# The Uttar Pradesh Municipalities Act, 1916

Act U.P. Act No. II of 1916. 432 sections. Bare Act with the official footnotes.

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Every section online, with the old and new law side by side and exam questions:
https://www.lawmaker.in/bare-acts/uttar-pradesh-municipalities-act-1916

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Adopted and modified by the Government of India (Adoptation of Indian Laws) Order, 1937.

Adopted and modified by the Adoptation of Laws Order, 1950.

(Received the assent of the Lieutenant-Governor on the 11th May, 1916 and of the Governor General on the 15th June, 1916, and was published under section 81 of the Government of India Act 1915, on the 24th June, 1916. )

An Act to consolidate and amend the Laws relating to Municipalities in the "Uttar Pradesh" ; it is hereby enacted as follows ;

WHEREAS it is expedient to consolidate and amend the law relating to municipalities in the [Uttar Pradesh] ; it is hereby enacted as follows ;

## CHAPTER - I PRELIMINARY

### Section 1. Short title, extent and commencement

(1) This Act may be called the [1][Uttar Pradesh] Municipalities Act, 1916.

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

(3) It shall come into force on the first day of July, 1916.

[1] Subs. sec. 32 of Act no. 26 of 1995.
[2] Subs. for sub-sec. (2) of sec. 1 by the A. O. 1950.

### Section 2. Definitions

In this Act, unless there is something repugnant in the subject or context -

[1][(1) "Backward Classes" means the backward classes of citizens specified in Schedule 1 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 ; ]

[2][ (2) "Building" means a house, out-house, stable, shed, hut or other enclosure or structure whether of masonry bricks, wood, mud, metal or any other material whatsoever whether used as a human dwelling or otherwise, and includes any verandah, platform, plinth, staircase, door-step, wall including compound wall other than a boundary wall of a garden or agricultural land not appurtenant to a house but does not include a tent or other such portable temporary shelter. ]

| Areas | Act or Order under which extended | Notification, if any, under which forced | Date from which enforced |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| 1. Rampur District | Rampur (Applica-tion of Laws) Order, 1949. | No. 177 (e)-J, d. July 31, 1949. | July 31, 1949. |
| 2. Banaras District | Banaras (Applica-tion of Laws) Order, 1949 | No. 2781 and 2782-XVII, d. Sept. 6, 1950. | Sep, 6. 1950. |
| 3. Tehri-Garhwal District | Tehri-Garhwal (Application of Laws) Order, 1949. | Ditto. | Ditto. |

(3) "Bye-law" means a bye-law made in exercise of a power conferred by this Act.

(4) [3][ * * * * ]

(5) "Compound" means land, whether enclosed or not which is the appurtenance of a building or the common appurtenance of several buildings.

(5)(a) [4]"Director" means the Director of Local Bodies, Uttar Pradesh of printed under section 31-B.

[5][(5-aa) "District Planning Committee" means the District Planning Committee constituted under Article 243-ZD of the Constitution ; ]

(6) "Drain" includes a sewer, pipe, ditch channel or any other device to carrying of sulage, sewage and polluted water or rain water or sub soil water together with pail delots trots, sinks cistens flush tanks and other fitting appertaining thereto.

[6][ (6-a) "Finance Commission" means the Finance Commission [7][constituted under] Article 243-I of the Constitution ; ]

(7) "Inhabitant" used with reference to a local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therein.

(8) "Lodging-house" includes a collection of buildings, or a building, or part of a building used for the accommodation of pilgrims and travellers.

[8][(8-a) "Master Plan" means a comprehensive plan showing therein the existing and proposed location and general layout of -

(a) arterial streets and transportation lines ;

(b) residential sections ;

(c) business areas ;

(d) industrial areas ;

(e) educational institutions ;

(f) public parks, play-grounds and other recreational places ;

(g) public and semi-public buildings ; and

(h) any other places put to any specified use. ]

[9][(9) "Municipality" means an institution of self-government [10][referred to in clause (e) of article 243-P of the Constitution].

(9-A) "Municipal area" means the territorial area of a municipality [11][ * * * * ]

[12][(9-B) "Municipal council" means Municipal Council constituted under sub-clause (b) of clause (1) of article 243-Q of the Constitution ;

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

(10) "Notification" means a notification published in the [13][Official Gazette.]

(11) "Occupier" includes an owner in actual occupation of his own land or building.

(12) "Officer of the Municipality" means a person holding for the time being an office created or constituted by or under this act but shall not include a member of the board or of a committee as such.

(13) "Owner" includes a person for the time being receiving or entitled to receive the rent, or a part fo rent, of any land or building whether on his own account or as trustee, or as agent for a person or for a religious or charitable purpose, or as receiver appointed by or under the order of a court or who would so receive the same if the land or building were let to a tenant.

[14][(13-A) "panchayat" means a panchayat referred to in clause (f) of Article 243-P of the Constitution ; ]

(14) "Part of a building" includes any wall, underground room or passage, verandah, fixed, platform, plinth, staircase or door step attached to, or within the compound of an existing building or constructed on ground which is to be the site or compound of a projected building.

(15) "Petroleum" means petroleum as defined in the Indian Petroleum Act, 1899[15].

[16][(16) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published ; ]

[17][(17) (i) "Prescribed" means prescribed by or under this Act or rules made thereunder or by or under any other enactment.

(ii) "Prescribed authority" means an officer or a body corporate appointed by the [18][State Government] in this behalf by notification in the official Gazette, and, if no such officer or body corporate is appointed, the Commissioner ].

(18) "Public place" means a space, not being private property, which is open to the use or enjoyment of the public whether such space is vested in the board or not.

(19) "Public street" means a street -

(a) which is declared a public street by the [19][Municipality] under the provision of section 221, or

(b) which with the consent, express or implied, of the owner of the land comprising the street, has been leveled, played, metaled, channeled, severed or repaired out of the municipal or other public funds.

(20) "Regulation" means a regulation made in exercise of a power conferred by this Act.

(21) "Rule" means a rule made in exercise of a power conferred by this Act.

21-A. The expression "Scheduled bank" shall have the meaning assigned to it in the Reserve Bank of India Act, 1934.

(22) "Servant of the [20][Municipality] means any person in the pay and service of the [20][Municipality].

[21][(22-A) "Smaller urban area" means an area notified as such under clause (2) of article 243 (c) of the Constitution ; ]

[22][(22-B) "State Election Commission" means the State Election Commission [23](constituted under) Article 243-K of the Constitution ; ]

(23) "Street" means any road, bridge, footway, lane square, court, alley or passage which the public or any portion of the public has right to pass along and includes on either side, the drains or gutters and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any verandah or other superstructure.

[24][(23-A) "transitional area" means an area in transition from a rural area to an urban area notified as such under clause 2 of Article 243Q of the Constitution ; ]

[25][(23-B) "User charges" means the charges or fee levied for specific services rendered or infrastructure created or facilities and amenities provided by the municipality in pursuance of the provisions of this Act. ]

(24) "Vehicle" means a wheeled conveyance capable of being used on a street, and includes a bicycle, tricycle [or motor vehicle as defined in the United Provinces Motor Vehicles Taxation Act, 1935 ].

[26][(24-A) "Wards Committee" means the Wards Committee constituted under section 3-B. ]

(25) "Water for domestic purposes" shall not include water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire [27][or for any other commercial purpose] or by a common carrier, or water for any trade, manufacture or business or for building purpose or for watering gardens [27][not appurtenant to any dwelling house] or for fountains or for any ornamental purpose.

(26) "Waterworks" include all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, cuts, sluices, mains, pipes, culverts, engines, hydrants, standpipes, conduits and all machinery, lands buildings, bridges and things for supplying or used for supplying water.

(27) Where a power is expressed as being conferred on any authority to require a person to do one thing or to do another thing the authority may, in its discretion, require the person to do either thing or if the nature of the case permits, both of the things, or may give the person the option of doing whichever of the things he chooses.

[1] Subs. by sec. 73(a) of U.P. Act no. 12 of 1994.
[2] Subs. by sec. 2 (2) of U. P. Act no. 27 of 1964.
[3] Omit. by sec. 73(b) of U. P. Act no. 12 of 1994.
[4] Ins. by sec. 19 of U.P. Act No. 41 of 1976.
[5] Ins. by sec. 73(c) of U. P. Act no. 12 of 1994.
[6] Ins. by sec. 73(d) of U. P. Act no. 12 of 1994.
[7] Subs. by sec. 33(a) of U. P. Act no. 26 of 1995.
[8] Ins. by sec. 2(2) of U. P. Act no. 27 of 1964.
[9] Subs. by sec. 73(E) of U. P. Act no. 12 of 1994.
[10] Subs. by sec. 33(b) of U. P. Act no. 26 of 1995.
[11] Omit. by sec. 33(c) of U. P. Act no. 26 of 1995.
[12] Subs. by sec. 33(d) of U. P. Act no. 26 of 1995.
[13] Subs. by sec. 72 of U.P. Act No. 12 of 1994.
[14] Ins. by sec. 73(F) of U. P. Act no. 12 of 1994.
[15] See. now the Petroleum Act 1934 (Act XXX of 1934).
[16] Subs. by sec. 73(g) of U. P. Act no. 12 of 1994.
[17] Subs. by sec. 2 (2) of U. P. Act no. VII of 1949.
[18] Subs. by the A. O. 1950 for of (Provl. Govt.).
[19] Subs. by sec. 72 of U.P. Act no. 12 of 1994.
[20] Subs. by sec. 72 of U.P. Act No. 12 of 1994.
[21] Subs. by sec. 33(e) of U. P. Act no. 26 of 1995.
[22] Ins. by sec. 73(h) of U. P. Act no. 12 of 1994.
[23] Subs. by sec. 33 (f) of U. P. Act no. 26 of 1995.

[24] Ins. by sec. 33(g) of U. P. Act no. 26 of 1995.
[25] Ins. by sec. 2 of U. P. Act no. 29 of 2009.
[26] Ins. by sec. 73(J) of U. P. Act no. 12 of 1994.
[27] Ins. by sec. 2 (3) of U. P. Act no. 27 of 1964.

# CHAPTER - II CONSTITUTION AND GOVERNMENT OF MUNICIPALITIES

## Declaration of municipalities

### Section 3. Declaration and definition of municipalities and cities

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

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

[2][(3) [3][the notification referred to in sub-sections (1) and (2)] 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.

