



**The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act,
1975**

Act 13 of 1975

Keyword(s):

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THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1975

[UTTAR PRADESH ACT No. 13 OF 1975]

(*Authoritative English Text of the Uttar Pradesh Nagar Swayatta
Shasan Vidhi (Sanshodhan) Adhiniyam, 1975)

AN
ACT

to amend various enactments relating to Urban Local Self-Government for the purposes hereinafter appearing, and to provide for certain temporary arrangements for the administration of the Mahapalika of Allahabad.

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1975.

Short title and commencement.

(2) This Chapter, Chapter V and Chapter VI, shall come into force at once, Chapter II shall be deemed to have come into force on September 17, 1974, Chapter IV shall be deemed to have come into force on August 15, 1974 and Chapter III shall be deemed to have come into force on October 23, 1974.

CHAPTER II

Amendment of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and provisions for certain temporary arrangements for the administration of the Nagar Mahapalika of Allahabad

2. In section 8-A of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this Chapter referred to as the principal Act, in sub-section (2), in the proviso, for the words "one year", the words "two years" shall be substituted.

Amendment of section 8-A of U. P. Act II of 1959.

3. On and from the seventeenth day of September, 1974, notwithstanding anything contained in the principal Act—

Temporary provisions regarding administration of Mahapalika of Allahabad.

(a) the Nagar Pramukh, the Upa Nagar Pramukh, the Sabhasads, the Vishishta Sadasyas and the members of all Committees, Special Committees, Joint Committees and Sub-committees (constituted or appointed under sections 5, 95 and 97 of the said Act) and the Mukhya Nagar Adhikari of the Mahapalika of Allahabad shall vacate their respective offices, and all such Committees, Special Committees, Joint Committees and Sub-committees shall stand dissolved ;

(b) until the due re-constitution of the new Mahapalika under section 9 of the said Act, all powers, functions and duties of the said Mahapalika, its Nagar Pramukh, Upa Nagar Pramukh, and of Committees referred to in section 5 of the said Act and the Mukhya Nagar Adhikari shall be vested in and be exercised, performed and discharged by an officer re-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 Upa Nagar Pramukh, such Committee or the Mukhya Nagar Adhikari, as the occasion may require ;

*(For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated March 7, 1975.

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 18, 1975 and by the Uttar Pradesh Legislative Council on March 21, 1975).

(Received the Assent of the Governor on March 29, 1975 under article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated March 31, 1975).

(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 the last preceding clause—

(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 the last preceding sub-clause, 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.

CHAPTER III

Amendment of the U. P. Town Areas Act, 1914

Amendment of section 6 of U. P. Act 2 of 1914.

4. In section 6 of the U. P. Town Areas Act, 1914, for sub-section (1), the following sub-section shall be *substituted*, namely:—

“(1) Except as provided in section 36, the term of a Committee shall be five years:

Provided that the State Government may, by notification in the official *Gazette*, extend from time to time the term of all or any of the Committees, so, however, that the total extension does not in the aggregate exceed two years.”

CHAPTER IV

Amendment of Uttar Pradesh Urban Planning and Development Act, 1973

Amendment of section 2 of President's Act no. 11 of 1973 as re-enacted by U. P. Act no. 30 of 1974.

5. In section 2 of the Uttar Pradesh Urban Planning and Development Act, 1973, as re-enacted by the Uttar Pradesh President's Acts, (Re-enactment with Modifications) Act, 1974, hereinafter in this Chapter referred to as the principal Act, after clause (d), the following clause shall be *inserted*, namely:—

“(dd) ‘Chairman’ and ‘Vice-Chairman’ shall mean respectively the Chairman and the Vice-Chairman of the Development Authority.”

Amendment of section 6.

6. In section 6 of the principal Act, in sub-section (6), for the word “Council”, the words “Advisory Council” shall be *substituted*.

Amendment of section 15.

7. In section 15 of the principal Act—

(a) for the word “Authority”, wherever occurring the word “Vice-Chairman” shall be *substituted*;

(b) in sub-section (1), for the word “regulations”, the word “by-laws” shall be *substituted*;

(c) in sub-section (5), for the word “Tribunal” wherever occurring, the word “Chairman” shall be *substituted*.

Amendment of section 27.

8. In section 27 of the principal Act—

(a) in sub-section (1) —

(i) for the words “any officer of the Authority empowered by its Vice-Chairman in that behalf”, the words “the Vice-Chairman or any officer of the Authority empowered by him in that behalf” shall be *substituted*;

(ii) for the words “the officer of the Authority”, the words “the Vice-Chairman or such officer”, and for the words “the said officer of the Authority” the words “the Vice-Chairman or such officer” shall be *substituted*;

(b) in sub-sections (2), (3), (4) and (5), for the word “Tribunal”, wherever occurring, the word “Chairman” shall be *substituted*;

(c) the Explanation shall be *omitted*.

9. In section 33 of the principal Act, in sub-section (4), for the words "promulgation of this Act", the words "commencement of this Act" shall be substituted. Amendment of section 33.

10. In section 36 of the principal Act,—

Amendment of section 36.

(a) for the word "Authority", wherever occurring the word "Vice-Chairman" shall be substituted;

(b) in sub-section (4), for the words and number "Tribunal under section 37", the word "Chairman" shall be substituted at the end the words "and such determination shall not be questioned in any court", shall be inserted.

11. For section 37 of the principal Act, the following section shall be substituted, namely :— Substitution of section 37.

"37. Every decision of the Chairman on appeal, and subject only to Finality of any decision on appeal (if it lies and is preferred), decision. the order of the Vice-Chairman or other officer under section 15, or section 27, shall be final and shall not be questioned in any Court."

12. In section 55 of the principal Act, in sub-section (2), for clause (a) the following clause shall be substituted, namely :— Amendment of section 55.

"(a) the levy of fee on a memorandum of appeal under sub-section (5) of section 15 or under sub-section (2) of section 27 ;"

13. In section 56 of the principal Act, in sub-section (2), after clause (f) the following clauses shall be inserted, namely :— Amendment of section 56.

"(g) the fee to be paid on an application for permission under sub-section (1) of section 15 ;

(h) the fee to be paid for inspection or obtaining copies of documents and maps ;

(i) any other matter which has to be or may be prescribed by regulations."

14. In section 57 of the principal Act—

Amendment of section 57.

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

"(bb) the guiding principles for composition of offences under section 32 ;"

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

"(d) the grant of licences to architects, town planning engineers, surveyors, draftsmen for the preparation of building plans or water supply, drainage and sewerage plans and the fees to be paid for the grant of such licence ;

(e) for so long as the Zonal Development Plans are not prepared under section 9, the matter specified in clause (d) of sub-section (2) of that section ;

(f) any other matter which has to be or may be prescribed by bye-laws."

15. In section 59 of the principal Act—

Amendment of section 59.

(a) in sub-section (1) —

(i) in clause (a), for the words and figures "such housing or improvement schemes the execution of which had commenced before June 12, 1973, as may be specified by the State Government by notification in this behalf in the Gazette", the words and figures "those housing or improvement schemes which have been notified under section 32 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965, before the declaration of the area comprised therein as development area" shall be substituted and for the words and figures "section 6 of the United Provinces General Clauses Act, 1904", the words and figures "sections 6 and 24 of the United Provinces General Clauses Act, 1904" shall be substituted ;

(ii) in clause (b), for the words and figures "section 6 of the United Provinces General Clauses Act, 1904", the words and figures "sections 6 and 24 of the United Provinces General Clauses Act, 1904" shall be *substituted* ;

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

"(c) without prejudice to the generality of the provisions of clauses (a) and (b), any bye-laws, directions or regulations under the U. P. Municipalities Act, 1916 or the Uttar Pradesh Regulation of Building Operations Act, 1958 or the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, as the case may be, and in force on the date immediately before the date of commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act, continue in force, until altered, repealed, or amended by any competent authority under this Act ;"

(b) in sub-section (3), for the first paragraph, the following paragraph shall be *substituted*, namely :—

"On and from the date of the constitution of the Development Authority in relation to development area which includes the whole of a city as defined in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, all posts borne on the establishment of the Nagar Mahapalika of that city exclusively in connection with its activities under Chapter XIV of the said Adhiniyam or under the Uttar Pradesh (Regulation of Building Operations) Act, 1958, immediately before the date of the constitution of the Development Authority, not being a post governed by the Uttar Pradesh Palika (Centralized) Services Rules, 1966 (hereinafter in this section referred to as the Centralized Services), shall, on and from such date, stand transferred to the Development Authority with such designations as the Authority may determine and officers and other employees who are not members of any Centralized services, serving under the Nagar Mahapalika of that City not exceeding the number of posts so transferred shall be selected in accordance with such directions as may be issued by the State Government for being appointed on the said posts and on such selection shall stand transferred to and become officers and other employees of the Development Authority and shall as such hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as they would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority." ;

(c) for sub-section (4), the following sub-section shall be *substituted*, namely :—

"(4) On and from the date of the constitution of the Development Authority in relation to a development area which includes the whole of a city as defined in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, all posts governed by the Centralized Services which were borne on the establishment of the Nagar Mahapalika of that city exclusively in connection with its said activities immediately before the date of constitution of the Development Authority shall, on and from such date, stand transferred to the Development Authority with such designations as the State Government may determine, but all such posts shall continue to be filled by members of the Centralized Services, as they would have been filled had they not been so transferred to the Authority, and the said Adhiniyam and the rules relating to the centralized services shall be deemed to be amended accordingly."

(d) in sub-section (6) —

(i) in clause (c) for the words, brackets and figure "local authority referred to in sub-section (1)", the words, brackets and figure "local authority constituted under any enactment referred to in sub-section (1)" shall be *substituted* ;

(ii) in clause (e), for the words, brackets and figure "the local authority referred to in sub-section (1)", the words, brackets and figure "any authority appointed or constituted under any enactment referred to in sub-section (1)" shall be substituted;

(iii) after clause (e), the following clause shall be inserted, namely:—

"(f) all appeals under sub-section (2) of section 15 of the Uttar Pradesh (Regulation of Building Operations) Act, 1958 in relation to an area declared under this Act as a development area, pending before the Controlling Authority on the date of such declaration shall stand transferred to the Chairman and the decision of the Chairman shall be final and all such appeals which were addressed to the Controlling Authority and which were entertained by the Chairman after the said declaration shall be deemed to have been preferred to the Chairman and the decision of the Chairman shall be final."

CHAPTER V

Amendment of the U. P. Town Improvement Act, 1919

16. For section 68 of the U. P. Town Improvement Act, 1919, the following section shall be substituted, namely:—

"68. Subject to any directions of the State Government, the trust may keep its moneys in the treasury or in any scheduled bank or invest them in any of the securities described in section 20 of the Indian Trust Act, 1882."

Substitution of section 68 of U. P. Act no. 8 of 1919.

CHAPTER VI

Miscellaneous

17. (1) The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1974 and the Uttar Pradesh Nagar Mahapalika (Alpakalik Vyavastha) Adhyadesh, 1974, are hereby repealed and accordingly the amendments made in the U. P. Municipalities Act, 1916 by the first mentioned Ordinance shall be deemed never to have been made and any election to the office of President of a Municipal Board to fill any casual vacancy in that office made between the commencement of the said Ordinance and the commencement of this Act in accordance with the provisions of the U. P. Municipalities Act, 1916 as it stood before its amendment by the said Ordinance shall be deemed to be and always to have been valid.

Repeal.

(2) Notwithstanding such repeal, any thing done or any action taken under the said Ordinances shall be deemed to have been done or taken under this Act, as if this Act was in force at all material times.

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THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1976*

[U. P. ACT NO. 41 OF 1976]

[Authoritative English Text of the Uttar Pradesh Nagar Swayatta Sharm Vidhi
(Sansodhan) Adhiniyam, 1976]

विधान पुस्तक
(राजकीय प्रक
संस्कृत, ल

AN

ACT

further to amend the U. P. Nagar Mahapalika Adhiniyam, 1959, the U. P. Municipalities Act, 1916, the U. P. Town Areas Act, 1914, the U. P. Urban Planning and Development Act, 1973, the U. P. (Regulation of Building Operations) Act, 1958 and the U. P. Melas Act, 1938.

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

CHAPTER I

PRELIMINARY

L.A.
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Cop. 1

1. (1) This Act may be called the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1976.

Short title and commencement.

(2) This section and Chapter VIII shall come into force at once, sections 6 and 21 shall be deemed to have come into force on June 21, 1976, the remaining provisions of Chapters II to VI shall be deemed to have come into force on September 15, 1976 and Chapter VII shall be deemed to have come into force on October 4, 1976.

CHAPTER II

AMENDMENT OF THE UTTAR PRADESH NAGAR MAHAPALIKA ADHINIYAM, 1959

2. In section 2 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter, in this Chapter referred to as the principal Act, after clause (17), the following clause shall be inserted, namely :-

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

"(17-A) 'Director' means the Director of Local Bodies, Uttar Pradesh, appointed by the State Government under section 5-A."

3. In section 5 of the principal Act, after clause (b), the following clause shall be inserted, namely :-

Amendment of section 5.

"(bb) the Nagar Pramukh ;".

4. After section 5 of the principal Act, the following section shall be inserted namely :-

Insertion of new section 5-A.

"5-A. (1) The State Government shall appoint an officer to be the Director of Local Bodies, Uttar Pradesh.

*(For Statement of Objects and Reasons, please see Part III(a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated November 3, 1976).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on November 2, 1976 and by the Uttar Pradesh Legislative Council on November 10, 1976).

Received the Assent of the Governor on November 19, 1976, under article 200 of the Constitution of India and was published in Part I(a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated November 22, 1976.

(2) In addition to the functions expressly assigned to him by or under this Act, the Director shall exercise such powers of the State Government in relation to the affairs of the Mahapalika (not being powers under sections 538 and 539), as the State Government may, by notification in the *Gazette*, and subject to such conditions and restrictions (including the condition of review by itself) as may be specified in such notification, delegate to him."

Amendment of section 6.

5. In section 6 of the principal Act,—

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

"(c) *Paden Sadasyas* comprising all members of the House of People and the State Legislative Assembly whose constituencies include the whole or part of the city."

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

"(3) If none of the *Sabhasads* or *Vishishta Sadasyas* under this section is a woman, the State Government may, by a like notification, nominate one woman as a *Sabhasad*, and thereupon, the strength of the Mahapalika shall stand varied to that extent."

Amendment of section 8-A.

6. In section 8-A of the principal Act, in sub-section (2), in the proviso thereto, for the words "two years", the words "three years" shall be substituted.

Insertion of new section 11-A.

7. After section 11 of the principal Act, the following section shall be inserted, namely:—

"11-A. (1) The Nagar Pramukh shall be elected on the basis of adult Election of Nagar suffrage by electors in the City. Pramukh.

(2) An out-going Nagar Pramukh shall except as provided by section 16 read with section 15-A, be eligible for re-election.

(3) The provisions of this Act and the rules framed thereunder in relation to the election (including disputes relating to elections, and electoral offences) of a *Sabhasad* shall *mutatis mutandis* apply in relation to the election of the Nagar Pramukh.

(4) If in a general election, a person is elected both as Nagar Pramukh and as a *Sabhasad* or being a *Sabhasad* or a *Vishishta Sadasya* is elected Nagar Pramukh in any bye-election, he shall cease to be a *Sabhasad* or a *Vishishta Sadasya*, as the case may be, from the date of his election as Nagar Pramukh."

Amendment of section 12.

8. In section 12 of the principal Act,—

(a) in the marginal heading, the words "Nagar Pramukh and" shall be omitted;

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

"(1) The Upa Nagar Pramukh shall be elected as soon as may be after the election of *Sabhasad* has been completed.";

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

(d) in sub-section (3), the words "Nagar Pramukh and" shall be omitted; and

(e) in sub-section (5) the words "Nagar Pramukh and" shall be omitted.

Amendment of section 13.

9. In section 13 of the principal Act, the words "Nagar Pramukh" shall be omitted.

Amendment of section 14.

10. In section 14 of the principal Act, for the words and figures "under section 12" the words, letters and figures "in section 11-A or section 12, as the case may be", shall be substituted.

Amendment of section 15.

11. In section 15 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Except as otherwise provided in this Act, the term of office of a Nagar Pramukh or Up Nagar Pramukh shall be co-terminus with the term of the Mahapalika."

12. After section 15 of the principal Act, the following section shall be inserted, namely :— Insertion of new section 15-A.

"15-A. The provisions of section 16 shall apply to a motion expressing no-confidence in the Nagar Pramukh with the following modifications, namely :—
Motion of no-confidence against Nagar Pramukh.

(a) sub-section (7) shall be deemed to be omitted ; and

(b) any references to the Upa Nagar Pramukh and the Nagar Pramukh shall be construed as references to the Nagar Pramukh and the District Judge respectively."

13. In section 16 of the Principal Act,—

(a) in sub-section (2), for the words "twelve months", the words "two years" shall be substituted ;

(b) in sub-section (3), for the word "one-half", the word "two-thirds" shall be substituted ;

(c) in sub-section (15), for the words "a majority of more than half" the words "a majority of two-thirds" shall be substituted ; and

(d) in sub-section (16) for the words "twelve months", the words "two years" shall be substituted.

14. In section 39 of the principal Act, in sub-section (2), the following proviso thereto shall be inserted, namely :— Amendment of section 39.

"Provided that any such amendment made in the electoral roll of the ward after the notification calling upon the ward to elect a *Sabhasad* or *Sabhasads* is issued, shall be ignored for the purposes of that election."

15. In section 51 of the principal Act, in sub-section (1), in clause (a), for the words "Upa Nagar Pramukh", the words "Nagar Pramukh" shall be substituted. Amendment of section 51.

16. In section 92 of the principal Act, in sub-section (1), the following proviso thereto shall be inserted, namely :— Amendment of section 92.

"Provided that where the Nagar Pramukh is of opinion that the decision on any matter, including the budget estimates and proposals of taxation, by the Mahapalika or by any Committee thereof by a majority of the members present and voting at the meeting is against the interests of the Mahapalika, he may refer the same with his comments to the Director, who may, with the previous approval of the State Government, take such decision thereon (which may be in supersession or partial modification of the decision of the Mahapalika or the Committee, as the case may be) as he thinks fit, and his decision shall have effect as if it were the decision of the Mahapalika or of such Committee :

Provided further that the Director may pending his final decision give such interim directions as he thinks fit and such directions shall have effect as if they were decisions of the Mahapalika or such Committee, as the case may be."

17. In section 117 of the principal Act, in sub-section (5), for the words "subject to the general control and direction of the Mahapalika", the words "subject, wherever it is hereinafter expressly so directed to the sanction of the Mahapalika", shall be substituted. Amendment of section 117.

18. After section 140 of the principal Act, the following section shall be inserted, namely :— Insertion of new section 140-A.

"140-A. No expenditure from the Mahapalika fund shall be incurred without the prior sanction in writing of the Director for the purpose of defraying the costs of any proceedings instituted or commenced in any court of law by or on behalf of any Nagar Mahapalika or the Nagar Pramukh or any authority thereof in respect of any order made or purporting to have been made by the State Government under section 83, section 84, section 534, section 535, section 537, section 538 or section 539."

CHAPTER III

AMENDMENT OF THE U. P. MUNICIPALITIES ACT, 1916

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

19. In section 2 of the U. P. Municipalities Act, 1916, hereinafter in this Chapter referred to as the principal Act, *after* clause (5), the following clause shall be *inserted*, namely :—

“(5-a) ‘Director’ means the Director of Local Bodies, Uttar Pradesh appointed under section 31-B.”

Amendment of
section 9.

20. For section 9 of the principal Act, the following section shall be *substituted*, namely :—

“9. Except as otherwise provided by section 10, a Board shall consist of :—

(a) The President ;

(b) The elected members who shall not be less than 10 and not more than 40, as the State Government may by notification in the official *Gazette* specify ;

(c) The *ex officio* members comprising all members of the House of People and the State Legislative Assembly whose constituencies include the whole or part of the limits of the Municipality :

Provided that if none of the members elected under clause (b), is a woman, the State Government may by a like notification nominate one woman as a member of the Board and thereupon, the normal composition of the Board shall stand varied to that extent.”

Amendment of
section 10-AA.

21. Section 10-AA of the principal Act, shall be *re-numbered* as sub-section (1) thereof, and

(i) in sub-section (1) as so re-numbered, *after* clause (c), the following proviso shall be *inserted* namely :—

“Provided that where the Administrator appointed under this sub-section is the District Magistrate, he may, subject to any general or special order of the State Government, delegate all or any of his powers, functions and duties under this Act to any officer subordinate to him (hereinafter referred to as the officer-in-charge), and thereafter the salary and allowances of the officer-in-charge shall be paid in accordance with clause (b).”

(ii) *after* sub-section (1) as so re-numbered, the following sub-sections shall be *inserted*, namely :—

“(2) Where the number of members of the Board for the time being is reduced to less than one-half of the total number of members of the Board by reason of casual vacancies having occurred for any reason whatsoever, then the Board shall be deemed to be dissolved with effect from the date on which the number of members of the Board for the time being is so reduced or the date of commencement of this section, whichever is later.

(3) Where a Board is deemed to be dissolved under sub-section (2) the District Magistrate shall with effect from the date of such dissolution be deemed in law to be its Administrator and thereupon, the consequences mentioned in clauses (a) to (c) of sub-section (1) shall ensue.”

Amendment of
section 11.

22. In section 11 of the principal Act, *after* clause (c), the following proviso shall be *inserted*, namely :—

“Provided that where the Administrator appointed under this section is the District Magistrate, he may, subject to any general or special order of the State Government, delegate all or any of his powers, functions and duties under this Act to any officer subordinate to him (hereinafter referred to as the officer-in-charge) and thereafter, the salary and allowances of the officer-in-charge, shall be paid in accordance with clause (b).”

Amendment of
section 12-B.

23. In section 12-B of the principal Act, in sub-section (3), the following proviso thereto shall be *inserted*, namely :—

“Provided that any such amendment made in the electoral roll of the ward after the notification calling upon the ward to elect a member or members is issued, shall be ignored for the purposes of that election.”

24. In section 31 of the principal Act, for clause (b), the following clause shall be substituted, namely :—

Amendment of section 31.

“(b) Such person or persons as the State Government may appoint in that behalf shall, so long as the supersession of the Board lasts, exercise and perform, so far as may be, the powers and duties of the Board and shall be deemed to be the Board for all purposes, and the person so appointed, shall be called the Administrator, and accordingly, the provisions of section 10-AA, shall *mutatis mutandis* apply ; and”

25. In section 31-A of the principal Act, for clause (c), the following clause shall be substituted, namely :—

Amendment of section 31-A.

“(c) Such person or persons as the State Government may appoint in that behalf shall so long as the Board is not reconstituted exercise and perform, so far as may be, the powers and duties of the Board and shall be deemed to be the Board for all purposes, and the person so appointed shall be called the Administrator, and accordingly the provisions of section 10-AA, shall *mutatis mutandis* apply.”

26. After section 31-A of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 31-B.

“31-B. (1) The State Government shall appoint an officer to be the Director of Local Bodies. Director of Local Bodies, Uttar Pradesh.

(2) In addition to the function expressly assigned to him by or under this Act, the Director shall exercise such powers of the State Government in relation to the affairs of a Board (not being powers under section 30) as the State Government may, by notification in the *Gazette*, and subject to such conditions and restrictions (including the conditions of review by itself) as may be specified in such notification, delegate to him.”

27. In section 40 of the principal Act,—

Amendment of section 40.

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

“(h) that he has been guilty of any other misconduct whether as member or as Vice-President or President or as Vice-President exercising the powers of President whether committed before or after the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1976.”;

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

“(3) The State Government may remove from the Board a member who, in its opinion, while being a member during the current or the last preceding term of the Board, acting, as President or a Vice-President, or Chairman of a Committee, or member, or in any other capacity whatsoever, has, whether before or after the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1976, so flagrantly abused his position, or so wilfully contravened any of the provisions of this Act or any rule, regulation or bye-law, or caused such loss or damage to the fund or property of the Board, as to render him unfit to continue as a member.”

