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

No. 295 (2)/XVII-V-1—1(KA)-36-1997
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 (Sansthan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 8 of 1993) 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.

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.

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 (1) The Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 1997 is hereby repealed.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 Sachivy.
No. 782 (2)/XVII-V-I—1 (KA) 15-1999

Dated Lucknow, March 26, 1999

In pursuance of the provisions of clause (3) of Article 345 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Nigam (Sanshodhian) Adhikiam, 1959 (Uttar Pradesh Adhikiam 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

(Ind 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 Eversion) 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.

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,

(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—

(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 feet of the carpet area in the case of building or the applicable minimum monthly rate of rent per square feet 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 feet 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 Verandah—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 percent more, and if it is more than ten years but not more than twenty years old, be deemed to be 12.5 percent 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 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 up to fifteen square meters provided that the owner thereof does not own any other building in the city; and.”
5. In section 173 of the principal Act, in sub-section (2), after clause (a) the following clause shall be inserted, namely:

"(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:

"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 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.

8. In section 211 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.

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

"221-A. (1) Where the owner or occupier primarily liable for payment of tax in respect of any premises has not paid the tax by the date fixed by the Corporation for payment of tax, the tax payable by him under this Act, simple interest at the rate of twelve per cent per annum on the amount by which the tax so paid falls short of the tax which is found to be payable, shall be payable by him, and in such manner as may be prescribed in this behalf.

(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 on the amount by which the tax so paid falls short of the tax which is found to be payable, shall be payable by him, and in such manner as may be prescribed in this behalf.

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, satisfied that the statement submitted under sub-section (1) is factually incorrect in such a manner as to prejudice the assessment of tax, the Corporation may impose a penalty not exceeding one thousand rupees on the defaulters 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.
CHAPTER III

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

Pranab Shachi.
No. 119(2)/XVII-V-1-1 (KA)-37-99

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 (Sansthodhan) 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:

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—

"(1) The Up Nagar Pramukh shall be elected, as soon as may be, after the election of sabhasad 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—

"(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. "(1) 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.

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

(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.

By order,

Y. R. TRIPATHI,

Pramukh Sachiv,
THE UTTAR PRADESH MUNICIPAL CORPORATION (AMENDMENT) ACT, 2004
(U.P. ACT NO. 16 OF 2004)
[As passed by the Uttar Pradesh Legislature]

AN

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

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.


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.”

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 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,-

(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,-

(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,-

(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:—

"(I-A) the Mayor may sanction any estimate not exceeding four lakh rupees."

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.

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".

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

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

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 the occupier of every house or land shall submit a property return upto a date as may be prescribed.
(2) Any person failing to submit the return referred to in sub-section (1) without proper reasons shall be liable to pay penalty as may be prescribed.
(3) The penalty referred to in sub-section (2) may be compounded by the Municipal Commissioner".

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 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:--

"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:--

"(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) 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.

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

"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)."

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

(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.
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.
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 (Sahishodh) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sanidhya 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:-

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

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.

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 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,

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The words "in" and "i" are inserted.

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By order,

S.M.A. ABIDI,

Pramukh Sachiv,
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

No. 295 (2)/XVII-V-1—1(KA)-36-1997
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:

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.

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.

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.

सी एक हज़ार प्यारे बीते २२९ तो शाम — (२३८०) — १९९८ — ३५० (पीक)।
No. 782 (2)/XVII-V-I-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 (Sanadhian) 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,

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,

(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—

(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 Verandah—full measurement of internal dimension;
(iii) Balcony, Corridor, Kitchen and Store—50 per cent measurement of internal dimension;
(iv) Garage—one-fourth measurement of internal dimension;
(v) Area covered by bathroom, latrines, portico and 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:

“(c) 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 per cent less and if it is more than ten years but not more than twenty years old, be deemed to be 32.5 per cent less, and if it is more than twenty years old, be deemed to be 40 per cent less than the annual 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).”

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 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 up to 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 (a) the following clause shall be inserted, namely:

"(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:

"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 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.

8. In section 211 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.

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

"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 up to 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 up to 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 time 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 defaulters 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 of the words "in respect of the property if such tax is payable by a person entitled to such rent" shall be substituted.
Amendment of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 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 Mahasabha 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 figures "in section 149 of the Uttar Pradesh Municipalities Act, 1916" shall be substituted.

By Order,
Y. R. TRIPATHI,
Prānākha Saḥīv.
No. 119(2)/XVII-V-1-1 (KA)-37-99

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:

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.

