



The Uttar Pradesh Nagar Mahapalika (Sanshodhan) Adhiniyam, 1963
Act 17 of 1963

Keyword(s):
Uttar Pradesh Nagar Mahapalika Act, 1959

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**THE UTTAR PRADESH NAGAR MAHAPALIKA
(SANSHODHAN) ADHINIYAM, 1963***

(U. P. ACT NO. XVII OF 1963)

(*Authoritative English text of the Uttar Pradesh Nagar
Mahapalika (Sanshodhan) Adhiniyam, 1963.*)

AN
ACT

*to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959
for the purpose hereinafter appearing.*

U. P. Act no. 11
of 1959.

IT IS HEREBY enacted in the fourteenth year of the
Republic of India as follows :

1. This Act may be called the Uttar Pradesh Nagar
Mahapalika (Sanshodhan) Adhiniyam, 1963.

Short title.

2. In sub-section (1) of section 580 of the Uttar Pradesh
Nagar Mahapalika Adhiniyam, 1959, for the words "four
years" the words "five years" shall be substituted.

Amendment of
section 580 of
U. P. Act no. 11
of 1959.

(*For Statement of Objects and Reasons, please see *U. P. Gazette Extraordinary*, dated September 12, 1963.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on September 18, 1963 and by the Uttar Pradesh Legislative Assembly on September 25, 1963.)

(Received the Assent of the Governor on September 28, 1963 under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 29, 1963.)

(†Published in the *Uttar Pradesh Gazette Extraordinary*, dated September 29, 1963.)



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**THE UTTAR PRADESH NAGAR MAHAPALIKA
(SANSHODHAN) ADHINIYAM, 1964***

[U. P. ACT NO. XXI OF 1964]

[*Authoritative English text† of the Uttar Pradesh Nagar Mahapalika (Sanshodhan) Adhiniyam, 1964*]

**AN
ACT**

to amend further the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 for certain purposes

U. P. Act II
of 1959.

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

1. This Act may be called the Uttar Pradesh Nagar Mahapalika (Sanshodhan) Adhiniyam, 1964.

Short title and commencement..

2. For clause (22) of section 2 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (hereinafter referred to as the principal Act) the following shall be substituted :

Amendment of section 2 of U.P. Act II of 1959.

“(22) ‘essential service’ means a service referred to in section 112-B.”

3. In sub-section (1) of section 7 of the principal Act, for the words “as determined at the last census held under the provisions of the Census Act, 1948”, the words “as ascertained at the last preceding census of which the relevant figures have been published” shall be substituted.

Amendment of section 7.

4. For section 18 of the principal Act the following shall be substituted :—

Amendment of section 18.

“18. The Nagar Pramukh and the Upa Nagar Pramukh may be given such allowances or facilities as the Mahapalika may, with the previous approval of the State Government, fix.”

5. After section 30 of the principal Act the following new section 30-A shall be inserted :—

Insertion of new section 30-A.

“30-A. The Sabhasads and Vishishta Sadasyas may be paid such conveyance allowance, or be given such facilities in lieu of conveyance allowance, for attendance at meetings of the Mahapalika and its committees as may be provided by rules.”

(*For statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated August 5, 1964.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on August 11, 1964 and by the Uttar Pradesh Legislative Assembly on August 19, 1964.)

(†Received the Assent of the President on September 28, 1964 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 28, 1964.)

Amendment of
section 31.

6. In section 31 of the principal Act—

(i) in sub-section (2), *for* the words “as ascertained at the last census held under the provisions of the Census Act, 1948”, the words “as ascertained at the last preceding census of which the relevant figures have been published or as determined in the manner provided in sub-section (3)”, shall be *substituted*; and

(ii) *after* sub-section (2) the following new sub-section (3) shall be *inserted* :—

“(3) Where, in the opinion of the State Government, the population of any area in a City to be comprised in a ward cannot readily be ascertained from the census figures mentioned in sub-section (1), the State Government may, by notification in the official *Gazette*, direct that such population shall be determined by multiplying the number of voters entered in the Assembly rolls relating to that area by the total population of the area comprised in the City as ascertained at such census and then dividing the product by the total number of voters entered in the Assembly rolls relating to the area comprised in the City.

Explanation—In this sub-section ‘Assembly rolls’ means the Assembly rolls in force on such date as may be specified in the notification.”

Amendment of
section 32.

7. In sub-section (1) of section 32 of the principal Act—

(i) in clause (c), *for* the word “seats”, the words “seat or seats” shall be *substituted* and *for* the word “क्षेत्र” the word “कक्ष” shall be *substituted*; and

(ii) *for* clause (d) the following shall be *substituted* :—

“(d) whether the seat, or any of the seats allotted to a ward is reserved for the Scheduled Castes.”

Amendment of
section 63.

8. In clause (a) of sub-section (3) of section 63 of the principal Act, the words “clause (b) of” shall be *deleted*.

Amendment of
section 85.

9. In section 85 of the principal Act—

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

“(1) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected a Sabhasad or a Vishishta Sadasya or co-opted as a member of the Development Committee and every person who is elected a Nagar Pramukh shall before taking his seat make an oath or affirmation in the following form, namely :

“I, A.B., having been elected

| | | |
|-------------------|---|--------------------------|
| Sabhasad | / | Co-opted |
| Vishishta Sadasya | | member of the |
| Nagar Pramukh | | Development Committee |

of this Mahapalika do swear in the name of God
solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”;

(2) *after* sub-section (1) the following new sub-section shall be *inserted* :—

“(1-A). Within seven days of the constitution under section 9 or reconstitution under section 538 or section 539 of the Mahapalika the Mukhya Nagar Adhikari shall convene a meeting of the Nagar Pramukh, Sabhasads and Vishishta Sadasyas who have been declared elected. The Commissioner of the Division and in his absence the District Magistrate shall administer the oath or affirmation to the Nagar Pramukh and thereafter the Nagar Pramukh shall administer the oath or affirmation to such Sabhasads and Vishishta Sadasyas as may be present.”

10. In section 88 of the principal Act—

Amendment of
section 88.