28. For section 43 of the principal Act, the following section shall be substituted, namely :—

Substitution of section 43.

“43. (1) The President shall be elected on the basis of adult suffrage Election of President. by electors in the Municipality.

(2) An out-going President shall be eligible for re-election.

(3) The provisions of this Act and the rules framed thereunder in relation to the election (including disputes relating to elections, and electoral offences) of a member shall *mutatis mutandis* apply in relation to the election of the President.

(4) If in a general election a person is elected both as member and President of the Board, or being member of the Board is elected President in any bye-election he shall, except as provided in section 49, cease to be a member from the date of his election as President.”

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Substitution of section 44-A. 29. For section 44-A of the principal Act, the following section shall be substituted, namely:—

"44-A. If a casual vacancy occurs in the office of President owing to Bye-election of death or resignation or any other cause, the President shall be elected, as soon as may be thereafter, but not later than three months from the date of occurrence of the said vacancy, in the manner provided in section 43:

Provided that in the case of a casual vacancy, whether occurring before or after the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1976, in the office of the President elected by members of the Board it shall be filled by election by members of the Board in accordance with the system of proportional representation by means of the single transferable vote, and voting at such election shall be by secret ballot."

Substitution of section 46. 30. For section 46 of the principal Act, the following section shall be substituted, namely:—

"46. (1) Except as otherwise provided in this Act, the term of office of a President shall be co-terminus with the term of the Board.

(2) The term of office of a President elected in a casual vacancy shall be the remainder of the term of office of his predecessor."

Amendment of section 48. 31. In section 48 of the principal Act, in sub-section (2), in clause (b) for sub-clauses (vii) and (viii), the following sub-clauses shall be substituted, namely:—

"(vii) during the current or the last preceding term of the Board, acting, as President or Vice-President, or as Chairman of a Committee, or as member, or in any other capacity whatsoever, whether before or after the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1976, so flagrantly abused his position, or so wilfully contravened any of the provisions of this Act or any rule, regulation or bye-law, or caused such loss or damage to fund or property of the Board, as to render him unfit to continue to be President; or

(viii) been guilty of any other misconduct whether committed before or after the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1976, whether as President or as Vice-President exercising the powers of President, or as Vice-President or as member;"

Amendment of section 54. 32. In section 54 of the principal Act,—

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

"(2) Except as otherwise provided in this Act, the term of office of a Vice-President of any description shall be co-terminus with the term of the Board."

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

"(4) The election of a Vice-President under sub-sections (1), (2) and (3) shall be completed within three months from the date of the due constitution of the Board as notified under section 56 or from the date of occurrence of the vacancy, as the case may be."

Amendment of section 54-A. 33. In section 54-A of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) Where a person on being elected President fails or refuses to function or is otherwise not able to function, or a casual vacancy occurs in the office of the President within the meaning of section 44-A, and no Vice-President has been elected in accordance with this Act, or there is no Vice-President otherwise able to function the powers and functions of the President shall, until a President or Vice-President is able to function, be exercised and performed by the District Magistrate or by a gazetted officer not below the rank of a Deputy Collector appointed by the District Magistrate in this behalf, and such officer shall be called the Administrator, and accordingly, the provisions of section 10-A, shall *mutatis mutandis* apply.

(2) Subject to the provisions of sub-section (4) of section 54, the meeting for the election of the Vice-President shall be held at the office of the Board and on the date and time appointed by the District Magistrate. The notice of the meeting and the date and time appointed therefor shall be sent to every member of the Board at his place of residence seven clear days before the date fixed for the meeting. A copy of such notice shall also be published in such manner as the District Magistrate may direct, and upon such publication, every member shall be deemed to have received the notice."

34. For section 81 of the principal Act, the following section shall be substituted and be deemed always to have been substituted, namely:—

Substitution of section 81.

"81. (1) The President, the Vice-President, and every member, officer and servant of the Board shall be liable to surcharge for the loss, waste and misapplication of any money or property of the Board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while acting as such President, Vice-President, member, officer or servant:

Provided that such liability shall cease to exist after the expiry of ten years from the occurrence of such loss, waste or misapplication or after the expiry of five years from the date on which such President, Vice-President, member, officer or servant ceases to hold his office, whichever is later.

(2) The amount of surcharge so imposed shall be recoverable as if it were an arrear of land revenue and the Collector on being satisfied that the sum is due shall proceed to recover it as such an arrear.

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

(4) Where no surcharge proceedings are taken, the Board, with the previous sanction of, or on being directed by, the Prescribed Authority, may institute a suit for compensation against such person."

35. In section 87-A of the principal Act,—

Amendment of section 87-A.

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

"(2) Written notice of intention to make a motion of no-confidence in its President signed by such number of members of the Board as constitute not less than two-thirds of the total number of members of the Board together with a copy of the motion which it is proposed to make shall be delivered in person together by any two of the members signing the notice to the District Magistrate."

(b) for sub-section (12), the following sub-section shall be substituted, namely:—

"(12) The motion shall be deemed to have been carried only when it has been passed by a majority of two-thirds of the total number of members of the Board."

(c) for sub-section (13), the following sub-section shall be substituted, namely:—

"(13) If the motion is not carried by a majority as aforesaid, or if the meeting cannot be held for want of quorum which shall not be less than two-thirds of the total number of members of the Board, for the time being, no notice of any subsequent motion of no-confidence in the same President shall be received until after the expiry of a period of two years from the date of the meeting."

(d) for sub-section (14), the following sub-section shall be substituted, namely:—

"(14) No notice of a motion of no-confidence under this section shall be received within two years of the assumption of office by a President."

Amendment of section 92. 36. In section 92 of the principal Act, in sub-section (1), the following provisos shall be *inserted* at the end, namely :—

“Provided that where the President [not being a President elected by members of the Board under section 43 as it stood before the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1976, or under the proviso to section 44-A] is of opinion that the decision on any question (including the budget estimates and proposals of taxation) by the Board by a majority of votes of the members present and voting is against the interests of the Board, he may refer the same with his comments to the Director, who may, with the previous approval of the State Government, take such decision thereon (which may be in supersession or partial modification of the decision of the Board) as he thinks fit, and his decision shall have effect as if it were a decision of the Board :

Provided further that the Director may, pending his final decision, give such interim directions as he thinks fit, and such directions shall have effect as if they were decisions of the Board.”

Insertion of new section 120-A. 37. After section 120 of the principal Act, the following section shall be *inserted*, namely :—

“120-A. No expenditure from the municipal fund shall be incurred without the prior sanction in writing of the Director for the purposes of defraying the costs of any proceedings instituted or commenced in any court of law by or on behalf of a Board or its President in respect of any order made or purporting to have been made by the State Government under section 30, section 34, section 40 or section 48.”

Amendment of section 333. 38. In section 333 of the principal Act, after the proviso thereto, the following proviso shall be *inserted*, namely :—

“Provided further that the provisions of section 10-AA shall *mutatis mutandis* apply to such officer as they apply to an Administrator.”

Amendment of section 338. 39. In section 338 of the principal Act, in sub-section (2), the following proviso thereto shall be *inserted*, namely :—

“Provided that if none of the members elected under this sub-section is a woman, the State Government may by notification nominate one woman as a member of the notified area committee and thereupon, the composition of the committee shall stand varied to that extent.”

CHAPTER IV

AMENDMENT OF THE U. P. TOWN AREAS ACT, 1914

Amendment of section 5 of U.P. Act II of 1914. 40. In section 5 of the U. P. Town Areas Act, 1914, hereinafter in this Chapter, referred to as the principal Act, in sub-section (2), the following proviso thereto shall be *inserted*, namely :—

“Provided that if none of the members elected under clause (b) is a woman, the State Government may by a like notification nominate one woman as a member of the committee, and thereupon the normal composition of the committee shall stand varied to that extent.”

Amendment of section 8-A. 41. In section 8-A of the principal Act, for sub-section (3), the following sub-section shall be *substituted*, namely :—

“(3) When a vacancy occurs by reason of the death, removal or resignation of a Chairman, or where the election has been set aside in pursuance of an election petition presented under this Act, the Chairman shall be elected within three months from the date of occurrence of such vacancy :

Provided that if the term of office of that Chairman would, in the ordinary course of events, have determined within one year of occurrence of the vacancy, the State Government may direct that the vacancy be left unfilled until the next election under sub-section (2).”

42. After section 23 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 23-A.

23-A. No expenditure from the town fund shall be incurred without the prior sanction in writing of the District Magistrate for the purpose of defraying the costs of any proceedings instituted or commenced in any court of law by or on behalf of a Town Area Committee in respect of any order made or purporting to have been made by the State Government under section 7-A or section 36."

CHAPTER V

AMENDMENT OF UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT ACT, 1973

43. In section 41 of the Uttar Pradesh Urban Planning and Development Act, 1973, in sub-section (3), for the words "Authority, the Chairman or the Vice-Chairman", the words "Authority or the Chairman" shall be substituted.

Amendment of section 41 of President's Act 11 of 1973 as re-enacted and amended by U.P. Act 30 of 1974.

CHAPTER VI

AMENDMENT OF THE UTTAR PRADESH (REGULATION OF BUILDING OPERATIONS) ACT, 1958

44. In section 2 of the Uttar Pradesh (Regulation of Building Operations) Act, 1958 hereinafter in this Chapter referred to as the principal Act,—

Amendment of section 2 of U.P. Act 34 of 1958.

(i) for clause (b), the following clause shall be substituted, namely :—

"(b) 'building' has the same meaning as in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 ;"

(ii) in clause (f), for the word "regulation", the word "rules" shall be substituted.

45. In section 3 of the principal Act, in sub-section (2), for the words, letters and figures "sections 178 to 186 of the U. P. Municipalities Act, 1916", the words and figures "sections 178, 179, 180, 180-A, 181, 182, 183, 184, 185, 186, 203, 204, 205, 206, 207, 208, 209, 210 and 222 of the United Provinces Municipalities Act, 1916" shall be substituted.

Amendment of section 3.

46. In section 4 of the principal Act, in sub-section (2), in clause (a) the words "Secretary, Local Self-Government or" shall be omitted.

Amendment of section 4.

47. In section 5 of the principal Act, for the words "the Controlling Authority may, by notification in the official Gazette, issue, in relation to any regulated area, such directions; not inconsistent with any general directions that may be issued by the State Government in this respect, as may be considered necessary regarding one or more of the following matters", the words "The State Government may, by notification in the Gazette, issue in relation to any regulated area such regulations, not inconsistent with this Act or with the rules, as it may consider necessary regarding any one or more of the following matters" shall be substituted.

Amendment of section 5.

48. After section 5 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 5-A.

5-A. (1) If in the opinion of the State Government any regulated area requires to be developed according to a Master Plan it may cause such a Plan to be prepared either through the Controlling Authority or through such other agency as it may think fit.

(2) Every such plan shall conform to any rules or regulations made in that behalf.

(3) A Master Plan shall be revised at the end of every ten years, and may be revised earlier if the State Government so think fit."

49. In section 6 of the principal Act, for the word "directions", the word "regulation" shall be substituted.

Amendment of section 6.

Amendment of
section 7.

50. In section 7 of the principal Act,—

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

“(2) On receipt of such application the prescribed authority, after making such inquiry as it considers necessary, shall by order in writing either grant the permission subject to such conditions, if any, as may be specified in the order or refuse to grant such permission.

(2-A) The only grounds on which permission may be refused are the following, namely :—

(a) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections or specifications would contravene the provisions of any law or any order, rule or regulation made under this Act or any other law ;

(b) that the application for such permission does not contain the prescribed particulars or is not made or signed in the prescribed manner ;

(c) that any information or document required by the prescribed authority under the rules or regulations has not been duly furnished ;

(d) that the proposed building would be an encroachment upon any public premises as defined in the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 ;

(e) that the site of such building does not abut on a street, and there is no access to such building from any such street by a passage or pathway not less than twelve feet wide appertaining to such site ;

(f) that the site for the work forms part of the area, the lay-out plan of which has not been sanctioned ;

(g) that the use of the proposed building or the plan is not in conformity with the Master Plan.

(2-B) Where the application does not contain the prescribed particulars or is not made or signed in the prescribed manner, the prescribed authority may, instead of rejecting it, return it to the applicant for making it in conformity with the relevant rules and regulations.

(2-C) In particular, and without prejudice to the generality of the provisions contained in sub-section (2), the prescribed authority may, while granting under section 6 the permission to develop an area of land as a colony, impose all or any of the following conditions, namely :—

(a) that the applicant shall arrange for the development of such area and the provision of amenities therein, in accordance with the prescribed standards through the local authority concerned or through such other agency as may be specified and enter into an agreement with or furnish adequate security to such Authority or other agency in that behalf, or undertake to carry out such development and to provide such amenities himself and execute a bond in that behalf in favour of the Governor, with or without sureties, to the satisfaction of the prescribed authority ;

(b) that the applicant shall transfer to the State Government or to the local authority concerned the land earmarked for roads, public parks and other public utility services either free of cost or on such terms and conditions as may be specified.

(2-D) The provisions of sections 445, 446, 447 and 449 of the Code of Criminal Procedure, 1973, shall *mutatis mutandis* apply in relation to any bond executed by an applicant under sub-section (2-C), with the substitution of references to a Magistrate or Magistrate of the First Class by reference to the prescribed authority, and of references to the Sessions Judge by references to the Controlling Authority.”

(ii) in sub-section (4), in the proviso thereto, for the word "directions", the word "regulations" shall be substituted.

51. In section 8 of the principal Act, in clause (c), for the words "any direction issued under this Act", the words "any regulation made under this Act" shall be substituted. Amendment of section 8.

52. Section 8-B of the principal Act shall be omitted. Omission of section 8-B.

53. In section 9 of the principal Act, in sub-section (1),— Amendment of section 9.

(i) for the words "any directions under this Act", the words "any regulations made under this Act", shall be substituted; and

(ii) after the words "permission has been granted", the words "or in violation of any action taken under sub-section (2) of section 10 to stop the erection or re-erection of any building or the execution of any work" shall be inserted.

54. Section 10 of the principal Act shall be re-numbered as sub-section (1) thereof, and— Amendment of section 10.

(i) in sub-section (1) as so re-numbered—

(a) for the words "any directions issued under this Act", the words "any regulation made under this Act" shall be substituted;

(b) for the words "in addition to any prosecution that may be instituted under this Act", the words "without prejudice to the provisions of section 9" shall be substituted;

(c) after the word "itself", the words "through the local authority concerned or through such other agency as it thinks fit" shall be inserted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) If the prescribed authority is satisfied that the erection or re-erection of any building or the execution of any such work as is referred to in section 6 has been unlawfully commenced or is being unlawfully carried on it may by written notice require the person directing or carrying on such erection or re-erection or execution, to stop the same forthwith and on his failure to do so, cause the carrying on of such erection or re-erection or execution to be stopped and, use or employ such reasonable force as may be necessary therefor."

55. Section 12 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered the following sub-section shall be inserted, namely:— Amendment of section 12.

"(2) The prescribed authority may, and if required by the Controlling Authority shall, compound any offence punishable under this Act, either before or after the institution of the prosecution, on such terms (which may include payment of a sum of money by way of composition for the offence) as it or the Controlling Authority, as the case may be, thinks fit."

56. Section 14 of the principal Act shall be omitted. Omission of section 14.

57. For section 15-A of the principal Act, the following section shall be substituted, namely:— Substitution of section 15-A.

"15-A. (1) The State Government may, at any time either of its own motion or on an application made to it in this behalf, call for the record of any case disposed of by the Controlling Authority for the purpose of satisfying itself as to the legality or propriety of any order passed under this Act and may pass such orders in relation thereto as it may think fit:

Provided that the State Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

(2) The State Government may, by notification in the *Gazette*, delegate the powers conferred upon it by sub-section (1) to any officer or authority who shall not be inferior to the Chairman of the Controlling Authority."

Insertion of new section 16-A.

58. After section 16 of the principal Act, the following section shall be inserted and be deemed always to have been inserted, namely:—

"16-A. (1) All fees realised under this Act and all sums realised under sub-section (2) of section 12, in relation to the performance of the functions of the prescribed authority or the Controlling Authority within the limits of a City (as defined in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959) shall be credited to the fund of the Nagar Mahapalika concerned.

(2) The State Government may by notification in the *Gazette* extend the provisions of sub-section (1) to any Municipality as defined in the United Provinces Municipalities Act, 1916, with effect from such date as it may direct, and thereupon the references in that sub-section to a City shall in relation to that Municipality, be construed as including references to that municipality.

(3) The State Government may by notification in the *Gazette* direct that the provisions of sub-section (1) shall cease to apply to any City and thereupon the provisions of sub-section (1) shall cease to apply to such City and likewise may rescind any notification under sub-section (2) and thereupon the provisions of sub-section (1) shall cease to apply to the municipality concerned.

(4) Every Nagar Mahapalika or Municipal Board to which the provisions of sub-section (1) for the time being apply shall, when so requested by the prescribed authority or the Controlling Authority, make available to it such staff as may be necessary for the performance of the functions of that authority within the limits of the City or the municipality, as the case may be."

Amendment of section 17.

59. In section 17 of the principal Act, for the words "any other law", the words "any other law in force at the commencement of this Act" shall be substituted and be deemed always to have been substituted.

Amendment of section 19.

60. In section 19 of the principal Act,—

(i) in sub-section (1), for the word "regulations", the word "rules" shall be substituted;

(ii) in sub-section (2), in the opening paragraph, for the word "regulations", the word "rules" shall be substituted.

Insertion of new section 20.

61. After section 19 of the principal Act, the following section shall be inserted, namely:—

"20. All regulations made under this Act shall, as soon as may be, after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in its one session or in two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette* subject to such modifications or annulments as the two Houses of the Legislature may, during the said period, agree to make, so however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done thereunder."

Transitory provisions.

62. All regulations made by the State Government under section 19 of the principal Act and all directions issued by the State Government under section 14 of the principal Act and in force immediately before the commencement of this Act shall continue to be in force so far as consistent with the provisions of that Act as hereby amended, and have effect as rules and regulations made respectively under section 19 or section 5 of the principal Act, as amended by this Act until added to, amended or rescinded by the State Government.

U.P. Ordinance no. 1 of 1976, no. 28 of 1976 and no. 3 of 1976.

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CHAPTER VII

AMENDMENT OF THE U. P. MELAS ACT, 1938

63. In section 2 of the U. P. Melas Act, 1938, hereinafter in this Chapter referred to as the principal Act, the proviso shall be *omitted*.

Amendment of section 2 of U. P. Act XVI of 1938.

64. In section 4 of the principal Act, in clause (ii), the following proviso shall be *inserted*, namely:—

Insertion of proviso to section 4.

“Provided that in relation to the Kumbha Mela and Ardha Kumbha Mela held at Allahabad and at Hardwar the powers of the District Magistrate under this Act shall vest in the Officer Incharge of each such Mela :

Provided further that such Officer Incharge may delegate any of the said powers or any other power as Officer Incharge under this Act, not being the power under section 5, to an Additional Officer Incharge or Deputy Officer Incharge appointed by the State Government for such Kumbha Mela or Ardha Kumbha Mela.”

65. In section 11 of the principal Act, for the words and figures “Rs.100” and “Rs.25”, the words “one thousand rupees”, and “one hundred rupees” shall respectively be *substituted*.

Amendment of section 11.

66. After section 15 of the principal Act, the following section shall be *inserted*, namely:—

Insertion of new section 16.

“16. The State Government may by a notification confer upon the Officer Incharge of the Mela any of the powers conferred by sections 296, 298, 299 and 300 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, and upon issue of such notification the provisions of these sections shall apply to the Mela Area as if the Mela Area were part of a ‘City’ and the Officer Incharge were ‘Mukhya Nagar Adhikari’ as defined in the said Adhiniyam, and as if a contravention of the provisions of any orders of the Officer Incharge under section 8 were contravention of the provisions of the said Adhiniyam.”

CHAPTER VIII

MISCELLANEOUS

67. (1) The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1976, the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1976, and the Uttar Pradesh Melas (Amendment) Ordinance, 1976, are hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal anything done or any action taken under the principal Acts as amended by the aforesaid Ordinances, shall be deemed to have been done or taken under the corresponding provisions of the principal Acts as amended by this Act.

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THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT
LAWS (AMENDMENT) ACT, 1979

(U. P. ACT NO. 9 OF 1979)

[Authoritative English Text of the Uttar Pradesh Nagar Swayatt Shiksha Vidhi (Sanshodhan) Adhiniyam, 1979 (Uttar Pradesh Adhiniyam Sankhya 9 of 1979)].

विधान पुस्तकालय

(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

AN
ACT

further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978

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

1. This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1979.

Short title.

2. In sections 2 and 3 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, for the words "eighteen months" wherever they occur, the words "two years" shall be substituted and be deemed to have been substituted on January 16, 1979.

Amendment of sections 2 and 3 of U. P. Act no. 13 of 1977.

3. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the words and figures "March 31, 1979" the words and figures "September 30, 1979" shall be substituted.

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

4. (1) The Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) (Sanshodhan) Adhyadesh, 1979, is hereby repealed.

Repeal and savings.

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

(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated March 24, 1979).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 26, 1979 and by the Uttar Pradesh Legislative Council on March 29, 1979).

(Received the assent of the Governor on March 30, 1979 under article 200 of the Constitution of India and was published in Part I (a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated March 30, 1979).

Price. 15 paise

U. P. Ordinance no. 5 of 1979.

विधान पुस्तकालय
(राजकीय प्रकाशन)
उत्तर प्रदेश, लखनऊ

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उत्तर प्रदेश
(राजकीय प्रकाशन)
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THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(SECOND AMENDMENT) ACT, 1979

(U. P. ACT NO. 17 OF 1979)

[*Authoritative English Text of the Uttar Pradesh Nagar Swayatta Shasan Vidhi
(Duritiya Sanshodhan) Adhiniyam, 1979 (Uttar Pradesh Adhiniyam
Sankhya 17 of 1979.)]

AN
ACT

further to amend the U. P. Municipalities Act, 1916 and the
U. P. Town Areas Act, 1914

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

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-
Government Laws (Second Amendment) Act, 1979.

Short title and
commencement.

(2) It shall be deemed to have come into force on May 1, 1979.

(*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*,
dated May 4, 1979).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on May 3, 1979 and by the
Uttar Pradesh Legislative Council on May 7, 1979, with amendment which was approved by
the U. P. Legislative Assembly on May 28, 1979.)

Price 15 paise

[Received the assent of the Governor on June 2, 1979 under Article 200 of the Constitution
of India and was published in Part I(a) of the Legislative Supplement of the *Uttar Pradesh
Gazette Extraordinary*, dated June 6, 1979].

Amendment of sections 128 and 338 of U. P. Act no. 2 of 1916.

2. In the U. P. Municipalities Act, 1916—

(a) in section 128, in sub-section (1), for clause (vii), the following clause shall be substituted, namely:—

“(vii) a toll on vehicles and other conveyances, animals and coolies laden with goods other than household goods of passengers, which enter the limits of the municipality and unload such laden goods or any part thereof within such limits;”

(b) in section 338, in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

“(b) impose, in the whole or a part of such area, any tax other than a tax referred to in clauses (vii) and (viii) of sub-section (1) of section 128, which might be imposed therein under the provisions of this or any other Act, if the said area were a municipality;”

Amendment of section 14 of U. P. Act no. 2 of 1914.

3. In section 14 of the U. P. Town Areas Act, 1914, in sub-section (1), in clause (g), the following words shall be inserted in the end, namely:—

“except a tax mentioned in clauses (vii) and (viii) of that sub-section.”