[1] Subs. by sec. 34 of U. P. Act no. 26 of 1995.
[2] Subs. by sec. 74 of U. P. Act no. 12 of 1994.
[3] Subs. by sec. 34(b) of U. P. Act no. 26 of 1995.

### Section 3-A. Municipality for every transistional area and smaller urban area

[1][[2][ (1) A municipality constituted under clause (1) of article 243-Q of the Constitution in accordance with part IX-A thereof shall -

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

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

(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 [3][from such commencement and until the first constitution of the Municipal Council under this Act as amended by the said Act], 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 [4][from such commencement and until the first constitution of the Nagar Panchayat under this Act, as amended by the Act referred to in clause (a)] be deemed to be a Nagar Panchayat under this Act.

[1] Ins. by sec. 74 of U. P. Act no. 12 of 1994.
[2] Subs. by sec. 35(a) of U. P. Act no. 26 of 1995.
[3] Subs. by sec. 35 (b)(I) of U. P. Act no. 26 of 1995.
[4] Subs. by sec. 35 (b)(II) of U. P. Act no. 26 of 1995.

### Section 3-B. Constitution and composition of Ward Committee

[1][(1) Each Ward Committee constituted under clause (1) of Article 243-S of the Constitution within the territorial area of a Municipal Council having a population of three lakhs or more, shall consist of one ward.

(2) The territorial area of a Ward Committee shall consist of the territorial area of the concerned ward.

(3) Each Ward Committee shall consist of -

(a) the member of the Municipal Council representing the ward;

(b) such other members not exceeding ten as may be nominated by the Municipal Council, from amongst persons registered as electors within the territorial area of the concerned Ward Committee, office bearers of citizens welfare societies and representatives of non-government, organizations, who have special knowledge or experience of municipal administration ;

Provided that not less than one third number of total numbers of members served for women and if in determining such number there comes a remainder, the quotient shall be increased by one.

(4) The member representing that ward in the Municipal Council shall be the Chairperson of that Committee.

(5) A Group C employee of the Municipal Council authorized by the Executive Officer shall be the Secretary of the

Ward Committee.

(6) The duration of the office of the Chairperson shall be co-terminous with the term of the Ward Committee.

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

(8) In the event of the officer of the Chairperson falling vacant, due to resignation or otherwise, before the expiry of his term, the Ward Committee, shall, as soon as may be, on occurrence of the vacancy, elect a new Chairperson from amongst the members nominated under clause (b) of sub-section (3) ;

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

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

(10) Subject to the provisions of this Act the Ward Committee shall exercise such powers and perform such functions as may be prescribed by rules. ]

[1] Subs. by sec. 3 of U. P. Act no. 29 of 2009.

### Section 4. Procedure preliminary to issue notification

(1) Before the issue of a notification [1][referred to in section 3] the [2][Governor] shall publish in the Official Gazette [3][and in a paper, approved by it for purposes of publication of public notices, published in the district or, if there is no such paper in the district, in the division in which the local area covered by the notification is situate] and cause to be affixed at the office of the District Magistrate and at one or more conspicuous places within or adjacent to the local area concerned, a draft in Hindi of the proposed notification along with a notice stating that the draft will be taken into consideration on the expiry of the period as may be stated in the notice ; and ][4]

(2) The [2][Governor] shall, before issuing the notification, consider any objection or suggestion in writing which it receives from any person, in respect of the draft, [within the period stated][5].

[1] Subs. by sec. 37 of U. P. Act no. 26 of 1995.
[2] Subs. by sec. 75 of U. P. Act no. 12 of 1994.
[3] Subs. by sec. 3 of U. P. Act no. 27 of 1964.
[4] Subs. by sec. 3 (1) of U. P. Act no. I of 1955.
[5] Subs. by sec. 3 (2) ibid.

### Section 5. Effect of including area in [1][Transitional area or smaller urban area]

[2][Where by a notification referred to in sub-section (2) of section 3, the Governor includes any area] in a [1][Transitional area or smaller urban area] such area shall thereby become subject to all notifications, rules, regulations, byelaws, orders, directions, issued or made under this or any other enactment and in force throughout the [1][Transitional area or smaller urban area] at the time immediately preceding the inclusion of the area.

[1] Subs. by sec. 76 of U. P. Act no. 12 of 1994.
[2] Subs. by sec. 38 of U. P. Act no. 26 of 1995.

### Section 5-A. Director of Local Bodies

[1][(1) The State Government shall appoint an officer to be the Director of Local Bodies, Uttar Pradesh.

(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. ]

[1] Ins. by sec. 4 of U. P. Act no. 41 of 1976.

## The Municipal Board

### Section 6.

[1][ X X X X ]

[1] Omit. by sec. 77 of U. P. Act no. 12 of 1994.

### Section 7. Duties of municipal board

(1) It shall be the duty of every [Municipality] to make reasonable provisions [1][within the municipal area for -]

(a) lighting public streets and places ;

(b) watering public streets and places ;

[2][( bb) making a survey, and erection of boundary marks, of the municipality ; ]

(c) cleaning public streets, places, and drains, removing noxious vegetation, and abating all public nuisances ;

(d) regulating offensive, dangerous or obnoxious trades, callings or practices ;

[3][ (dd) confinement, removal or destruction of stray dogs and dangerous animals ; ]

(e) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets or public places ;

(f) securing or removing dangerous buildings or places ;

(g) acquiring, maintaining, changing and regulating places for the disposal of the dead [4][and making arrangements for the disposal of unclaimed dead bodies after ascertaining from the police in writing that there is no objection to do so] ;

(h) constructing, altering, and maintain public streets, culverts, [5][market] latrines, privies, urinals, drains, drainage works and sewerage works ;

[6][ (hh) reclaiming unhealthy localities ; ]

(i) planting and maintaining trees on road-sides and other public places ;

[7][(ii) providing water supply for domestic, industrial and commercial purposes ; ]

(j) providing a sufficient supply of pure and wholesome water where the health of the inhabitants is endangered by the insufficiency or unwholesomeness of the existing supply, guarding from pollution water used for human consumption and preventing polluted water from being so used.

[8][(jj) maintaining in addition to any other source of water-supply, public wells, if any, in working condition, guarding from pollution their water and keeping it fit for human consumption ; ]

(k) registering births and deaths ;

(l) establishing and maintaining a system of public vaccination ;

(m) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief ;

[9][(mm) establishing, maintaining and assisting maternity centers and child welfare and birth control clinics and promoting population control family welfare and small family norms ; ]

[(n) maintaining or contributing to the maintenance of veterinary hospitals ] ;

[(nn) establishing and maintaining or granting aid to institutions of physical culture ]

(o) establishing and maintaining primary schools ;

(p) rendering assistance in extinguishing fires and protecting life and property when fires occur ;

[10][(q) maintaining and developing the value of property vested in, or entrusted to the management of the Municipality ; ]

[11][(qq) maintaining the finances of the board in satisfactory condition and meeting its liabilities ; ]

[11](r) [ prompt attention to official letters and preparation of] such returns, statements and reports as the [State Government] requires the board to submit ; and

[11](s) fulfilling any obligation imposed by law upon it.

[12][ (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 ;

(za) urban poverty alleviation ;

(zb) providing urban amenities and facilities such as gardens public parks and play grounds. ]

(2) [13][* * * * * *]

[1] Subs. by sec. 39 of U. P. Act no. 26 of 1995.
[2] Ins. by sec. 4(1) of U. P. Act no. 27 of 1964.
[3] Ins. by sec. 4(2) of U. P. Act no. 27 of 1964.
[4] Ins. by sec. 4(3) of U. P. Act no. 27 of 1964.
[5] Subs. by sec. 2 of U. P. Act no. 26 of 2018.
[6] Ins. by sec. 4 (4) of U. P. Act no. 27 of 1964.
[7] Ins. by sec. 78 of U. P. Act no. 12 of 1994.

[8] Ins. by sec. 4(5) of U. P. Act no. 27 of 1964.
[9] Ins. by sec. 78 of U. P. Act no. 12 of 1994.
[10] Subs. by sec. 4(6) of U. P. Act no. 27 of 1964.
[11] Ins. by sec. 4(7) of U. P. Act no. 27 of 1964.
[12] Ins. by sec. 78 of U. P. Act no. 12 of 1994.
[13] Omit. by sec. 4 (3) of U. P. Act no. VII of 1949.

## Section 8. Discretionary functions of Municipality

(1) A [1][Municipality] may make provision, within the limits of the municipality [and with the sanction of the [Prescribed Authority] outside such limits,] for -

(a) laying out, in areas whether previously built upon or not, new public streets and acquiring land for that purpose and for the construction of building, and their compounds, to abut on such streets;

[2][ (aa) preparing and executing Master Plan ; ]

(b) constructing, establishing maintaining or contributing to the maintenance of [3][x x x], libraries, museums, [reading rooms, radio receiving stations, [4][x x x], orphanages, baby folds and rescue homes for women] lunatic asylums, halls, offices, dharamshalas, rest-houses, encamping grounds, poor-houses, dairies, baths, bathing ghats, washing places, drinking fountains, tanks, wells, dams, and other works of public utility ;

(c) [5][ * * * * ]

(d) furthering educational objects by measures other than the establishment and maintenance of primary schools ;

(e) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics ;

[6][ (ee) granting rewards for information leading to the detection of evasion of tax imposed under this Act or the detection of the causing of injury to or encroachment or property vested in or entrusted to the management and control of the Municipality ; ]

(f) [4][ * * * * ]

(g) giving relief, on the occurrence of local calamities, by the establishment and maintenance of relief works or otherwise ;

(h) [4][ * * * * ]

(i) securing or assisting to secure suitable places for the carrying on of any trade or manufacture mentioned under sub-head (a) or heading G of section 298 ;

(j) establishing and maintaining a farm or factory for the disposal of sewage ;

[ (jj) making arrangements for preparation of compost manure from night soil and rubbish ; ]

(k) constructing, subsidizing or guaranteeing tramways, rail-roads or other means of locomotion and electric [or gas] lighting or electric [or gas][7] power works ;

[8][ (kk) promoting tourist traffic ; ]

(l) holding fairs and exhibitions ;

[(ll) preparing and executing House and Town Planning Schemes ;

(lll) taking measures to promote trade and industry ;

(llll) supply of milk ;

(lllll) establishing Labour Welfare Centers for its employees and subsidizing the activities of any association, union or club of such employees by grant or loan, for its general advancement ; ]

(llllll) organising or contribution to Municipality Unions;

(m) adopting any measure, other than a measure specified in section 7 or in the foregoing provisions of this section likely to promote the public safety, health, or convenience ; [and]

[7][(mm) removing social disabilities of Scheduled Castes and Backward Classes in such manner as may be prescribed ; ]

(mmm) taking measures for the control of beggary ;

[(n) the doing of anything whereon expenditure is declared by the State Government or by the [9][Municipality] with the sanction in the case of cities of the State Government and in the case of other municipalities of the [Prescribed Authority]to be an appropriate charge on the municipal fund.