(i) in sub-section (2) the following shall be *inserted* at the end :

“The meeting on such requisition shall be convened within fifteen days from the date of delivery or service thereof.” ;

(ii) *after* sub-section (2) the following new sub-sections shall be *inserted* :—

“(2-A). Notwithstanding anything contained in sub-section (2), where a meeting has already been called to be held within a period of fifteen days from the date of delivery or service of a requisition, the Nagar Pramukh or Upa Nagar Pramukh, as the case may be, may, instead of calling a separate meeting upon that requisition, include, subject to the provisions of sub-section (1) of section 91, the matters mentioned in such requisition in the list of business to be transacted at the meeting already called and thereupon such meeting shall be deemed to be a meeting convened on that requisition as well.

(2-B). The Nagar Pramukh or the Upa Nagar Pramukh, as the case may be, may, for reasons to be recorded, postpone a meeting, other than a meeting convened on requisition of members, by giving such notice as may be provided by bye-laws in this behalf.”

11. In section 107 of the principal Act—

Amendment of
section 107.

(i) *For* the first paragraph of sub-section (1) the following shall be *substituted* :—

“Appointments to the posts of Upa Nagar Adhikari, Sahayak Nagar Adhikari, Nagar Abhiyanta, Nagar Swasthya Adhikari, Mukhya Nagar Lekha Parikshak and to other posts carrying an initial salary of not less than rupees five hundred per mensem shall be made by the Nagar Pramukh after consultation with the State Public Service Commission in the manner prescribed and not otherwise.”;

(ii) *for* the first sentence of sub-section (2) the following shall be *substituted* :—

“Appointments to other posts carrying an initial salary of not less than rupees two hundred per mensem shall be made after consultation with the State Public Service Commission in the manner prescribed and not otherwise.”;

(iii) in sub-section (5) *for* the word and figure “Rs.50” the words “rupees fifty per mensem” shall be *substituted*.

Insertion of new sections 112-A, 112-B, 112-C and 112-D.

12. *After* section 112 of the principal Act the following shall be *added* as new sections 112-A to 112-D:—

“112-A. (1) Notwithstanding anything contained in sections 106 to 110, the State Government may at any time by rules provide for the creation of one or more services of such officers and servants as the State Government may deem fit, common to the Mahapalikas or to the Mahapalikas and Municipal Boards of the State, and prescribe the method of recruitment and conditions of service of persons appointed to any such service.

(2) When any such service is created, officers and servants serving on the posts included in the service may, if found suitable, be absorbed in the prescribed manner in the service.

112-B. The following services of the Mahapalika shall be Essential service. the essential services, namely :—

- (a) medical and public health services ;
- (b) water works and mechanical engineering services ;
- (c) sweepers ;
- (d) staff of the lighting department ;
- (e) transport services ; and
- (f) such other services as may be specified in the rules.

112-C. No member of an essential service shall—
 Members of essential services not to resign, etc. without permission.

(a) resign his office or withdraw or absent himself from the duties thereof, except —

(i) after obtaining written permission from the Mukhya Nagar Adhikari or any officer authorised by him in this behalf ; or

(ii) in the event of illness or accident disabling him from the discharge of his duties or for such other reasons as the Mukhya Nagar Adhikari or officer authorised by him in this behalf may consider sufficient ; or

(iii) after giving three months notice in writing to the Mukhya Nagar Adhikari ; or

(b) neglect or refuse to perform his duties or wilfully perform them in a manner which, in the opinion of the Mukhya Nagar Adhikari or such other officer, as aforesaid, is inefficient.

112-D. (1) If the State Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the safety or health or to the maintenance of services essential to the life of the community in the City it may, by notification in the official *Gazette*, declare that an emergency exists in the City and specify the period for which such declaration shall be in operation.

(2) While a declaration of emergency under sub-section (1) is in operation no member of such of the essential services as may be specified in the notification shall, notwithstanding any law or agreement to the contrary for the time being in force—

(a) withdraw or absent himself from his duties except in the event of illness or accident disabling him from the discharge of his duties ; or

(b) neglect or refuse to perform his duties or wilfully perform them in a manner which in the opinion of such officer as the State Government may specify in this behalf is inefficient.”

13. In sub-section (2) of section 113 of the principal Act—

Amendment of section 113.

(i) in clause (e) after the word “Mahapalika” a semi-colon shall be *substituted* for the comma and the word “and” and the comma occurring thereafter shall be *deleted* ;

(ii) in clause (f) for the fullstop at the end a semi-colon shall be *substituted* and thereafter the word “and” shall be *added*,

(iii) after clause (f) the following new clause shall be *inserted* :—

“(g) the creation of municipal services under section 112-A and recruitment thereto, absorption of existing officers and servants therein, and transfer, leave, punishment, including dismissal and removal, appeal and other disciplinary matters and other conditions of service of such officers and servants.”

Amendment of
section 129.

14. For sub-section (5) of section 129 of the principal Act, the following shall be *substituted* :—

“(5) The consideration for which any immovable property or any right, title or interest therein belonging to the Mahapalika may be sold, leased or otherwise transferred shall not be less than the current market value thereof :

Provided that in the case of lease or sale of land for educational, cultural or charitable purposes in favour of a society registered under the Societies Registration Act, 1861 or a statutory corporation a concession not exceeding half the annual rental value in the case of lease or half the total market value in any other case may be allowed subject to the condition that the total value of the concession so allowed does not exceed ten thousand rupees :

Provided further that a concession exceeding the limits specified in the last preceding proviso may be allowed by the Mahapalika with the prior approval of the State Government.

Explanation—If any question arises as to the value of a proposed concession or as to whether the purpose of a proposed transfer is an educational, cultural or charitable purpose, the decision of the State Government shall be binding on the Mahapalika.”

Amendment of
section 139.

15. In sub-section (2) of section 139 of the principal Act for the words “or such other scheduled bank or banks as the Mahapalika may, with the previous sanction of the State Government, appoint,” the words “or with the previous sanction of the State Government into the U. P. Co-operative Bank or such other scheduled bank or banks as the Mahapalika may appoint,” shall be *substituted*.