Short title and commencement
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 —

"(1) The Up Nagar Pramukh shall be elected, as soon as may be, after the election of sabhasad 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 —

"(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.

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

(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.

By order,

Y. R. TRIPATHI,
Pramukh Sachiv.
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

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.


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.”

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,-

(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,-

(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 excigencies of work and efficiency of Corporations."

7. In section 135 of the principal Act,-

(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."

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.

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".

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."

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 occupier of every house or land shall submit
details of houses or lands for assessment, of tax
a property return upto a date as may be prescribed.

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

(3) The penalty referred to in sub-section (2) may be compounded by the Municipal Commissioner".

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:-

"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:-

"(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 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.

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

"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)."

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

(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.
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.
उत्तर प्रदेश नगर निगम (अधिनियम, 1959) (उत्तर प्रदेश अधिनियम संख्या 2 सन् 1959) को बारा 132 में संबंधित कलिप प्रवाहिक उपवन चिल्लाएँ दी गयी हैं और बारा 135 और 136 में क्रमानुसार अन्य लोगों के संबंध में प्रवाहिक स्विंग किए गए हैं। उत्तरप्रदेश में संस्थान अधिनियम के अंतर्गत सरकारी उपवन अधिकारी के लिए विभागित नहीं हैं। वर्तमान में निर्माण सामग्रियों की सामग्री के लिए विद्युत लाऊंगा है और लोग निर्माण किराया के लिए पुनर्निर्माण कर दी गई है। उत्तरप्रदेश में सामग्रियों का सामग्री के लिए विद्युत लाऊंगा है और लोग निर्माण किराया के लिए पुनर्निर्माण कर दी गई है। उत्तरप्रदेश में निर्माण सामग्रियों के लाभ के लिए विद्युत लाऊंगा है और लोग निर्माण किराया के लिए पुनर्निर्माण कर दी गई है। उत्तरप्रदेश में निर्माण किराया के लिए विद्युत लाऊंगा है और लोग निर्माण किराया के लिए पुनर्निर्माण कर दी गई है।

लदनुसार उत्तर प्रदेश नगर निगम (संशोधन) विवेचना 2008 कुर्सी दिया जाता है।

अभिज्ञ ते,
सी-10 महाराष्ट्र अभिज्ञ, प्रमुख सचिव।

No. 519(2)/LXXIX-V-I-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 (Sansthanak) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sandhya 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:

I. This Act may be called the Uttar Pradesh Municipal Corporation Short title (Amendment) Act, 2008.
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) or sub-section (3-A)’ shall be substituted.

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.

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

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

लखनऊ, बुधवार, 9 मार्च, 2011
फालनु 18, 1932 शक सम्पूर्ण

उत्तर प्रदेश सरकार
विधायी अनुभाग—1

संख्या 34/79-(क)-1-11-1(क)122011
लखनऊ, 9 मार्च, 2011

अधिसूचना

विषय

“भारत का संविधान” के अनुसार 200 के अधीन राज्यपाल नहीं होते ने उत्तर प्रदेश नगर स्थानीय स्वायत्त भारतीय विधि (संशोधन) अधिनियम, 2011 पर दिनांक 08 गए, 2011 की अनुमति प्रदान की और यह उत्तर प्रदेश अधिनियम संख्या 7 रान 2011 के रूप में सर्वसाधारण है। इस अधिनियम का यह साधन द्वारा प्रकाशित किया जाता है—

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

(उत्तर प्रदेश अधिनियम संख्या 7 रान 2011)

(उत्तर प्रदेश विधान गणन द्वारा पारित हुआ)

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

अधिनियम

भारत गणराज्य के बास्थिय वर्ष में निम्नलिखित अधिनियम यथा जाता है :

अध्याय—एक

प्रारंभिक

1—यह अधिनियम उत्तर प्रदेश नगर स्थानीय स्वायत्त शासन विधि (संशोधन) अधिनियम 2011 कहा जायेगा।
उत्तर प्रदेश नगर पालिका अधिनियम, 1916 का संशोधन

उपरोक्त अधिनियम के अनुसार नगर पालिका के लिए नए संशोधन के लिए एक नया नियम तैयार किया जाएगा।