[Provided that the State Government may in respect of any municipality or all municipalities, by notification in the official Gazette, declare any of the functions mentioned in this section to be a duty of the [9][Municipality] or

[9][Municipalities] concerned and thereupon the provisions of this Act shall apply thereto as if it had been a duty imposed by section 7. ]

(2) A [10][Municipality] may make provision for the extension beyond the limits of the municipality of the benefits of any municipal undertaking :

Provided that no provision shall be made for the extension of the benefits of a municipal undertaking for the supply of water to any local area which comprises or contains the whole or a portion of a cantonment without the previous sanction of the [Central Government].

[1] Subs. by sec. 72 of U.P. Act no. 12 of 1994.
[2] Ins. by sec. 5(2) of U. P. Act no. 27 of 1964.
[3] Omit. by sec. 79 of U.P. Act No. 12 of 1994.
[4] Omit. by sec. 2 of U.P. Act No. 16 of 2026.
[5] Omit. by sec. 5 (1) (c) of U. P. Act no. 27 of 1964.
[6] Ins. by sec. 5(3) of U.P. Act no. 27 of 1964.
[7] Ins. by sec. 5(5) of U.P. Act no. 27 of 1964.
[8] Ins. by sec. 5(4) of U.P. Act no. 27 of 1964.
[9] Subs. by sec. 72 of U.P. Act no. 12 of 1994.
[10] Subs. by sec. 72 of U.P. Act no. 12 of 1994.

## Section 8-A.

[1][ X X X X ]

[1] Omit. by sec. 80 of U. P. Act no. 12 of 1994.

## Section 9. Composition of Municipality

[1][(1) A municipality shall consist of a President, who shall be its Chairperson, and -

(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 State 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 :

[2][ 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: ]

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. ]

[1] Subs. by sec. 81 of U. P. Act no. 12 of 1994.
[2] Subs. by sec. 4 of U. P. Act no. 8 of 2005.

## Section 9-A. Reservation of seats

[1][(1) In every municipality seats shall be reserved for the [2][Scheduled Castes, the Scheduled Tribes and the backward classes] and the number of seats so reserved shall hear, 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 [2][or of the backward classes in the municipal area] bears to the total population of such area sand such seats may be allotted by rotation to different wards in a municipality in such order as may be prescribed by rules:

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

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

(2) [4][ * * * * * ]

(3) Not less than one-third of the total number of seats reserved under [5][sub-sections (1)] 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.

[6][ "(5) The office of the President of the Municipal Councils and Nagar Panchayat shall be reserved and allotted 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 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 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, 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, as the case may be;

(ii) 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 Backward Classes in the urban areas 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 it shall be ignored and the number so arrived at, shall be the number of offices to be reserved for the 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 per cent of the total number of offices in the State;

(iii) 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 be the number of offices to be reserved for the women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes, as the case may be;

(iv) for the women, shall not be less than one-third of the total number of offices in the State including the number of offices reserved under item (iii) 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 the women.

Explanation- It is hereby clarified that the words "urban area of the State" as occurring in this sub-clause, shall mean and shall be deemed to include, the urban area of all the Municipal Councils or the urban area of all the Nagar Panchayats, as the case may be.

(c) In case of the Municipal Councils of the State:-

(i) the number of offices determined under item number (i) of sub-clause (b) for the Scheduled Castes including the number of offices determined under item (iii) of the said sub-clause for the women belonging to Scheduled Castes shall be distributed into Divisions as a unit in such manner that the proportion of offices reserved for Scheduled Castes in a Division shall bear the same proportion to the total number of offices in that Division as the population of Scheduled Castes in the urban areas of the Division bear to the total urban population of the Division:

Provided that if the proportion of offices determined in such manner for Scheduled Castes to the total number of offices in a Division exceeds the proportion of total number of offices reserved for Scheduled Castes to the total number of offices at the State level, such allotment of the offices in that Division would be restricted to the extent of that proportion:

Provided further that if the total number of offices determined for Scheduled Castes at the State level remains to

be distributed amongst the Divisions of the State, such offices shall be distributed in those Divisions, in descending order, whose proportion of Schedule Caste population to the total urban population of the Division is more than the proportion of Scheduled Castes population in the urban area of the State bear to the total urban population of the State:

Provided also that such distribution of offices of Scheduled Castes in the Divisions shall be done one office at a time to one Division; and this cycle shall continue till no such office remains to be distributed;

(ii) the number of offices determined under item number (i) of sub- clause (b) for the Scheduled Tribes including the number of offices determined under item (iii) of the said sub-clause for the women belonging to Scheduled Tribes shall be distributed into Divisions as unit in such manner that the proportion of offices reserved for Scheduled Tribes in a Division shall bear the same proportion to the total number of offices in that Division as the population of Scheduled Tribes in the urban area of the Division bear to the total urban population of the Division:

Provided that if the proportion of offices determined in such manner for Scheduled Tribes to the total number of offices in a Division exceeds the proportion of total number of offices reserved for Scheduled Tribes to the total number of offices at the State level, such allotment of the offices in that Division would be restricted to the extent of that proportion:

Provided further that if the total number of offices determined for Scheduled Tribes at the State level remains to be distributed amongst the Divisions of the State, such offices will be distributed in those Divisions, in descending order, whose proportion of Scheduled Tribes population to the total urban population of the Division, is more than the proportion of Scheduled Tribes population in the urban area of the State bears to the total urban population of the State:

Provided also that such distribution of offices of Scheduled Tribes in the Divisions shall be done, one office at a time to one Division; and this cycle shall continue till no such office remains to be distributed;

(iii) the number of offices determined under item number (ii) of sub- clause (b) for the Backward Classes including the number of offices determined under item (iii) of the said sub-clause for the women belonging to Backward Class shall be distributed into Divisions as unit in such manner that the proportion of offices reserved for Backward Classes in a Division shall bear the same proportion to the total number of offices in that Division, as the population of Backward Classes in the urban areas of the Division bear to the total urban population of the Division:

Provided that if the proportion of offices determined in such manner for Backward Classes to the total number of offices in a Division exceeds the proportions of total number of offices reserved for Backward Classes to the total number of offices at the State level such allotment of the offices in that Division would be restricted to the extent of that proportion:

Provided further that if the total number of offices determined for Backward Classes at the State level remains to be distributed amongst the Divisions of the State, such offices shall be distributed in those Divisions, in descending order, whose proportion of Backward Class population to the total urban population of the Division is more than the proportion of Backward Class population in the urban area of the State bear to the total urban population of the State:

Provided also that such distribution of offices of Backward Classes in the Divisions shall be done one office at a time to one Division; and this cycle shall continue till no such office remains to be distributed.

(d) Subject to sub-clause (b) the number of offices of the Presidents determined under sub-clause (c) for Municipal Councils of a Division shall be allotted to different Municipal Councils in the Division, in the manner that -

(i) the Municipal Councils of a Division shall be first arranged in accordance with the percentage of population of the Scheduled Castes in the Division in descending order and the number of offices determined in item (i) of sub-clause (c) for the Scheduled Castes including the number of seats determined under the said sub-clause for the women belonging to the Scheduled Castes, shall be allotted to such Municipal Councils which have the largest percentage of population of the Scheduled Castes in the Division:

Provided that such Municipal Councils shall be first allotted to the women belonging to the Scheduled Castes;

(ii) the Municipal Councils, excluding those which have been reserved under the item (i) of this sub-clause, shall then be arranged in accordance with the percentage of population of the Scheduled Tribes in the Division, in descending order and the number of offices determined in item (ii) of sub-clause (c) for the Scheduled Tribes, including the number of offices determined under the said sub-clause for the women, belonging to the Scheduled Tribes, shall be allotted to such Municipal Councils which have the largest percentage of population of the Scheduled Tribes in the Division:

Provided that such Municipal Councils shall be first allotted to the women belonging to the Scheduled Tribes;

(iii) the Municipal Councils, excluding those which have been reserved under the item (i) and (ii) of this sub-clause

shall then be arranged in accordance with the percentage of population of the Backward Classes in the Division, in descending order and the number of offices determined in item (iii) of sub-clause (c) for the Backward Classes, including the number of offices determined under the said sub-clause for the women, belonging to the Backward Classes, shall be allotted to such Municipal Councils which have the largest percentage of population of the Backward Classes in the Division:

Provided that such Municipal Councils shall be first allotted to the women belonging to the Backward Classes;

(iv) the Municipal Councils, excluding those which have been reserved under the item (i), (ii) and (iii) of this sub-clause shall then be arranged in accordance with the population of the Municipal Councils in the Division, in descending order and the number of offices determined in item (iv) of sub-clause (b) excluding the number of offices determined under the item (iii) of sub-clause (b) for the women, belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes, shall be allotted to such Municipal Councils in the Division:

Explanation- For the purposes of item (i), (ii) and (iii) of this sub-clause the arrangement of Municipal Councils in descending order shall be done in the manner that the Municipal Council having the largest percentage of population of the Scheduled Castes, the Scheduled Tribes or the Backward Classes, as the case may be, in the Division shall be placed first and Municipal Council having lesser percentage of population of Scheduled Castes, Scheduled Tribes and the Backward Classes than the first shall be placed next and so on and for the purposes of item (iv) of this sub-clause the Municipal Councils shall be arranged in the like manner, keeping in view the population of the Municipal Councils in the Division:

(e) In case of the Nagar Panchayats of the State:-

(i) the number of offices determined under item number (i) of sub-clause (b) for the offices of Scheduled Castes including the number of offices determined under item (iii) of the said sub-clause for the women belonging to Scheduled Castes shall be distributed into Districts as unit in such manner that the proportion of offices reserved for Scheduled Castes in a District shall bear the same proportion to the total number of offices in that District as the population of Scheduled Castes in the urban area of the District bear to the total urban population of the District:

Provided that if the proportion of offices determined in such manner for Scheduled Castes to the total number of offices in a District exceeds the proportion of total number of offices reserved for Scheduled Castes to the total number of offices at the State level, such allotment of offices in that District would be restricted to the extent of that proportion:

Provided further that if the total number of offices determined for Scheduled Castes at the State level remains to be distributed amongst the Districts of the State, such offices will be distributed in those Districts in descending order, whose proportion of Scheduled Caste population to the total urban population of the District is more than the proportion of Scheduled Caste population in the urban area of the State bear to the total urban population of the State:

Provided also that such distribution of offices of Scheduled Castes in the Districts shall be done one office at a time to one District; and this cycle shall continue till no such office remains to be distributed.