Abolition of certain taxes.

4. Notwithstanding anything contained in any other law for the time being in force, where as a consequence of the amendments made by this Act in the U. P. Municipalities Act, 1916 and the U. P. Town Areas Act, 1914 the power to impose any tax (which term includes a toll and octroi) has been taken away, any such tax imposed prior to commencement of this Act, in respect of the whole or part of a municipality, notified area or town area shall on the commencement of this Act stand abolished, without prejudice to the liability in respect of such tax incurred prior to such commencement.

Repeal and savings.

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1979, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Acts referred to in sections 2 and 3, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Acts as amended by this Act as if the provisions of this Act were in force at all material times.

U.
Ordin
no. 6
1979

No. 725(2) /XVII—V-1-(Ka)-1-82

Dated Lucknow, February 26, 1982

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 Swayatta Shasan Vidhi (Sanshodhan Adhiniyam, 1982) Uttar Pradesh Adhiniyam Sankhya 8 of 1982) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 25, 1982.

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1982**

[U. P. ACT No. 8 OF 1982]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978.

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

**Short title and
commencement.**

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1982.

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

2. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "December 31, 1981" wherever occurring, the word and figures "December 31, 1982" shall be *substituted*.

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

3. In section 3 of the principal Act, for the word and figures "December 31, 1981", the word and figures "December 31, 1982" shall be *substituted*.

Amendment of section 3.

4. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1981" the word and figures "December 31, 1982" shall be *substituted*.

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

U. P. Ordinance no. 30 of 1981.

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1981 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act or the Act referred to in section 4 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.

By order,
G. B. SINGH,
Sachiv.

Dated Lucknow, September 21, 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 Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 1983 (Uttar Pradesh Adhiniyam Sankhya 15 of 1983) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 20, 1983.

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1983**

[U. P. ACT NO. 15 OF 1983]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, the U. P. Municipalities Act, 1916, the U. P. Town Areas Act, 1914, the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978.

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

CHAPTER I—Preliminary

Short title and commencement.

1. (1) This Act may be called the Uttar Pradesh Urban local Self Government Laws (Amendment) Act, 1983.

(2) Sections 2, 3, 5, 6, 7, 8, 9, 10, 12, 13 shall be deemed to have come into force on November 29, 1982, sections 15, 16 and 17 shall be deemed to have come into force on December 30, 1982, and sections 4, 11 and 14 shall be deemed to have come into force on August 1, 1983.

CHAPTER II—Amendment of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959

Amendment of section 25 of U. P. Act II of 1959.

2. In section 25 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this Chapter referred to as the principal Act, in sub-section (1), in clause (g), for the words "five years" the words "six years" shall be substituted.

3. In section 112-A of the principal Act,—

Amendment of section 112-A.

(a) in sub-section (2), the following proviso shall be inserted and be deemed always to have been *inserted*, namely :

“Provided that such absorption in the service shall not operate as a bar against holding or continuing to hold any disciplinary proceedings against a member of the service in respect of any act committed before the date of such absorption.”

(b) after sub-section (3) the following sub-section (4) shall be *inserted*, namely :—

“(4) Notwithstanding anything contained in the preceding sub-sections (1), (2) and (3) or in any other provision of the Act, the State Government may by rules also provide for regularisation of temporary and *ad hoc* appointments, made before the prescribed date, without consultation with the State Public Service Commission.”

4. In section 140 of the principal Act,—

Amendment of section 140.

(a) for the words “The moneys from time to time credited to the Mahapalika Fund shall be applied in the following order of preference” the words “The moneys credited to the Mahapalika Fund from time to time shall, in the first place, be applied for payment of salaries and allowances of Safai Mazdoors and then in the following order of preference” shall be *substituted* ;

(b) for clause (d) of the preference “Thirdly” the following clause shall be *substituted*, namely :—

“(d) the salaries and allowances of Mahapalika officers and servants, other than Safai Mazdoors, and all pensions, gratuities, contributions and compassionate allowances payable to all officers and servants of Mahapalika under the provisions of this Act ;”

(c) the following Explanation shall be *inserted* at the end, namely :—

“*Explanation*—For the purposes of this section, a person shall be deemed to be a Safai Mazdoor if he is employed by Mahapalika for the purposes of sweeping and cleaning of Mahapalika roads, lanes, pathways, drains, sewers, latrines and urinals, carrying of dead animals and refuge and for other jobs of the like nature.”

CHAPTER III—Amendment of the U. P. Municipalities Act, 1916

5. In section 13-D of the U. P. Municipalities Act, 1916, hereinafter in this Chapter referred to as the principal Act, for clause (a) the following clauses shall be *substituted*, namely :—

Amendment of section 13-D of U. P. Act II of 1916.

“(a) is a dismissed servant of a local authority and is debarred from re-employment thereunder ; or

(aa) having held any office under the Government of India or the Government of any State has been dismissed for corruption or disloyalty to the State, unless a period of six year has elapsed since his dismissal or”.

6. In section 69-B of the principal Act,—

Amendment of section 69-B.

(a) in sub-section (2), the following proviso shall be *inserted* and be deemed always to have been *inserted*, namely :—

“Provided that such absorption in the service shall not operate

(b) after sub-section (3), the following sub-section (4) shall be inserted, namely :-

"(4) Notwithstanding anything contained in the preceding sub-sections (1), (2) and (3) or any other provision of the Act, the State Government may by rules also provide for regularisation of temporary and *ad hoc* appointments, made before the prescribed date, without consultation with the State Public Service Commission."

Amendment of section 70.

7. In section 70 of the principal Act, for clause (a) the following clause shall be substituted, namely :-

"(a) the President, in exercise of such powers, shall not act in contravention of-

(i) any general or special directions as the State Government may from time to time issue,

(ii) an order of the Board prohibiting the employment of temporary servants for any particular work, and".

Substitution of section 74.

8. For section 74 of the principal Act, the following section shall be substituted, namely :-

"74. Subject to the provisions of sections 57 to 73, servants on posts in the non-centralised services, carrying scale of pay equal to or higher than the lowest scale of pay admissible to the clerical staff, shall be appointed and may be dismissed, removed or otherwise punished, or the services of a probationer may be terminated, by the President, subject to the right of appeal, except in the case of the termination of the service of a probationer, to such authority, within such time and in such manner as may be prescribed :

Provided that appointments on the posts of Tax Superintendent, Assistant Tax Superintendents, Inspectors, Head Clerks, Sectional Head Clerks, Sectional Accountants, Doctors, Vaid, Hakim and Municipal Fire Station Officers, shall be subject to the approval of the Board."

Substitution of section 75.

9. For section 75 of the principal Act, the following section shall be substituted, namely :-

"75. Except as otherwise provided, the Executive Officer shall appoint servants carrying scales of pay lower than the lowest scale of pay referred to in section 74 :

Provided that in case there is no Executive Officer, the said appointments shall be made by the President."

Amendment of section 76.

10. In section 76 of the principal Act, for the words and figures "on or drawing a monthly salary not exceeding Rs.50 or in a city Rs.75" the words and figure "referred to in section 75", shall be substituted.

Amendment of section 120.

11. In section 120 of the principal Act, in sub-section (3),-

(i) for clause (a), the following clauses shall be substituted, namely :-

"(a) the payment of salaries and allowances of Safai Mazdoors ;

(a-1) the liabilities and obligations arising from a trust legally imposed upon, or accepted by, the Board ;"

(iii) the following Explanation shall be inserted at the end, namely :-

"Explanation—For the purposes of this sub-section, a person shall be deemed to be a Safai Mazdoor if he is employed by the Board for the purposes of sweeping and cleaning of Municipal roads, lanes, pathways, drains, sewers, latrines and urinals, carrying of dead animals and refuge and for other jobs of the like nature."

12. After section 333-A of the principal Act, the following section shall be inserted and be deemed to have been inserted on January 7, 1978, namely:— Insertion of new section 333-B.

"333-B. Where under sub-section (1) of section 3, a Municipality for a local area is created immediately after excluding such local area from a municipality (hereinafter in this section referred to as the undivided municipality) the following consequences shall follow as from the date of creation (hereinafter in this section referred to as the said date) of the municipality :—

Consequences of establishment of a municipality created by excluding an area from an existing municipality.

(a) all taxes, fees, licences, fines or penalties imposed, prescribed or levied, on the date immediately preceding the said date, by the board of the undivided Municipality be deemed to have been imposed, prescribed or levied by the board of the newly created municipality under the provisions of this Act ;

(b) any expenditure in respect of the area included in the newly created municipality, incurred by the board of the undivided municipality on or before the date immediately preceding the said date from its funds, shall continue to be so incurred by the board of the newly created municipality as if it was an expenditure authorised by or under this Act ;

(c) all properties within the area of the newly created municipality, including the rights or benefits subsisting under any deed, contract, bond, security or choses-in-action vested in the undivided municipality on the date immediately preceding the said date, shall be transferred to and vested in and ensue for the benefit of the newly created Municipality ;

(d) all liabilities in respect of the area included in the newly created municipality, whether arising out of contract or otherwise, which have accrued against the board of the undivided municipality and are outstanding on the date immediately preceding the said date shall thereafter be the liabilities of the board of the newly created municipality ;

(e) such part of the fund of the undivided municipality and the proceeds of any unexpended taxes, tolls, fees or fines, levied or realized by the board of the undivided Municipality, as may be decided by the State Government, shall be transferred to and form part of the municipal fund of the newly created municipality ;

(f) such of the servants of the undivided municipality as are transferred to the newly created municipality in consultation with the prescribed authority, shall become servants of the board of the newly created municipality as if they had been appointed by the board of the newly created Municipality under, and subject to, the provisions of this Act ;

(g) anything done or any action taken, including any appointment or delegation made, notification, order or direction issued, rule, regulation, form, bye-law or scheme framed, permit or licence granted or registration affected under the provisions of this Act in relation to or in respect of the area included in the newly created municipality, shall be deemed to have been done or taken by the board of the newly created municipality."

CHAPTER IV—Amendment of the U. P. Town Areas Act, 1914

13. In section 6-K of the U. P. Town Areas Act, 1914, hereinafter in this Chapter referred to as the principal Act, for clause (a) the following clauses shall be substituted, namely :—

"(a) is a dismissed servant of a local authority and is debarred from

Amendment of section 6-K of U. P. Act II of 1914.

(aa) having held any office under the Government of India or the Government of any State, has been dismissed for corruption or disloyalty to the State, unless a period of six years has elapsed since his dismissal, or"

Amendment of section 23

14. In section 23 of the principal Act,—

(i) for clauses (a) and (b), the following clauses shall be substituted, namely :—

“(a) the payment of the salaries and allowances of Safai Mazdoors ;

(a-1) the repayment of the principal and interest of any sum advanced as a loan by the State Government for the purposes of this Act ;

(b) the payment of salaries and allowances, other than the payments under clause (a), of the establishment entertained under this Act;”

(ii) the following Explanation shall be inserted at the end, namely :—

“Explanation—For the purposes of this section, a person shall be deemed to be a Safai Mazdoor if he is employed by the Town Area Committee for the purposes of sweeping and cleaning of Town Area lanes, pathways, drains, latrines and urinals, carrying of dead animals and refuge and for other jobs of the like nature.”

CHAPTER V—Amendment of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977

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

15. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 hereinafter in this Chapter referred to as the principal Act, for the word and figures “December 31, 1982”, wherever occurring, the word and figures “December 31, 1983” shall be substituted.

Amendment of section 3.

16. In section 3 of the principal Act, for the word and figures “December 31, 1982” the word and figures “December 31, 1983” shall be substituted.

CHAPTER VI—Amendment of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978

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

17. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures “December 31, 1982”, the word and figures “December 31, 1983” shall be substituted.

CHAPTER VII—Miscellaneous

Repeal and savings.

18. (1) The Uttar Pradesh Urban Local Self-Government Laws (Amendment) (Second) Ordinance, 1983 is hereby repealed.

U P. Ordinance no. 18 of 1983.

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

By order,

G. B. SINGH,
Sachiv.

No. 2740/XVII-V-1—1(Ka) 25-1983

Dated Lucknow, September 26, 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 Swayatta Shasan Vidhi (Dwitiya Sanshodhan) Adhiniyam, 1983 (Uttar Pradesh Adhiniyam Sankhya 25 of 1983) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 25, 1983.

THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (SECOND AMENDMENT) Act, 1983

[U. P. ACT NO. 25 OF 1983]

(As Passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the U.P. Municipalities Act, 1916, the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and the U. P. Town Areas Act, 1914.

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1983.

Short title and commencement.

(2) It shall be deemed to have come into force on August 23, 1983.

CHAPTER II

Amendment of the U. P. Municipalities Act, 1916

2. In section 9-A of the U. P. Municipalities Act, 1916, hereinafter in this chapter referred to as the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely :

Amendment of section 9-A of U.P. Act no. 2 of 1916.

“Provided further that the reference in this sub-section to the ‘last preceding census of which relevant figures have been published’ shall, for a period of one year from the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1983, be construed as a reference to the 1971 census and any reference to the population shall be a reference to the population on the basis of that census.”

3. In section 11-A of the principal Act, in sub-section (2), the following proviso shall be inserted, namely :

Amendment of section 11.

“Provided that the reference in this sub-section to the ‘last census’ shall, for a period of one year from the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1983, be construed as a reference to the 1971 census and any reference to the population shall be a reference to the population on the basis of that census.”

CHAPTER III

Amendment of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959

4. In section 7 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this chapter referred to as the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely :

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

“Provided further that the reference in this sub-section to the ‘last preceding census of which the relevant figures have been published’ shall, for a period of one year from the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1983, be construed as a reference to the 1971 census and any reference to the population shall be a reference to the population on the basis of that census.”

Amendment of section 31. 5. In section 31 of the principal Act, in sub-section (2), the following proviso shall be *inserted*, namely :

“Provided that the reference in this sub-section to the ‘last preceding census of which the relevant figures have been published’ shall, for a period of one year from the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1983, be construed as a reference to the 1971 census and any reference to the population shall be a reference to the population on the basis of that census.”

CHAPTER IV

Amendment of the U. P. Town Areas Act, 1914

Amendment of section 5-A of U. P. Act no. 2 of 1914. 6. In section 5-A of the U. P. Town Areas Act, 1914, in sub-section (1), after existing proviso, the following proviso shall be *inserted*, namely :

“Provided further that the reference in the sub-section to the ‘last preceding census of which the relevant figures have been published’ shall, for a period of one year from the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1983, be construed as a reference to the 1971 census and any reference to the population shall be a reference to the population on the basis of that census.”

CHAPTER V

Miscellaneous

Repeal and saving. 7. (1) The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Acts referred to in Chapters II, III and IV 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 those Acts as amended by this Act as if the provisions of this Act were in force at all material times.

U. P.
Ordinance
no. 1
of 1983

173135

By order
G. B. SINGH,
Sachiv.

No. 1665(2)/XVII-V—1-1(KA)-29-1985

Dated Lucknow, September 13, 1985

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 Swayatta Shasan Vidhi (Dwitya Sanshodhan) Adhiniyam, 1985 (Uttar Pradesh Adhiniyam Sankhya 27 of 1985) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 13, 1985:

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(SECOND AMENDMENT) ACT, 1985**

[U. P. ACT No. 27 OF 1985]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the U. P. Municipalities Act, 1916, the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and the U. P. Town Areas Act, 1914

IT IS HEREBY enacted in the Thirty-sixth 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 (Second Amendment) Act, 1985. Short title.

CHAPTER II

Amendment of the U. P. Municipalities Act, 1916

2. In section 9-A of the U. P. Municipalities Act, 1916, hereinafter in this Chapter referred to as the principal Act, in sub-section (1), in the second proviso, for the words "one year" the words "three years" shall be substituted.

Amendment of section 9-A of U. P. Act no. 2 of 1916.

3. In section 11-A' of the principal Act, in sub-section (2), in the proviso, for the words "one year" the words "three years" shall be substituted.

Amendment of section 11-A.

CHAPTER III

Amendment of the U. P. Nagar Mahapalika Adhiniyam, 1959

4. In section 7 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this Chapter referred to as the principal Act, in sub-section (1) in the second proviso, for the words "one year" the words "three years" shall be substituted.

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

5. In section 31 of the principal Act, in sub-section (2), in the proviso, for the words "one year" the words "three years" shall be substituted.

Amendment of section 31.

CHAPTER IV

Amendment of the U. P. Town Areas Act, 1914

6. In section 5-A of the U. P. Town Areas Act, 1914, in sub-section (1), in the second proviso for the words "one year" the words "three years" shall be substituted.

Amendment of section 5-A of U. P. Act no. 2 of 1914.

178102
By order,
SHIVADHAR TEWARI,
Vishesh Sachiv.

No. 611(2)/XVII-V-1-1(KA)-6-1986

Dated Lucknow, March 14, 1986

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 4 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 13, 1986.

THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1986

(U. P. ACT NO. 4 OF 1986)

[As passed by the U. P. Legislature]

AN

ACT

further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978

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

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on December 31, 1985.

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

2. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "December 31, 1985" wherever occurring, the word and figures "December 31, 1986" shall be substituted.

3. In section 3 of the principal Act for the word and figures "December 31, 1985" the word and figures "December 31, 1986", shall be *substituted*.

Amendment of section 3

4. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1985", the word and figures "December 31, 1986" shall be *substituted*.

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

U. P.
Ordinance
No. 21 of
1985

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1985, is hereby repealed.

Repeal and Saving

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in sections 2 and 4 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.

By order,
S. N. SAHAY,
Sachiv.

179644

उत्तर प्रदेश
प्रध्यादेश
संख्या 21
न 1985

Dated Lucknow, March 19, 1987

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 Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 1987, (Uttar Pradesh Adhiniyam Sankhya 3 of 1987), as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 18, 1987.

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1987**

(U. P. ACT NO. 3 OF 1987)

[As passed by the U. P. Legislature]

AN
ACT

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

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

CHAPTER I

PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1987.

(2) Sections 2, 3 and 4 shall be deemed to have come into force on December 31, 1986, sections 5 to 18 shall be deemed to have come into force on January 21, 1987 and the remaining sections shall come into force at once.

CHAPTER II

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

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

2. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "December 31, 1986" wherever occurring, the word and figures "December 31, 1987" shall be substituted.

Amendment of section 3

3. In section 3 of the principal Act, for the word and figures "December 31, 1986" the word and figures "December 31, 1987", shall be substituted.

CHAPTER III

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

4. In section 24 of the Uttar Pradesh, Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1986", the word and figures "December 31, 1987" shall be substituted. Amendment of section 24 of U. P. Act no. 35 of 1978

CHAPTER IV

AMENDMENT OF THE UTTAR PRADESH NAGAR MAHAPALIKA ADHINIYAM, 1959

5. In section 2 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this chapter referred to as the principal Act, after clause (10), the following clause shall be inserted, namely :— Insertion of new clause (10-A) in section 2 of U. P. Act no. 11 of 1959

"(10-A) 'Commercial building' means any building not being a factory which is used or occupied for carrying on any trade or commerce or any work connected therewith or incidental or ancillary thereto."

6. In section 3 of the principal Act, after sub-section (3), the following sub-section shall be and shall always be deemed to have been inserted, namely :— Amendment of section 3

"(4) Where by reason of a notification under sub-section (2), any area is included in a city constituted under sub-section (1), such area shall thereby become subject to all notifications, rules, regulations, bye-laws, orders, directions issued or made under this or any other enactment and in force in the City at the time immediately preceding the inclusion of such area, and all taxes, fees and charges imposed under this Act, shall be and continue to be levied and collected in the aforesaid area."

7. In section 135 of the principal Act, for the words "fifty thousand rupees" the word "Two lakhs of rupees" and in the proviso thereof for the words "ten thousand rupees" the words "fifty thousand rupees" shall be substituted respectively. Amendment of section 135

8. In section 136 of the principal Act,—

(I) in sub-section (1) for the words "fifty thousand rupees" the words "two lakhs of rupees" shall be substituted, and

(II) in sub-section (2) in clause (a) for the words "five lakhs of rupees" the words "ten lakhs of rupees" shall be substituted. Amendment of section 136

9. In section 174 of the principal Act, for clause (a), the following clause shall be substituted, namely :— Amendment of section 174

"(a) in the case of railway stations, colleges, schools, hostels, factories, commercial buildings and other non-residential buildings, a proportion not below 5 per cent. to be fixed by rule made in this behalf of the sum obtained by adding the estimated present cost of erecting the building less depreciation at a rate to be fixed by rules, to the estimated value of the land appurtenant thereto, and"

10. In section 207 of the principal Act, for the words "in the City to be prepared" the words "in the City or part thereof to be prepared from time to time" shall be substituted. Amendment of section 207

11. In section 208 of the principal Act, for the words "any ward thereof" the words "any part thereof" shall be substituted. Amendment of section 208

12. In section 210 of the principal Act, for the words "any ward thereof" the words "any part thereof" shall be substituted. Amendment of section 210

13. In section 211 of the principal Act, in sub-section (2), for the words "in the City and until the first day of April or the first day of October next following the completion of the new list, whichever is earlier" the words "in the City or part thereof and until the first day of the month next following the completion of the new list" shall be substituted. Amendment of section 211

14. In section 213 of the principal Act, in sub-section (1), in clause (c) for the words "has been incorrectly valued or assessed by reason of fraud, misrepresentation or mistake", the words "has become incorrectly valued or assessed or which, by reason of fraud, misrepresentation or mistake, has been incorrectly valued or assessed" shall be substituted. Amendment of section 213

CHAPTER V

AMENDMENT OF U. P. MUNICIPALITIES ACT, 1916

Amendment of section 141 of U. P. Act 11 of 1916

15. In section 141 of the U. P. Municipalities Act, 1916, hereinafter in this chapter referred to as the principal Act, in sub-section (1), for the words "in the municipality to be prepared" the words "in the municipality or any part thereof to be prepared from time to time" shall be substituted.

Amendment of section 145

16. In section 145 of the principal Act, in sub-section (2), for the words "in the municipality and until the first day of April next following the completion of a new list" the words "in the municipality or part thereof and until the first day of the month next following the completion of the new list" shall be substituted.

Amendment of section 147

17. In section 147 of the principal Act, in sub-section (1), in clause (c), for the words "has been incorrectly valued or assessed by reason of fraud, misrepresentation or mistake", the words "has become incorrectly valued or assessed or which, by reason of fraud, misrepresentation or mistake, has been incorrectly valued or assessed" shall be substituted.

CHAPTER VI

Validation

18. (1) Notwithstanding any judgement, decree or order of any Court or other authority to the contrary, any tax, fee or charge, levied, charged or collected or purporting to have been levied, charged or collected before the commencement of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1987 and any action taken or thing done before such commencement in relation to the assessment, re-assessment, levy or collection of such tax, fee or charge under the provisions of the principal Act referred to in chapter IV or chapter V, as the case may be, and the rules made thereunder, shall be deemed to be as valid and effective as if such assessment, re-assessment, levy or collection or action or thing had been made, taken or done under the principal Act referred to in chapter IV or chapter V, as the case may be, as amended by the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1987 and the rules and bye-laws made thereunder.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person—

(a) from questioning in accordance with the provisions of the principal Act referred to in chapter IV or chapter V, as the case may be, as amended by the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1987, any assessment, re-assessment, levy or collection of any tax, fee or charge referred to in sub-section (1); or

(b) from claiming refund of any amount paid by him in excess of the amount due from him by way of any tax, fee or charge under the principal Act referred to in chapter IV or chapter V, as the case may be, as amended by the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1987.

CHAPTER VII

MISCELLANEOUS

Repeal and savings

19. (1) The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1986, and the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1987, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under any of the Acts, referred to in Chapters II, III, IV, V and VI, as amended by the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Acts as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
S. N. SAHAY,
Sachiv.