Insertion of a
new section 152-A.

16. After section 152 of the principal Act the following shall be *inserted* as new section 152-A :—

“152-A. (1) The Nagar Pramukh, Upa Nagar Pramukh, and every member, officer and servant of the Mahapalika shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Mahapalika, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while acting as such Nagar Pramukh, Upa Nagar Pramukh, member, officer or servant.

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

(3) Where no surcharge proceedings are taken the Mahapalika may with the previous sanction of the State Government institute a suit for compensation against such Nagar Pramukh, Upa Nagar Pramukh, member, officer or Servant”

17. In clause (e) of section 153 of the principal Act the word "and" occurring *after* the word "published" shall be *substituted* by a comma, and *between* the word "surcharge" and the semi-colon occurring thereafter the words "and the manner in which surcharge proceedings will be undertaken" shall be *inserted*.

Amendment of section 153.

18. In sub-section (2) of section 211 of the principal Act the full-stop occurring at the end shall be *substituted* by a colon and thereafter the following shall be *inserted* as a proviso :

Amendment of section 211.

"Provided that where as a result of any order or adjudication of a court of law the new assessment list or any portion thereof cannot take effect, the old assessment list or the corresponding portion thereof shall, subject to such order or adjudication, be deemed to have continued to be effective."

19. In section 213 of the principal Act—

Amendment of section 213.

(1) in the proviso to sub-section (1) and in sub-section (3) immediately after the word "alteration" wherever occurring the words "or amendment" shall be *inserted* ;

(2) *after* sub-section (1) the following new sub-section (1-A) shall be *inserted* and shall be deemed always to have been *inserted* :—

"(1-A). For the removal of doubts it is hereby declared that it shall not be necessary to follow the procedure laid down in sections 199 to 203 or in sections 207 to 210 in respect of any alteration made under clause (e) of sub-section (1) as a result of a determination of the rate of tax under section 148."

20. In section 365 of the principal Act—

Amendment of section 365.

(i) in sub-section (1) *for* the words "by the State Government" the words "under this Chapter" shall be *substituted* ;

(ii) in sub-section (2) *for* the words "by Government" the words "under this Chapter" shall be *substituted* ;

(iii) in sub-section (4) *after* the existing proviso the following shall be *added* and shall be deemed always to have been added as a second proviso :—

"Provided further that in relation to any improvement scheme notified under section 42 of the U. P. Town Improvement Act, 1919, or section 60 of the Cawnpore Urban Area Development Act, 1945, this sub-section shall be so construed as if for the words 'within a period of five years from the date of the notification of the scheme under section 363' the words 'on or before the thirty-first day of December, 1967' were *substituted*."

Insertion of
new section
367-A.

21. After section 367 of the principal Act the following shall be added as new section 367-A :—

“367-A. The Mahapalika may at any time with the prior Abandonment approval of, and in accordance with such of Scheme. conditions as may be imposed by the State Government, abandon any scheme notified under section 42 of the U. P. Town Improvement Act, 1919, section 60 of the Cawnpore Urban Area Development Act, 1945 or section 363 of this Act, and upon such abandonment, any land in respect of which the acquisition is not complete up to the stage of making of award, and the owner and occupier of such land, shall cease to be subject to any liabilities under this Chapter.”

Amendment of
section 417.

22. For clause (a) of sub-section (1) of section 417 of the principal Act the following shall be substituted :—

“(a) make any vault or grave or interment within any wall of any place of worship or underneath any passage, porch, portico, plinth or verandah of any such place”.

Insertion of
new section
464-A.

23. After section 464 of the principal Act, the following new section shall be added :

“464-A. Whoever acts or abets the commission of an act which is in contravention of the provisions of section 112-C or section 112-D shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.”

Amendment of
section 472.

24. In sub-section (2) of section 472 of the principal Act—

(i) in clause (b) for the words “to the Mukhya Nagar Adhikari as provided under this Act and such objection has been disposed of” the words and figure “and has been disposed of under section 209” shall be substituted;

(ii) for clause (d) the following shall be substituted :

“(d) in the case of an appeal against any amendment or alteration made in the assessment list for property taxes under sub-section (1) of section 213, an objection has been made in pursuance of a notice issued under the proviso to the said sub-section and such objection has been disposed of ;”

Amendment of
section 473.

25. In section 473 of the principal Act—

(i) in clause (a) for the words “to the Mukhya Nagar Adhikari against such value” the words and figure “against such value under section 209” shall be substituted.

(ii) in clause (b) for the words “the said section” the word and figure “section 472” shall be substituted;

(iii) for clause (c) the following shall be *substituted* :—

“(c) In the case of an appeal against any amendment or alteration made in the assessment list for property taxes under sub-section (1) of section 213, on the day when the objection made in pursuance of a notice issued under the proviso to the said sub-section is disposed of;”

26. In sub-section (1) of section 492 of the principal Act, *between* the word “section” and the figure “417” the figures, letters and words “112-C, section 112-D or section” shall be *inserted*.

Amendment of section 492.

27. After section 571 of the principal Act, the following shall be *added* as new sections 571-A and 571-B :—

Insertion of new sections 571-A and 571-B.

“571-A. A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Mahapalika shall, if duly certified by the legal keeper thereof or a person authorised by the Mukhya Nagar Adhikari in this behalf, be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

571-B. No Mahapalika officer or servant shall in any legal proceedings to which a Mahapalika is not a party be required to produce any register or document the contents of which can be proved under the last preceding section by a certified copy or to appear as a witness to prove the matter and transactions recorded therein unless by order of the Court made for special cause.”

28. In section 577 of the principal Act, *after* clause (e), the following shall be *inserted* and shall be deemed always to have been inserted as a new clause :—

Amendment of section 577.