(ii) the number of offices determined under item number (i) of sub- clause (b) for the offices of Scheduled Tribes including the number of offices determined under item (iii) of the said sub-clause for the women belonging to Scheduled Tribes shall be distributed into Districts as unit in such manner that the proportion offices reserved for Scheduled Tribes in a District shall bears the same proportion to the total number of offices in that District as the population of Scheduled Tribes in the urban area of the District bears to the total urban population of the District:

Provided that if the proportion of offices determined in such manner for Scheduled Tribes to the total number of offices in a District exceeds the proportion of total number of offices reserved for Scheduled Tribes to the total number of offices at the State level, such allotment of offices in that District would be restricted to the extent of that proportion:

Provided further that if the total number of offices determined for Scheduled Tribes at the State level remains to be distributed amongst the District of the State, such offices shall be distributed in those Districts in descending order whose proportion of Scheduled Tribes population to the total urban population of the District is more than the proportion of Scheduled Tribes population in the urban area of the State bear to the total urban population of the State:

Provided also that such distribution of offices of Scheduled Tribes in the Districts shall be done one office at a time to one District; and this cycle shall continue till no such office remains to be distributed.

(iii) the number of offices determined under item number (ii) of sub- clause (b) for the offices of Backward Classes including the number of offices determined under item (iii) of the said sub-clause for the women belonging to Backward Classes shall be distributed into Districts as unit in such manner that the proportion of offices reserved for

Backward Classes in the District shall bear the same proportion to the total number of offices in that District as the population of a Backward Class in the urban areas of the District bears to the total urban population of the District:

Provided that if the proportion of offices determined in such manner for Backward Classes to the total number of offices in a District exceeds the proportion of total number of offices reserved for Backward Classes to the total number of offices at the State level such allotment of offices in that District would be restricted to the extent of that proportion:

Provided further that if the total number of offices determined for Backward Classes at the State level remains to be distributed amongst the Districts of the State, such offices shall be distributed in those Districts in descending order, whose proportion of Backward Class population to the total urban population of the District is more than the proportion of Backward Class population in the urban area of the State bears to the total urban population of the State:

Provided also that such distribution of offices of Backward Classes in the Districts shall be done one office at a time to one District; and this cycle will continue till no such office remains to be distributed.

(f) Subject to sub-clause (b) the number of offices of the Presidents determined under sub-clause (e) for Nagar Panchayats of a District shall be allotted to different Nagar Panchayats in the District, in the manner that -

(i) the Nagar Panchayat of a District shall be first arranged in accordance with the percentage of population of the Scheduled Castes in the District in descending order and the number of offices determined in item (i) of sub-clause (e) for the Scheduled Castes including the number of seats determined under the said sub-clause for the women belonging to the Scheduled Castes, shall be allotted to such Nagar Panchayat which have the largest percentage of population of the Scheduled Castes in the District:

Provided that such Nagar Panchayat shall be first allotted to the women belonging to the Scheduled Castes;

(ii) the Nagar Panchayat, excluding those which have been reserved under the item (i) of this sub-clause, shall then be arranged in accordance with the percentage of population of the Scheduled Tribes in the District, in descending order and the number of offices determined in item (ii) of sub-clause (e) for the Scheduled Tribes, including the number of offices determined under the said sub-clause for the women, belonging to the Scheduled Tribes, shall be allotted to such Nagar Panchayat which have the largest percentage of population of the Scheduled Tribes in the District:

Provided that such Nagar Panchayat shall be first allotted to the women belonging to the Scheduled Tribes;

(iii) the Nagar Panchayat, excluding those which have been reserved under the item (i) and (ii) of this sub-clause shall then be arranged in accordance with the percentage of population of the Backward Classes in the District, in descending order and the number of offices determined in item (iii) of sub-clause (e) for the Backward Classes, including the number of offices determined under the said sub-clause for the women, belonging to the Backward Classes, shall be allotted to such Nagar Panchayat which have the largest percentage of population of the Backward Classes in the District:

Provided that such Nagar Panchayat shall be first allotted to the women belonging to the Backward Classes;

(iv) the Nagar Panchayat, excluding those which have been reserved under the item (i), (ii) and (iii) of this sub-clause shall then be arranged in accordance with the population of the Nagar Panchayat in the District, in descending order and the number of offices determined in item (iv) of sub-clause (b) excluding the number of offices determined under the item (iii) of sub-clause (b) for the women, belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes, shall be allotted to such Nagar Panchayat in the District:

Explanation- For the purposes of item (i), (ii) and (iii) of this sub-clause the arrangement of Nagar Panchayat in descending order shall be done in the manner that the Nagar Panchayat having the largest percentage of population of the Scheduled Caste, the Scheduled Tribes or the Backward Classes, as the case may be, in the District shall be placed first and Nagar Panchayat having lesser percentage of population of Scheduled Castes, Scheduled Tribes and the Backward Classes than the first shall be placed next and so on and for the purposes of item (iv) of this sub-clause the Nagar Panchayat shall be arranged in the like manner, keeping in view the population of the Nagar Panchayat in the District.

(g) If on the basis of the population of the Scheduled Castes, the Scheduled Tribes or the Backward Classes in a Municipal Council or Nagar Panchayat -

(i) only one office could be reserved for the Scheduled Castes or for the Scheduled Tribes or for the Backward Classes, 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 or for the Backward Classes, the order of allotment of offices referred in sub-clause (d) or (f) shall be so adhered to as if there is no reference in it to

the Scheduled Castes or to the Scheduled Tribes or the Backward Classes, as the case may be.

(h)The Divisions/Districts wherein the offices of the Presidents of Municipal Councils or Nagar Panchayats, as the case may be allotted in any election to the person belonging to the Scheduled Castes, the Scheduled Tribes, the Backward Classes, or the women shall not be allotted in the next following election respectively to the person belonging to the Scheduled Castes, the Scheduled Tribes, the Backward Classes or the women and the offices to the Municipal Councils or Nagar Panchayats in a Division or Districts as the case may be, shall be allotted in the subsequent elections, in the cyclic order in the order referred to in sub-clauses (d) and (f) respectively.

Explanation-I It is hereby clarified that the words "any election" and "subsequent election" as occurring in this sub-clause, shall not include and shall be deemed to have never included the elections held, before promulgation of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Ordinance, 2023 (U.P. Ordinance no. 3 of 2023)

Explanation-II Notwithstanding any judgment, order or decree of any Court. Tribunal or Authority it is hereby declared that elections held before promulgation of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Ordinance, 2023 (U.P. Ordinance no. 3 of 2023), shall not be deemed to be the "any election" as contemplated under this sub-section and the next elections to be held under this section accordingly shall not be deemed to be subsequent election.]

[7][(2) 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 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 Municipality."]

(2) [8][ * * * * ]

(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 of 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. ]

(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. ]

[1] Subs. by sec. 81 of U. P. Act no. 12 of 1994.
[2] Subs. by sec. 40(a) of U. P. Act no. 26 of 1995.
[3] Ins. by sec. 40a(iii) of U. P. Act no. 26 of 1995.
[4] Omit. by sec. 40(b) of U. P. Act no. 26 of 1995.
[5] Subs. by sec. 40(c) of U. P. Act no. 26 of 1995.
[6] Ins. by sec. 2 of U. P. Act no. 05 of 2023.
[7] Ins. by sec. 2 of U. P. Act no. 6 of 2023
[8] Omit. by sec. 3 of U. P. Act no. 49 of 2007.

## Section 10.

[1][ X X X X X ]

[1] Omit. by sec. 82 of U. P. Act no. 12 of 1994.

## Section 10-A. Term of municipality

[1][(1) Every municipality shall, unless sooner dissolved under section 30, continue for five years from the date appointed for its first 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. ]

[2][ (4) Notwithstanding anything to the contrary contained in any other provision of this Act, where, due to unavoidable circumstances or in the public interest, it is not practicable to hold an election to constitute a Municipality before the expiry of its term, then until the due constitution of such Municipality, all the powers functions and duties of the Municipality shall 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 District Magistrate or Officer shall be called the Administrator, and such Administrator shall be deemed in law to be the Municipality, the President or the Committee as the occasion may require. ]

[1] Subs. by sec. 83 of U. P. Act no. 12 of 1994.
[2] Ins. by sec. 2 of U. P. Act no. 23 of 2005.

## Section 10-AA.

[1][ X X X X ]

[1] Omit. by sec. 84 of U. P. Act no. 12 of 1994.

## Section 11.

[1][ X X X X ]

[1] Omit. by sec. 84 of U. P. Act no. 12 of 1994.

## Section 11-A. Delimitation of wards

[1][(1) For the purpose of election of members of a municipality every municipal area shall be divided into territorial constituencies to be known as wards in such manner that the population in each ward shall, so far as practicable, be the same, throughout the municipal area.

(2) Each ward shall be represented by one member in the municipality. ]

[1] Subs. by sec. 85 of U. P. Act no. 12 of 1994.

## Section 11-B. Delimitation Order

(1) The State Government shall by order, determine -

[1][(a) the number of wards in to which each municipal area shall be divided for purposes of elections to the municipality ; ]

(b) the extent of each ward ;

(c) [2][ * * * * ]

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

(2) The draft of the order under sub-section (1) shall be [4][published in the manner prescribed for the period of not less than seven days].