U. P.
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and 19
Ordina
no. 1
1987

Dated Lucknow, January 7, 1988

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 Swayatta Shasan Vidhi (Dwitiya Sanshodhan) Adhiniyam, 1987 (Uttar Pradesh Adhiniyam Sankhya 2 of 1988) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 7, 1988 :

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(SECOND AMENDMENT) ACT, 1987**

[U. P. ACT no. 2 OF 1988]

(As passed by the U. P. Legislature)

AN
ACT

further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978.

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

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1987.

(2) It shall be deemed to have come into force on December 14, 1987.

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

2. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "December 31, 1987" wherever occurring, the word and figures "June 30, 1988" shall be substituted.

Amendment of section 3

3. In section 3 of the principal Act, for the word and figures "December 31, 1987" the word and figures "June 30, 1988", shall be substituted.

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

4. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1987", the word and figures "June 30, 1988" shall be substituted.

U. P.
Ordinance
no. 13 of
1987.

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Second Repeal and Amendment) Ordinance, 1987, is hereby repealed. Saving

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in sections 2 and 4 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.

By order,
S. N. SAHAY,
Sachiv.

No. 458 (2) /XVII-V-1-1- (KA) -4-1989

Dated Lucknow, March 7, 1989

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 Swayatta / Shasan Vidhi (Sanshodan) Adhiniyam, 1989 (Uttar Pradesh Adhiniyam Sankhya 1 of 1989) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 7, 1989.

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1989**

[U. P. ACT No. 1 OF 1989]

(As passed by the U. P. Legislature)

AN
ACT

further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978

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

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1989.

Short title and commencement

(2) It shall be deemed to have come into force on December 28, 1988.

2. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "December 31, 1988" wherever occurring, the word and figures "June 30, 1989" shall be substituted.

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

3. In section 3 of the principal Act, for the word and figures "December 31, 1988" the word and figures "June 30, 1989" shall be substituted.

Amendment section 3

4. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "December 31, 1988" the word and figures "June 30, 1989" shall be substituted.

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

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1988, is hereby repealed.

Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in sections 2 and 4 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.

By order,
NARAYAN DAS,
Sachiv.

U.P. Ordinance No. 17 of 1988.

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1988

Dated Lucknow, October 6, 1989

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 Swayatta Shasan Vidhi (Dwitiya Sanshodhan) Adhiniyam, 1989 (Uttar Pradesh Adhiniyam Sankhya 18 of 1989) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 1989.

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(SECOND AMENDMENT) ACT, 1989**

(U. P. ACT NO. 18, 1989)

(As passed by the U. P. Legislature)

AN
ACT

further to amend the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977 and the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978.

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

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Act, 1989.

(2) It shall be deemed to have come into force on June 30, 1989.

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

2. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter referred to as the principal Act, for the word and figures "June 30, 1989" wherever they occur, the word and figures "December 31, 1989" shall be substituted.

3. In section 3 of the principal Act, for the word and figures "June 30, 1989" the word and figures "December 31, 1989" shall be *substituted*.

Amendment of section 3

4. In section 24 of the Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Act, 1978, for the word and figures "June 30, 1989" the word and figures "December 31, 1989" shall be *substituted*.

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

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1989 is hereby repealed.

Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in sections 2 and 4, 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.

By order,
NARAYAN DAS,
Sachiv.

U.P. Ordinance no. 12 of 1989

Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 1990 (Uttar Pradesh Adhiniyam Sankhya 19 of 1990) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 24, 1990.

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS
(AMENDMENT) ACT, 1990

[U. P. ACT No. 19 OF 1990]

(As passed by the U. P. Legislature),

AN
ACT

further to amend the United Provinces Municipalities Act, 1916, the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and the United Provinces Town Areas Act, 1914.

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

CHAPTER—I
Preliminary

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on February 15, 1990.

CHAPTER - II

Amendment of the United Provinces Municipalities Act, 1916

Amendment of section 9 of U.P. Act no. 11 of 1916

2. In section 9 of the United Provinces Municipalities Act, 1916, hereinafter in this Chapter referred to as the principal Act,—

(a) for the first proviso, the following proviso shall be substituted, namely:

“Provided that if none or only one of the members elected under clause (b), is a woman, the State Government may, by notification, nominate, two women members or one more woman member, as the case may be, so that the number of women members in the Board is not less than two and thereupon, the normal composition of the Board shall stand varied to that extent;”

(b) after the third proviso and before the existing Explanation, the following proviso shall be inserted, namely:

“Provided also that a member nominated under this section, whether before or after February 15, 1990 shall hold office during the pleasure of the State Government, but not beyond the term of the Board.”

Amendment of section 38

3. In section 38 of the principal Act, including the marginal heading thereof, the words “or nominated” and “or nomination” wherever they occur shall be omitted.

Amendment of section 87-A

4. In section 87-A of the principal Act, in sub-sections (13) and (14), for the words, “two years”, wherever they occur, the words “one year” shall be substituted and in sub-section (13), for the words, “shall not be less than two-thirds” the words “shall be more than one half” shall be substituted.

Substitution of section 114-A

5. For section 114-A of the principal Act, the following section shall be substituted, namely:

“114-A. For performance of its duties and functions, whether mandatory or discretionary, a Board may with the previous sanction of the State Government, and subject to the rules prescribed in this behalf, raise loans in the open market or from any financial institution by issue of debentures or against any other security.”

6. In section 338 of the principal Act, in sub-section (2),—

Amendment of section 338

(a) for the first proviso, the following proviso shall be substituted, namely:

“Provided that if none or only one of the members appointed by the Prescribed Authority, or elected, under this sub-section is a woman, the State Government may, by notification, nominate two women or one more woman, as the case may be, so that the number of women members in the committee is not less than two and thereupon the normal composition of the committee shall stand varied to that extent;”

(b) after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that any member nominated by the State Government under the preceding provisos, whether before or after February 15, 1990 shall hold office during the pleasure of the State Government, but not beyond the term of the notified area committee.”

CHAPTER—III

Amendment of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959

7. In section 6 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this Chapter referred to as the principal Act,—

Amendment of section 6 of U.P. Act no. II of 1959

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

“(3) If none or only one of the Sabhasads under this section is a woman, the State Government may, by notification, nominate two women, or one more woman, as the case may be, so that the number of women Sabhasads is not less than two and thereupon the strength of the Mahapalika shall stand varied to that extent.”;

(b) after sub-section (5), the following sub-section shall be inserted, namely :—

“(6) A Sabhasad nominated under this section whether before or after February 15, 1990 shall hold office during the pleasure of the State Government, but not beyond the term of the Mahapalika.”

8. In section 16 of the principal Act,—

Amendment of section 16

(a) in sub-section (2), for the words “two years”, the words, “one year” shall be substituted;

(b) in sub-section (16), for the words “two years” the words “one year” shall be substituted.

9. In section 23 of the principal Act, the figure “26”, shall be omitted.

Amendment of section 23

CHAPTER—IV

Amendment of the United Provinces Town Areas Act, 1914

10. In section 5 of the United Provinces Town Areas Act, 1914, hereinafter in this Chapter referred to as the principal Act, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:

Amendment of section 5 of U. P. Act no. II of 1914

“Provided that if none or only one of the members elected under clause (b) is a woman, the State Government may, by notification, nominate two women, or one more woman, as the case may be, so that the number of the women members of the Committee is not less than two, and thereupon, the normal composition of the Committee shall stand varied to that extent.”

11. In section 6 of principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

Amendment of section 6

“(2-A) A member nominated under section 5 whether before or after February 15, 1990 shall hold office during the pleasure of the State Government, but not beyond the term of the Committee.”

CHAPTER - V

Miscellaneous

Repeal and saving

12. (1) The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Ordinance, 1990, is hereby repealed.

U. P. Ordinance No. 8 of 1990

(2) Notwithstanding such repeal, or the repeal of the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Ordinance, 1990 by the Ordinance referred to in sub-section (1), anything done or any action taken under the principal Acts referred to in Chapters II, III and IV as amended by the aforesaid Ordinances shall be deemed to have been done or taken under the corresponding provisions of the said Acts, as amended by this Act, as if the provisions of this Act were in force at all material times

By order,

NARAYAN DAS,

Sachiv.

No. 440(2)/XVII-V-1—1(KA)34-1990

Dated Lucknow, March 19, 1991

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 Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 1991 (Uttar Pradesh Adhiniyam Sankhya 9 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 18, 1991.

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1991**

[U. P. Act No. 9 of 1991]

(As passed by the U.P. Legislature)

AN
ACT

further to amend the United Provinces Municipalities Act, 1916, the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, the United Provinces Town Areas Act, 1914 and the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977.

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

CHAPTER—I

Preliminary

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1991.

(2) Sections 2 to 16, 20 and 21 shall be deemed to have come into force on August 1, 1990, sections 17 and 18 shall be deemed to have come into force on September 27, 1990 and the remaining sections shall come into force atonce.

CHAPTER—II

Amendment of the United Provinces Municipalities Act, 1916

Amendment of section 123 of U.P. Act no 2 of 1916

2. In section 128 of the United Provinces Municipalities Act, 1916, hereinafter in this chapter referred to as the principal Act,—

(a) in sub-section (1), clauses (vii), (viii), (xiii) and (xiv) shall be omitted ;

(b) in sub-section (2), in the first proviso, the words "nor shall an octroi on goods under clause (viii) of sub-section (1) and a tax under clause (xiii) of sub-section (1) be levied at the same time", shall be omitted.

Amendment of section 153

3. In section 153 of the principal Act, in clause (a), the words "and, in the case of octroi or toll, the determination of octroi or toll limit" shall be omitted.

Omission of sections 154, 155 and 155-A

4. Sections 154, 155 and 155-A of the principal Act, shall be omitted.

Amendment of section 166

5. In section 166 of the principal Act, in sub-section (1), in clause (a), for the words "an octroi or toll or any similar tax" the words "any tax" shall be substituted.

6. In section 173-A of the principal Act, in sub-section (1), for the words "octroi or toll or any similar tax" the words "any tax" shall be substituted. Amendment of section 173-A of

7. In section 338 of the principal Act, in sub-section (1), in clause (b), the words "other than a tax referred to in clauses (vii) and (viii) of sub-section (1) of section 128" shall be omitted. Amendment of section 338 of

CHAPTER—III

Amendment of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959.

8. In section 172 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this chapter referred to as the principal Act, in sub-section (2), clauses (b), (c), (d) and (j) and the proviso shall be omitted. Amendment of section 172 of U. P. Act no. 2 of 1959

9. Section 198 of the principal Act shall be omitted. Omission of section 198 of

10. In section 219 of the principal Act, in clause (a), the words "and, in the case of octroi or toll, the determination of octroi or toll limit" shall be omitted. Amendment of section 219

11. In section 227 of the principal Act, in sub-section (2), clauses (c) and (d) shall be omitted. Amendment of section 227 of

12. Section 466 of the principal Act shall be omitted. Omission of section 466 of

13. In section 503 of the principal Act, clause (5) shall be omitted. Amendment of section 503 of

14. In section 504 of the principal Act, in sub-section (1), for the words "octroi or toll or any similar tax" the words "any tax" shall be substituted. Amendment of section 504 of

15. Section 515 of the principal Act shall be omitted. Omission of section 515 of

CHAPTER—IV

Amendment of the United Provinces Town Areas Act, 1914.

16. In section 14 of the United Provinces Town Areas Act, 1914, in sub-section (1), in clause (g), the words "except a tax mentioned in clauses (vii) and (viii) of that sub-section" shall be omitted. Amendment of section 14 of U.P. Act no. 2 of 1914

CHAPTER—V

Amendment of the Uttar Pradesh Municipalities Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977.

17. In section 2 of the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1977, hereinafter in this Chapter referred to as the principal Act, for the word and figures "September 30, 1990" wherever they occur, the word and figures "September 30, 1991" shall be substituted. Amendment of section 2 of U.P. Act no. 13 of 1977

18. In section 3 of the principal Act, for the word and figures "September 30, 1990" the word and figures "September 30, 1991" shall be substituted. Amendment of section 3 of

CHAPTER—VI

Miscellaneous

Repeal and saving

19. (1) The Uttar Pradesh Urban Local Self-Government Laws (Third Amendment) Ordinance, 1990 and the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) (Second Amendment) Ordinance, 1990, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under any of the Acts referred to in Chapters II, III, IV and V, as amended by the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Acts, as amended by this Act, as if the provisions of this Act were in force at all material times.

Abolition of Octroi, toll etc.

20. On and from August 1, 1990, the taxes referred to in clauses (vii), (viii), (xiii) and (xiv) of sub-section (1) of section 128 of the United Provinces Municipalities Act, 1916 or in clauses (b), (c), (d) and (j) of sub-section (2) of section 172 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 as those provisions stood immediately before such date, shall stand abolished and cease to be imposed or collected.

Power to Remove difficulties

21. (1) If any difficulty arises in giving effect to the provisions of this Act or the provisions of the principal Acts referred to in Chapters II and III, as amended by this Act specially with regard to agreement with Cantonment authority in respect of establishment of octroi or toll limits and collections and divisions of octroi or toll, the State Government may by notified order, make such provisions not inconsistent with the purpose of this Act, as appears to it to be necessary or expedient for removing the difficulty.

(2) No order under sub-section (1) shall be made after July 31, 1992.

(3) Every order made under sub-section (1) shall be laid, as soon as may be, before both the Houses of State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

By order,
NARAYAN DAS,
Sachiv.

U. P.
Ordina
no. 18
1990
U. P.
Ordina
no. 27
1990

UTTAR PRADESH SARKAR

VIDHAYI ANUBHAG-I

No. 810/XVII-V-1-1(KA) 19/1994

Dated : Lucknow, May 2, 1994

NOTIFICATION

Miscellaneous

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 Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 1994 (Uttar Pradesh Adhiniyam Sankhya 12 of 1994) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 30, 1994.

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS
(AMENDMENT) ACT, 1994

(U.P. Act No. 12 of 1994)

(As passed by U.P. Legislature)

AN

ACT

further to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and the United Provinces Municipalities Act, 1916 and to repeal the United Provinces Town Areas Act, 1914.

WHEREAS it is expedient to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and the U.P. Municipalities Act, 1916 and to repeal the U. P. Town Areas Act, 1914 in keeping with the Constitution (Seventy fourth Amendment) Act, 1992;

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994.

Short title and commencement

(2) It shall come into force on such date, which shall not be later than May 31, 1994, as the state Government may, by notification, appoint in this behalf.

CHAPTER II

Amendment of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959

Amendment of
long title and
preamble of
U.P. Act no.2
of 1959
General
amendment

2. In the long title and preamble of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, hereinafter in this Chapter referred to as the principal Act, for the words "Nagar Mahapalikas", the words "Municipal Corporations" shall be *substituted*.

3. In the principal Act, for the words "Nagar Mahapalika", "Mahapalika" and "Mahapalikas", wherever occurring including headings, sub-headings and marginal headings, the words "Municipal Corporation", "Corporation" and "Corporations" shall respectively be *substituted*.

Amendment of
section 1

4. In section 1 of the principal Act,—

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

“(1) This Act may be called the Uttar Pradesh Municipal Corporation Act, 1959.”

(b) in sub-section (3), in the proviso, in clause (c), the words "Vishista Sadasya", wherever occurring shall be *omitted*.

Amendment of
section 2

5. In section 2 of the principal Act—

(a) clause (17) shall be *omitted*;

(b) after clause (24), the following clause shall be *inserted*, namely:—

“(24-A) 'Finance Commission' means the Finance Commission referred to in article 243-I of the Constitution”;

(c) in clause (38),—

(i) for the words "Sadasya or a Paden Sadasya or a nominated member" the words "Sabhasad or a Paden Sadasya or a Nam Nirdishta Sadasya" shall be *substituted*;

(ii) the words "an Upa Nagar Pramukh and" shall be *omitted*;

(d) in clause (39), after the words "Mukhya Nagar Adhikari for the city", the words "and includes an Apar Mukhya Nagar Adhikari" shall be *inserted*;

(e) after clause (45), the following clauses shall be *inserted*, namely:—

“(45-A) 'Metropolitan area' means an area as defined in clause (c) of article 243-P of the Constitution;

(45-B) 'municipality' means an institution of self government constituted under section 4;

(45-C) 'municipal area' means the territorial area of a Corporation;”

(f) after clause (51), the following clause shall be *inserted*, namely:—

“(51-A) 'backward classes' means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;”

(g) after clause (52), the following clause shall be *inserted*, namely:—

“(52-A) ‘Panchayat’ means a Panchayat referred to in clause (f) of Article 243-P of the Constitution;”;

(h) after clause (53), the following clause shall be *inserted*, namely:—

“(53-A) ‘population’ means the population as ascertained at the last preceding census of which the relevant figures have been published;”;

(i) clause (67) shall be *omitted*;

(j) after clause (73), the following clause shall be *inserted*, namely:—

“(73-A) ‘State Election Commission’ means the State Election Commission referred to in Article 243-K of the Constitution appointed by the Governor.”;

(k) after clause (82), the following clause shall be *inserted*, namely:—

“(82-A) ‘ward Committees’ means the Ward Committees constituted under section 6-A;”

(l) after clause (88), the following clause shall be *inserted*, namely:—

“(89) The expressions ‘transitional area’ and ‘smaller urban area’ shall have the meanings respectively assigned to them in the U.P. Municipalities Act, 1916.”

6. In section 3 of the principal Act—

Amendment of
section 3

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

“(1) The Governor may, in respect of a local area having a population of five lakh or more, having regard to the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, by notification, declare such area lying within such limits as are specified therein, to be a larger urban area which shall be known as a City by such name as he may specify.”;

(b) in sub-section (2), for the words “State Government”, the word “Governor” shall be *substituted*;

(c) in sub-section (4), for the word “constituted”, the word “declared” shall be *substituted*.

Substitution of
section 4

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

“4. (1) For every City there shall be constituted a municipality to be known as Municipal Corporation the Municipal Corporation of(name of the City) for every City in accordance with the provisions of the Act:

Provided that a Municipal Corporation under this sub-section may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area, and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by notification in the official Gazette, specify to be an industrial township, or in such urban area or part thereof which has been declared as an industrial development area under the Uttar Pradesh Industrial Area Development Act, 1976.

(2) the Municipal Corporation constituted under sub-section (1) shall be a body corporate."

Amendment of
section 5

8. In section 5 of the principal Act,—

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

“(aa) the Ward Committees”;

(b) in clause (d), after the words “Mukhya Nagar Adhikari”, the words “and an Apar Mukhya Nagar Adhikari” shall be inserted.

Substitution of
section 6

9. For section 6 of the principal Act, the following sections shall be substituted, namely:—

“6. (1) The Corporation shall consist of a Nagar Pramukh and—
Composition of
the Corporation

(a) Sabhasads whose number shall be such as the State Government may, by notification in the official Gazette, fix but which shall not be less than sixty and not more than one hundred and ten, which number shall be in addition to the members nominated under clause (b);

(b) Nam Nirdishta Sadasyas who shall be nominated by the State Government by a like notification from amongst persons having special knowledge or experience in municipal administration and whose number shall not be less than five and not more than ten;

(c) Paden Sadasyas comprising the members of the House of the People and the State Legislative Assembly representing constituencies comprising the whole or part of the City;

(d) Paden Sadasyas comprising the members of the Council of States and the State Legislative Council who are registered as electors in the City;

(e) the Chairpersons of the Committees, if any, established under clause (e) of section 5 if they are not members of the Corporation :

Provided that the persons referred to in clause (b) shall not have the right to vote in the meetings of the Corporation :

Provided further that any vacancy in any category of members referred to in clauses (a) to (e) shall be no bar to the constitution or reconstitution of a corporation.

(2) The Sabhasads shall be chosen by direct elections from the wards.

6-A. (1) There shall be constituted, within the municipal area, Wards Constitution and Committees consisting of such number of wards, Composition etc. which shall not be less than ten, as the State Wards Commi- Government may, by notification, specify in respect itees. of all or any Corporation.

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

(3) A Ward Committee shall consist of a Chairperson and all the Sabhasads representing the wards within the territorial area of such Committee.

(4) The Chairperson of a Ward Committee shall be elected by the members of the Committee from amongst themselves.

(5) The Ward Committee shall exercise such powers and perform such functions as may be prescribed by rules.”

Substitution of
section 7

10. For section 7 of the principal Act, the following section shall be substituted, namely:—

“7. (1) In every Corporation, seats shall be reserved for the Scheduled Castes, Reservation the Scheduled Tribes and the number of seats so reserved of seats shall as nearly as may be, bear the same proportion to the total number of seats to be filled by direct election in the Corporation, as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the municipal area bears to the total population of such area and such seats may be allotted by rotation to different wards in a Corporation in such order as may be prescribed by rules.

(2) In every Corporation, twenty-seven per cent seats to be filled by direct election shall be reserved for the backward classes and such seats may be allotted by rotation to different wards in a Corporation in such order as may be prescribed by rules.

(3) Not less than one-third of the seats reserved under sub-sections (1) and (2) shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes or the backward classes, as the case may be.

(4) Not less than one-third of the total number of seats to be filled by direct election in a Corporation, including the number of seats reserved under sub-section (3), shall be reserved for women and such seats may be allotted by rotation to different wards in the Corporation in such order as may be prescribed by rules.

(5) The offices of the Nagar Pramukhs of the Corporations in the State shall be reserved for the Scheduled Castes, the Scheduled Tribes and the backward classes and women in such manner as may be prescribed by rules.

(6) The reservation of the seats and the offices under this section for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in Article 334 of the Constitution.

Explanation—It is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes, the Scheduled Tribes, the backward classes and the women from contesting elections to unreserved seats and offices.

11. For section 8 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 8

“8. (1) A Corporation, unless sooner dissolved under Section 538, shall Duration of continue for five years from the date appointed for its Corporation first meeting and no longer.

(2) An election to constitute a Corporation shall be completed—

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution under Section 538:

Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election for constituting the Corporation for such period.

(3) A Corporation constituted upon its dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub-section (1), had it not been so dissolved.”

12. Section 8-A of the principal Act shall be omitted.

Omission of section 8-A
Amendment of section 8-AA

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

(a) for the words “has been constituted”, the words “has been declared” shall be substituted;

(b) in clause (a), for the words "the Municipal Board", the words "the Municipal Council" shall be substituted;

(c) in clause (b), after the words "Upa Nagar Pramukh", wherever occurring, the words "Wards Committee" shall be substituted.

Amendment of
section 11

14. In section 11 of the principal Act,—

(a) sub-section (2) shall be omitted.

(b) in sub-section (3), for the word "member", the word "Sabhasad" shall be substituted.

Insertion of
new section 11-
A

15. After section 11 of the principal Act, the following section shall be inserted, namely:—

"11-A. (1) The Nagar Pramukh shall be elected on the basis of adult suffrage by
Election of electors in the City.
Nagar Pramukh

(2) An outgoing Nagar Pramukh shall except as provided in section 16, be eligible for re-election.

(3) The provisions of this Act and the rules framed thereunder in relation to elections (including disputes relating to elections and electoral offences) of a Sabhasad shall, *mutatis mutandis*, apply in relation to the election of the Nagar Pramukh.

(4) If in a general election, a person is elected both as a Nagar Pramukh and as a Sabhasad or being a Sabhasad is elected Nagar Pramukh, in any bye-election, he shall cease to be a sabhasad from the date of his election as Nagar Pramukh."

Amendment of
section 12

16. In section 12 of the principal Act, the words "Nagar Pramukh and the" wherever occurring, including the marginal heading, shall be omitted.

Amendment of
section 13

17. In section 13 of the principal Act, for the words and figure "section 9 and the election of the Nagar Pramukh and the" the words "the election of" shall be substituted.

Amendment of
section 14

18. In section 14 of the principal Act, for the words and figure "in section 12", the words, letter and figures "in section 11-A or section 12, as the case may be," shall be substituted.