“(ee) For so long as the posts mentioned in section 106 are not created by the Mahapalika and formal appointments are not made thereto as provided in this Act—

(1) the Mukhya Nagar Adhikari shall be competent to make such changes in the designations of the existing officers and servants mentioned in clause (e) as may be necessary having regard to the provisions of this Act and the rules made thereunder, and the officers and servants so designated shall be competent to exercise and perform the powers, duties and functions assigned to them under the Act and the said rules :

Provided that a copy of every order of the Mukhya Nagar Adhikari made under this sub-clause shall be

sent to the State Government which may make such modifications therein as may be necessary or desirable;

(2) such officer or officers of the State Health Service as the State Government may nominate or designate in this behalf shall function as Nagar Swasthya Adhikari or as Nagar Swasthya Adhikaris under the Act;

(3) servants of the State Government who are on deputation with the said Municipality, Improvement Trust, Development Board or local authority immediately before the appointed day shall, notwithstanding anything contained in sections 106 and 107, be deemed to be on deputation with the Nagar Mahapalika :

Provided that the State Government may, at any time, of its own accord or on a request being made by the Mahapalika withdraw any such officer or substitute any such officer by a new officer."

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THE UTTAR PRADESH NAGAR MAHAPALIKA (SANSHODHAN)
ADHINIYAM, 1970

(U. P. Act No. 8 of 1970) ✓

[*Authoritative English Text of the Uttar Pradesh Nagar Mahapalika (Sandhodhan) Adhinyam, 1970].

AN
ACT

further to amend the Uttar Pradesh Nagar Mahapalika Adhinyam, 1959 and the Uttar Pradesh Mahapalika (Alpakalik Vyavastha) Adhinyam, 1966.

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Nagar Mahapalika (Sandhodhan) Adhinyam, 1970. Short title.

2. In section 208 of the Uttar Pradesh Nagar Mahapalika Adhinyam, 1959, hereinafter referred to as the principal Act, for the words "When the assessment list has been prepared" the words "When assessment list for the whole of the City or of any ward thereof containing the particulars mentioned in clauses (a) to (e) of section 207 has been prepared" shall be substituted, and for the words, "the list", wherever occurring, the words "that list" shall be substituted. Amendment of Section 208 of U. P. Act No. II of 1959.

3. In section 209 of the principal Act, in sub-section (1), for the words "entered therein" the words and figures "entered in the list mentioned in section 208" shall be substituted. Amendment of section 209.

4. For section 210 of the principal Act the following section shall be substituted, namely:— Amendment of section 210.

"210. (1) After the disposal of all objections pertaining to the list for the City of any ward thereof, as the case may be, the Chairman of the Committee or of the Sub-Committee concerned, if any, shall authenticate by his signature that list as well as all amendments made therein under sub-section (3) of section 209.

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

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

5. In section 211 of the Principal Act, in sub-section (2) for the words "until the first day of April next following the completion of the new list" the words "until the first day of April or the first day of October next following the completion of the new list, whichever is earlier" shall be substituted.

6. In the Uttar Pradesh Nagar Mahapalika (Alpakalik Vyavastha) Adhinyam, 1966, in the opening paragraph of section 2 for the words "three years and eleven months" the words "four years and eleven months" shall be substituted.

7. The Uttar Pradesh Nagar Mahapalika (Sandhodhan) Adhyadesh, 1969 is hereby repealed. Repeal of U. P. Ordinance 10 of 1969.

*(For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated March 4, 1970).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 11, 1970 and by the Uttar Pradesh Legislative Council on March 21, 1970.)

(Received the Assent of the Governor on March 31, 1970 under Article 200, of the Constitution of India, and was published in the *Uttar Pradesh Gazette (Extraordinary)*, dated April 2, 1970).

Price 05 Paise.

(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972

(उत्तर प्रदेश अधिनियम संख्या 24, 1972)

(उत्तर प्रदेश विधान सभा ने दिनांक 1-4-1972 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 10-4-1972 ई० की बैठक में स्वीकृत किया।)

'भारत का संविधान' के अनुच्छेद 201 के अन्तर्गत राष्ट्रपति ने दिनांक 30-4-1972 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 1 मई, 1972 ई० को प्रकाशित हुआ।

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

अधिनियम

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

- 1—यह अधिनियम उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 कहलायेगा।
- 2—उत्तर प्रदेश नगर महापालिका अधिनियम, 1959, जिसे आगे मूल अधिनियम कहा गया है, की धारा 2 में खण्ड (54) के स्थान पर निम्नलिखित खण्ड रख दिया जाय, अर्थात्:—

'(54) "भू-गृहादि" का तात्पर्य किसी भूमि या भवन से है,'

- 3—मूल अधिनियम की धारा 129 में, उपधारा (5) के स्थान पर निम्नलिखित उपधारा रख दी जाए, अर्थात्:—

"(5) उपधारा (5-क) और (5-ख) में यथा व्यवस्थित के सिवाय, महापालिका की कोई अचल सम्पत्ति उस दशा के सिवाय जब निम्नलिखित को भूमि बेची जाय, पट्टे पर दी जाय या अन्य प्रकार से हस्तान्तरित की जाय, उसके बाजार मूल्य से कम धनराशि पर, न तो बेची जायेगी, न पट्टे पर दी जायेगी और न अन्य प्रकार से उसका हस्तान्तरण किया जायगा—

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

संक्षिप्त नाम**धारा 2 का संशोधन****धारा 129 का संशोधन**

(क) कोई परिनियत निकाय ;

(ख) कोई ऐसा व्यक्ति जो किसी ऐसी भूमि (जो कृषि, औद्योगिकी या पशु-पालन जिसके अन्तर्गत मत्स्य-पालन तथा कुक्कुट-पालन भी है, से सम्बद्ध प्रयोजनों के लिये घृत या अध्यासित न हो) या भवन से, इस अधिनियम के अधीन उसके अनिवार्य रूप से अर्जन किये जाने के कारण, निष्पादित हो और जिसके पास नगर में कोई अन्य भूमि या भवन न हो, या

(ग) सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 के अधीन रजिस्ट्रीकृत किसी सोसाइटी को शैक्षिक, सांस्कृतिक या अन्य पूर्ण प्रयोजन के लिये (जिसके अन्तर्गत कोई धर्म कार्य या उसका प्रचार नहीं है और जिसमें धर्म, जाति या जन्म-स्थान के आधार पर लाभाधिक्यों के संबंध में विभेद नहीं है) :

