12 अप्रैल, 2018

चैत्र 22, 1940 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 817/79-वि-1-18-1(क)1-18

लखनऊ, 12 अप्रैल, 2018

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नगर निगम (संशोधन) विधेयक, 2018 पर दिनांक 10 अप्रैल, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 25 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश नगर निगम (संशोधन) अधिनियम, 2018

(उत्तर प्रदेश अधिनियम संख्या 25 सन् 2018)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश नगर निगम अधिनियम, 1959 में अग्रतर संशोधन करने के लिए

अधिनियम

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

जायेगा; 1-(1) यह अधिनियम उत्तर प्रदेश नगर निगम (संशोधन) अधिनियम, 2018 कहा सक्षिप्त नाम और विस्तार

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

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

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

2-उत्तर प्रदेश नगर निगम अधिनियम, 1959, जिसे आगे मूल अधिनियम कहा गया है, की धारा 114 में खण्ड (21) के स्थान पर निम्नलिखित खण्ड रख दिया जाएगा अर्थात्:-

“(21) सार्वजनिक बाजारों का निर्माण तथा अनुरक्षण और समस्त बाजारों, वधशालाओं और चर्म शोधन शालाओं का विनियमन,।”

धारा 422 का
संशोधन

3-मूल अधिनियम की धारा 422 में,

(क) खण्ड (क), (ख) के स्थान पर निम्नलिखित खण्ड रख दिये जायेंगे, अर्थात् :-

(क)- निगम द्वारा उस निमित्त प्राधिकृत किये जाने पर उसे निगम की सीमाओं के भीतर और राज्य सरकार के पूर्व अनुमोदन से उसकी सीमाओं के बाहर किसी निगम बाजार या पशु-स्थान की स्थापना के प्रयोजनार्थ कोई भवन या भूमि निर्मित करना, क्रय करना, पट्टे पर लेना या अन्यथा अर्जित करना और किसी विद्यमान निगम बाजार का विस्तार या उसमें सुधार करना ;

(ख)-समय-समय पर, ऐसे निगम बाजारों तथा पशु-स्थानों और ऐसी छोटी दुकानों, दुकानों, आश्रय स्थानों, बाड़ों तथा अन्य भवनों या सुख-सुविधा के स्थानों जो ऐसे निगम बाजारों, या पशु-स्थानों में व्यापार या व्यवसाय करने वाले या वहां पर प्रायः आने वाले व्यक्तियों के प्रयोग के लिए आवश्यक समझे जायें, का निर्माण और अनुरक्षण करना ;

(ख) खण्ड च के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा अर्थात् :-

“(च) किसी निगम बाजार, पशु-स्थान में किसी छोटी दुकान, दुकान, खड़ा होने का स्थान, आश्रय-स्थान या बाड़ा या अन्य भवन के अध्यासन या प्रयोग के लिये, और किसी निगम बाजार में विक्रय के लिए वस्तुएं प्रदर्शित करने और ऐसे किसी बाजार में विक्रय की जाने वाली वस्तुओं को तौलने और मापने के अधिकार के लिए, ऐसा भाड़ा किराया और शुल्क प्रभारित करना, जो कार्यकारिणी समिति के अनुमोदन से, उस निमित्त समय-समय पर उसके द्वारा नियत किया जाय।”

(ग) खण्ड (ज) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा अर्थात् :-

“(ज)-ऐसे निबन्धनों और शर्तों के अधीन जिन्हें वह उपयुक्त समझे, किसी निगम बाजार, पशु-स्थान में, किसी छोटी दुकान, दुकान खड़ा होने का स्थान, आश्रय-स्थान या बाड़ा अथवा अन्य भवन के अध्यासन या उपयोग के विशेषाधिकार हेतु सार्वजनिक नीलामी करना या कार्यकारिणी समिति के अनुमोदन से निजी विक्रय द्वारा उसे निस्तारित करना।”

धारा 429 और 430
का निकाला जाना

4-मूल अधिनियम से धाराएं 429 और 430 निकाल दी जाएंगी।

निरसन और व्यावृत्ति

5-(1) उत्तर प्रदेश नगर निगम (संशोधन) अध्यादेश, 2018 एतद्द्वारा निरसित किया जाता है।