(3) The State Government shall consider any objections [4][ x x x ] filed under sub-section (2) and the draft order, shall, if necessary, be amended, altered or modified accordingly and the upon it shall become final.

[1] Ins. by sec. 86 of U. P. Act no. 12 of 1994.
[2] Omit. by sec. 86(b) of U. P. Act no. 12 of 1994.
[3] Subs. by sec. 86(c) of U. P. Act no. 12 of 1994.
[4] Subs. by sec. 41 of U.P. Act No. 26 of 1995.

### Section 11-C. Amendment of Delimitation order

(1) The State Government may, after consulting the Municipality concerned, by a subsequent order, alter or amend the final order under sub-section (3) of section 11-B. ]

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

[1] Ins. by sec. 42 of U.P. Act No. 26 of 1995.

## ELECTORAL ROLLS

### Section 12.

[1][ * * * * ]

[1] Omit. by sec. 9 of U. P. Act VII of 1949.

### Section 12-A. Election of members

[1][The members of a municipality shall be elected on the basis of adult suffrage in accordance with the provisions of this Act. ]

[1] Subs. by sec. 87 of U. P. Act no. 12 of 1994.

### Section 12-B. Electoral roll for every ward

[1][(1) There shall be an electoral roll for every ward which shall be prepared in accordance tithe the provisions of this Act under the superintendence, direction and control of the State Election Commission.

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

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

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

(3) Notwithstanding anything contained in this Act, the [3][Electoral Registration Officer may for the purpose of preparation of electoral roll for a ward adopt, in accordance with the direction of the State Election Commission] the 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. ]

[1] Subs. by sec. 87 of U. P. Act no. 12 of 1994.
[2] Subs. by sec. 43(a) of U. P. Act no. 26 of 1995.
[3] Subs. by sec. 43(b) of U. P. Act no. 26 of 1995.

### Section 12-C. Qualifications for electors

[1][Subject to the provisions of section 12-D and 12-E every person who has attained the age of 18 years on the first day of January of the year in which the electoral roll prepared or revised, and who is ordinarily resident in the area of the ward shall be entitled to be registered in the electoral roll for the ward.

Explanation-(i) A person shall not be deemed to be ordinarily resident of the area of a ward on the ground only that he owns, or in possession of a dwelling house therein.

(ii) A person absenting himself temporarily from the place of ordinarily residence shall not be reason thereof cease to be ordinarily residents therein.

(iii) A member of Parliament or of the Legislature of the State shall not, during the term of his office cease to be ordinarily resident in the area of a ward merely by reason of his absence from that area in connection with the duties as such member.

(iv) Any other factors that may be prescribed shall be taken into consideration for deciding as to what persons may or may not be deemed to be ordinarily residents of a particular area at any relevant time.

(v) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case.

[1] Subs. by sec. 15 of U.P. Act no. 35 of 1978.

### Section 12-D. Disqualifications for registration in an electoral roll

(1) A person shall be disqualified for registration in an electoral roll, if he

(i) is not a citizen of India ; or

(ii) is of unsound mind and stands or declared by a competent Court ; or

(iii) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes disqualified under sub-section (1) after registration shall forthwith be struck off the electoral roll in which it is included:

Provided that the name of any person struck off the electoral roll by reason of any such disqualification shall forthwith be reinstated in that roll, if such disqualification is during the period such roll is in force, removed under any law authorising such removal.

### Section 12-E. Registration to be in one ward only

(1) No person shall be entitled to be registered in the electoral roll for more than one ward or more than once in the electoral roll for the same ward.

(2) No person shall be entitled to be registered in the electoral roll for any ward, if his name is entered in any electoral roll pertaining in [1][Municipal area, Cantonment or area of Gram Panchayat] unless he shows that his name has been struck off such electoral roll.

[1] Subs. by sec 88 of U.P. Act No. 12 of 1994.

### Section 12-F. Correction of electoral roll

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

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

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

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

[1] Subs. by sec. 44 of U. P. Act no. 26 of 1995..

### Section 12-G. Revision of electoral rolls

[1][The State Election Commission] may if it thinks it necessary so to do for the purpose of a general or bye-election, direct a [ x x x] revision of the electoral roll for any ward in such manner as it may think fit :

Provided that subject to the other provision 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 completition of the revision, so directed.

[1] Subs. by sec. 90 of U.P. Act No. 12 of 1994.

### Section 12-H. Order regarding electoral rolls

[[1][In so far as provision with respect to any of the following matters is not made by this Act or the rules made thereunder, the State Election Commission may], by order make provision in respect of the following matters concerning the electoral rolls, namely,-

(a) the date on which the electoral rolls first prepared and subsequently prepared under this Act shall come into force and their period of operation ;

(b) the correction of any existing entry in the electoral rolls on the application of the elector concerned ;

(c) the correction of electrical or printing error in the electoral rolls.

(d) the inclusion in the electoral rolls of the name of any person-

(i) whose name is included in the Assembly rolls for the area relatable to the ward but is not included in the electoral rolls of the ward or whose name has been wrongly included in the electoral roll of some other ward ; or

(ii) whose name is not so included in the Assembly rolls and who is otherwise qualified to be registered in the electoral roll of the ward ;

(e) [2][ * * * * ]

(ee) Fees payable for applications for inclusion or exclusion of names.

(f) custody and preservation of the electoral rolls ; and

(g) generally for all matters relating to the preparation and publication of the electoral rolls. ]

[1] Subs. by sec. 45 of U.P. Act No. 26 of 1995.
[2] Omit. by sec. 91 of U. P. Act no. 12 of 1994.

### Section 13.

[1][ x x x ]

[1] Omit. by sec. 8 of U.P. Act no. VII of 1953.

### Section 13-A. General election

[1][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. ]

[1] Subs. by sec. 92 of U. P. Act no. 12 of 1994.

### Section 13-B. Superintendence etc. of the conduct of the elections

[1][(1) The superintendence, direction and control of the conduct of all elections to the municipalities shall be vested in the State Election Commission. ]

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

[1] Subs. by sec. 93 of U. P. Act no. 12 of 1994.
[2] Ins. by sec. 46 of U. P. Act no. 26 of 1995.

### Section 13-C. Qualifications for election of member

[1][A person shall not be qualified for being chosen as and for being a member unless, -

(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. ]

[1] Subs. by sec. 93 of U. P. Act no. 12 of 1994.

### Section 13-D. Disqualificaiton for membership

A person, notwithstanding that he is otherwise qualified, shall be disqualified for being chosen as, and for being, a member of a Municipality if he -

[1][(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 has dismissal or ]

(b) is debarred from practicing as all legal practitioner by order of any competent authority ; or

(c) holds any place of profit in the gifts or disposal of the [2][Municipality] ; or

(d) is disqualified under section 27 or 1 ; or

(e) [3][ * * * * ]

(f) is in the service of the State or the Central Government or any local authority, or is a District Government Counsel or an Additional or Assistant District Government Counsel or an Honorary Magistrate or an Honorary Munsif or an Honorary Assistant Collector ; or

(g) is in arrears in the payment of municipal tax or other dues in excess of one year's demand to which section 166 applies ; or

(h) [4][ * * * * ]

(i) is an undischarged insolvent or ;

[5][(ii) has been convicted of any offence punishable with imprisonment under section 171-E or an offence punishable under section 171-F of the Indian Penal Code, 1860 ; or ]

[6][(j) has been sentenced to imprisonment for contravention of any order under the Essential Commodities Act, 1955, or the U. P. Control of Supplies (Temporary Powers) Act, 1947, as re-enacted by the U. P. Control of Supplies (Temporary Powers) Act, 1953, or the Prevention of Food Adulteration Act, 1954 or for an offence which is declared by the State Government to involve such moral turpitude as to reader his unfit to be a member, or had been ordered to execute a bond for good behavior in consequence of proceedings under section 109 or 110 of the Code of Criminal Procedure, 1898 such sentence or order not having been subsequently reversed : ]

Provided that in cases of (a) and (b) the disqualification may be removed by an order of the State Government in this behalf :

Provided further that in case of (g) the disqualification shall cease as soon as the arrears are paid :

[7][ Provided also that in case of (j) -

(i) the disqualification shall cease on the expiry of five years from the date of his release or from the date of the expiry of the period for which he is required to execute a bond for good behavior, as the case may be ; and

(ii) the disqualification shall not, in the case of a person who is, on the date of the disqualification, a member of the [8][Municipality] take effect until three months have elapsed from the date of such disqualification of if within these three months an appeal or petition for revision is brought in respect of conviction or order until that appeal or petition is disposed of. ]

[Explanation - A Government treasurer shall not be deemed to be in the service of the State or of the Central Government within the meaning of clause (f). ]

[9][(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. ]

[1] Subs. by sec. 5 of U. P. Act no. 15 of 1983.
[2] Subs. by sec. 72 of U. P. Act no. 12 of 1994.
[3] Omit. by sec. 8(2) of U. P. Act no. 27 of 1964.
[4] Omit. by sec. 94(a) of U. P. Act no. 12 of 1994.
[5] Ins. by sec. 8(4) of U. P. Act no. 27 of 1964.
[6] Subs. by sec. 8(5) of U. P. Act no. 27 of 1964.
[7] Ins. by sec. 8(6) Prov. of U. P. Act no. 27 of 1964.
[8] Subs. by sec. 72 of U.P. Act no. 12 of 1994.
[9] Ins. by sec. 94(b) of U. P. Act no. 12 of 1994.

## Section 13-DD. Bar of legislators becoming or continuing as president or Member

[1][Notwithstanding anything to the contrary contained in any other provision of this Act, -

(a) a person shall be disqualified for being elected as, and for being a President or Member, if he is a Member of Parliament or of the State Legislature ;

(b) if a person, after his election as President or Member, is 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 nomination, 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 the expiry of the said period, cease to hold the office of the President or Member and casual vacancy shall thereupon occur in the office of the President or Member as the case may be. ]

[1] Ins. by sec. 2 of U. P. Act no. 09 of 2013.

## Section 13-E. Right to vote

(1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any ward shall be entitled to vote in that ward.

(2) No person shall vote at an election in ay ward if he is subject to any of the disqualifications referred to in section 12-D.