उपरोक्त अधिनियम ने नगर पालिका के लिए नए नियम तैयार किया जाएगा।

उपरोक्त अधिनियम के अनुसार नगर पालिका के लिए नए नियम तैयार किया जाएगा।

उपरोक्त अधिनियम के अनुसार नगर पालिका के लिए नए नियम तैयार किया जाएगा।

उपरोक्त अधिनियम के अनुसार नगर पालिका के लिए नए नियम तैयार किया जाएगा।

उपरोक्त अधिनियम के अनुसार नगर पालिका के लिए नए नियम तैयार किया जाएगा।

उपरोक्त अधिनियम के अनुसार नगर पालिका के लिए नए नियम तैयार किया जाएगा।
In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Sthaniya Swayatt Shasan Vidhi (Sansodhan) 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 UTTARPRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (AMENDMENT) ACT, 2011
(U.P. Act no. 7 of 2011)

(As passed by the Uttar Pradesh Legislature)

AN ACT

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

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

CHAPTER-I
Preliminary

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

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

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

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

(2) Every municipality shall constitute a Development Fund for the purpose of this Act. The constitution and disposal of the Development Fund shall be effected in such manner as may be prescribed."
(3) Twenty five per cent of the Development Fund constituted under subsection (2) shall be non-lapsable and shall be earmarked and utilized to provide and promote services for the urban poor and the inhabitants of the slum areas.

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

CHAPTER-III

Amendment of the Uttar Pradesh Municipal Corporation Act, 1959

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

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

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

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

(g) "provide the budget for the urban poor."

STATEMENT OF OBJECTS AND REASONS

On the recommendations of the Government of India it has been decided to amend the Uttar Pradesh Municipalities Act, 1916 (U.P. Act no. 2 of 1916) and the Uttar Pradesh Municipal 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 utilizing 25% of the Development Fund to provide and promote services of urban poor and inhabitants of slum areas;

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

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

By order,

K. K. SHARMA,

Pramukh Sachiv.
सरकारी गृह, उत्तर प्रदेश
उत्तर प्रदेश सरकार द्वारा प्रकाशित
असाधारण
विद्यालय परिषदः नाम-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)
लखनऊ, राजस्थान, 10 दिसम्बर, 2012
अगस्तमास 19, 1934 शाक सम्बत्
उत्तर प्रदेश सरकार
विद्यालय अनुसार-1

संख्या 690/79-वि-0-1-12-1(क)5-2012
लखनऊ, 10 दिसम्बर 2012

अधिनियम

"भारत का संविधान" से अनुरूप 200 के अवधारण शब्दवान महोदय ने उत्तर प्रदेश नागर राज्यपाल स्वायत्त
शासन विधि (संविधान) विशेष, 2012 पर दिनांक 05 दिसम्बर, 2012 को अनुसार स्वायत्त की और यह (उत्तर प्रदेश
अधिनियम संख्या 7 अप्रैल 2012) के रूप में सरकारी नाम स्वायत्त शासन विधि का उद्देश्य इस अधिनियम द्वारा प्रकाशित किया गया है।

उत्तर प्रदेश नागर राज्यपाल स्वायत्त शासन विधि (संविधान)
अधिनियम, 2012
(उत्तर प्रदेश अधिनियम संख्या 7 सन् 2012)
(प्रारंभिक उत्तर प्रदेश विधान सभा में पारित हुआ)
उत्तर प्रदेश नागरिक अधिनियम, 1949 और उत्तर प्रदेश नागर लिंग 
अधिनियम, 1959 का अध्याय रक्षित करने के लिए,
अधिनियम
भारत गणराज्य के वित्तकार के निम्नलिखित अधिनियम वननाम जाता है -
अध्याय-1
- पारिभाषिक
1-(1) यह अधिनियम उत्तर प्रदेश नागर राज्यपाल शासन विधि (संविधान वननाम और
(संविधान) अधिनियम, 2012 को जारी करेगा।
(2) यह 15 सितंबर, 2006 को प्रकाशित हुआ समाप्त जारी करेगा।
उत्तर प्रदेश नगर निगम अधिनियम, 1956 का संशोधन

उत्तर प्रदेश नगर निगम अधिनियम, 1956 की धारा 9-(क) में, उपर्युक्त (5) में उपस्थित (6) के परास्त कल्पनाशील स्पष्टीकरण बढ़ा दिये जानें और उन 15 दिसंबर, 2006 को बदलाव सहित जारी राखें। अध्याय—

“स्पष्टीकरण—एक—उदाहरण पर स्पष्ट किया जाता है कि इस स्पष्टीकरण में उपर्युक्त (9) में एवं अधिनियम में अन्य बातों के साथ “पूर्वस्तील निर्देश” और “प्रवक्तायार्थ निर्देश” में उत्तर प्रदेश नगर निगम (संगठन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 3 सन 2006) और उत्तर अधिनियम द्वारा सहभागिता इस अधिनियम के उपर्युक्तों के अनुसार हुए निर्देशन शामिल होंगे और ये हम सभी की सभीत्व नहीं किये गये नहीं जाएंगे।