प्रतिबन्ध यह है कि सिवाय राज्य सरकार के पूर्वानुमोदन से भूमि को बेचने, पट्टे पर देने या अन्य प्रकार से हस्तान्तरण करने की दशा में इस प्रकार दी गई किसी रियायत का मूल्य—

(1) पट्टे की दशा में, वार्षिक किराया मूल्य के आधे से,

(2) किसी अन्य हस्तान्तरण की दशा में, बाजार मूल्य के आधे या दस हजार रुपये से, इसमें जो भी कम हो, अधिक न होगा।

स्पष्टीकरण—यदि प्रस्तावित रियायती मूल्य के संबंध में अथवा इस संबंध में कोई प्रश्न उठे कि किसी प्रस्तावित हस्तान्तरण का उपर्युक्त के अनुसार कोई शैक्षिक, सांस्कृतिक या अन्य पूर्ण प्रयोजन है या नहीं, तो राज्य सरकार का निर्णय अंतिम होगा।

(5-क) केन्द्रीय सरकार या राज्य सरकार या किसी अन्य प्राधिकरण द्वारा स्वीकृत किसी ऋण से महापालिका द्वारा बनाया गया कोई गृह या अर्जित भूखण्ड ऐसे ऋण के निबन्धनों और शर्तों के अनुसार महापालिका द्वारा बेचा जा सकता है, पट्टे पर दिया जा सकता है या अन्य प्रकार से हस्तान्तरित किया जा सकता है।

(5-ख) राज्य सरकार की तदर्थ किसी सामान्य या विशेष आज्ञा के अधीन रहते हुए, महापालिका का कोई गृह या गृह-स्थान, संघ के सशस्त्र सेनाओं के किसी ऐसे सदस्य के पक्ष में, जिसके संबंध में विहित प्राधिकारी ने इंडियन सोल्जर्स (लिटिगेशन) ऐक्ट, 1925 के अधीन इस बात का प्रमाण-पत्र दिया हो कि वह शत्रु की कार्यवाही से अंगहीन हुआ है, अथवा यदि उक्त विहित प्राधिकारी ने यह प्रमाण-पत्र दिया हो कि शत्रु की कार्यवाही से उसकी मृत्यु हुई है, तो उसके ऐसे दायदों के पक्ष में जो उसकी मृत्यु के समय उस पर आश्रित थे, निःशुल्क अथवा ऐसी रियायती शर्तों पर जैसा कि महापालिका उचित समझे, बेचा जा सकता है, पट्टे पर दिया जा सकता है, या अन्य प्रकार से हस्तान्तरित किया जा सकता है।

धारा 348 का
संशोधन

4—मूल अधिनियम की धारा 348 में—

(1) उपधारा (1) में—

(क) खण्ड (क) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जाय, अर्थात्:—

“(कक) उक्त संकल्प में योजना के निष्पादन के लिए समय-सीमा निर्दिष्ट की जायगी, जिसे विकास समिति, समय-समय पर, संकल्प द्वारा बढ़ा सकती है :

प्रतिबन्ध यह है कि उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के पूर्व अधिसूचित किसी योजना की दशा में, ऐसी समय-सीमा, यदि पहले ही निर्दिष्ट न की गयी हो, उक्त अधिनियम के प्रारम्भ होने के पश्चात् एक वर्ष के भीतर ही विकास समिति के एक नये संकल्प द्वारा निर्दिष्ट की जायगी।

अग्रेतर प्रतिबन्ध यह है कि ऐसी समय-सीमा जिसके अन्तर्गत उसकी वृद्धि भी है, यदि कोई हो, धारा 363 के अधीन योजना अधिसूचित किये जाने के दिनांक से किसी भी दशा में बीस वर्ष से अधिक न होगी।”;

(ख) खण्ड (ख) में, शब्द “कोई भी व्यक्ति” के स्थान पर शब्द “धारा 363 के अधीन योजना अधिसूचित किये जाने के पश्चात् कोई भी व्यक्ति, उसके निष्पादन की समय-सीमा के भीतर” रख दिये जायें ;

(2) उपधारा (3) के स्थान पर निम्नलिखित उपधारा रख दी जाय, अर्थात्:—

“(3) भावी सड़क योजना के अन्तर्गत आने वाली किसी सम्पत्ति का स्वामी धारा 363 के अधीन योजना के अधिसूचित किये जाने के पश्चात् किसी भी समय किन्तु उसके लिए निष्पादन की समय-सीमा के भीतर अथवा तत्पश्चात् तीन वर्ष के भीतर महापालिका को नोटिस दे सकता है कि वह नोटिस के दिनांक के 6 महीने के भीतर ऐसी सम्पत्ति अर्जित कर ले। तदुपरान्त महापालिका तदनुसार सम्पत्ति अर्जित करेगी, और यदि वह ऐसा न कर सके तो ऐसे प्रतिकर का भुगतान करेगी जो धारा 372 में अभिदिष्ट न्यायाधिकरण द्वारा अधिनियम तथा नियमों के उपबन्धों के अनुसार अवधारित किया जाय।”

5—मूल अधिनियम की धारा 349 में; शब्द “तो वह मुख्य नगराधिकारी से अपेक्षा कर सकती है” के स्थान पर शब्द “तो वह संकल्प द्वारा मुख्य नगराधिकारी से अपेक्षा कर सकती है”, रख दिये जायें।

धारा 349 का संशोधन

6—मूल अधिनियम की धारा 350 में—

(1) उपधारा (1) में; शब्द “तो वह मुख्य नगराधिकारी से एक योजना तैयार करने की अपेक्षा कर सकती है” के स्थान पर शब्द “तो वह संकल्प द्वारा मुख्य नगराधिकारी से एक योजना तैयार करने की अपेक्षा कर सकती है” रख दिये जायें ;

धारा 350 का संशोधन

(2) उपधारा (1) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जाय, अर्थात्:—

“(1-क) उक्त संकल्प में योजना के निष्पादन के लिए समय-सीमा निर्दिष्ट की जायगी जिसे विकास समिति, समय-समय पर, संकल्प द्वारा बढ़ा सकती है :