(3) No person shall vote at a general election in more than one ward and if a person votes in more than one such ward, his votes in all such wards shall be void.

(4) No person shall at any election vote in the same ward more than once, notwithstanding that his name may have been registered in the electoral roll for that his name may have been registered in the electoral roll for that ward more than once, and if he does so vote, all his votes in that ward shall be void.

(5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the Police :

Provided that nothing in this sub-section shall apply to a person subject to preventive detention under any law for the time being in force.

### Section 13-F.

[1][ x x x ]

[1] Omit. by sec. 95 of U. P. Act no. 12 of 1994.

### Section 13-G. Order regarding conduct of elections

[1][In so far as provision with respect to any matter is not made by this Act, the State Election Commission] by order, make provision concerning conduct of elections, that is to say -

(a) issue of notifications for general elections ;

(b) the appointment, powers and duties of Returning Officers, Assistant Returning Officers, Presiding Officer and Polling Officers and clerks ;

(c) appointment of dates for nomination, scrutiny, withdrawal and polling ;

(d) the manner of presentation and the form of nomination paper, the requirements for a valid nomination, scrutiny of nominations and withdrawal of candidature ;

(e) appointment and duties of election agents, polling agents and counting agents ;

(f) procedure at general elections including death of candidate before poll, procedure in contested and uncontested elections, [2][ x x x ]

(g) identification of votes ;

(h) hours of polling ;

(i) adjournment of polls and fresh poll ;

(j) manner of voting at elections ;

(k) scrutiny and counting of votes including recount of votes and procedure to be followed in case of equality of votes and declaration of results ;

(l) the notification of the names of the members elected for the various wards of a municipality and the due constitution of the board ;

(m) return or forfeiture of deposits ;

(n) manner in which votes are to be given by the presiding officer, polling agents or any other person who being an elector for a ward is authorized or appointed for duty at a polling station at which he is not entitled to vote ;

(o) the procedure to be followed in respect of the tender of vote by person representing himself to be an elector after another person has voted as such elector ;

(p) the safe custody of ballot boxes, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers, and

(q) generally on all matters relating to conduct of elections.

[1] Subs. by sec. 96(a) of U.P. Act No. 12 of 1994.
[2] Omitted by sec. 96(b) of U.P. Act No. 12 of 1994.

### Section 13-H. Bye-election

(1) Subject to the provisions of sub-section (2) and section 13-I, when the seat of a member, elected to aboard becomes vacant or is declared vacant or his election is declared void, the [1][The State Election Commission shall in consultation with the State Government] by a notification in the Magistrate shall, in consultation with the board, by a notification in the official Gazette, call upon the ward concerned to elect a person for the purpose of filling the vacancy caused before such date as may be specified in the notification and the provisions of this Act and of the Rules and Orders made thereunder, shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such ward for the [2][Scheduled Castes, Scheduled Tribes, Backward Classes and the women] the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to the [2][Scheduled Castes or the Scheduled Tribes or the Backward Classes or the Women as the case may be].

[1] Subs. by sec. 97 (a) of U.P. Act no. 12 of 1994.

[2] Subs. by sec. 97 (b) of U.P. Act no. 12 of 1994.

### Section 13-I. Certain casual vacancies not to be filled

Where a vacancy occurs on a board by reason of death, resignation, removal or avoidance of an election of in elected member and the term of office of that member, would, in the ordinary course of events, have determined within one year of the occurrence of the vacancy, [1][such vacancy be left unfilled].

[1] Subs. by sec. 98 of U.P. Act no. 12 of 1994.

### Section 13-J. Electoral Offences

(1) The provisions of sections 125, 126, 127, 127A, 128, 129, 130, 131, 132, 134, 134-A, 135, [1][135-A] and 136 of Chapter III of Part VII of the Representation of the People Act, 1951, shall have effect as if-

(a) the references therein to an election were a reference to an election held under this Act ;

(b) for the word "constituency" the word "ward" had been substituted ;

(c) [2][ * * * * * ]

(d) in sections 134 and 136 for the words "by or under this Act or under the Representation of the People Act, 1950 (XLIII of 1950)," the words "by or under the U. P. Municipalities Act, 1916," had been substituted.

(2) If [3][Chief Election Officer (Urban Local Bodies)] has reason to believe that any offence punishable under section 129 or 134 or under clause (a) of sub-section (2) of section 136 of the said chapter had been committed in reference to any election to a board, it shall be the duty of [4][Chief Election Officer (Urban Local Bodies)] to cause such enquiries to be made and such prosecutions to be instituted as the circumstances of the case may appear to him to require.

(3) No court shall take cognizance of any offence punishable under section 129 or under section 134 or under clause (a) of sub-section (2) of section 136 unless there is a complaint made by order of or under authority from [4][Chief Election Officer (Urban Local Bodies)].

[1] Ins. by sec. 47 (b) of U. P. Act no. 26 of 1995.
[2] Omit. by sec. 4 of U. P. Act no. 3 of 1996.
[3] Subs. by sec. 47(a) of U. P. Act no. 26 of 1995.
[4] Subs. by sec. 47(a) of U. P. Act no. 26 of 1995.

### Section 13-K. Jurisdiction of Civil Courts

(1) No Civil Court shall have jurisdiction -

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll of a ward; or

[1][ (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 ]

(c) to question the legality of any action taken or any decision given by the Returning Officer or by another officer appointed under this Act in connection with an election.

(2) No election shall be called in question except by an election petition presented in accordance with the provisions of this Act.

[1] Subs. by sec. 100 of U. P. Act no. 12 of 1994.

### Section 14.

[1][ X X X X ]

[1] Omit. by sec. 8 of U. P. Act no. VII of 1953.

### Section 15.

[1][ X X X X ]

[1] Omit. by sec. 8 of U. P. Act no. VII of 1953.

### Section 16.

[1][ X X X X ]

[1] Omit. by sec. 8 of U. P. Act no. VII of 1953.

### Section 17.

[1][ X X X X ]

[1] Omit. by sec. 8 of U. P. Act no. VII of 1953.

### Section 18.

[1][ X X X X ]

[1] S. 18 re provision by rule for enrolment of managers, trustees, etc. omit by sec. 13 of U. P. Act VII of 1949.

## Election Petitions

### Section 19. Power to question municipal election by petition

(1) The election of any person as a member of a Municipality may be questioned by an election petition on the ground-

(a) that such person committed during or in respect of the election proceedings a corrupt practice as defined in section 28 ;

(b) that such person was declared to be elected by reason of the improper rejection or admission of one or more votes, or for any other reason was not duly elected by a majority of lawful votes ;

[1][(c) that such person was not qualified to be nominated as a candidate for election or that the nomination paper of the petitioner was improperly rejected. ]

(2) The election of any person as a member of a board shall not be questioned -

(a) on the ground that the name of any person qualified to vote has been omitted from, or the name of any person not qualified to vote has been inserted in the electoral roll or rolls ;

[2][(b) on the ground of any non-compliance with this Act or any rule, or of any mistake in forms required thereby, or of any error, irregularity or informality on the part of the office or officers charged with carrying out this Act or any rules, unless such non-compliance, mistake, error, irregularity or informality has materially affected the result of the election. ]

[1] Add. by sec. 14 of U.P. Act no. VII of 1949.

[2] Re-numbered by sec. 4 of U. P. Act no. IX of 1922.

### Section 20. Form and presentation of election petition

[1][(1) An election petition shall be presented within 30 days after the day on which the result of the elections sought to be questioned is announced by the Returning Officer, and shall specify the ground or grounds on which the election of the respondent is questioned and shall contain a concise statement of the material facts on which the petitioner relies and set forth the full particulars of any corrupt practices that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practices and the date and place of the commission of each such practice.

(2) The petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

(3) The petition may be presented by any candidate in whose favour votes have been recorded and who claims in the petition to be declared elected in the room of the person whose election is questioned or by ten or more electors of the municipality or by a person who claims that his nomination paper was improperly rejected.

(4) The person whose election is questioned and where the petitioner claims that any other candidate should be declared elected in the room of such person, every unsuccessful candidate who is not a petitioner in the petition shall be made a respondent to the petition.

[2][(5) The petition shall be presented to the District Judge, exercising jurisdiction in the area in which, the municipality to which the election petition relate is situate :

Provided that the petition shall not be entertained by the District Judge, unless it is accompanied by a treasury challan showing that the prescribed security has been deposited. ]

[1] Re-numbered by sec. 20 of U.P. Act no. 27 of 1964.

[2] Subs. by sec. 10 of U. P. Act no. 17 of 1982.

### Section 21. Recriminatory Proceedings

[1][(1) Where in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such other candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party shall not be entitled to give such evidence unless he has within twenty-one days from the date of the service upon his of the notice of the election petition, given notice to the election tribunal of his intention to do so and has also deposited the security prescribed in the case of an election

petition questioning the election of a member.

(2) Every notice referred to in sub-section (1) shall be accompanied by a statement of ground or grounds and of materials facts and full particulars required by section 20 in the case of an election petition and shall be signed and verified in like manner. ]

[1] Subs. by sec. 9 of U. P. Act no. 27 of 1964.

### Section 22. [1]Hearing of Election Petition

[2][(1) An election petition not complying with the provisions of section 20 or upon which the requisite court fee has not been paid at the time of presentation or within such further time not exceeding fourteen days as the [1][District Judge] or the Civil Judge, as the case may be, may have granted, shall be rejected by such Judge.

[1][(2) An election petition not rejected under sub-section (1) shall be beard by the District Judge. ]

[1] Subs. by sec. 11 of U. P. Act no. 17 of 1982.
[2] Subs. by sec. 9 of U. P. Act no. 27 of 1964.

### Section 23. Procedure

(1) Except so far as may be otherwise provided by this Act or by rule, the procedure provided in the Civil Procedure Code, in regard to suits, shall, so far as it is not inconsistent with this Act or any rule and so far as it can be made applicable be followed in the hearing of election petitions :

(2) Provided that -

(a) two or more persons whose election is called in question may be made respondents to the same petition, and their cases may be tried at the same time, and any two or more election petitions may be heard together ; but, so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent ;

(b) the [1][District Judge] shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in its opinion for the purpose of deciding the case ;

(c) the [1][District Judge] may, at any stage of the proceedings, require the petitioner to give further security for the payment of all costs incurred or likely to be incurred by any respondent ;

(d) the [1][District Judge] for the purpose of deciding any issue, shall only be bound to require the production of, or to receive, so much evidence, oral or documentary, as it considers necessary ;

(e) during the hearing of the case the [1]"District Judge" may refer a question of law to the High Court under Order XLVI of the First Schedule of the Code of Civil Procedure, 1908 but there shall be no appeal either on a question of law or fact, and no application in revision against or in respect of the decision of the [1][District Judge].