Amendment of
section 15

19. In section 15 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Except as otherwise provided in this Act,

(a) the term of office of a Nagar Pramukh shall be co-terminus with the term of the Corporation;

(b) the term of office of an Upa Nagar Pramukh shall be one year from the date of his election or the residue of his term of office as a Sabhasad, whichever is less."

Omission of
section 15-A

20. Section 15-A of the principal Act shall be omitted.

Amendment of
section 16

21. In section 16 of the principal Act,—

(a) the word "Upa", wherever occurring including the marginal heading shall be omitted;

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

"(2) No notice of a motion of no-confidence under this section shall be received within two years of the assumption of office by the Nagar Pramukh."

(c) in sub-sections (5) and (6), for the words "Nagar Pramukh", wherever occurring, the words "District Judge" shall be *substituted*,

(d) sub-section (7) shall be *omitted*,

(e) in sub-section (8), for the words and figures "sub-sections (5), (6) and (7)", the words and figures "sub-sections (5) and (6)" shall be *substituted*,

(f) in sub-sections (9), (12) and (13), for the words "Nagar Pramukh", wherever occurring, the words "District Judge" shall be *substituted*,

(g) for sub-section (16), the following sub-section shall be substituted, namely:—

"(16) If the motion is not carried as aforesaid, or if the meeting can not be held for want of quorum, which shall not be less than two-thirds of the total number of members of the Corporation, for the time being, no notice of any subsequent motion of no-confidence in the same Nagar Pramukh shall be received until after the expiry of a period of two years from the date of meeting.";

(h) in sub-section (17), for clause (a) the following clause shall be *substituted*, namely:—

"(a) within three days of the receipt of such communication resign his office, and";

(i) sub-sections (19), (20), (21) and (22) shall be *omitted*,

(j) in sub-section (23), for the words "the Nagar Pramukh", the words "the District Judge" shall be *substituted*.

22. For section 23 of the principal Act, the following section shall be *substituted*,
namely:— Substitution of
section 23

"23. The provisions of sections 24, 25, 26, 28, 29, 30-A, 81, 82, 83, 85, 87, 538, Certain provisions 565, 570 and 572 as they apply to Sabhasads shall, applicable to Sabha- *mutatis mutandis*, apply to Nam Nirdishta Sadasyas." sads to apply to Nam Nirdishta Sadasyas

23. For section 24 of the principal Act, the following section shall be *substituted*,
namely:— Substitution of
section 24

"24. A person shall not be qualified for being chosen as, and for being a Sabhasad
Qualifications for unless he—
election as Sabhasad

(a) is and elector in the City;

(b) has attained the age of twenty one years; and

(c) belongs in respect of a seat reserved for the Scheduled Castes, the Scheduled Tribes, backward classes or women, to such category, as the case may be.

Amendment of
section 25

24. In section 25 of the principal Act,—

(a) in the marginal heading, the words “Vishishta Sadasya and” shall be *omitted*;

(b) in sub-section (1),—

(i) in clause (j)—

(a) the words “is suffering from leprosy or” shall be *omitted*.

(b) for the words “Civil Surgeon”, the words “Chief Medical Officer” shall be *substituted*;

(ii) after clause (j) the following clause shall be *inserted*, namely:—

“(k) is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty years;”

(iii) in the second proviso, for the words “Municipal Board”, the words “Municipal Council” shall be *substituted*.

(c) in sub-section (6), in clause (i), for the words and figure “Cooperative Societies Act, 1912”, the words and figure “Uttar Pradesh Cooperative Societies Act, 1965” shall be *substituted*.

Amendment of
section 31

25. In section 31 of the principal Act,—

(a) in sub-section (1), after the words “shall be divided into”, the words “territorial constituencies to be known as” shall be *inserted*;

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

“(2) Each ward shall be represented by one Sabhasad in the Corporation.”;

(c) sub-section (3) shall be *omitted*.

Amendment of
section 32

26. In section 32 of the principal Act, in sub-section (1),—

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

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

(b) clause (c) shall be *omitted*;

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

“(d) the number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes, backward classes and women.”

Omission of
section 34

27. Section 34 of the principal Act shall be *omitted*.

Substitution of
section 35

28. For section 35 of the principal Act, the following section shall be *substituted*, namely:—

“35. There shall be an electoral roll for each ward which shall be prepared in accordance with the provisions of this Act, under the supervision, direction and control of the State Election Commission”.

29. In section 38 of the principal Act, in sub-section (3), for the words "Municipality, Notified Area, Town Area, Cantonment or Gaon Sabha" the words "smaller urban area, transitional areas, cantonment or Gram Panchyat" shall be *substituted*. Amendment of section 38

30. In section 39 of the principal Act.— Amendment of section 39

(a) in sub-section (1), for the words, "The Nirvachak Registrakaran Adhikari (Electoral Registration Officer) shall prepare and publish" the words "The State Election Commission shall cause to be prepared and published" shall be *substituted*:

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

"(1-A) Notwithstanding anything contained in this Act, the State Election Commission may, for the purpose of preparation of electoral roll for a ward, adopt the Assembly Rolls for the time being in force so far as it relates to the area of that ward:

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

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

"(2) Where the State Election Commission is satisfied, after making such enquiry as it may think fit, whether on an application made to it or on its own motion, that any entry in the electoral roll should be corrected or deleted or that the name of any person entitled to be registered should be added in the electoral roll, it shall, subject to the provisions of this Act and the rules and orders made thereunder, delete or correct or add the entry as the case may be:

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

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

(d) sub-section (3) shall be *omitted*.

31. For section 40 of the principal Act, the following section shall be *substituted*, Substitution of section 40
namely:—

"40. The State Election Commission may, if it thinks it necessary so to do, for Revision of the purposes of general or bye-election, direct a revision of electoral roll the electoral roll for all or any of the wards in such manner as it may think fit:

Provided that subject to other provisions of this Act, the electoral roll for the ward, as in force at the time of issue of any such direction, shall continue to be in force until the completion of revision so directed".

Amendment of
section 41

32. In section 41 of the principal Act,—

(a) for the words “The State Government”, the words “The State Election Commission” shall be *substituted*;

(b) clause (i) shall be *omitted*.

Omission of
section 43

33. Section 43 of the principal Act shall be *omitted*.

Substitution of
section 45

34. For section 45 of the principal Act, the following section shall be *substituted*, namely:—

“45. The superintendence, direction and control of the conduct of elections of the Superintendence etc. of the conduct of elections Nagar Pramukh, Upa Nagar Pramukh and Sabhasads of the Corporation shall be vested in the State Election Commission.”

Amendment of
section 46

35. In section 46 of the principal Act,—

(a) for the words, “the State Government”, the words “the State Election Commission” shall be *substituted*;

(b) clauses (a) and (q) shall be *omitted*;

(c) in clause (f), the words “special procedure at elections in wards where seats are reserved for Scheduled Castes” shall be *omitted*;

(d) in clause (s), the words “the Nagar Pramukh and” shall be *omitted*.

Amendment of
section 48

36. In section 48 of the principal Act,—

(a) for the words “Nirvachan Sanchalak (Sthaniya Nikaya)” wherever occurring, the words “State Election Commission” shall be *substituted*;

(b) in clause (c), for the words “Nagar Mahapalika Adhiniyam”, the words “Municipal Corporation Act” shall be *substituted*.

Amendment of
section 49

37. In section 49 of the principal Act, for clause (b) the following clause shall be *substituted*, namely:—

“(b) to question the legality of any action taken by or under the authority of the State Election Commission in respect of preparation and publication of electoral roll; or”

Substitution of
section 50

38. For section 50 of the principal Act, the following section shall be *substituted*, namely:—

“50. (1) A general election shall be held for the purpose of constituting or reconstituting a Corporation.
Notification for election and vacancy

(2) For the said purpose, the State Government shall, by notification published in the official Gazette, on such date as may be recommended by the State Election Commission, call upon all wards in the City to elect Sabhasads and the Nagar

Pramukh in accordance with the provisions of this Act and of the rules and orders made thereunder.

(3) If a casual vacancy occurs in the office of Nagar Pramukh, Upa Nagar Pramukh or a Sabhasad owing to death or resignation or any other cause, such office or seat, as the case may be, shall be declared vacant by the State Government by notification published in the official Gazette.

(4) When an office or seat has been declared vacant, the State Election Commission shall, by a notification in the official Gazette, call upon the ward concerned or, as the case may be, the Sabhasads, to elect a person for the purpose of filling the vacancy so caused in accordance with the provisions of this Act and of the rules and orders made thereunder before such date as may be specified in the notification."

39. After section 57 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
57-A

"57-A. (1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the planning committee Metropolitan area as a whole.

(2) The Metropolitan Planning Committee, referred to in sub-section (1) shall consist of a Chairperson who shall be chosen in such manner as may be prescribed by rules and such number of members not less than twenty one and not more than thirty, as the State Government may, by order, specify.

(3) Out of the total number of members specified under sub-section (2)—

(a) two thirds of the members shall be elected by, and from amongst, the elected members of the municipalities and chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the municipalities and of the Panchayats in that area; and

(b) one third of the members shall be nominated by the State Government from amongst—

(i) an officer, not below the rank of Deputy Secretary to the Central Government in the Ministry of Urban Development;

(ii) an officer, not below the rank of Joint Secretary to the State Government in the Urban Development Department;

(iii) an officer not below the rank of Joint Secretary to the State Government in the Forest Department ;

(iv) the Chief Town and Country Planner, Uttar Pradesh;

(v) Director, Environment, Uttar Pradesh;

(vi) the Managing Director of Jal Nigam established under the Uttar Pradesh Water Supply and Sewerage Act, 1975;

(vii) the General Manager of Jal Sansthan established under the Uttar Pradesh Water Supply and Sewerage Act, 1975 situated in the Metropolitan area:

(viii) a Superintending Engineer of the Public Works Department:

(ix) a Superintending Engineer of the Uttar Pradesh State Electricity Board:

(x) Vice Chairman of the Development Authority in the Metropolitan Area.

(4) The elected member of the Metropolitan Planning Committee referred to in clause (a) of sub-section (3) shall cease to hold office as soon as he ceases to hold the office by virtue of which he became such member.

(5) A member referred to in sub-clause (i) of clause (b) of sub-section (3) shall be nominated on the recommendation of the Secretary to the Government of India in the Urban Development Department.

(6) Any vacancy of members shall be no bar to the constitution or reconstitution of the Metropolitan Planning Committee.

(7) The Metropolitan Planning Committee shall, in preparing the draft development plan,

(a) have regard to,—

(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area:

(ii) matters of common interest between the municipalities and the panchayats including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation:

(iii) the overall objectives and priorities set by the Government of India and the State Government:

(iv) the extent and nature of investment likely to be made in the metropolitan area by agencies of the Government of India and other available resources whether financial or otherwise.

(b) consult such institutions and organisations as the Governor may, by order, specify.

(8) The Chairperson of a Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the State Government.

Explanation—For the purposes of this section "Municipalities" means the Municipal Corporation, Municipal Council and Nagar Panchayat.

Substitution of
section 58.

40. For section 58 of the principal Act, the following section shall be substituted, namely:—

"58. For every Municipal Corporation, the State Government shall appoint a Mukhya Nagar Adhikari and one or more Apar Mukhya Nagar Adhikari as it may consider necessary:
Appointment of Mukhya Nagar Adhikari and Apar Mukhya Nagar Adhikari

Provided that no person not already in the service of the Government may be appointed as such unless his appointment has been approved by the State Public Service Commission."

41. In section 59 of the principal Act,—

Amendment of
section 59

(a) in the marginal heading, *after* the words "Mukhya Nagar Adhikari", the words "and the Apar Mukhya Nagar Adhikari" shall be *inserted*;

(b) in sub-section (1), *after* the words "Mukhya Nagar Adhikari" the words "and the Apar Mukhya Nagar Adhikari" shall be *inserted*.

42. In section 62 of the principal Act, in the marginal heading, the words "Vishishta Sadasya or" shall be *omitted*.

Amendment of
section 62

43. Section 84 of the principal Act shall be *omitted*.

Omission of
section 84

44. In sections 89,90,91,97,102 and 103 of the principal Act, *for* the words "the Development Committee", wherever occurring, the words "the Development Committee, the Wards Committees" shall be *substituted*.

Amendment of
Sections
89,90,91,97,
102 and 103

45. In section 106 of the principal Act, in sub-section (1), *for* clause (iii), the following clause shall be *substituted*, namely :—

Amendment of
section 106

"(iii) Mukhya Abhiyanta:"

46. In section 107 of the principal Act,—

Amendment of
section 107

(a) in sub-section (1), *for* the words "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", the words "Mukhya Abhiyanta, Nagar Swasthya Adhikari, Mukhya Nagar Lekha Parikshak and to other posts as the State Government may specify, shall be made by the Nagar Pramukh" shall be *substituted*;

(b) in sub-section (2), *for* the words "Appointments to other posts carrying an initial salary of not less than three hundred and one rupees per mensem", the words "Appointments to the posts not included in the posts referred to in sub-section (1)" shall be *substituted*;

(c) in sub-section (5), *for* the words "water works, public health and other departments of the Mahapalika and carrying an initial salary of not more than one hundred and eighty rupees per mensem", the words "public health and other departments of the Corporation carrying scales of pay lower than the scales of pay of the posts referred to in sub-section (3)" shall be *substituted*.

47. In section 112 of the principal Act,—

Amendment of
section 112

(a) in sub-section (1), *for* the words "the Upa Nagar Adhikari", the words "the Apar Mukhya Nagar Adhikari, Upa Nagar Adhikari" shall be *substituted*;

(b) in sub-section (2), *after* the words, "exercised by" the words, "the Apar Mukhya Nagar Adhikari or" shall be *inserted*;

(c) in sub-section (3), *for* the words "the Nagar Abhiyanta", the words "the Mukhya Abhiyanta" shall be *substituted*.

Amendment of
section 112-A

48. In section 112-A of the principal Act, in sub-section (1)-

(a) for the words "Municipal Boards", the words "Nagar Panchayat, Municipal Council" shall be substituted;

(b) the following explanation shall be inserted at the end, namely:—

"Explanation—For the purposes of this sub-section it is clarified that services common to Nagar Panchayats and Municipal Councils or Nagar Panchayats, Municipal Councils, Municipal Corporations and Jal Sansthan in the districts comprised in the Kumaon and Garhwal divisions of the State may be created."

Amendment of
section 114

49. In section 114 of the principal Act.—

(a) in clause (vii), for the words, "for public and private purposes", the words "for domestic, industrial and commercial purposes" shall be substituted;

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

"(ix-a) the construction and maintenance of parking plots, bus-stops and public conveniences;"

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

"(xvi)- establishing, maintaining and assisting maternity centres and child welfare and birthcontrol clinics and promoting population control, family welfare and small family norms ;"

(d) in clause (xxi), after the words "slaughter houses", the word "tanneries" shall be inserted;

(e) after clause (xxxiii), the following clause shall be inserted, namely:—

"(xxxiii-a)—promoting urban forestry and ecological aspects and protection of the environment ;"

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

"(xxxiv-a) safeguarding the interest of weaker sections of society including the handicapped and mentally retarded;

(xxxiv-b) the promotion of cultural, educational and aesthetic aspects ;

(xxxiv-c) the construction and maintenance of cattle pounds and prevention of cruelty to animals.":

(g) after clause (xxxviii), the following clauses shall be inserted:—

"(xxxix) slum improvement and upgradation;

(xl) urban poverty alleviation;

(xli) providing urban amenities and facilities such as parks, gardens and play-grounds."

50. In section 115 of the principal Act, in clause (viii) the words "public parks, gardens, play grounds and" shall be *omitted*. Amendment of section 115

51. In section 117 of the principal Act, *after* sub-section (1), the following sub-section shall be *inserted*, namely:— Amendment of section 117

"(1-A) Except as otherwise expressly provided in this Act, every Ward Committee shall be vested, on behalf of the Corporation in relation to the area for which it has been constituted, with such powers and functions as may be prescribed by rules."

52. In section 126 of the principal Act, in sub-section (1), *for* the words, "Municipal Board", wherever they occur, the words "Municipal Council", shall be *substituted*. Amendment of section 126

53. In section 132 of the principal Act,— Amendment of section 132

(a) in sub-section (3), *for* the words "ten thousand" the words "one lakh" and *for* the words "fifty thousand" the words "five lakh" shall be *substituted*;

(b) in sub-section (4), *for* the words "fifty thousand," the words "five lakh" shall be *substituted*;

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

54. *For* section 135 of the principal Act, the following section shall be *substituted*, namely:— Substitution of section 135

"135. (1) The Mukhya Nagar Adhikari may sanction any estimate the amount of Estimates not which does not exceed one lakh rupees:

exceeding five

lakh rupees

Provided that an estimate, the amount of which exceeds fifty thousand rupees, may be sanctioned by the Mukhya Nagar Adhikari only with the prior approval of the Nagar Pramuks.

(2) The Executive Committee may sanction any estimate the amount of which does not exceed five lakh rupees."

55. In section 136 of the principal Act,— Amendment of section 136

(a) in the marginal heading, *for* the words "rupees fifty thousand" the words "five lakh rupees" shall be *substituted*;

(b) in sub-section (1), *for* the words "two lakhs of rupees" the words "five lakh rupees" shall be *substituted*.

56. *After* section 136 of the principal Act, the following section shall be *inserted*, namely:— Insertion of new section 136-A

"136-A. Notwithstanding anything contained in this Act, every contract or Special provisions estimate in respect of an urban development project regarding certain sponsored by the Government of India or receiving aid from projects the World Bank or any other foreign organisation, shall be

made or sanctioned in accordance with the scheme approved by the State Government:

Provided that the meeting of the Corporation for sanction of funds for such development projects shall be convened and decision taken within one month from the date of approval of the project by the State Government:

Provided further that if the meeting of the Corporation is not convened or decision is not taken within the time specified in the first proviso, the Corporation shall be deemed to have sanctioned the fund and if the sanction is refused or is accorded with modification, the matter shall be referred to the State Government and the decision of the State Government shall be final and binding on the Corporation and the Corporation shall be deemed to have sanctioned the fund accordingly. The Mukhya Nagar Adhikari may thereupon execute the project, spend funds and ensure the completion of project within the stipulated time:

Provided also that the Corporation shall undertake regular monitoring of the projects and shall send its report to the State Government."

Insertion of
new chapter
VI-A

57. After section 138 of the principal Act, the following chapter shall be inserted namely:—

"CHAPTER VI-A

FINANCE COMMISSION

138-A. (1) The Finance Commission shall review the financial position of the Corporation and make recommendations to the Governor as to

(a) the principles which should govern—

(i) the distribution between the State and the Corporation of the new proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them and allocation of share or such proceeds to the Corporations;

(ii) The determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Corporation;

(iii) the grants-in-aid to the Corporation from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Corporation;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Corporation.

(2) Every recommendation of the Finance Commission made under sub-section (1) shall, together with an explanatory memorandum as to the action taken thereon, be laid before both the Houses of the State Legislature."

58. In section 139 of the principal Act, in sub-section (1), in clause (f), *after* the words "from the Government" the words "including grants-in-aid from the Consolidated Fund of the State" shall be *inserted*. Amendment of section 139
59. In section 140-A of the principal Act, *for* the words and figures "section 537, section 538 or section 539" the words and figures "section 537 or section 538" shall be *substituted*. Amendment of section 140-A
60. In section 175 of the principal Act, the following marginal heading shall be *inserted*, namely:— Amendment of section 175
- "Restrictions on imposition of water tax"
61. In section 210 of the principal Act, in sub-section (1), *after* the words "Chairman of the" the word "Executive" shall be *inserted*. Amendment of section 210
62. *After* section 383 of the principal Act, the following section shall be *inserted*, namely:— Insertion of new section 383-A
- "383-A. (1) A Corporation shall prepare every year a development plan for the City.
Preparation of development plan for the city. (2) The Plan referred to in sub-section (1) shall be prepared by the Development Committee of the Corporation in the manner prescribed by rules.
(3) The plan shall be laid before the Corporation which may approve it with or without modifications in such form as it may think fit, and the Mukhya Nagar Adhikari shall submit it to the District Planning Committee referred to in Article 243-ZD of the Constitution by such date as may be prescribed by rules."
63. In section 397 of the principal Act, *for* the words "and Health Services or the Civil surgeon" the words "Health and Family welfare, Uttar Pradesh or the Chief Medical Officer" shall be *substituted*. Amendment of section 397
64. Section 462 of the principal Act shall be *omitted*. Omission of section 462
65. In section 538 of the principal Act, *for* sub-section (3), the following sub-section shall be *substituted*, namely:— Amendment of section 538
- "(3) When a Corporation is dissolved under sub-section (1), the following consequences shall ensue:—
(a) the Nagar Pramukh, the Upa Nagar Pramukh and all Sabhasads shall, on a date to be specified in the order, vacate their respective offices but without prejudice to the eligibility for re-election,
(b) till the constitution of the Corporation under clause (b) of sub-section (2) of section 8, the Mukhya Nagar Adhikari shall carry on the routine work of the Corporation and the Committees mentioned in section 5."
66. Section 539 of the principal Act shall be *omitted*. Omission of section 539
67. In section 540 of the principal Act, sub-section (4) shall be *omitted*. Amendment of section 540
68. Section 574 of the principal Act shall be renumbered as sub-section (1) thereof, and *after* sub-section (1) so renumbered, the following sub-section shall be *inserted*, namely:— Amendment of section 574
- "(2) On and from the date of commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994, any reference to the Nagar Mahapalika or Mahapalika in any rules, regulations, bye-laws, statutory instruments or in any other law for the time being in force, or in any document or proceedings shall be construed as references respectively to the Municipal Corporation or the Corporation."

Insertion of new
section 579-A

69. After section 579 of the principal Act, the following section shall be inserted, namely:—

579-A. (1) Notwithstanding anything in this Act, during the period between the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994, and the constitution of the Municipal Corporation under this Act, the Nagar Mahapalika and its Nagar Pramukh, Upa Nagar Pramukh and members shall respectively exercise, perform and discharge the powers, functions and duties of the Municipal Corporation, its Nagar Pramukh, Upa Nagar Pramukh and members and shall be deemed respectively to be the Municipal Corporation, its Nagar Pramukh, Upa Nagar Pramukh and members.

(2) Where the term or the extended term of the Corporation expires within six months from the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 and a new Corporation is not constituted under the provisions of this Act, then on such expiry and until the date appointed for the first meeting after the constitution of new Corporation—

(a) notwithstanding anything in this Act, the Nagar Pramukh, the Upa Nagar Pramukh, the Sabhasads, 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 Corporation 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 Corporation, its Nagar Pramukh, Upa Nagar Pramukh, Executive Committee, Development Committee and other Committees appointed under clause (e) of section 5 and of the Mukhya Nagar Adhikari shall vest 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 Corporation, the Nagar Pramukh, the Upa Nagar Pramukh, Executive Committee, Development Committee, other Committees 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 Corporation Fund.

(3) The elections to constitute the Corporation in accordance with the provisions of this Act shall be held within a period of six months from the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 and

the provisions of clauses (b), (c) and (d) of sub-section (2) shall cease to have effect on the constitution of the Corporation on such election or on the expiration of the period of six months from such commencement, whichever is earlier.

(4) The provisions of sub-sections (2) and (3) shall also apply where the term of a Corporation had already expired before the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 and where an Administrator has been appointed prior to such commencement, he shall be deemed to have been appointed under this section."

70. For section 580 of the principal Act, the following sections shall be substituted, namely:—

Substitution of section 580

580. (1) If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained in this Act or any other enactment for the time being in force, the State Government may, as occasion requires, by a notified order, direct that this Act shall have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary and expedient.

(2) No order under sub-section (1) shall be made after the expiration of the period of two years from the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994.

(3) The provisions made by any order under sub-section (1) shall have effect as if enacted in this Act and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994.