प्रतिबन्ध यह है कि उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के पूर्व अधिसूचित किसी योजना की दशा में, ऐसी समय-सीमा, यदि पहले ही निर्दिष्ट न की गयी हो, उक्त अधिनियम के प्रारम्भ होने के पश्चात् एक वर्ष के भीतर ही विकास समिति के एक नये संकल्प द्वारा निर्दिष्ट की जायगी :

अग्रेतर प्रतिबन्ध यह है कि ऐसी समय-सीमा, जिसके अन्तर्गत उसकी वृद्धि भी है, यदि कोई हो, धारा 363 के अधीन योजना अधिसूचित किये जाने के दिनांक से किसी भी दशा में बीस वर्ष से अधिक न होगी ;”

(3) उपधारा (4) में ; शब्द “धारा 363 के अधीन किसी योजना के विज्ञापित होने के पश्चात्” के स्थान पर शब्द “धारा 363 के अधीन ऐसी योजना अधिसूचित किये जाने के पश्चात् किसी भी समय, किन्तु उसके निष्पादन की समय-सीमा के भीतर” रख दिये जायें।

7—मूल अधिनियम की धारा 365 में; उपधारा (4) में—

(1) शब्द “इस अध्याय के अधीन” तथा शब्द “अधिकृत विकास योजना” के बीच में शब्द “किसी भावी सड़क योजना या किसी नगर प्रसार योजना से भिन्न” बढ़ा दिये जायें और सदैव से बढ़ाये गये समझे जायें ; और

(2) उसके प्रतिबन्धात्मक खण्डों के स्थान पर निम्नलिखित प्रतिबन्धात्मक खण्ड रख दिये जायें और सदैव से रखे गये समझे जायें ; अर्थात्:—

“प्रतिबन्ध यह है कि—

(क) यूनाइटेड प्राविसेज टाउन इम्प्रूवमेंट ऐक्ट, 1919 की धारा 42 या कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 की धारा 60 के अधीन अधिसूचित (भावी सड़क योजना या नगर प्रसार योजना से भिन्न) किसी ऐसी विकास योजना के सम्बन्ध में; जिसे धारा 577 के खंड (ग) के प्रभाव से इस प्रकार जारी रखा जा सकता है मानो वह इस अधिनियम के अधीन प्रारम्भ की गयी हो, इस उपधारा का ऐसा अर्थ लगाया जायगा मानों शब्द तथा अंक “धारा 363 के अधीन योजना के विज्ञापित किये जाने के दिनांक से पांच वर्ष के भीतर” के स्थान पर शब्द तथा अंक “31 दिसम्बर, 1973 को या इसके पूर्व” रखे गये हों;

(ख) उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के पूर्व धारा 363 के अधीन अधिसूचित किसी विकास योजना के सम्बन्ध में इस उपधारा का ऐसा अर्थ लगाया जायगा मानों शब्द “पांच वर्ष” के स्थान पर शब्द “दस वर्ष” रखे गये हों;

धारा 365 का संशोधन

अधेतर प्रतिबन्ध यह है कि राज्य सरकार, पांच वर्ष या दस वर्ष की उक्त अवधि या, जैसी भी दशा हो, 31 दिसम्बर, 1973 को समाप्त होने वाली उक्त अवधि व्यतीत होने के पूर्व सामान्य या विशेष आज्ञा द्वारा, उन कारणों से जो अभिलिखित किये जायेंगे, उक्त अवधि को एक वर्ष के लिए बढ़ा सकती है।”

धारा 373 का संशोधन

8—मूल अधिनियम की धारा 373 में—

(1) उपधारा (1) में शब्द “एक सभापति तथा दो असेसरों से मिलकर बनेगा” के स्थान पर शब्द “एक सदस्य का होगा जिसे पीठासीन अधिकारी कहा जायगा” रख दिये जायें ;

(2) उपधारा (2) में शब्द “सभापति” के स्थान पर शब्द “उक्त सदस्य” रख दिये जायें, और उसका प्रतिबन्धात्मक खण्ड निकाल दिया जाय ;

(3) उपधारा (3) में शब्द “न्यायाधिकरण के सभापति तथा असेसर” के स्थान पर शब्द “उक्त सदस्य” और शब्द “किये जायेंगे” के स्थान पर शब्द “किया जायगा” रख दिये जायें ;

(4) उपधारा (4), (5) और (6) के स्थान पर निम्नलिखित उपधाराएं रख दी जायें; अर्थात् :—

“(4) यदि किसी कारण से न्यायाधिकरण के पीठासीन अधिकारी का पद रिक्त हो जाय तो राज्य सरकार उस रिक्त की पूर्ति के लिए इस धारा के अनुसार दूसरा व्यक्ति नियुक्त करेगी, और न्यायाधिकरण के समस्त कार्यवाहियां उसी प्रक्रम से जिस पर रिक्त की पूर्ति की जाय, जारी रखी जा सकती है।

(5) उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के ठीक पूर्व (सभापति और दो असेसरों से मिलकर बने) न्यायाधिकरण के समस्त विचाराधीन कोई कार्यवाही, ऐसे प्रारम्भ के पश्चात् न्यायाधिकरण के समस्त, जिस में उसके पीठासीन अधिकारी के रूप में उक्त सभापति हो, उस प्रक्रम से जिस पर न्यायाधिकरण के संगठन में इस प्रकार परिवर्तन किया जाय, जारी रखी जा सकती है।”

धारा 374 का संशोधन

9—मूल अधिनियम की धारा 374 में शब्द “सभापति तथा, प्रत्येक असेसर” के स्थान पर शब्द “पीठासीन अधिकारी” रख दिये जायें।

धारा 375 का संशोधन

10—मूल अधिनियम की धारा 375 में—

(1) उपधारा (1) में शब्द “न्यायाधिकरण का सभापति” के स्थान पर शब्द “न्यायाधिकरण” रख दिया जाय ;

(2) उपधारा (2) में शब्द “सभापति द्वारा राज्य सरकार की पूर्व स्वीकृति से” के स्थान पर शब्द “राज्य सरकार द्वारा” रख दिये जायें।