उत्तर प्रदेश.
अध्यादेश
संख्या 2
सन् 2018

(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 की गई कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबन्धों के अधीन कृत या की गयी समझी जायेगी मानों इस अधिनियम के उपबन्ध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश में कतिपय नगरों के लिए नगर निगम स्थापित करने की व्यवस्था करने के लिए उत्तर प्रदेश नगर निगम अधिनियम 1959 अधिनियमित किया गया है। उक्त अधिनियम की धारा 114 का खण्ड (21), अन्य बातों के साथ-साथ नगर निगम को बधशालाओं का निर्माण और अनुरक्षण करने के लिए प्राधिकृत करता है। उक्त अधिनियम की धारा 422 में नगर आयुक्त को खण्ड (क) में कोई निगम- बधशाला स्थापित करने के प्रयोजनार्थ किसी भवन या भूमि का निर्माण करने, क्रय करने, पट्टा पर लेने या अन्यथा अर्जित करने, खण्ड (ख) में किसी बधशाला का निर्माण और अनुरक्षण करने, खण्ड (घ) में कोई बधशाला बन्द करने और खण्ड (ज) में किसी बधशाला को अध्यासित करने या उसका उपयोग करने के विशेषाधिकार के निमित्त सार्वजनिक नीलामी हेतु प्रस्तुत करने या निजी विक्रय द्वारा उसका निस्तारण करने के लिए अधिकार प्रदान किया गया है। इसके अतिरिक्त उक्त अधिनियम की धारा 429 और 430 में विक्रय के लिए किसी पशु का बध करने की अनुमति देने तथा क्रमशः किन्हीं विशिष्ट प्रकार के पशुओं का बध करने के लिए परिसर नियत करने का उपबन्ध है। उक्त धारायें 429 तथा 430, पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 तथा खाद्य सुरक्षा और मानक अधिनियम, 2006 एवं तद्धीन बनायी गयी नियमावली के उपबन्धों के अनुरूप नहीं थी, जो भारत का संविधान की सातवीं अनुसूची की समवर्ती सूची में संख्यांकित प्रविष्टियों के अधीन आने वाली केन्द्रीय अधिनियमितियां हैं। ऊपर उल्लिखित स्थिति में और रिट याचिका लक्ष्मी नारायण मोदी बनाम यूनियन ऑफ इण्डिया व अन्य में मा0 उच्चतम न्यायालय के विनिश्चय के आलोक में यह विनिश्चय किया गया है की धारा 114 के खण्ड (21) तथा धारा 422 को संशोधित कर उसमें से 'बधशाला' शब्द को निकाल दिया जाय और धारा 429 तथा 430 को निकाल दिया जाय।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को लागू करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 29 जनवरी, 2018 को उत्तर प्रदेश नगर निगम (संशोधन) अध्यादेश, 2018 (उत्तर प्रदेश अध्यादेश संख्या 2 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. 817(2)/LXXIX-V-1-18-1(ka) 1-18

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 Nigam (Sanshodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 25 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 10, 2018.

THE UTTAR PRADESH MUNICIPAL CORPORATION (AMENDMENT)

ACT, 2018

(U. P. ACT NO. 25 OF 2018)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

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

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

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

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

Short title,
extent and
commencement

Amendment of
section 114 of
U.P. Act no. 2
of 1959

2. In section 114 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter referred to as the principal Act, *for* clause (xxi) the following clause shall be *substituted*, namely :-

"(xxi) the construction and maintenance of public markets and the regulation of all markets, slaughter- houses, and tanneries".

Amendment of
section 422

3. In section 422 of the principal Act,—

(a) *for* clauses (a) and (b), the following clauses shall be *substituted*, namely:-

"(a) upon being authorised by the corporation in that behalf, to construct, purchase, take on lease or otherwise acquire any building or land for the purpose of establishing a corporation market or stockyard, within, and with the prior sanction of the State Government, without the limits of the corporation and of extending or improving any existing corporation market;

(b) from time to time, to build and maintain such corporation markets and stockyards and such stalls, shops, sheds, pens and other buildings or conveniences as may be deemed necessary for the use of the persons carrying on trade or business in, or frequenting, such corporation markets or stockyards";

(b) *for* clause (f) the following clause shall be *substituted*, namely:-

"(f) to charge for the occupation or use of any stall, shop, standing, shed or pen or other building in a corporation market, stockyard, and for the right to expose goods for sale in a corporation market, and for weighing and measuring goods sold in any such market, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the Executive Committee, in that behalf";

(c) *for* clause (h) the following clause shall be *substituted*, namely:-

"(h) to put up to public auction, or with the approval of the Executive Committee, dispose of, by private sale, for privilege of occupying or using any stall, shop, standing, shed or pen or other building in a corporation market, stockyard for such terms and on such conditions as he shall think fit".

Omission of
sections 429
and 430

4. Sections 429 and 430 of the principal Act shall be *omitted*.

Repeal and
saving

5. (1) The Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2018 is hereby repealed.

U.P.
Ordinance
no. 2
of 2018

(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 Municipal Corporation Act, 1959 has been enacted to provide for the establishment of the Municipal Corporations for certain cities in Uttar Pradesh. Clause (xxi) of section 114 of the said Act *inter alia* empowers a Municipal Corporation to construct and maintain the slaughter houses. In section 422 of the said Act the Municipal Commissioner is empowered in clause (a) to construct, purchase, take on lease or otherwise acquire any building or land for the purpose of establishing a Corporation slaughter house, in clause (b) to build and maintain a slaughter house, in clause (d) to close any slaughter house and to dispose of the property of the Corporation, the premises occupied for slaughter house, in clause (h) to put up to public auction, or to dispose of by private sale for privilege of occupying or using any slaughter house. Besides, sections 429 and 430 of the said Act provides for giving permission to slaughter any animal, sale and to fix premises for the slaughter of animals of any particular kind respectively. The said sections 429 and 430 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 situation stated above and in the light of the decision of the Hon'ble Supreme Court in the writ petition Lakshmi Narayan Modi v. Union of India and Others, it has been decided to amend clause (xxi) of section 114 and section 422 to *omit* the words 'slaughter houses' therefrom and to *omit* sections 429 and 430.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2018 (U.P. Ordinance no. 2 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.