(f) any person considering himself aggrieved by the decision may apply for review to the Tribunal within thirty days from the date of the decision and the Tribunal may thereupon review the decision on any point :

[2][Provided that in computing the period of limitation the provision of sub-section (2) of section 12 of the Limitation Act, 1963, shall apply. ]

[1] Subs. by sec. 12 of U. P. Act no. 17 of 1982.
[2] Subs. by sec. 17 of U.P. Act No. 35 of 1978.

### Section 23-A.

[1][ X X X X ]

[1] Omit. by sec. 13 of U. P. Act no. 17 of 1982.

### Section 24. Provisions as to costs

[1][An order for costs or an order for the realization of a security bond for costs passed by the District Judge in an election petition under this Act may be sent by him for execution to the Collector of the District in which the Municipality concerned is situated and an order so sent shall be executed by the Collector in the same manner as if it were in respect of arrears of land revenue. ]

[1] Subs. by sec. 14 of U. P. Act no. 17 of 1982.

### Section 25. Finding of [1][District Judge]

[2][(1) if the [3][District Judge] after making such enquiry as it deems necessary, finds in respect of any person whose election is called in question by a petition, that his election was valid, it shall dismiss the petition as against such person and may award costs at its discretion and may also pass such order for return or forfeiture of the security or part thereof as he may deem fit].

(2) If the [3][District Judge] finds that the election of any person was invalid, [4][or that the nomination paper of the petitioner was improperly rejected,]it shall either -

(a) declare a casual vacancy too have been created, or

(b) declare another candidate to have been duly elected, whichever course appears, in the particular circumstances of the case, the more appropriate, and in either case may award costs at its discretion.

(3) [4][ * * * * ]

[1] Subs. by sec. 101 of U.P. Act no. 12 of 1994.
[2] Subs. by sec. 18 of U.P. Act no. 35 of 1978.
[3] Subs. by sec. 15, 16, 17 of U.P. Act no. 17 of 1982.
[4] Omit. by sec. 10 of U.P. Act no. VII of 1953.

## Section 26. Avoidance of election proceedings

(1) Notwithstanding anything contained in the preceding section if the [1][District Judge] in the course of hearing an election petition is of the opinion that the evidence discloses that corrupt practices at the election proceedings in question have prevailed to such an extent as to render it advisable to set aside the show proceedings, it shall pass conditional order to this effect and give notice thereof to every candidate declared elected who has not already been made a party in the case calling upon him to show cause why such conditional order should not be made final.

(2) Thereupon every such candidate may appear and show cause, and may have recalled, for the purpose of putting questions to him, any witness who has appeared in the case.

(3) The [2][District Judge] shall thereafter either cancel the conditional order or make it absolute, in which case it shall direct the board to take measures for holding fresh election proceedings.

Explanation- In this clause the expressions "the election proceedings in question" and "the whole proceedings" shall mean all proceedings (inclusive of nomination and declaration of election) taken in respect of a single poll, whether the poll be for the purpose of selecting one or more persons to represent a ward or otherwise.

[1] Subs. by sec. 101 of U.P. Act no. 12 of 1994.
[2] Subs. by sec. 15, 16, 17 of U.P. Act no. 17 of 1982.

## Section 27. Disqualification for corrupt practice

The [1][District Judge] may declare any candidate found to have committed any corrupt practice to be incapable, for any period not exceeding five years, of being elected as a member of the Municipality or of being appointed or retained in any office or place in the gift or disposal of the Municipality :

[Provided that no such declaration shall be made about any candidate who was not a party to the election petition or who was not given an opportunity of being heard under section 26.]

[1] Subs. by sec. 15, 16, 17 of U.P. Act no. 17 of 1982.

## Section 28. Corrupt practices

A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself, or by any other person-

(i) induces, or attempts to induce, by fraud, intentional misrepresentation, coercion or threat of injury, any voter to give or to refrain from giving a vote in favour of any candidate ;

(ii) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money, or valuable consideration or any place, or employment, or holds out any promise of individual advantage or profit to any person ;

(iii) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote ;

(iv) abets (within the meaning of the Indian Penal Code) the doing of any of any of the acts specified in clauses (i), (ii) and (iii) ;

[(v) induces or attempts to induce a candidate or elector to believe that he or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure ;

(vi) canvasses on grounds of caste, community, sect or religion ;

(vii) commits such other practice as the [State Government] may by rule prescribe to be a corrupt practice.]

Explanation - A "promise of individual advantage or profit to a person" includes a promise for the benefit of the person himself, or of any one in whom he is interested, but does not include a promise to vote for or against any particular municipal measure.

### Section 29.

[1][ X X X X ]

[1] Omit. by sec. 11 of U.P. Act No. 7 of 1953.

### Section 29-A.

[1][ X X X X ]

[1] Omit. by sec. 11 of U.P. Act No. 7 of 1953.

## Control of Municipality

### Section 30. Power of State Government to dissolve the municipality

[1][If an 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 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 therefore in the official Gazette, dissolve the municipality. ]

[1] Subs. by sec. 102 of U.P. Act no. 12 of 1994.

### Section 31.

[1][ X X X X ]

[1] Omit. by sec. 103 of U.P. Act no. 12 of 1994.

### Section 31-A. Consequences of dissolution of municipality

[1][(1) Where a municipality is dissolved under section 30, the following consequences shall follow :-

(a) All members of the municipality including the President shall, on a date to be specified in the order, vacate their officers as such but without prejudice in their eligibility for re-election or re-nomination ;

(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].

[1] Subs. by sec. 104 of U.P. Act no. 12 of 1994.

### Section 31B. Director of Local Bodies

[1][(1) The State Government shall appoint an officer to be the 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.] as may appear to it to be necessary or expedient for carrying out the purposes of this section. ]

[1] Ins. by sec. 26 of U.P. Act no. 41 of 1976.

### Section 32. Supervision by Prescribed Authority

The [1][Prescribed Authority may] -

(a) inspect, or cause to be inspected [2][by an officer not below the rank of a sub-divisional officer] any immovable property used or occupied by a Municipality or joint committee or any work in progress under the direction of a Municipality or of such committee ;

(b) by order in writing call for and inspect a book or document in the possession or under the control of a Municipality or of such committee;

(c) by order in writing require a Municipality or such committee to furnish such statements, accounts, reports or copies of documents, relating to the proceedings or duties of the Municipality or committee as [it] [3] thinks fit to call

for, and

(d) record in writing, for the consideration of a Municipality or of such committee, any observations [it][3] thinks proper in regard to the proceedings or duties of the Municipality or committee.

[1] Subs. for (The Commissioner or the District Magistrate, when he is not a member of the board, may, within the limits of his division or district, as the case may be) by sec. 26 (i) of U. P. Act VII of 1949.
[2] Ins. by sec. 26 (ii) of ibid.
[3] Subs. for (he) by sec. 26 (iii) of ibid.

## Section 33. Inspection of municipal works and institutions by Government officers

A work, or institution, constructed or maintained in whole or part at the expense of a Municipality, and all registers books, accounts, or other documents relating thereto shall at all times be open to inspection by such officers [1] as the [2][State Government] appoints in this behalf.

[1] For the list of officers appointed under this sec. not no. 2559/XI-5, d. Aug. 16, 1917.
[2] Subs. by A. O. 1950 for (Provl. Govt.) which had been subs. by the A. O. 1937 for (L.G.).

## Section 34. Powers of the State Government or the Prescribed Authority or District Magistrate to prohibit execution or further execution of resolution or order of Municipality

(1) [1][The Prescribed Authority may] by order in writing prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Municipality or a committee of a Municipality or a joint committee or any officer or servant of a Municipality or a joint committee [2][if in its opinion] such resolution or order is of a nature to cause or tend to cause obstruct, on, annoyance or injury to the public or to any class or body of persons lawfully employed, [3][ * * * * ] and may prohibit the doing or continuance by any person of any act, in pursuance of or under cover of such resolution or order.

[4][(1-a) The District Magistrate may, within the limits of his district, by order in writing, prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Municipality or a committee of a Municipality or a joint committee or any officer or servant of a Municipality or of a joint committee if in his opinion such human life, health or safety or a riot or affray, and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order. ]

(1-b) The [5][State Government] may, of its own motion or on report or complaint received, by order prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Municipality or a committee of a Municipality or a joint committee or any officer or servant of a Municipality or of a joint committee, if in its opinion such resolution or order is prejudicial to the public interest [6][or has been passed or made in abuse of powers of in flagrant breach of any law for the time being in force], and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order. ]

[7][(2) When an order is made under sub-section (1) or (1-a) [8][ * * * * ] a copy thereof, with a statement of the reasons for making it, shall forthwith be forwarded by the Prescribed Authority or the District Magistrate through the Prescribed Authority, as the case may be, to the [5][State Government] which may thereupon, if it thinks fit, rescind or modify the order. ]

(3) [9][ * * * * ]

(4) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-sections, (1), (1-A) or [10](1-B) and continuing in force, it shall be the duty of the Municipality, if so required by the authority making the order under the said sub-section, to take any action which it would have been entitled to take, if the resolution or order had never been made or passed, and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order of which the further execution is prohibited.

[1] Subs. for (The Commissioner or the District Magistrate, when he is not a member of the board, may, within the limits of his division or district, as the case may be) by sec. 26 (i) of U. P. Act VII of 1949.
[2] Subs. for (if in his opinion) by ibid.
[3] The words (or danger to human life, health or safety or a riot or affray) Omit. by sec. 27 (1) of U. P. Act VII of 1949.
[4] For the list of officers appointed under this sec. not no. 2559/XI-5, d. Aug. 16, 1917.
[5] Subs. by A. O. 1950 for (Provl. Govt.).
[6] Ins. by sec. 12 of U. P. Act no. 27 of 1964.
[7] For the list of officers appointed under this sec. not no. 2559/XI-5, d. Aug. 16, 1917.
[8] Omit. by sec. 105(a) of U. P. Act no. 12 of 1994.
[9] Omit. by sec. 105(b) of U. P. Act no. 12 of 1994.
[10] Subs. for section (1) by sec. 14 (1) of U. P. Act VII of 1953.