धारा 378 का निकाला जाना

11—मूल अधिनियम की धारा 378 निकाल दी जाय।

धारा 381 का संशोधन

12—मूल अधिनियम की धारा 381 में—

(क) उपधारा (1) में शब्द “न्यायाधिकरण का सभापति” के स्थान पर शब्द “न्यायाधिकरण” रख दिया जाय ;

(ख) उपधारा (5) के स्थान पर निम्नलिखित उपधारा रख दी जाय, और सदैव से रखी गयी समझी जाय, अर्थात् :—

“(5) (1) उपधारा (1) के खण्ड (क) के अधीन प्रमाण-पत्र दिये जाने के लिए प्रार्थना-पत्र न्यायाधिकरण के निर्णय के दिनांक से तीस दिन के भीतर दिया जा सकता है।

(2) न्यायाधिकरण के निर्णय के विरुद्ध अपील उक्त प्रमाण-पत्र दिये जाने के दिनांक से साठ दिन के भीतर प्रस्तुत की जा सकती है।

(3) उपधारा (1) के खण्ड (ख) के अधीन अपील के लिए विशेष अनुमति के निमित्त हाई कोर्ट को प्रार्थना-पत्र उक्त प्रमाण-पत्र अस्वीकार करने की आज्ञा के दिनांक से साठ दिन के भीतर दिया जा सकता है।

(5-क) उपधारा (5) के अधीन अपील या प्रार्थना-पत्र के सम्बन्ध में परिसीमा अधिनियम, 1963 की धारा 5 और 12 के उपबन्ध, आवश्यक परिवर्तनों के साथ लागू होंगे।”

13—किसी न्यायालय या न्यायाधिकरण के किसी निर्णय, डिक्री या आज्ञा में दी गयी किसी प्रतिकूल बात के होते हुये भी, इस अधिनियम के प्रारम्भ होने के पूर्व, मूल अधिनियम की धारा 365 या धारा 577 के खण्ड (ग) में अभिदिष्ट विकास योजना के लिए भूमि या उसमें स्वत्व का अर्जन करने के सम्बन्ध में किया गया कोई कार्य या दी गयी कोई कार्यवाही, जिसके अन्तर्गत जारी की गयी कोई अधिसूचना, की गयी कार्यवाही, दी गयी आज्ञा या दिया गया अभिनिर्णय अथवा लिया गया कब्जा भी है, वैध समझी जायगी, और सदैव से इस प्रकार वैध होगी, मानो इस अधिनियम के उपबन्ध सभी सारवान समयों पर प्रवृत्त थे, और ऐसी अपेक्षित कार्यवाहियाँ, यदि कोई हों, जो अपेक्षित हो, तदनुसार की जा सकती हैं :

वैधीकरण

प्रतिबन्ध यह है कि किसी ऐसी भूमि या भूमि में स्वत्व की दशा में जो ऐसी विकास योजना का विषय हो, मूल अधिनियम (एतद्द्वारा यथा संशोधित) के, अध्याय 14 में अभिदिष्ट न्यायाधिकरण, उक्त अध्याय के उपबन्धों के अधीन रहते हुये:—

(क) यह समाधान हो जाने पर, कि भूमि, मूल अधिनियम, जैसा कि वह इस अधिनियम द्वारा संशोधन के पूर्व था, की धारा 365 की उपधारा (4) में या उसके अधीन, यथा-स्थिति, निर्दिष्ट अवधि या बढ़ायी गयी अवधि, की समाप्ति के पश्चात्, सद्भावना से और प्रतिफल के लिए, किसी अन्य व्यक्ति द्वारा उस में हितबद्ध किसी व्यक्ति से अर्जित की गयी है, सभी सारवान परिस्थितियों पर विचार करने के पश्चात्, हस्तान्तरिती को ऐसा अतिरिक्त प्रतिकर दे सकता है, जिसे वह उचित समझे;

(ख) यह समाधान हो जाने पर कि उक्त अवधि की समाप्ति के पश्चात् भूमि पर उसमें हितबद्ध किसी व्यक्ति, द्वारा, जिसके अन्तर्गत खण्ड (क) में अभिदिष्ट कोई हस्तान्तरिती भी है, कोई सुधार किये गये हैं, उसे अतिरिक्त प्रतिकर देगा, जो ऐसे सुधारों की लागत के बराबर होगा।

1994 का संख्या 8

स्पष्टीकरण—पद "हितबद्ध व्यक्ति" का वही अर्थ होगा, जो भूमि अर्जन अधिनियम, 1894

में है।

14—उत्तर प्रदेश नगर महापालिका (संशोधन) अध्यादेश, 1972 एतद्द्वारा निरस्त किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या
8, 1972 का
निरस्त

THE UTTAR PRADESH NAGAR MAHAPALIKAS (AMENDMENT)
ACT, 1974

[U. P. ACT NO. 25 OF 1974]

[*Authoritative English Text of the Uttar Pradesh Nagar Mahapalika
(Sanshodhan) Adhiniyam, 1974.]

AN
ACT

further to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959

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

1. This Act may be called the Uttar Pradesh Nagar Mahapalikas (Amendment) Act, 1974.

2. After section 8 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, the following section shall be inserted, namely:—

“8-A. (1) Where the term or the extended term of the Mahapalika has expired and a new Mahapalika has not been constituted, then until the due constitution of the new Mahapalika under section 9—
Temporary provisions regarding administration of Mahapalika until a new Mahapalika is constituted.