(4) Every order made under sub-section (1), shall be laid, as soon as may be, before both the Houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

580-A. (1) On and from the date of commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 and subject to the provisions of section 140-- and obligations in certain cases

(a) all property, interest in property and assets, including cash balances wherever situate, which immediately before such date were vested in the Nagar Mahapalika shall vest in and be held by the Corporation for the purposes of this Act; and

(b) all rights, liabilities and obligations of the aforesaid Nagar Mahapalika whether arising out of any contract or otherwise existing immediately before such date, shall be the rights, liabilities and obligations of the Corporation.

(2) Where any doubt or dispute arises as to whether any property, interest or asset has vested in Corporation under sub-section (1), or any rights, liability or obligation has become the right, liability or obligation of Corporation such doubt or dispute shall be referred by the Mukhya Nagar Adhikari to the State Government

whose decision shall unless superseded by any decision of a court of law shall be final.

580-B. All sums due to the Nagar Mahapalika whether on account of any tax or Sums dues any other account, shall be recoverable by the Corporation and for the purpose of such recovery, it shall be competent to the Corporation to take any measure or institute any proceeding which it would have been open to the Nagar Mahapalika to take or institute, if the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 had not come into force.

580-C. (1) All debts and obligations incurred and all contracts made by or on Debts, obligations, behalf of the Nagar Mahapalika before the date referred contracts and pending to in sub-section (1) of section 580-A and subsisting on proceedings the said date shall be deemed to have been incurred and made by the Corporation in exercise of the powers conferred on it by this Act and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said Nagar Mahapalika on the said date, which, under the provisions of this Act, are required to be instituted before or undertaken by the Corporation shall be transferred to and continued by the Corporation and all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said Nagar Mahapalika on the said date shall, so far as may be practicable, be disposed of, as if there was a Corporation, when they were filed.

(4) All prosecutions instituted by or on behalf of the said Nagar Mahapalika and all suits and other legal proceedings by or against the said Nagar Mahapalika or any officer of the said Nagar Mahapalika pending on the said date, shall be continued by or against the Corporation or the officer, as the case may be, as if there was a Corporation constituted when such prosecution, suit or proceeding was instituted."

Amendment of
Schedule I

71. In Schedule I to the principal Act, in Part D thereof, in the entry in third column in respect of section 107 (2), for the words "carrying an initial salary of not less than Rs. 200 in consultation with the State Public Service Commission", the words "not included in the posts referred to in sub-section (1) of section 107" shall be substituted.

CHAPTER III

Amendment of the United Provinces Municipalities Act, 1916

General
amendment of
U.P. Act No. 2
of 1916

72. In the United Provinces Municipalities Act, 1916, hereinafter in this Chapter referred to as the principal Act, for the words "board", "boards", "municipal board" and "municipal boards", wherever occurring including the headings, sub-headings and marginal headings, the words "municipality", "municipalities", "municipality" and "municipalities" shall respectively be substituted.

Amendment of
section 2

73. In section 2 of the principal Act,—

(a) for clause (1), the following clause shall be substituted, namely:—

“(1) “backward classes” means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;”;

(b) clause (4) shall be *omitted*;

(c) *after* clause (5-a), the following clause shall be *inserted*, namely:—

“(5-aa) “District Planning Committee” means the District Planning Committee constituted under Article 243-ZD of the Constitution;”;

(d) *after* clause (6), the following clause shall be *inserted*, namely:—

“(6-a) “Finance Commission” means the Finance Commission referred to in Article 243-I of the Constitution;”;

(e) *for* clause (9), the following clauses shall be *substituted*, namely:—

“(9) “municipality” means an institution of self-government constituted under section 3-A;

(9-A) “municipal area” means the territorial area of a municipality the limits whereof shall be such as are defined under section 3;

(9-B) “Municipal council” means the municipality constituted for a smaller urban area under section 3-A;

(9-C) “Nagar Panchayat” means the municipality constituted for a transitional area under section 3-A;”

(f) *after* clause (13), the following clause shall be *inserted*, namely:—

“(13-A) “panchayat” means a panchayat referred to in clause (f) of Article 243-P of the Constitution;”;

(g) *for* clause (16), the following clause shall be *substituted*, namely:—

“(16) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;”;

(h) *after* clause (22), the following clauses shall be *inserted*, namely:—

“(22-A) “smaller urban area” means a local area, declared as such under section 3;

(22-B) “State Election Commission” means the State Election Commission referred to in Article 243-K of the Constitution;”;

(i) *after* clause (23), the following clause shall be *inserted*, namely:—

“(23-A) “transitional area” means a local area in transition from a rural area to an urban area declared as such under section 3;

(j) *after* clause (24), the following clause shall be *inserted*, namely:—

“(24-A) “Wards Committee” means the Wards Committee constituted under section 3-B;”;

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

Substitution of
section 3

“3. (1) The Governor may, having regard to the population of any local area, the Declaration etc. of transitional density of the population therein, the revenue area and smaller urban area. generated for local administration; the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, by notification in the official Gazette,—

(a) declare any local area.

(i) having a population exceeding one lakh but not exceeding five lakh to be a smaller urban area, or

(ii) having a population exceeding thirty thousand but not exceeding one lakh to be a transitional area :

Provided that in the districts of Garhwal and Kumaon Divisions of the State, a local area having population exceeding fifty thousand may be

declared as a smaller urban area and a local area having a population exceeding fifteen thousand but not exceeding fifty thousand may be declared as a transitional area;

(b) define the limits of a transitional area or of a smaller urban area, as the case may be;

(c) include or exclude any area in or from a transitional area or a smaller urban area, as the case may be; and

(d) cancel any notification under any of the preceding clauses.

(2) Notwithstanding anything in sub-section (1),—

(a) every local area declared to be a municipality under section 3 as it stood immediately before the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994, shall be deemed to be a smaller urban area under this Act;

(b) every local area —

(i) called a notified area under section 337 as it stood immediately before the commencement of the Act referred to in clause (a); or

(ii) declared as a town area under the United Provinces Town Areas Act 1914 before its repeal by the Act referred to in clause (a) shall be deemed to be a transitional area under this Act.

(3) The power to issue a notification under sub-section (1) shall be subject to the condition of the notification being issued after the previous publication required by section 4 and notwithstanding anything in this section, no area which is, or is part of, a cantonment shall be declared to be a transitional area or a smaller urban area or be included therein under this section.

“3-A.(1) There shall be constituted, in accordance with the provisions of this Act, a Municipality for every transitional area and smaller urban area. municipality--

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

(b) for every smaller urban area, to be known as the Municipal Council;

Provided that a Nagar Panchayat or a Municipal Council, as the case may be, may not be constituted under this section in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by notification in the official Gazette, specify to be an industrial township or in respect of such urban area or part thereof which has been declared as an industrial development area under the Uttar Pradesh Industrial Area Development Act, 1976.

(2) Every Nagar Panchayat or Municipal Council constituted under sub-section (1), shall be a body corporate.

(3) Notwithstanding anything in sub-section (1),—

(a) every Municipal Board existing immediately before the commencement of the Uttar Pradesh Urban Local Self Government Laws

(Amendment) Act, 1994, shall, on such commencement be deemed to be a Municipal Council under the Act:

(b) every notified area committee constituted under section 338 or Town Area Committee constituted under the U.P. Town Areas Act, 1914 as it stood immediately before the commencement of the Act referred to in clause (a), shall on such commencement be deemed to be a Nagar Panchayat under this Act.

3-B. (1) There shall be constituted within a municipal area, having a population of three lakh or more, Wards Committees consisting of such number of wards, which shall not be less than five, as the State Government may, by notification in the official Gazette, specify.

(2) The territorial area of a Wards Committee shall consist of the territorial areas of the wards comprising it.

(3) A Wards Committee shall consist of a Chairperson and all the members of the municipality representing the wards within the territorial area of such Committee.

(4) The Chairperson of a Wards Committee shall be elected by the members of that Committee from amongst themselves.

(5) The Wards Committee shall exercise such powers and perform such functions as may be prescribed by rules."

75. In section 4 of the principal Act, for the words "State Government", wherever occurring, the word "Governor" shall be substituted.

Amendment of section 4

76. In section 5 of the principal Act, for the word "Municipality", wherever occurring including the marginal heading, the words "transitional area or smaller urban area" shall be substituted.

Amendment of section 5

77. Section 6 of the principal Act shall be omitted.

Omission of section 6

78. In section 7 of the principal Act,—

Amendment of section 7

(a) after clause (i) the following clause shall be inserted, namely,—

"(ii) providing water supply for domestic, industrial and commercial purposes;"

(b) for clause (mm), the following clause shall be substituted, namely,—

"(mm) establishing, maintaining and assisting maternity centres and child welfare and birth control clinics and promoting population control, family welfare and small family norms;"

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

(t) regulating tanneries;

(u) construction and maintenance of parking lots, bus stops and public conveniences;

(v) promoting urban forestry and ecological aspects and protection of the environment;

(w) safeguarding the interests of weaker sections of society including the handicapped and mentally retarded;

(x) promoting cultural, educational and aesthetic aspects;

(y) constructing and maintaining cattle pounds and preventing cruelty to animals;

(z) slum improvement and upgradation;

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(za) urban poverty alleviation;

(zb) providing urban amenities and facilities such as gardens, public parks and play grounds."

Amendment of
section 8

79. In section 8 of the principal Act,—

In sub-section (1),—

(a) in clause (b), the words "public parks, gardens" shall be *omitted*;

(b) in clause (n), for the words "boards with the sanction in the case of cities of the State Government, and in the case of other municipalities", the words "municipality with the sanction" shall be *substituted*.

Omission of
section 8 A

Substitution of
sections 9 and
9 A

80. Section 8-A of the principal Act shall be *omitted*.

81. For sections 9 and 9-A of the principal Act, the following sections shall be *substituted*, namely:—

"9. (1) A municipality shall consist of a President, who shall be its Chairperson.

Composition of and—
municipality

(a) the elected members, whose number shall,—

(i) in the case of a Nagar Panchayat, be not less than 10, and not more than 24, and

(ii) in the case of a Municipal Council, be not less than 25 and not more than 55, as the State Government may, by notification in the official Gazette specify;

(b) the *ex-officio* members, comprising all members of the House of the People and the State Legislative Assembly representing constituencies which comprise wholly or partly the municipal area;

(c) the *ex-officio* members, comprising all members of the council of States and the State Legislative Council who are registered as electors within the municipal area;

(d) nominated members, who shall be nominated by the State Government, by notification in the official Gazette, from amongst persons having special knowledge or experience in municipal administration and whose numbers shall in the case of—

(i) Nagar Panchayat, be not less than two and not more than three,

(ii) Municipal Council, be not less than three and not more than five;

(e) the Chairpersons of the committees, if any, established under section 104, if they are not members under any of the foregoing clauses;

Provided that the persons referred to in clause (d) shall not have the right to vote in the meetings of the municipality :

Provided further that any vacancy in any category of members referred to in clauses (a) to (e) shall be no bar to the constitution or reconstitution of a municipality."

"9-A. (1) In every municipality seats shall be reserved for the Scheduled Reservation Castes, and the Scheduled Tribes and the number of seats so reserved of seats shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the

municipal area bears to the total population of such area and such seats may be allotted by rotation to different wards in a municipality in such order as may be prescribed by rules.

(2) In every municipality, twenty seven per cent of seats to be filled by direct election shall be reserved for the backward classes and such seats may be allotted by rotation to different wards in a municipality in such order as may be prescribed by rules.

(3) Not less than one-third of the total number of seats reserved under sub-sections (1) and (2) shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes or the backward classes, as the case may be.

(4) Not less than one third of the total number of seats in a municipality [including the number of seats reserved under sub-section (3)] shall be reserved for women and such seats may be allotted by rotation to different wards in a municipality in such order as may be prescribed by rules.

(5) The offices of the Presidents of the Municipalities in the State shall be reserved for the Scheduled Castes, the Scheduled Tribes, the backward classes and the women in such manner as may be prescribed by rules.

(6) The reservation of seats and offices of the Presidents for the Scheduled Castes and the Scheduled Tribes under this section shall cease to have effect on the expiration of the period specified in article 334 of the Constitution.

Explanation—It is clarified that nothing in this section shall prevent the persons belonging to the Scheduled Castes, Scheduled Tribes, the backward classes and the women from contesting election to unreserved seats and offices.

82. Section 10 of the principal Act shall be *omitted*.

Omission of section 10
Substitution of section 10-A

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

“10-A. (1) Every municipality shall, unless sooner dissolved under section 30, Term of muni- continue for five years from the date appointed for its first cipation meeting and no longer.

(2) An election to constitute a municipality shall be completed,—

(a) before the expiry of its term specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved municipality would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the municipality for such period.

(3) A municipality constituted upon the dissolution of a municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved municipality would have continued under sub-section (1), had it not been so dissolved.”

84. Sections 10-AA and 11 of the principal Act shall be *omitted*.

Omission of sections 10-AA and 11
Substitution of section 11-A

85. For section 11-A of the principal Act, the following section shall be *substituted*, namely:—

“11-A. (1) For the purpose of election of members of a municipality every Delimitation municipal area shall be divided into territorial constituencies to be of wards known as wards in such manner that the population in each ward shall, so far as practicable, be the same throughout the municipal area.”

Amendment of
section 11 B

(2) Each ward shall be represented by one member in the municipality.

86. In section 11-B of the principal Act, in sub-section (1)—

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

“(a) the number of wards in to which each municipal area shall be divided for purposes of elections to the municipality:”;

(b) clause (c) shall be omitted;

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

“(d) the number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes, the backward classes and the women”.

Substitution of
sections 12 A
and 12 B

87. For sections 12-A and 12-B of the principal Act, the following sections shall be substituted, namely:—

12-A. The members of a municipality shall be elected on the basis of adult Election of suffrage in accordance with the provisions of this Act.
members

12-B (1) There shall be an electoral roll for every ward which shall be Electoral prepared in accordance with the provisions of this Act under the roll for superintendence, direction and control of the State Election every ward Commission.

(2) The State Election Commission shall cause to be prepared and published the electoral roll in the manner prescribed by rules and upon its publication it shall subject to any alteration, addition or modification made under or in accordance with this Act be the electoral roll for the ward prepared in accordance with this Act.

(3) Notwithstanding anything contained in this Act, the State Election Commission may, for the purpose of preparation of electoral roll for a ward, adopt the electoral roll for the Assembly constituency prepared under the Representation of the People Act, 1950 for the time being in force so far as it relates to the area of that ward:

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

Amendment of
section 12 E

88. In section 12-E of the principal Act, in sub-section (2), for the words “Municipality, Notified Area, Town Area, Cantonment or Gaon Sabha”, the words “Municipal area, Cantonment or area of Gram Panchayat” shall be substituted.

Substitution of
section 12 F

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

“12-F. Where the State Election commission is satisfied, after making such Correction of enquiry as it may think fit, whether on an application made to it Electoral rolls or on its own motion, that any entry in the electoral roll should be corrected or deleted or that the name of any person entitled to be registered should be added in the electoral roll, it shall subject to the provisions of this Act and rules and orders made thereunder correct, delete or add the entry, as the case may be:

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

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

Amendment of
section 12 G

90. In section 12-G of the principal Act,—

(a) for the words "The Director of Elections (Local Bodies)", the words "The State Election Commission" shall be *substituted*;

(b) for the word "he" wherever occurring, the word "it" shall be *substituted*;

(c) the word "special", wherever occurring shall be *omitted*.

91. In section 12-H of the principal Act,—

Amendment of section 12-H

(a) for the words "The State Government", the words "The State Election Commission" shall be *substituted*;

(b) clause (e) shall be *omitted*.

92. For section 13-A of the principal Act, the following section shall be *substituted*, namely,—

Substitution of section 13-A

"13-A. Except as provided in section 31-A, the State Government shall, in consultation with the State Election Commission, by notification in the official Gazette, appoint date or dates for general election to a municipality."

93. For sections 13-B and 13-C of the principal Act, the following sections shall be *substituted*, namely,—

Substitution of sections 13-B and 13-C

"13-B. The superintendence, direction and control of the conduct of all elections to the municipalities shall be vested in the State Election Commission.

of the elections

13-C. A person shall not be qualified for being chosen as and for being a member unless,—

election of member

(a) he is an elector for any ward in the municipality;

(b) in the case of a seat reserved for the Scheduled Castes, the Scheduled Tribes, the backward classes or the women, he is a person belonging to the said category, as the case may be;

(c) he has attained the age of twenty one years."

94. In section 13-D of the principal Act,—

Amendment of section 13-D

(a) clause (h) shall be *omitted*;

(b) after clause (j), the following clause shall be *inserted*, namely,—

"(k) is so disqualified by or under any law for the time being in force for the purposes of elections to the legislature of the State :

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years."

95. Section 13-F of the principal Act, shall be *omitted*.

Omission of section 13-F
Amendment of section 13-G

96. In section 13-G of the principal Act,—

(a) for the words "The State Government", the words "In so far as provision with respect to any matter is not made by this Act, the State Election Commission", shall be *substituted*;

(b) in clause (f), the words "special procedure at elections in wards where seats are reserved for Scheduled Castes", shall be *omitted*.

Amendment of
section 13-H

97. In section 13-H of the principal Act,—

(a) in sub-section (1) for the words “the District Magistrate shall consultation, with the Board”, the words “the State Election Commission shall consultation with the State Government” shall be *substituted*;

(b) in sub-section (2),—

(i) after the words “for the Scheduled Castes”, the words “the Scheduled Tribes, the backward classes or the women” shall be *inserted*;

(ii) after the words “to the Scheduled Castes”, the words “or the Scheduled Tribes, or the backward classes or the women, as the case may be” shall be *inserted*.

Amendment of
section 13-I

98. In section 13-I of the principal Act, for the words “the State Government may direct that the vacancy be left unfilled until, the next general election” the words “such vacancy may be left unfilled” shall be *substituted*.

Amendment of
section 13-J

99. In section 13-J of the principal Act, for the words “the Director of Elections (Local Bodies)”, wherever occurring, the words “the State Election Commission” shall be *substituted*.

Amendment of
section 13-K

100. In section 13-K of the principal Act, in sub-section (1) for clause (b), the following clause shall be *substituted*, namely,—

“(b) to question the legality of any action taken by or under the authority of the State Election Commission in respect of preparation or publication of electoral roll or”

Amendment of
section 25

101. In section 25 of the principal Act, in the marginal heading, for the words “Election Tribunal” the words “The District Judge” shall be *substituted*.

Substitution of
section 30

102. For section 30 of the principal Act, the following section shall be *substituted*, namely,—

“30. If at any time the State Government is satisfied that a municipality persistently makes default in the performance of duties imposed upon it by or under this Act or any other law for the time being in force or to dissolve the municipality exceeds or abuses more than once its powers, it may, after having given the municipality a reasonable opportunity to show cause why such order should not be made, by order, published with the reasons therefor in the official Gazette, dissolve the municipality.”

Omission of
section 31

103. Section 31 of the principal Act, shall be *omitted*.

Substitution of
section 31-A

104. For section 31-A of the principal Act, the following section shall be *substituted*, namely,—

“31-A. (1) Where a municipality is dissolved under section 30, the following consequences shall follow :—
Consequences of
dissolution of
municipality

(a) All members of the municipality including the President shall, on a date to be specified in the order, vacate their offices as such but without prejudice to their eligibility for re-election or renomination ;

(b) Until the constitution of the new municipality—

(i) all powers, functions and duties of the municipality, its President and Committees shall be vested in and be exercised, performed and discharged by such person or persons as the State Government may appoint in that behalf and such person or persons, shall be deemed in law to be the municipality, the President or the Committee, as the occasion may require ;

(ii) such salary and allowances of such person or persons as the State Government may by general or special order in that behalf fix, shall be paid out of municipal Fund ;

(iii) the State Government may, from time to time, by notification in the official Gazette, make such incidental or consequential provisions, including provisions for adapting, altering or modifying any provisions of this Act, without affecting the substance, as may appear to it to be necessary or expedient for carrying out the purposes of this section.”

105. In section 34 of the principal Act,—

Amendment of
section 34

(a) in sub-section (2), the words “in respect of a city” shall be *omitted* ;

(b) sub-section (3) shall be *omitted*.

106. In section 35 of the principal Act,—

Amendment of
section 35

(a) the words “or the Prescribed Authority, as the case may be” wherever occurring shall be *omitted* ;

(b) In sub-section (1), for the words “the board of a city, or to the Prescribed Authority that the board of a municipality other than a city” the words “a municipality” shall be *substituted*.

107. In section 38 of the principal Act,—

Amendment of
section 38

(a) in the marginal heading, after the word “elected”, the words “or nominated” shall be *inserted* ;

(b) after the word “elected”, the words “or nominated” shall be *inserted* ;

(c) after the words “his election”, the words “or nomination” shall be *inserted*.

108. In section 40 of the principal Act, —

Amendment of
section 40

(a) in sub-section (1), the words, “in the case of a city, or the Prescribed Authority in any other case” shall be *omitted* ;

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

(c) in sub-section (4) for the words, “when either the State Government or the Prescribed Authority, as the case may be”, the words “when the State Government” shall be *substituted* ;

(d) sub-section (5) shall be *omitted* ;

(e) for sub-section (6) the following sub-section shall be *substituted*, namely,—

“(6) without prejudice to any of the foregoing powers, the State Government may on any of the grounds referred to in sub-section (1), instead of removing a member give him a warning.”

Amendment of section 41

109. In section 41 of the principal Act, in sub-section (4), the words “or the Prescribed Authority whichever of these authorities passed the order of removal” shall be omitted.

Substitution of section 43

110. For section 43 of the principal Act, the following section shall be substituted, namely, —

“43. (1) The President of the municipality shall be elected on the basis of adult suffrage by the electors in the municipal area.
President

(2) An outgoing President shall be eligible for re-election.

(3) The provision of this Act and the rules framed thereunder in relation to election (including disputes relating to election and electoral offences) of a member shall, *mutatis mutandis*, apply in relation to election of the President.

(4) If in a general election a person is elected both as member and President of the municipality or being a member of the municipality is elected President thereof in any bye-election, he shall, except as provided in section 49, cease to be a member from the date of his election as President.”

Amendment of section 43-AA

111. In section 43-AA of the principal Act,—

(a) in sub-section (1), in clause (a), for the words “in the municipality”, the words “in the municipal area” shall be substituted;

(b) In sub-section (2), in clause (a), for the words “mentioned in clauses (a) to (j)” the words “mentioned in clauses (a) to (g) and (i) to (k)” shall be substituted;

(c) sub-section (3) shall be omitted.

Omission of section 43-B

112. Section 43-B of the principal Act shall be omitted.

Amendment of section 43-BB

113. In section 43-BB of the principal Act, in sub-section (1), the words, letter and figures “or sub-section (1), of section 43-B” shall be omitted.

Amendment of section 43-C

114. In section 43-C of the principal Act,—

(a) for the words “State Government”, wherever occurring including the marginal heading, the words, “the State Election Commission” shall be substituted;

(b) the words “and settlement of dispute regarding” shall be omitted;

(c) clauses (j) to (r) shall be omitted.

Substitution of section 44-A

115. For section 44-A of the principal Act, the following section shall be substituted, namely,—

“44-A. If a casual vacancy occurs in the office of the President of the municipality owing to death or resignation or any other cause, the President shall be elected as soon as may be thereafter, but not later than three months from the date of occurrence of the said vacancy, in the manner provided in section 43.”

116. In section 47 of the principal Act,—

Amendment of
section 47

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

“(1) A President of a municipality wishing to resign may forward his written resignation through the District Magistrate to the State Government.”;

(b) in sub-section (2), the words, “or the Prescribed Authority, as the case may be” shall be *omitted*.