“स्पष्टीकरण—दू—उत्तर प्रदेश नगर निगम (संगठन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 3 सन 2006) को निर्माण- और उत्तर प्रदेश नगर निगम (संगठन) अधिनियम का संशोधन (उत्तर प्रदेश अधिनियम संख्या 2 सन 1959) की धारा 7 में संशोधित करना होगा। अध्याय—

उत्तर प्रदेश नगर निगम अधिनियम एवं उपर्युक्त धारा 2 सन 1959 की धारा 7 का संशोधन

उत्तर प्रदेश नगर निगम (संगठन) अधिनियम, 1959 की धारा 7 में, उपर्युक्त (5) में, उपर्युक्त (6) में परास्त कल्पनाशील स्पष्टीकरण बढ़ा दिये जानें और उन 15 दिसंबर, 2006 को बदलाव सहित जारी राखें। अध्याय—

“स्पष्टीकरण—एक—उदाहरण पर स्पष्ट किया जाता है कि इस स्पष्टीकरण में उपर्युक्त (9) में एवं अधिनियम में अन्य बातों के साथ “पूर्वस्तील निर्देश” और “प्रवक्तायार्थ निर्देश” में उत्तर प्रदेश नगर निगम (संगठन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 8 सन 2006) द्वारा उसके प्रतिपादन या किसी न्यायाधि, गैरनियम या प्रवक्तायार्थ निर्देशन के निर्देश, अर्थात, या रिपोर्ट के साथ हुए दी गई न्यायाधि, निर्देशन का संशोधन उपर्युक्तों के अनुसार हुए निर्देशन शामिल होंगे और ये हम सभी की सभीत्व नहीं किये गये नहीं जाएंगे।

“स्पष्टीकरण—दू—उत्तर प्रदेश नगर निगम (संगठन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 4 सन 2006) के निर्माण और परास्त उत्तर प्रदेश नगर निगम (संगठन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 25 सन 2006) द्वारा उसके प्रतिपादन या किसी न्यायाधि, गैरनियम या प्रवक्तायार्थ निर्देशन के निर्देश, अर्थात, या रिपोर्ट के साथ हुए दी गई न्यायाधि, निर्देशन का संशोधन उपर्युक्तों के अनुसार हुए निर्देशन द्वारा हुए अर्थात अनुसार “पूर्वस्तील निर्देश” नहीं समझे जाएंगे और इस धारा के अर्थात होने वाले अंतर्गत निर्देशन अनुसार निर्देशन समझे जाएंगे।

4—(1) उत्तर प्रदेश नगर निगम अधिनियम शाखा निगम नियम (संगठन) अधिनियम, 2012 एवं उदाहरण पर स्पष्ट किया जाए।

2—उदाहरण पर स्पष्ट किया जाता है कि इस स्पष्टीकरण में उपर्युक्त (5) में एवं अधिनियम में अन्य बातों के साथ “पूर्वस्तील निर्देश” और “प्रवक्तायार्थ निर्देश” में उत्तर प्रदेश नगर निगम (संगठन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 3 सन 2006) द्वारा उसके प्रतिपादन या किसी न्यायाधि, गैरनियम या प्रवक्तायार्थ निर्देशन के निर्देश, अर्थात, या रिपोर्ट के साथ हुए दी गई न्यायाधि, निर्देशन का संशोधन उपर्युक्तों के अनुसार हुए निर्देशन द्वारा हुए अर्थात अनुसार “पूर्वस्तील निर्देश” नहीं समझे जाएँगे और इस धारा के अर्थात होने वाले अंतर्गत निर्देशन अनुसार निर्देशन समझे जाएँगे।
In pursuance of the provisions of clause (2) of article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Shawat Shasan Shraastha Shashan 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 3, 2012.

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS (AMENDMENT) ACT, 2012
(U.P. ACT NO. 7 OF 2012)
(As assented by the Uttar Pradesh Legislature)

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

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

CHAPTER-1
PRELIMINARY

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

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

AMENDMENT OF THE UTTAR PRADESH MUNICIPALITIES ACT, 1916

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

"Explanation 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


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 accordingly shall not be deemed to be subsequent election.