(a) notwithstanding anything in this Act, the Nagar Pramukh, the Up-Nagar Pramukh, the Sabhasads, the Vishistha Sadasyas and the members of all Special Committees, Joint Committees and Sub-Committees constituted or appointed under sections 95 and 97 and the Mukhya Nagar Adhikari of the Mahapalika shall vacate their respective offices, and all such Special Committees, Joint Committees and Sub-Committees shall stand dissolved ;

(b) all powers, functions and duties of the Mahapalikas, its Nagar Pramukh, Up-Nagar Pramukh, Executive Committee, Development Committee and other Committee appointed under clause (e) of section 5 and of the Mukhya Nagar Adhikari shall be vested in and be exercised, performed and discharged by an officer appointed in that behalf by the State Government (hereinafter referred to as the Administrator), and the Administrator shall be deemed in law to be the Mahapalika, the Nagar Pramukh, the Up-Nagar Pramukh, Executive Committee, Development Committee or other Committee, or the Mukhya Nagar Adhikari as the occasion may require ;

(c) subject to any general or special orders of the State Government, the Administrator may, in respect of all or any of the powers conferred on him by clause (b),—

(i) consult such Committee or other body, if any, constituted in such manner as may be specified by him in that behalf; or

(ii) delegate, subject to such conditions as he may think fit to impose, the powers so conferred, to any person or to any committee or other body constituted under sub-clause (i), to be specified by him in that behalf ;

(d) such salary and allowances of the Administrator as may be fixed by general or special orders of the State Government in that behalf shall be paid out of the Mahapalika Fund.

*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated August 17, 1974.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on June 10, 1974, and by the Uttar Pradesh Legislative Assembly on July 30, 1974)

(Received the Assent of the Governor on August 13, 1974, under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated August 13, 1974.)

Ceto - 3

विधान सभा
(राजकीय प्रकाशन)
उत्तर प्रदेश, लखनऊ

Short title.

Insertion
of
new section 8-A
in U. P. Act No. of
1959.

Price 000 Paise

(2) Necessary elections shall be held in accordance with the provisions of this Act for the constitution of the new Mahapalika within a period of one year from the date of appointment of the Administrator under sub-section (1) :

Provided that the State Government may from time to time, by order published in the official *Gazette*, extend the said period, so, however, that such extension does not in the aggregate exceed one year."

Repeal
savings.

and

3. (1) The Uttar Pradesh Nagar Mahapalikas (Amendment) Act, 1973, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act or under the Uttar Pradesh Nagar Mahapalikas (Amendment) Ordinance, 1973, shall be deemed to have been done or taken as if this Act had commenced on the 12th day of June, 1973.

President's
Act 12 of
1973.

U. P.
Ordinance
3 of 1973.

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 Mahapalika (Sanshodhan) Adhiniyam, 1982 (Uttar Pradesh Adhiniyam Sarkhya 7 of 1982), as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 25, 1982:

**THE UTTAR PRADESH NAGAR MAHAPALIKA (SANSHODHAN)
ADHINIYAM, 1982**

[U. P. ACT NO. 7 OF 1982]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

furth^r to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959.

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

Short title and commencement.

1. (1) This Act may be called the Uttar Pradesh Nagar Mahapalika (Sanshodhan) Adhiniyam, 1982.

(2) It shall be deemed to have come into force on October 24, 1981.

Amendment of section 3 of U. P. Act no. 2 of 1959.

2. In section 3 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 hereinafter referred to as the principal Act, sub-section (3) shall be omitted.

Amendment of section 580.

3. In section 580 of the principal Act, in sub-section (1), between the words "from the date of coming into operation of this section" and the words "have effect" the words "or from the date of constitution of a Mahapalika under this Act whichever is later" shall be inserted.

Repeal and savings.

4. (1) The Uttar Pradesh Nagar Mahapalika (Amendment) Ordinance, 1981 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.

U. P.
nar
17.

By order,
G. B. SINGH,
Sachiv.

UTTAR PRADESH SARKAR

VIDHAYI ANUBHAG-1

No. 858 (2) /XVII-V-1-1 (Ka) -17-82

Dated Lucknow, March 10, 1983

....

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 Mahapalika (Sanshodhan) Adhiniyam, 1983 (Uttar Pradesh Adhiniyam Sankhya 3 of 1983), as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 8, 1983.

THE UTTAR PRADESH NAGAR MAHAPALIKA (AMENDMENT) ACT, 1983

[U. P. ACT NO. 3 OF 1983]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959

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

1. (1) This Act may be called the Uttar Pradesh Nagar Mahapalika (Amendment) Act, 1983.

Short title

(2) It shall be deemed to have come into force on April 23, 1982.

2. In the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, after section 8-A, the following section shall be inserted, namely—

Insertion of section 8-AA in U. P. Act no. 2 of 1959.

“8-AA. (1) Where any local area has been constituted to be a city under section 3 and the State Government is of opinion that until the due constitution of Mahapalika for such area under this Act, it is expedient so to do, then the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by order direct that—

Temporary provisions for the constitution of Mahapalika and administration of the area notified as City.

(a) the Municipal Board or any other local authority constituted for exercising jurisdiction in such area shall, with effect from such date as may be specified in the said order, hereinafter in this section referred to as ‘specified date’, stand dissolved or, as the case may be, cease to exercise jurisdiction in such area;

(b) all powers, functions and duties of the Mahapalika, its Nagar Pramukh, Up Nagar Pramukh, Executive Committee, Development Committee and other Committees established under clause (e) of section 5 and of the Mukhya Nagar Adhikari shall as from the specified date, be vested in and be exercised, performed and discharged by an officer appointed in that behalf by the State Government (hereinafter referred to as the Administrator) and the Administrator shall be deemed in law to be the Mahapalika, the Nagar Pramukh, the Up Nagar Pramukh, Executive Committee, Development Committee or other Committees, or the Mukhya Nagar Adhikari as the occasion may require ;

(c) such salary and allowances of the Administrator as may be fixed by general or special orders of the State Government in that behalf, shall be paid out of the Mahapalika fund.

(2) Subject to any general or special orders of the State Government, the Administrator may, in respect of all or any of the powers conferred on him by clause (b)—

(i) consult such committee or other body, if any, constituted in such manner as may be specified in that behalf; or

(ii) delegate, subject to such conditions as he may think fit to impose, the power so conferred to any person or Committee or other body constituted under sub-clause (i), to be specified by him in that behalf.

(3) The provisions of this section shall be in addition to, and not derogation of, the provisions contained in section 579 and section 51

Repeal
and
savings.

3. (1) The Uttar Pradesh Nagar Mahapalika (Amendment) (Seco Ordinance, 1982 is hereby repealed.

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

By order,
G. B. SINGH,
Sachiv.