117. In section 47-A of the principal Act,—

Amendment of
section 47-A

(a) in sub-section (1),—

(i) in clause (a), for the words “either resign his office or represent to the State Government to supersede the Board stating his reasons therefor”, the words “resign his office” shall be *substituted*;

(ii) the proviso shall be *omitted*;

(b) sub-section (3), shall be *omitted*;

(c) sub-section (6), shall be *omitted*.

118. In section 48 of the principal Act, sub-section (3) shall be *omitted*.

Amendment of
section 48

119. For section 49 of the principal Act, the following section shall be *substituted*, namely,—

Substitution of
section 49

“49. The President of a municipality shall be *ex-officio* member of the President to municipality.”
be member

120. In section 54 of the principal Act, for sub-section (2), the following sub-section shall be *substituted*, namely,—

Amendment
of section 54

“(2) The term of office of a Vice President of any description shall be one year from the date of his election or the residue of his term of office as a member of the municipality, whichever is less.”

121. In section 54-A of the principal Act, in sub-section (1), for the words “and accordingly the provisions of section 10-AA shall *mutatis mutandis* apply”, the words “and all powers, functions and duties of the President shall be vested in and be exercised, performed and discharged by him” shall be *substituted*.

Amendment of
section 54-A

122. In section 57 of the principal Act, in sub-section (2), for the words “United Provinces Public Health Service”, wherever occurring, the words “Uttar Pradesh Provincial Medical and Health Service” shall be *substituted*.

Amendment of
section 57

123. In section 66 of the principal Act, in sub-section (1), the words “Board of a” shall be *omitted*.

Amendment of
section 66

124. In section 69-B of the Principal Act, in sub-section (1),—

Amendment of
section 69-B

(a) for the words “municipal boards or to the municipal boards, Mahapalikas and Jal Sansthan in the State”, the words “Nagar Panchayats or Municipal Councils or

to the Nagar Panchayats, Municipal Councils, Municipal Corporations and Jal Sansthan in the State" shall be *substituted* :

(b) the following explanation shall be *inserted* at the end, namely:—

"*Explanation*: - For the purposes of this sub-section it is clarified that services common to the Nagar Panchayats, and Municipal Councils or Nagar Panchayats, Municipal Councils, Municipal Corporations and Jal Sansthan in the districts of Garhwal and Kumaon Divisions of the State may be created."

Amendment of
section 87-A

125. In section 87-A of the principal Act,—

(a) in sub-section (12), for the words "more than one half", the words "two-thirds" shall be *substituted* :

(b) in sub-section (13),—

(i) for the words "one year", the words "two years" shall be *substituted* ;

(ii) for the words "shall be more than one half", the words "shall not be less than two-thirds" shall be *substituted* ;

(c) in sub-section (14), for the words "one year", the words "two years" shall be *substituted* .

Amendment of
section 92

126. In section 92 of the principal Act, in sub-section (1), in the proviso, the words "of a Board referred to in sub-section (2) of section 43" shall be *omitted* .

Amendment of
section 93

127. In section 93 of the principal Act, for the words "Chief Engineer, Local Self Government Engineering Department, the Director of Medical and Health Services, the Assistant Director of Medical and Health Services, the Civil Surgeon", the words "Chief Engineer, Uttar Pradesh Jal Nigam, the Director of Medical, Health and Family Welfare, Uttar Pradesh, or the Assistant Director, Medical, Health and Family Welfare, Uttar Pradesh, the Chief Medical Officer" shall be *substituted* .

Amendment of
section 96

128. In section 96 of the principal Act, in sub-section (1),—

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

"(b) involving a value or amount, exceeding ten thousand rupees in the case of a contract by the Municipal Council and three thousand rupees in the case of a contract by the Nagar Panchayat";

(b) the following proviso shall be *inserted*, namely:—

"Provided that during the period intervening two meetings of the Municipal Council, the President may sanction contracts involving a value or amount not exceeding twenty thousand rupees."

Insertion of
new section
97-A

129. After section 97 of the principal Act, the following section shall be *inserted*, namely:—

"97-A. Notwithstanding anything contained in this Act, every contract or Special provision estimate in respect of an urban development project regarding certain sponsored by the Central Government or receiving aid projects from the World Bank or any other foreign organisation, be made or sanctioned in accordance with the scheme approved by the State Government :

Provided that the meeting of the Municipality for sanction of funds for the urban development project shall be convened and decision be taken within one month from the date of approval of the project by the State Government:

Provided further that if the meeting of the municipality is not convened or decision is not taken within the time specified in the first proviso, the municipality shall be deemed to have sanctioned the funds and if the sanction is refused or is accorded with modifications, the matter shall be referred to the State Government and the decision of the State Government shall be final and binding on the municipality and the municipality shall be deemed to have sanctioned the funds accordingly. The Executive Officer may thereupon execute the project, spend funds and ensure completion of the project within the stipulated time:

Provided also that the municipality shall undertake regular monitoring of the projects and shall send its report to the State Government."

130. In section 110-A of the principal Act, in sub-section (3) clause (d) shall be omitted.

Amendment of section 110-A

131. In section 113 of the principal Act, in sub-section (2),--

Amendment of section 113

(a) for the words "election, nomination or appointment" the words "election or nomination" shall be substituted;

(b) for the words "member of a board or", the words "member of a municipality or if the election, nomination or appointment of a person acting as a member" shall be substituted.

132. In section 114 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 114

"(1) There shall be established, for each municipality, a fund called 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."

133. In sections 116 and 120 of the principal Act, for the word "municipality", wherever occurring, the words "municipal area" shall be substituted.

Amendment of sections 116 and 120

134. In sections 121 and 122 of the principal Act, for the word "municipality", wherever occurring, including the marginal heading "transitional area or a smaller urban area, as the case may be," shall be substituted.

Amendment of sections 121 and 122

135. After section 127 of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of a new chapter IV-A

"CHAPTER IV-A

DISTRICT PLANNING COMMITTEE AND THE FINANCE COMMISSION

127-A. (1) There shall be constituted in every district a District Planning Committee District planning committee to consolidate the plans prepared by the Panchayats and the Municipal Corporations, Municipal Councils and Nagar Panchayats in the district and to prepare a draft development plan for the district as a whole.

(2) The District Planning Committee shall consist of such persons as may be prescribed by rules :

Provided that not less than four-fifths of the total number of members of the committee shall be elected by, and from amongst, the elected members of the Zilla Panchayat and of the Municipal Corporation, Municipal Councils and Nagar Panchayats in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district:

Provided further that the other members of such committee shall be nominated by the State Government by order notified in the official Gazette.

Provided also that any vacancy of members shall be no bar to the constitution or reconstitution of such committee.

(3) The Chairperson of the District Planning Committee shall be chosen in such manner as may be prescribed by rules.

(4) The District Planning Committee, shall, in preparing the draft development plan,--

(a) have regard to--

(i) matters of common interest between the Panchayats and the Municipal Corporations, Municipal Councils and Nagar Panchayats including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order specify.

(5) The Chairperson of a District Planning Committee shall forward the development plan, as recommended by such committee, to the State Government.

127-B. (1) The Executive Officer of a municipality shall prepare every year Preparation of development plan for the municipal area in the manner prescribed by rules. plan

(2) The Plan prepared under sub-section (1) shall be placed before the municipality in its meeting and the municipality may approve it with or without modification.

(3) The Executive Officer shall, after the plan is approved by the municipality send it to the District Planning Committee before such date as may be prescribed by rules.

127-C. (1) The Finance Commission shall also review the financial position of the municipalities and make recommendations to the Governor as to--

(a) the principles which should govern--

(i) the distribution between the State and the municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them and the allocation of shares of such proceeds to the municipalities;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the municipalities;

(iii) the grants-in-aid to the municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the municipalities;

(c) any other matter referred to the finance commission by the Governor in the interests of sound finance of the municipalities.

(2) Every recommendation of the finance commission made under sub-section (1) shall, together with an explanatory memorandum as to the action taken thereon, be laid before both the houses of the State Legislature."

136. In section 129 of the principal Act, the following marginal heading shall be inserted, namely:--

"Restriction in the imposition of water tax."

137. In section 132 of the principal Act, in sub-section (1), for the word "municipality", the words "municipal area" shall be substituted.

138. In section 137 of the principal Act, in sub-section (1), for the words "the board of the municipality", the words "the municipality" shall be substituted.

139. In sections 141, 145, 151, and 158 of the principal Act, for the word "municipality" wherever occurring, the words "municipal area" shall be substituted.

140. In section 160 of the principal Act, sub-section (2) shall be omitted.

141. In sections 173, 178, 188, 189, 191 and 196 of the principal Act, for the word "municipality", wherever occurring including the marginal heading, the words "municipal area" shall be substituted.

142. In sections 200 and 202 of the principal Act, for the words "municipal limits", wherever occurring, the words "municipal area" shall be substituted.

143. In section 212-A of the principal Act,--

(a) in the marginal heading, for the words "municipal limits", the words "municipal area" shall be substituted;

(b) for the words "limits of the municipality", the words "limits of municipal area" shall be substituted.

144. In sections 220, 224 and 226 of the principal Act, for the words "municipality" and "municipal limits", wherever occurring, the words "municipal area" and "municipal area" shall respectively be substituted.

145. In section 228 of the principal Act, in sub-section (1), for the words "The board of every municipality", the words "Every municipality" shall be substituted.

146. In section 235 of the principal Act, in sub-section (1), in clause (g), for the words "the limits of the municipality", the words "the municipal area" shall be substituted.

147. In sections 237, 238, 239, 240 and 241 of the principal Act, for the words "municipality" and "municipal limits", wherever occurring, the words "municipal area" and "the limits of municipal area" shall respectively be substituted.

148. In section 245 of the principal Act, --

(a) for the word "municipality", wherever occurring, the words "municipal area" shall be substituted;

(b) in sub-section (3), for the words "municipal boundary", the words "boundary of the municipal area" shall be substituted.

149. In sections 246, 248, 250 and 252 of the principal Act, for the word "municipality", wherever occurring, the words "municipal area" shall be substituted.

150. In sections 273 and 275 of the principal Act, for the words "municipal limits", wherever occurring, the words "the limits of the municipal area" shall be substituted.

Amendment of section 129

Amendment of section 132

Amendment of section 137

Amendment of sections 141, 145, 151, and 158

Amendment of section 160

Amendment of sections 173, 178, 188, 189, 191 and 196

Amendment of sections 200 and 202

Amendment of section 212-A

Amendment of sections 220, 224 and 226

Amendment of section 228

Amendment of section 235

Amendment of sections 237, 238, 239, 240 and 241

Amendment of section 245

Amendment of sections 246, 248, 250 and 252

Amendment of sections 273 and 275

Amendment of sections 279 and 282
Amendment of section 284

151. In sections 279 and 282 of the principal Act, for the word "municipality", the words "municipal area" shall be substituted.

152. In section 284 of the principal Act,—

(a) for the word "municipality", wherever occurring, the words "municipal area" shall be substituted;

(b) in sub-section (2), for the words "municipal boundary", the words "boundary of the municipal area" shall be substituted.

153. In section 296 of the principal Act, in sub-section (2), in clause (c), for the word "municipality", the words "municipal area" shall be substituted.

154. In section 298 of the principal Act,—

(a) for the word "municipality", wherever occurring including the Lists, the words "municipal area" shall be substituted;

(b) in sub-section (2), the words "board of a", wherever occurring, shall be omitted;

(c) in List I, under the sub-heading "F-Markets, slaughter houses, sale of food etc." in item (e) for the words "municipal limits", the words "limits of the municipal area" shall be substituted;

Amendment of section 296

Amendment of section 298

Substitution of section 301

155. For section 301 of the principal Act, the following section shall be substituted, namely:—

"301. (1) The power of the municipality to make regulations under clauses (e) to (n) of sub-section (1) of section 297 and U.P. Primary Education Act, 1919 shall be subject to the condition of the regulations not taking effect until they have been confirmed by the State Government.

(2) The power of the municipality to make bye-laws shall be subject to the condition of the bye-laws being made after previous publication and of their not taking effect until they have been confirmed by the State Government and published in the Official Gazette.

(3) The State Government in confirming a bye-law or regulation shall have the power to make any change in it as it may deem necessary.

(4) No alteration or rescission of a regulation made under clauses (e) to (n) of sub-section (1) of section 297 or of any bye-law by a municipality shall have effect until it has been confirmed by the State Government.

(5) The State Government may after previous publication of its intention rescind any regulation or bye-law which it has confirmed and thereupon the regulation or bye-law shall cease to have effect."

Amendment of section 318

156. In section 318 of the principal Act, in sub-section (1) the proviso shall be omitted.

Amendment of section 333

157. In section 333 of the principal Act, second proviso shall be omitted.

Substitution of section 333-A

158. For section 333-A of the principal Act, the following section shall be substituted, namely:—

"333-A- Where a smaller urban area is declared in place of a transitional area, the following consequences shall follow as from the date of the declaration of the smaller urban area:—

Consequences of declaration of a smaller urban area in place of a transitional area.

(i) all taxes, fees, licenses, fines or penalty imposed, prescribed, or levied on the date immediately preceding the said date, by the Nagar Panchayat be deemed to have been imposed, prescribed or levied by the Municipal Council under or in accordance with the provisions of this Act and shall until modified or changed continue to be so realisable;

(ii) any expenditure incurred by the Nagar Panchayat, on or before the date immediately preceding the said date, from its fund, shall continue to be so incurred by the Municipal Council as if it was an expenditure authorised by or under this Act;

(iii) all properties, including rights or benefits subsisting under any deed, contract, bond, security or choses-in-action, vested in the Nagar Panchayat, on the date immediately preceding the said date, shall be transferred to and vested in and enure for the benefit of the Municipal Council;

(iv) all liabilities, whether arising out of contract or otherwise which have accrued against the Nagar Panchayat and are outstanding on the date immediately preceding the said date shall thereafter be the liabilities of the Municipal Council;

(v) the Municipal fund of the Nagar Panchayat and all the proceeds of any unexpended taxes, tolls, fees or fines levied or realised by it, shall be transferred to and from part of the Municipal fund of the Municipal Council;

(vi) all legal proceedings commenced by or against the Nagar Panchayat and pending on the date immediately preceding the said date, shall be continued by or against the Municipal Council;

(vii) any officer or servant who, on the date immediately preceding the said date, was employed by the Nagar Panchayat, in full time employment shall be transferred to and become an officer or servant of the Municipal Council as if he has been appointed by it under the provisions of this Act; and

(viii) anything done or any action taken, including any appointment or delegation made, notification, order or direction issued, rule, regulation, form, by-law or scheme framed, permit or licenses granted or registration effected by the Nagar Panchayat, shall be deemed to have been done or taken by the Municipal Council and shall continue in force accordingly until superseded by anything done or any action taken by it."

159. For section 333-B of the principal Act, the following section shall be substituted, namely:—

Substitution of section 333-B

"333-B. Where a municipality is constituted for a municipal area which has been excluded from an existing municipal area (hereinafter in this section referred to as undivided municipal area) the following consequences shall follow as from the date of constitution (hereinafter in this section referred to as the said date) of the municipality--

(a) all taxes, fees, licences, fines or penalties imposed, prescribed or levied, on the date immediately preceding the said date, by the municipality of the undivided municipal area be deemed to have been imposed, prescribed or levied by the newly constituted municipality under the provisions of this Act;

(b) any expenditure in respect of the area included in the municipal area of the newly constituted municipality incurred by the municipality of the undivided municipal area on or before this date immediately preceding this said date from its funds, shall continue to be so incurred by the newly constituted municipality as if it was expenditure authorised by or under this Act;

(c) all property within the municipal area of the newly constituted municipality, including the rights or benefits subsisting under any deed, contract, bond, security or choses-in-action vested in the municipality of the undivided

(ix) for the entries against section 40 (1), the following entries shall substituted, namely,—

“To remove a member of a Board”;

(x) the entries against sections 40 (2) and 40 (5) shall be omitted ;

(xi) in the entries against section 40 (6), the words “or to suspend” shall omitted ;

(xii) the entry against section 47-A shall be omitted ;

(xiii) in the entry against section 48, the words “or suspend” shall be omitted ;

(xiv) in the entry against section 55 (3), the words “or suspend” shall be omitted ;

(xv) the entries against sections 337 to 339 shall be omitted .

CHAPTER-IV

REPEAL

Repeal of
U.P. Act no. 2
of 1914 and
U.P. Act no. 8
of 1994

163. The United Provinces Town Areas Act, 1914 and the Uttar Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam, 1994 hereby repealed.

By order,

N.K.NARANG,

Sachiv.



रजि. नं. एल. डब्लू./एन०. पी. 890

लाइसेंस नं० डब्लू० पी०-41

लाइसेंस टू पोस्ट एट कन्सिशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 5 जनवरी, 1996

पौष 15, 1917 शक सम्बत्

UTTAR PRADESH SARKAR

VIDHAYI ANUBHAG—I

No. 36/XVII-V-1-1 (KA) 47-1996

Dated Lucknow, January 5, 1996

NOTIFICATION

MISCELLANEOUS

THE following President's Act enacted on January 5, 1996 is published for general information :—

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS
(AMENDMENT) ACT, 1996**

(PRESIDENT'S ACT NO. 3 OF 1996)

[Enacted by the President in the Forty-sixth Year of the Republic of India

AN

ACT

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

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995, the President is pleased to enact as follows :—

CHAPTER—I

Preliminary

(1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1996

Short title and

CHAPTER-II

Amendment of the Uttar Pradesh Municipal Corporations Act, 1959

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

2. In section 7 of the Uttar Pradesh Municipal Corporations Act, 1959, in sub-section (5)—

(a) after the words "Nagar Pramukhs" the words "and the Upa-Nagar Pramukh" shall be inserted ;

(b) the following proviso shall be inserted, namely :—

"Provided that if the office of the Nagar Pramukh of a Corporation is reserved the office of Upa Nagar Pramukh of that Corporation shall not be reserved."

CHAPTER-III

Amendment of the Uttar Pradesh Municipalities Act, 1916

Amendment of section 9-A of U. P. Act no. 2 of 1916

3. In section 9-A of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act, in sub-section (5)—

(a) after the word "Presidents" the words "and the Vice-Presidents" shall be inserted;

(b) the following proviso shall be inserted, namely :—

"Provided that if the office of the President of a Municipality is reserved, the office of Vice-Presidents in that Municipality shall not be reserved."

Amendment of section 13-J

4. In section 13-J of the principal Act, in sub-section (1) clause (c) shall be omitted.

CHAPTER-IV

Miscellaneous

Repeal and saving.

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Fourth Amendment) Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

U.
Ordin
No. 3
199

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
*Secretary to the Government
of India.*

Reasons for the enactment

Comprehensive amendments were made in pursuance of the Constitution (74th Amendment) Act, 1992 in the Urban Local Self-Government Laws. Sub-section (5) of section 7 of the Uttar Pradesh Municipal Corporations Act, 1959 and sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916 respectively provided for reservation of the offices of the Nagar Pramukh of the Municipal Corporations and of the Presidents of the Municipalities in favour of the Scheduled Castes, Scheduled Tribes, backward classes and the women. According to the State Election Commission reservation to the offices of Upa-Nagar Pramukh and the Vice-Presidents like those of the Nagar Pramukhs and the Presidents was also necessary. The provisions of section 130 of the Representation of the People Act, 1951 that no person shall on the date or dates on which the poll is taken at any polling station canvass for votes, solicit the vote of any elector persuade any elector not to vote for any particular candidate, persuade any elector not to

vote at the election or exhibit any notice or sign relating to the election within the polling station or in any public or private place within a distance of one hundred metres of the polling station were accordingly provided in section 48 of the Uttar Pradesh Municipal Corporation Act, 1959 but in clause (c) of sub-section (1) of section 13-J of the Uttar Pradesh Municipalities Act, 1916, the provision of twenty five metres was made in place of one hundred metres. It was decided to amend the aforesaid Acts to provide for the reservation to the offices of the Upa-Nagar Pramukhs and the Vice-Presidents and to provide for one hundred metres in place of twenty five metres for the said offences relating to elections.

2. Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Urban Local Self-Government Laws (Fourth Amendment) Ordinance, 1995 (U. P. Ordinance No. 38 of 1995) was promulgated by the Governor on the 29th September, 1995.

3. The President issued a proclamation on the 18th October, 1995 under article 356 of the Constitution, in relation to the State of Uttar Pradesh, declaring *inter alia*, that the powers of Legislature of the State shall be exercised by or under the authority of Parliament. Parliament has, under article 357 (1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996).

4. The said Ordinance could not be replaced by an Act and the Ordinance is expiring on the 7th January, 1996. It is therefore, decided that the said Ordinance shall be replaced by a President's Act.

5. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996) the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said Committee has yet not been constituted and the matter is very urgent, it is proposed to enact the measure without reference to the said Committee.

C. RAMACHANDRAN,
Secretary to the Government of India.

By order,
R. D. MATHUR,
Pramukh Sachiv.

No. 2442 (2)/XVII-V-1—1 (KA) 39-2001

Dated Lucknow, October 6, 2001

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 Swayatta Shasan Vidhi (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 23 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001.

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS

(AMENDMENT) ACT, 2001

(U.P. Act No. 23 of 2001)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

IT IS HEREBY enacted in the Fifty-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, 2001. Short title

CHAPTER-II

Amendment of the Uttar Pradesh Municipal Corporation Act, 1959

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

2. In section 12 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter in this Chapter referred to as the principal Act,—

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

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

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

“(3) The Up Nagar Pramukh shall be elected by the electorates consisting of Nagar Pramukh, Sabhasads, Paden Sadasyas and Nam Nirdishta Sadasyas of the Corporation and the voting at such election shall be secret ballot.

(3-a) A person securing the highest number of votes in an election under sub-section (3), shall be declared elected and in the case of equality of votes, the Nirvachan Adhikari shall decide by lot and declare the person elected on whom the lot falls.”

Amendment of
section 46

3. In section 46 of the principal Act, in clause(s), for the word “Sabhasads” the words “electorates referred to in sub-section (3) of section 12.” shall be *substituted*.

CHAPTER-III

Amendment of the Uttar Pradesh Municipalities Act, 1916

Amendment of
section 53 of U.P.
Act no. 2 of 1916

4. In section 53 of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act,—

(a) in the heading, for the words “a Vice-President” the words “the Vice-President” shall be *substituted*;

(b) in sub-section (1), for the words “any Vice-President” the words “the Vice-President” shall be *substituted*;

(c) in sub-section (3) for the words “a Vice-President” the words “the Vice-President” shall be *substituted*.

Amendment of
section 54

5. In section 54 of the principal Act,—

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

“(1) Every Municipality shall have a Vice-President elected, as occasion arises, from amongst its elected members by the electorates consisting of President, elected members, *ex-officio* members and nominated members of the Municipality and the voting at such election shall be by secret ballot.

(1-a) A person securing the highest number of votes in an election under sub-section (1) shall be declared elected and in the case of equality of votes, the returning officer shall decide by lot and declare the person elected on whom the lot falls.”;

(b) in sub-sections (2) and (4) for the words “a Vice-President”, wherever occurring, the words “the Vice-President” shall be *substituted*;

(c) in sub-section (3) for the words “any Vice-President” the words “the Vice-President” shall be *substituted*.

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6. In section 54-A of the principal Act,—

Amendment of
section 54-A

- (a) in the heading the words “and procedure for election of Vice-President” shall be *omitted* ;
 (b) existing sub-section (1) shall be renumbered as section 54-A; and
 (c) sub-sections (2) to (9) shall be *omitted*.

7. In section 55 of the principal Act,—

Amendment of
section 55

- (a) in sub-section (1), in the English translation, *for* the words “A Vice-President”, the words “The Vice-President” shall be *substituted*;
 (b) sub-section (2) shall be *omitted*.