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

On July 12, 2006 two Ordinances namely the Uttar Pradesh Municipalities (Amendment) Ordinance, 2006 (U.P. Ordinance no. 3 of 2006) and the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2006 (U.P. Ordinance no. 4 of 2006) were promulgated by the Governor. In accordance with the provisions of the said Ordinances preparations of the elections of 2006 of urban local bodies were made and the elections thereof were conducted after completing the reservation procedure in accordance therewith. The provisions of the said Ordinances were replaced by the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2006 (U.P. Act no. 25 of 2006) but the said Act was passed by the State Legislature with certain amendments in the provisions of the said Ordinances. Since due to fundamental differences in the Provisions relating to reservation procedures of the said Act to those of the said Ordinances, the elections of urban local bodies held in the year, 2006 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 परिषिक्ष
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, बृहस्पतिवार, 12 अप्रैल, 2018
वें 22, 1940 शक सम्बत्

उत्तर प्रदेश शासन
विधायी अनुभाग-1

संख्या 817/79-वि-1-18-1(क)1-19
लखनऊ, 12 अप्रैल, 2018

अधिसूचना

विवेच

“भारत का संविधान” के अनुसार 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश नगर निगम (संशोधन) विधेयक, 2018 पर दिनांक 10 अप्रैल, 2018 को अनुमान दिया की और वह उत्तर प्रदेश अधिनियम संख्या 25 सन् 2018 के रूप में सर्वसाधारण की सुनवार 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 अग्रता संशोधन करने के लिए

अधिनियम

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

1—(1) यह अधिनियम उत्तर प्रदेश नगर निगम (संशोधन) अधिनियम, 2018 का संक्षिप्त नाम और विस्तार

(2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश राज्य में होगा।
(3) यह दिनांक 29 जनवरी, 2018 को प्रकृत हुआ समझा जायेगा।
2-उत्तर प्रदेश नगर निगम अधिनियम, 1959, जिसे आगे मूल अधिनियम कहा गया है, की धारा 114 के खण्ड (21) के स्थान पर निम्नलिखित खण्ड रख दिया जाएगा।

अर्थातः-

"(21) सार्वजनिक बाजारों का निर्माण तथा अनुस्मरण और समस्त बाजारों, व्यवसायिकों और चार शौचालय शालाओं का निर्माण,"

3-मूल अधिनियम की धारा 422 में,

(क) खण्ड (क), (ख) के स्थान पर निम्नलिखित खण्ड रख दिये जाये गें,

अर्थातः-

(क)- निगम द्वारा उस निमित्त प्रभावित 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 प्रयोजनानुसार कोई चाव या बीमा निम्नित करना, कब करना, पट्टे पर लेना या अन्य अधिकार अर्जित करना और किसी विधिनाम निगम बाजार का वितरण या उसमें सुधार करना;

(ख)-समय-समय पर, ऐसे निगम बाजारों तथा शहर-स्थानों और ऐसी छोटी दुकानें दुकानों, आड़िया नामों, बाड़ों तथा अन्य भवनों या सुव-सुवासक के स्थानों जो ऐसे निगम बाजारों, या पशु-स्थानों में व्यापार या व्यवसाय करने वाले या वहाँ पर प्रायः आने वाले व्यक्तियों के प्रयोग के लिए आवश्यक समझे जाये, का निर्माण और अनुस्मरण करना;

(ख) खण्ड (च) के स्थान पर निम्नलिखित खण्ड रख दिया जाएगा।

अर्थातः-

"(च) किसी निगम बाजार, पशु-स्थान में किसी छोटी दुकान, दुकान, खड़ा होने का स्थान, आड़िया-स्थान या बाड़ा या अन्य भवन के अध्यास के प्रयोग के लिए, और किसी निगम बाजार में विक्रय के लिए बस्तुयों प्रवर्धित करने और ऐसे किसी बाजार में विक्रय की जाने वाली बस्तुओं की तैलने और मापने के अधिकार के लिए, ऐसा बाड़ा किराया और शुल्क प्रभावित करना, जो कार्यकारी समिति के अनुमोदन से, उस निमित्त समय-समय पर उसके द्वारा नियंत्रक रखा जाय।"

(ग) खण्ड (ज) के स्थान पर निम्नलिखित खण्ड रख दिया जाएगा।

अर्थातः-

"(ज)-ऐसे निवड़नों और शरों के अधीन जिन्हें उपयोग के सम्बन्ध में, किसी निगम बाजार, पशु-स्थान में, किसी छोटी दुकान, दुकान खड़ा होने का स्थान, आड़िया-स्थान या बाड़ा अथवा अन्य भवन के अध्यास या उपयोग के विशेषाधिकार हेतु सार्वजनिक नीतिमाला करना या कार्यकारी समिति के अनुमोदन से निजी विक्रय द्वारा उसे निर्धारित करना।"