By order,

Y.R. TRIPATHI,

Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

Section 12 of the Uttar Pradesh Municipal Corporations Act, 1959, *inter-alia*, provides that the Up Nagar Pramukh shall be elected as soon as may be after the election of Sabhasads has been completed, by the members in accordance with the system of proportional representation by means of the single transferable vote. Section 54 of the Uttar Pradesh Municipalities Act, 1916 provides that the Vice President of the Municipal Council or the Nagar Panchayat shall be elected by a special resolution. It has now been decided to amend the said Acts to provide that,—

(i) the Up Nagar Pramukh shall be elected from amongst elected Sabhasads after the election of Sabhasads has been completed or after the expiry of term of office of an Up Nagar Pramukh by the electorate consisting of Nagar Pramukh, Sabhasads, Paden Sabhasads and Nam Nirdisht Sadasyas of the Corporation;

(ii) the Vice President shall be elected by the electorates consisting of president, elected members, *ex-officio* members and nominated members of the Municipal Council or the Nagar Panchayat, as the case may be,

The Uttar Pradesh Urban Local Self Government Laws (Amendment) Bill, 2001 is introduced accordingly.

No. 476(2)/VII-V-1-1(ka)15/2005

Dated Lucknow : March 24, 2005

IN pursuance of the provisions of clause [3] of article 348 of the Constitution of India, the governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Swayatta Shasan Vidhi (sanshodhan) Adhiniyam, 2005 [Uttar Pradesh Adhiniyam Sankhya 8 of 2005] as passed by the Uttar Pradesh Legislature and assented to by the Governor on. March 23, 2005:—

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS

(AMENDMENT) Act, 2005

(U.P. Act No. 8 of 2005)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

IT IS HEREBY enacted in the Fifty-sixth 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, 2005. Short title

CHAPTER-II

Amendment of the Uttar Pradesh Municipal Corporation Act, 1959

Amendment of section 6 of U.P. Act no. 2 of 1959

2. In section 6 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter in this chapter referred to as the Principal Act, in sub-section (1) for the first proviso the following proviso shall be *substituted*, namely:

“Provided that the persons referred to in clause (b) shall hold office during the pleasure of the State Government and they shall have the right to vote in the meetings of the Corporation.”

Insertion of new section 25-A

3. After section 25 of the principal Act the following section shall be inserted, namely:—

“25-A Notwithstanding any thing to the contrary, contained in any other Bar to legislators becoming or continuing as Mayor, Deputy Mayor or Corporator provision of this Act,—

(a) A person shall be disqualified for being elected at, and for being a Mayor, Deputy Mayor or Corporator, if he is a Member of Parliament or of the State Legislature;

(b) if a person after his election as Mayor, Deputy Mayor or Corporator subsequently elected or nominated to any of the offices referred to in clause (a) he shall on the date of first publication in the *Gazette* of India or of the Uttar Pradesh of the declaration of his election or his nomination, cease and within a period of fourteen days from such notification intimate by notice in writing signed by him and delivered to any person authorized by the Government in this behalf, submit his option, in which office he wishes to serve and any choice so intimated shall be conclusive, failing which he shall upon expiry of said period, to hold, the office of Mayor, Deputy Mayor or Corporator and a casual

vacancy shall thereupon occur in the office of the Mayor, Deputy Mayor or Corporator as the case may be.”

CHAPTER-III

Amendment of the Uttar Pradesh Municipalities Act, 1916

Amendment of
section 9 of U.P.
Act no. 2 of 1916

4. In section 9 of the Uttar Pradesh Municipalities Act, 1916 for the first proviso the following proviso shall be *substituted*, namely:

“Provided that the persons referred to in clause (d) shall hold office during the pleasure of the State Government and they shall have the right to vote in the meetings of the Municipalities”.

STATEMENT OF OBJECTS AND REASONS

In order to take advantage of the special knowledge and experience of the nominated members in the implementation of development activities and welfare scheme it has been decided to amend the Uttar Pradesh Municipal Corporation Act, 1959 and the Uttar Pradesh Municipalities Act, 1916 to give voting right to such members of the corporations, municipal councils and the Nagar Panchayats, It has also been decided to provide for disqualifying a person for being elected as, and for being, a Mayor, Deputy Mayor or corporator who is a Member of Parliament or a Member of the State Legislature by amending the said Act of 1959.

The Uttar Pradesh Local Self-Government Laws (Amendment) Bill, 2005 is introduced accordingly.

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

No. 1148/VII-V-1-1(ka)23-2006

Dated Lucknow, September 16, 2006

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 Sthaneya Swayatta Shasan Vidhi (Sansodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 25 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 15, 2006.

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS
(AMENDMENT) ACT, 2006

(U. P. Act no. 25 of 2006)

[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 Fifty-seventh Year of the Republic of India as follows :—

CHAPTER-I

Preliminary

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on July 12, 2006.

CHAPTER-II

Amendment of the Uttar Pradesh Municipalities Act, 1916

Amendment of section 9-A of U.P. Act no. 2 of 1916

2. In section 9-A of Uttar Pradesh Municipalities Act, 1916 for sub-section (5) the following sub-section shall be *substituted*, namely :—

(5) The offices of President and Vice President of the Municipal Councils and Nagar Panchayat shall be reserved and allotted for the Schedule Castes, the Schedule Tribes and the Backward Classes and Women, in the manner given below :—

(1) Reservation and allotment of offices of the President

(a) the reservation and allotment of offices of the President under this sub-section, shall be done separately for the Municipal Councils and Nagar Panchayats in the manner hereinafter provided.

(b) The number of offices to be reserved—

(i) for the Scheduled Castes or for the Scheduled Tribes or for the backward classes shall be determined in the manner that it shall bear, as nearly as may be, the same, proportion to the total number of offices in the State as the population of the Scheduled Castes in the urban area of the State, or of the Scheduled Tribes in the urban area of the State, or of the backward classes in the urban area of the State bears to the total population of such area in the State and if in determining such number of offices, there comes a remainder then, if it is half or less than half of the divisor, it shall be ignored and if it is more than half of the divisor, the quotient shall be increased by one and the number so arrived at shall be the number of offices to be reserved for the Scheduled Castes or the Scheduled Tribes or the backward classes, as the case may be.

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty-seven percent of the total number of offices in the State;

(ii) for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes as the case may be, under sub-section (3) shall not be less than one third of the number of offices for the Scheduled Castes, Scheduled Tribes and for the backward classes and if in determining such number of offices there comes a remainder then the quotient shall be increased by one and the number so arrived at shall as the case may be the number of offices be reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backward classes ;

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty-seven percent of the total number of offices in the State;

(ii) for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes as the case may be, under sub-section (3) shall not be less than one third of the number of offices for the Scheduled Castes, Scheduled Tribes and for the backward classes and if in determining such number of offices there comes a remainder then the quotient shall be increased by one and the number so arrived at shall as the case may be the number of offices be reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backward classes.

(c) All Municipal Councils and Nagar Panchayats of the State shall be arranged in such serial order that the Municipal Councils or Nagar Panchayats having largest percentage of population of Schedule Castes in the State, shall be placed at serial number 1 and Municipal Councils or Nagar Panchayats having lesser population of the Scheduled Castes than those shall be placed at number 2 and the rest shall likewise be placed respectively at succeeding numbers.

(d) subject to item (ii) of sub-clause (b) the number of offices of the Presidents determined under sub-clause (b) for Municipal Councils or the Nagar Panchayats of the State shall be allotted to different Municipal Councils or Nagar Panchayats in the State, as the case may be, in the manner that—

(i) the number of offices determined under item (i) of sub-clause (b) for the offices of Scheduled Castes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the Scheduled Castes, shall be allotted to Scheduled Castes next to the municipal council or Nagar Panchayat placed at serial no. 1 under sub-clause (c) :

Provided that such Municipal Council or Nagar Panchayats shall be first allotted to the women belonging to the Scheduled Castes ;

(ii) the number of offices determined under item (i) of sub-clause (b) for the offices of Scheduled Tribes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the Scheduled Tribes be allotted to Scheduled Tribes serialwise next to the last serial allotted under item (i) ;

Provided that such Municipal Council or Nagar Panchayat shall be first allotted to the women belonging to the Scheduled Tribes.

(iii) the number of offices determined under item (i) of sub-clause (b), for the offices of backward classes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the backward classes shall be allotted to backward classes serial wise next to the last serial number allotted under item (ii) :

Provided that such Municipal Council or Nagar Panchayat shall be first allotted to the women belonging to the backward classes.

(iv) the number of offices determined under item (ii) of sub-clause (b) excluding the officers determined under the said sub-clause for the women of Scheduled castes, Scheduled Tribes and backward classes shall be allotted to the women serialwise next to the last serial number allotted under items (iii) .

(e) If on the basis of the population of Scheduled Castes or Scheduled Tribes in a Municipal Council or Nagar Panchayat.

(i) only one office could be reserved for the Scheduled Castes or for the Scheduled Tribes as the case may be, such office shall be allotted to the women.

(ii) no office could be reserved for the Scheduled Castes or for the Scheduled Tribes, the order of allotment of offices referred in sub-clause (d) shall be so adhered to as if there is no reference in it to the Scheduled Castes or to the Scheduled Tribes, as the case may be.

(f) the offices allotted in any previous election to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women shall not be allotted in the subsequent election respectively to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women and the offices in such subsequent election shall be allotted serially from the next to the last office allotted to the women in the previous election in the order referred to in sub-clause (d) in cyclic order.

(2) Reservation and allotment of the offices of Vice President,—

For the reservation and allotment of offices of the Senior Vice President of Municipal Councils or the Vice President of Nagar Panchayats, the provisions of sub-clause (5) of clause (1) shall *mutatis mutandis* apply :

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty seven percent of the total number of unreserved offices of President in the State :

provided also that the number of offices to be reserved for the women shall not be less than one third of the total number of unreserved offices of President and if in determining such number of offices, there comes a remainder then the Quotient shall be increased by one and the number so arrived at shall be the number of offices to be reserved for women :

Provided also that offices allotted in any election to the women shall not be allotted to the women in the next following election and shall be allotted to the next Municipal Council or Nagar Panchayat, as the case may be:

Provided also that if the office of the President of a municipal Council is reserved, the office of Vice President of that Municipal Council shall not be reserved:

Provided that where the offices of Senior Vice President in the Municipal Councils, are reserved for Scheduled Castes or backward classes or women, the office of Junior Vice President in such Municipal Councils the office of the junior most Vice President shall be reserved for backward classes, women or Scheduled Castes, as the case may be.

(3) Allotment order

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

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

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

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

CHAPTER-III

Amendment of the Uttar Pradesh Municipal corporation Act, 1959

3. In section 7 of the Uttar Pradesh Municipal Corporation Act, 1959 for sub-section (5) the following sub-section shall be *substituted*, namely:-

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

(5) The offices of Mayor and Deputy Mayor of the Corporation shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes and women in the manner given below:-

(1) Reservation and allotment of offices of mayor:-

(a) The reservation and allotment of offices of the Mayor shall be done in the manner hereinafter provided.

(b) The number of offices to be reserved-

(i) *for the* Scheduled Castes or for the Scheduled Tribes or for the backward classes shall be determined in the manner that it shall bear, as nearly as may be, the same proportion to the total number of offices in the state as the population of the Scheduled Castes in the urban area of the State, or of the Scheduled Tribes in the urban area of the State, or of the backward classes in the urban area of the State bears to the total population of such area in the State and if in determining such number of offices there comes a remainder then, if it is half or less than half of the divisor, it shall be ignored and if it is more than half of the divisor, the quotient shall be increased by one and the number so arrived at shall be the number of office to be reserved for the Scheduled Castes or the Scheduled Tribes or the backward classes, as the case may be:

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty-seven per cent of the total number of offices in the State;

(ii) for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes as the case may be, under sub-section (3) shall not be less than one third of the number of offices for the Scheduled Castes, Scheduled Tribes and for the backward classes, and if in determining such number of offices there comes a remainder then the quotient shall be increased by one and the number so arrived at shall, as the case may be, be the number of offices to be reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backward classes.

(c) Municipal corporations of the State shall be arranged in such serial order that the Municipal Corporations having largest percentage of population of Scheduled Castes in the State, shall be placed at serial number 1 and Municipal Corporations having lesser population of the Scheduled Castes shall be placed at serial number 2 and the rest shall likewise be placed respectively at succeeding numbers and like wise the remaining shall be numbered respectively.

(d) subject to item (ii) of sub clause (b) the number of offices of the level determined under sub clause (b) for Municipal Corporations of the State shall be allotted to different Municipal Corporations in the State, as the case may be, in the manner that,—

(i) the number of offices determined under item (i) of sub-clause (b) for the offices of Scheduled Castes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the Scheduled Castes, shall be allotted to Scheduled Castes serialwise next to the Municipal Corporations placed at serial no. 1 onward under sub-clause (c):

Provided that such Municipal Corporations shall be first allotted to the women belonging to the Scheduled Castes ;

(ii) the number of offices determined under item (ii) of sub clause (b) for the offices of Scheduled Tribes including the number of offices determined under item (ii) of the said sub clause for the women belonging to the Scheduled Tribes, shall be allotted to Scheduled Tribes serialwise next to the last serial allotted under item (i):

Provided that such Municipal Corporation shall be first allotted to the women belonging to the Scheduled Tribes.

(iii) the number of offices determined under item (i) of sub clause (b), for the offices of backward classes including the number of offices determined under item (ii) of the said sub clause for the women belonging to the backward classes shall be allotted to backward classes serialwise next to the last serial number allotted under item (ii) :

Provided that such Municipal Corporation shall be first allotted to the women belonging to the backward classes;

(iv) the number of offices determined under item (ii) of sub section (b) excluding the offices determined under the said sub-clause for the women of Scheduled Castes, Scheduled Tribes and backward classes shall be allotted to the women serial wise next to the last serial number allotted under item (iii).

(e) If on the basis of the population of Scheduled Castes or Scheduled tribes in a Municipal Corporation.

(i) only one office could be reserved for the Scheduled Castes or for the Scheduled Tribes as the case may be, such office shall be allotted to the women ;

(ii) no office could be reserved for the Scheduled Castes or for the Scheduled Tribes, the order of allotment of offices referred in sub-clause (d) shall be so adhered to as if there is no reference in it to the Scheduled Castes or to the Scheduled Tribes, as the case may be.

(f) the offices allotted in any previous election to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women shall not be allotted in the subsequent election respectively to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women and the offices in such subsequent election shall be allotted serially from the next to the last office allotted to the women in the previous election in the order referred to in sub clause (d) in cyclic order.

(2) Reservation and allotment of the offices of Deputy Mayor,-

For the reservation and allotment of office of the Deputy Mayor of Municipal Corporations, the provisions of sub-clause (5) of clause (i) shall *mutatis mutandis* apply:

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty seven percent of the total number of unreserved offices of Mayor in the State:

Provided also that the number of offices to be reserved for the women shall not be less than one third of the total number of unreserved offices of Mayor and if in determining such number of offices, there comes a remainder than the quotient shall be increased by one and the number so arrived at shall be the number of offices to be reserved for women:

Provided also that the offices allotted to any election in any election to the women shall not be allotted to the women in the next following election and shall be allotted to the next Municipal Corporation, as the case may be:

Provided also that if the office of the Mayor of a Municipal Corporation is reserved, the office of Deputy Mayor of that Municipal Corporation shall not be reserved.

(3) Allotment order,-

(a) Notwithstanding anything contained in the foregoing sub-sections the State Government shall, after determining the number of offices to be reserved for the Scheduled Castes, Scheduled Tribes, backward classes and the women, by order published in the *Gazette*, allot the offices to the Municipal Corporations.

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

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

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

4. (1) The Uttar Pradesh Municipalities (Amendment) Ordinance, 2006 and the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2006 are hereby repealed.

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

Repeal and
Saving

STATEMENT OF OBJECTS AND REASONS

Sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916 was held ultra-virous and rules 6 and 6-A of the Uttar Pradesh Municipalities (Reservation and Allotment of Seats and Offices) rules, 1994 were held illegal and invalid by the Hon'ble High Court in its judgement dated February 6, 2006. In the light of the said judgement it was decided to amend the said sub-section (5) to include *mutatis mutandis* the provisions of the said rules 6 and 6-A. As similar provisions were existed in sub-section (5) of section 7 of the Uttar Pradesh Municipal Corporation Act, 1959 and in the Uttar Pradesh Municipal Corporations (Reservation and Allotment of Seats and Offices) Rules, 1994, it was also decided to make similar amendment in the said Act of 1959.

Since the State Legislature was not in session and immediate legislative action was necessary, 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 on July 12, 2006.

This Bill is introduced to replace the aforesaid Ordinances.

By order,
R. M. CHAUHAN,
Pramukh Sachiv.

No. 1520/LXXIX-V-1-01(Ka) 39-2006

Dated Lucknow, December 11, 2006

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 Sthaniya Swayatta Shasan Vidhi (Dwitiya Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 38 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 8, 2006 .

THE UTTAR PRADESH URBAN LOCAL SELF GOVERNMENT LAWS

(SECOND AMENDMENT) ACT, 2006

(U.P. ACT NO. 38 OF 2006)

[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 Fifty-seventh 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 (Second Amendment) Act, 2006. Short title

CHAPTER-II

Preliminary

Amendment of the Uttar Pradesh Municipalities Act, 1916

Amendment of
section 43-D of
U.P. Act no. 2 of
1916

2. In section 43-D of the Uttar Pradesh Municipalities Act, 1916 hereinunder in this chapter referred to as the principal Act, for sub-section (4), the following sub-section shall be *substituted*, namely:—

“(4) Within seven days of the constitution or reconstitution of the Municipality, the District Magistrate shall convene a meeting of the Municipality for the Administration of oath or affirmation in the manner prescribed in this section and such meeting shall be presided over by the District Magistrate or in his absence by a Deputy Collector nominated by him in this behalf. The Meeting, so convened shall be treated as the First Meeting of the Municipality.”

Insertion of new
section 68-B and
section 68-C

3. After section 68-A of the principal Act the following sections shall be *inserted*, namely:—

“68-B (1) Notwithstanding anything to the contrary contained in any other law for the time being in force and without prejudice to the generality of the powers conferred by this Act or the rules made thereunder the Executive Officer of concerned Municipality, may at any time by general or special order direct any regular, *ad hoc* or contractual employee of the Municipality, who goes or remains on or otherwise takes part in any strike which has been prohibited by an order under sub-section (1) of section 3 of the Uttar Pradesh Essential Services Maintenance Act, 1966 to resume duty by the day or hour and in the manner specified in the order.

(2) Notwithstanding anything to the contrary contained in any other provisions of this Act or the rules made thereunder,—

(a) the employment or contract of a regular, *ad hoc* or contractual employee of the Municipality shall become void with effect from the day or hour specified in the order referred to in sub-section (1) if the employee fails to resume duty in response to the said order;

(b) where the employment or contract of a regular, *ad hoc* or contractual employee becomes void under clause (a), the services of such employee shall stand terminated and such employee shall not be entitled to any notice before the termination of his services and no disciplinary enquiry shall be required before such action.

(3) In particular and without prejudice to the generality of the foregoing provisions of this section, the Municipality shall not be liable for payment of salary of any such employee beyond the day or hour specified in the order referred to in sub-section (1).

68-C. The Executive Officer of concerned Municipality shall, notwithstanding anything to the contrary contained in any other provisions of this Act or the rules or regulations made thereunder be competent to appoint on temporary basis any person possessing the requisite qualifications for discharging the duties of the post of the employee referred to in section 68-B.”

CHAPTER—III

Amendment of the Uttar Pradesh Municipal Corporation Act, 1959

Amendment of
section 85 of U. P.
Act no. 2 of 1959

4. In section 85 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter in this chapter referred to as the principal Act, for sub-section (1-A) the following sub-section shall be *substituted*, namely:—

“(1-A) Within seven days of the constitution under section 9 or reconstitution under section 538 of the Corporation the Municipal Commissioner shall convene a meeting of the Municipal Corporation. The Commissioner of the Division or in his absence the District Magistrate shall administer the oath or affirmation to the Mayor and thereafter the Mayor shall administer the oath or affirmation to corporators who have been declared elected. Such meeting shall be presided over by the Commissioner of the Division or in his absence the District Magistrate. The meeting so convened, shall be treated as the First Meeting of the Municipal Corporation.”

5. After section 112-D of the principal Act the following sub-section shall be inserted, namely:—

Insertion of
new section
112-E

“112-E (1) Notwithstanding anything contained in any other law for the time being in force and without prejudice to the generality of the powers conferred by this Act or the rules made thereunder the Municipal Commissioner may at any time by general or special order direct any regular, *adhoc* or contractual employee of the Municipal Corporation who goes or remains on or otherwise takes part in any strike which has been prohibited by an order under sub-section (1) of section 3 of the Uttar Pradesh Essential Services Maintenance Act, 1966 to resume duty by the day or hour and in the manner specified in the order.

(2) Notwithstanding anything contained in any other provisions of this Act or the rules made thereunder,—

(a) the employment or contract of a regular, *adhoc* or contractual employee with the Corporation shall become void with effect from the day or hour specified in the order referred to in sub-section (1) if the employee fails to resume duty in response to the said order;

(b) where the employment or contract of a regular, *adhoc* or contractual employee becomes void under clause (a), the services of such employee shall stand terminated and such employee shall not be entitled to any notice before the termination of his services, nor any disciplinary inquiry shall be required before such action.

(3) In particular, and without prejudice to the generality of the foregoing provisions of this section, the Municipal Corporation shall not be liable for payment of salary of any such employee beyond the day or hour specified in the order referred to in sub-section (1).

(4) The Municipal Commissioner shall, notwithstanding anything to the contrary contained in any other provisions of this Act or the rules and regulations made thereunder be competent to appoint on temporary basis any person possessing the requisite qualifications for discharging the duties of the post or the employee referred to in sub-section (2).

6. In section 172 of the principal Act,—

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

Amendment
of section 172

“(c) a tax on helicopters or any other type of planes, when they land on or take off from the helipads, airports, airsteps or places made for this purpose situated within the Corporation. The tax so imposed shall be paid by the airport authority or person or persons, or managers, or director or institution or department or agency involved in the maintenance, management and supervision of the airport, airstrip, helipad or the place as the case may be.”

(d) a tax on trades and professions.

(e) a tax on deeds of transfer of immovable property situated within the city.

(f) a tax on vacant land situated within the city.

(b) in sub-section (2),—

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

“(a) a tax on callings and on holding a public or private appointment.”

(ii) clause (g) shall be omitted.

Amendment of
section 177

7. In section 177 of the principal Act, 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, fields, farms and gardens of Government aided institutes of research and development, playgrounds of Government aided or unaided recognised educational institutions and sports stadium.”

STATEMENT OF OBJECTS AND REASONS

With a view to making the provisions of the Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959 more effective, it has been decided to amend the said Acts mainly to provide for,—

(a) clarifying that the meeting of a Municipality or of a Corporation convened after its constitution or re-constitution for administration of oath or affirmation shall be the first meeting of that Municipality or Corporation as the case may be;

(b) empowering the Executive Officer of a Municipality or the Municipal Commissioner of a Corporation to direct, by general or special order, any regular, *ad hoc* or contractual employee of the Municipality or the Corporation, as the case may be, who goes or remains on or otherwise takes part in any prohibited strike to resume duty and to make new appointment to the posts held by the employees who have failed to comply with the said order;

(c) authorising the Corporation to impose tax on helicopters or any other type of planes when they land on or take off from the helipads, airports, airstrips or places made for this purpose situated within the Corporation instead of on animals used for riding, driving, draught or burden kept within the city;

(d) authorising the Corporation to impose tax on certain items in respect of which the Corporation is heitherto authorised to impose tax in addition to the items on which the Corporation is fully authorised to impose tax;

(e) exempting from levy of tax the fields, farms and gardens of Government, aided institutes of research and development, playgrounds of Government, aided or unaided recognised educational institutions and sports stadium.

The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Bill, 2006 is introduced accordingly.

By order,
VIRENDRA SINGH,
Pramukh Sachiv.