धारा 429 और 430 का निकाला जाना।

4-मूल अधिनियम से धाराएँ 429 और 430 निकाल दी जाएगी।

निरसन और व्याख्या

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

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निरर्दित अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपयोग के अधीन कुछ कार्य या की गई कौई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के तह प्रवर्धित उपयोग के अधीन वृद्ध या की गयी समस्त जानकारी या जानकारी मानने इस अधिनियम के उपयोग सभी सार्वजनिक समय में प्रस्तुत थे।
उत्तर प्रदेश में कल्याण नगरों के लिए नगर निगम स्थापित करने की बवस्त करने के लिए उत्तर प्रदेश नगर निगम अधिनियम 1959 अधिनियम किया गया है। उत्तर अधिनियम की धारा 114 का खण्ड (21), अन्य बातों के साथ-साथ नगर निगम की बढ़ाईयाओं का निर्माण और अनुसंधान करने के लिए प्राधिकृत करता है। उत्तर अधिनियम की धारा 422 में नगर आयुक्त को खण्ड (क) में कोई निगम- बढ़ाईया स्थापित करने के प्रयोजनार्थ किसी भवन या भूमि का निर्माण करने, ध्वनि रोका, पट्टा पर पलने से अन्य अन्य अवधारणा करने, खण्ड (ख) में किसी बढ़ाईया का निर्माण और अनुसंधान करने, खण्ड (ज) में कोई बढ़ाईया बन्द करने और खण्ड (ज) में किसी बढ़ाईया का अधिष्ठात करने या उसका उपयोग करने के तिथिपत्र करने के संबंधी नीतियों हेतु प्रस्तुत करने या निजी विक्रय द्वारा उद्यमी निर्माण करने के लिए अधिकार प्रदान किया गया है। इसके अतिरिक्त उत्तर अधिनियम की धारा 429 और 430 में विक्रय के लिए किसी पुष्कर का बच करने की अनुमति देने तथा खस्ता किसी विभाग प्रद्धि के पुष्कर का बच करने के लिए परिसर नियमित करने का उपकरण है। उत्तर धारायें 429 तथा 430, पुष्करों के उपरी कूर्ता के निर्माण अधिनियम, 1960 तथा खस्ता तथा नागरिक अधिनियम, 2006 एवं तदनुसार भवनों के निर्माण, उपयोग से अनुमोदन नहीं थी, जो भारत को संविधान की सार्वजनिक अनुसूची के समयर्थी सूची में संचालित अधिनियमों के अधीन अन्य वाणी केंद्रीय अधिनियमों है। उपर उल्लिखित नियमों में और रिट राष्ट्रीय नागरिक नाम नियम सुनिश्चित और तीता व अनुयाय उच्च न्यायालय के विनियम के आधार में यह विनियम किया गया है की धारा 114 के खण्ड (21) तथा धारा 422 को संशोधित कर उसमें से 'बढ़ाईया' शब्द को निकाल दिया जाय और धारा 429 तथा 430 को निकाल दिया जाय।

चूँकि राज्य विधान मंडल सत्र में नहीं था और पूर्वक विनियम को लागू करने के लिए तूर्त विधियाँ कार्यरत थीं, जल्द: राज्यवाल द्वारा धनायक 29 जनवरी, 2018 को उत्तर प्रदेश नगर निगम (संशोधन) अधिनियम, 2018 (उत्तर प्रदेश अधिनियम संख्या 2 सन 2018 ) प्रस्तुत किया गया है।

यह विनियम पूर्वक अधिनियम को प्रतिस्थापित करने के लिए पुरा स्थापित किया जाता है।

अंजा से,
बीरेन्द्र 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 (Sanskodhan) 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
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".

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".

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

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

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

The Uttar Pradesh 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,

VIRENDRKA KUMAR SRIVASTAVA,

Pramukh Sachiv.

पी0एस0यूपी0-एच0 २० राजपत्र-२०१८-(४९)-५८९ प्रतियाँ-(कम्प्यूटर / दी / आफ्सेट)।
पी0एस0यूपी0-एच0 ८ साल विद्यालय-१३-४-२०१८-(४९)-३०० प्रतियाँ-(कम्प्यूटर / दी / आफ्सेट)।