### Section 35. Powers of the State Government and in case of default of Municipality

(1) If at any time, upon representation made or otherwise, it appears to the [1][State Government] that [2][a Municipality] has made default in performing a duty imposed on it by or under this or any other enactment [3][or in carrying out any order made or direction issued by the State Government in exercise of any power conferred by this Act or any other enactment] the [4][State Government] after calling for an explanation from the board and considering any objection by the board to action being taken under this section) by order in writing fix a period for the performance of that duty [5][or the carrying out of that order or direction.]

(2) If that duty is not performed [6][or the order or direction is not carried out] with in the period so fixed, the [4][State Government] as the case may be, may appoint the District Magistrate [7][or any other officer not below the rank of a Deputy Collector] to perform it and may direct that the expense (if any) of performing the duty [or executing the order or direction][8] shall be aid within such time as may be fixed, to the District Magistrate by the Municipality.

(3) If the expense is not so paid, the District Magistrate, with the previous sanction of the [5][State Government] may make an order directing the person having the custody of the municipal fund to pay the expense from such fund.

[1] Subs. by A. O. 1950 for (Provl. Govt.) which had been subs. by the A. O. 1937 for (L.G.).
[2] Subs. by sec. 106 (b) of U.P. Act No. 12 of 1994.
[3] Subs. by sec. 15 (1) of U. P. Act VII of 1953.
[4] Subs. by A. O. 1950 for (Provl. Govt.) which had been subs. by the A. O. 1937 for (L.G.).
[5] Subs. by sec. 106(a) of U.P. Act No. 12 of 1994.
[6] Subs. by sec. 15 (2) (a) ibid.
[7] Ins. by sec. 28 of U. P. Act VII of 1949.
[8] Subs. by sec. 15 (2) of U. P. Act VII of 1953.

### Section 36. Extraordinary powers of District Magistrate in case of emergency

(1) In case of emergency the District Magistrate may [1][with the permission of the Prescribed Authority] provide for the execution of any work or the doing of any Act which the municipal Municipality is empowered to execute or do and of which the immediate execution or doing is, in his opinion, necessary for the safety or protection of the public and may direct that the expense of executing the work or doing the act shall be forthwith paid by the Municipality.

(2) If the expense is not so paid the District Magistrate may make an order directing the person having the custody of the municipal fund to pay the expense from such fund.

(3) The District Magistrate shall forthwith report to the [Prescribed Authority] every case in which he uses the powers conferred on him by this section.

[1] Ins. by sec. 29 (a) of U. P. Act VII of 1949.

## Municipal Members

### Section 37. Prohibition of remuneration to members and President

[1][No member or President of a municipal board shall be granted any remuneration or travelling allowance by the Municipality except, with the sanction of [2][State Government] or in accordance with rules made in this behalf. ]

[1] Ins. by sec. 29 (a) of U. P. Act VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.)

### Section 38. Term of office of members, elected [1][***] to fill a casual vacancy

[The term of office of a member elected [1][ * * * ] to fill a casual vacancy or a vacancy remaining unfilled at the general elections hall begin upon the declaration of his election [1][ * * * ] under the Act and shall be the remainder of the term of the Municipality. ][2]

[1] Omitted by sec. 3 of U. P. Act 19 of 1990.
[2] Subs. by sec. 16 of U. P. Act VII of 1953. and again subs. by sec. 8 of U. P. Act I of 1955.

### Section 38-A.

[1][ X X X X X ]

[1] Sec. 38-A re special temporary provision for extending the term of office of members of the Kanpur Municipal Board was ins. by sec. 2 of U. P. Act III of 1931 and rep. by sec. 5 of U. P. Act XVII of 1943.

### Section 39. Resignation of members

[If a member of a Municipality other than the President resigns by writing under his hand addressed to the [State Government][1] his seat shall thereupon become vacant. The resignation shall be delivered at the office of the District Magistrate of the district, in which the municipality is situate who shall forthwith inform the President and shall forward the resignation to [1](State Government) ] [2]

[1] Subs. by A. O. 1950 for (Provl. Govt.)
[2] Subs. by sec. 32 of U. P. Act VII of 1949.

## Section 40. Removal of members

[1][(1) The [2][State Government] [3][ * * * ] may remove a member of the Municipality on any of the following grounds ;

(a) that he has absented himself from the meetings of the Municipality for more than three consecutive months or three consecutive meetings whichever is the longer period, without obtaining sanction from the Municipality :

Provided that the period during which the member was in jail as an under trial, detenue or as a political prisoner, shall not be taken into account ;

(b) that he has incurred any of the disqualifications mentioned in [4][sections 12-D and 13-D ; ]

(c) that he has within the meaning of section 82 knowingly acquired or continued to hold, directly or indirectly or by a partner, any [5][share on interest, whether pecuniary or of any other nature] in any contract by, or on behalf of, the Municipality ;

(d) that he has knowingly acted as a member in a matter other than a matter referred to in section 82 in which he or a partner, had, directly or indirectly, a [6][personal interest, whether pecuniary or of any other nature] or in which he was professionally interested on behalf of a client, principal or other person ;

[7][(e) that he being a legal practitioner has during the term of his membership acted or appeared in any suit or other proceeding on behalf of any person against the Municipality or against the State Government in respect of Nazul land entrusted to the management of the Municipality or acted or appeared for or on behalf of any person against whom a criminal proceeding has been instituted by or on behalf of the Municipality ; ]

[7][(f) that he has abandoned his ordinary place of residence in or has voluntarily or otherwise transferred his residence from the municipal area concerned, unless the member himself resigns his seat within three months of such abandonment of transfer ; ]

[8][(g) that he has been guilty of persistent misbehavior or disorderly conduct at meetings of the board and a complaint to that effect is made to the State Government by the President or any other member ; or ]

[9][(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.];

(2) [10][ * * * * ]

[11][ (3) The State Government may remove from the Municipality a member who, in its opinion, while being a member during the current or the last preceding term of the Municipality 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 Municipality as to render him unfit to continue as a member.]

(4) Provided that when either the [12][State Government] or the [13][Prescribed Authority] as the case may be, proposes to take action under the foregoing provisions of this section, an opportunity of explanation shall be given to the member concerned, and when such action is taken, the reasons therefor shall be placed on record.

(5) [14][ * * * * ]

[15][(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 the member give him a warning. ]

[16][ * * * * ]

[1] Subs. by sec. 33 (i) of U. P. Act VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.)
[3] Del. by sec. 108 of U. P. Act 12 of 1994.
[4] Subs. by sec. 17 (a) of U. P. Act VII of 1953.
[5] Subs. by sec. 15(1) of U. P. Act 27 of 1964.
[6] Subs. by sec. 15(2) of U. P. Act 27 of 1964.
[7] Subs. by sec. 15(3) of U. P. Act 27 of 1964.
[8] Ins. by sec. 15(4) of U. P. Act 27 of 1964.
[9] Subs. by sec. 27(a) of U.P. Act No. 41 of 1976.
[10] Omit. by sec. 108(b) of U. P. Act 12 of 1994.
[11] Subs. by sec. 27(b) of U. P. Act 41 of 1976.

[12] Subs. by A. O. 1950 for (Provl. Govt.) which had been subs. by the A. O. 1937 for (L. G.).
[13] Subs. by (Commissioner) by sec. 33 (iii) of U. P. Act VII of 1949.
[14] Omit. by sec. 108(d) of U. P. Act 12 of 1994.
[15] Subs. by sec. 108(e) of U. P. Act 12 of 1994.
[16] Proviso add by sec. 2 (2) of U. P. Act I of 1945 made by the Governor in exercise of the powers assumed by him under sec. 93 of G. of I . Act 1935 and which was reenacted by sec. 2 (1) of U. P. Act XIII of 1948 was omit. by sec. 33 (iii) of U. P. Act VII of 1949.

### Section 41. Disabilities of members removed under section 40

[(1) A member removed under clause (a) of sub-section (1) of the preceding section shall, if otherwise qualified, be eligible for further election [ ][1] or nomination.

(2) A member removed under clause (b) of sub-section (1) of the preceding section [2][* * * *] shall not be so eligible [3][unless his qualification no longer exists] [4][* * * *]

(3) A member removed under sub-section (3) of the preceding section shall not be so eligible for a period of [5][five] years from the date of his removal :

[6][Provided that the [7][State Government] may for sufficient reason exempt any person from this disability ] ;

(4) A member removed under any other provision of the preceding section shall not be so eligible until he is declared [8][for reasons to be specified] to be no longer ineligible, and he may be so declared by an order of the [7][State Government].

[1] The word "co-option" ins. by sec. 34 (i) of U. P. Act VII of 1949 now dele. by sec. 18 of U. P. Act VII of 1953.
[2] The word (on the ground that he is an undischarged insolvent) ins. by sec. 7 of U. P. Act XVII of 1934 were Omit. by sec. 34 (2) of U. P. Act VII of 1949.
[3] Ins. by sec. 34 (2) of ibid.
[4] The word (until he has obtained his discharge) omit. by ibid.
[5] Subs. by sec. 16 of U. P. Act 27 of 1964.
[6] Add. by ibid.
[7] Subs. by A. O. 1950 for (Provl. Govt.)
[8] Ins. by sec. 34 (4) of U. P. Act VII of 1949.

### Section 42.

[1][ * * * * ]

[1] Omit. by sec. 19 of U. P. Act no. VII of 1953.

## President and Vice-President

### Section 43. Election of President

[1][(1) The President of the municipality shall be elected on the basis of adult suffrage by the electors in the municipal area.

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

(3) The provisions 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. ]

[1] Subs. by sec. 110 of U. P. Act no. 12 of 1994.

### Section 43-A. Bar on simultaneously holding the post President or Vice-President under different local authorities

[1][No person shall be at the same time the President or Vice-President both of a Municipal Board and any other local authority:

Provided that if a person is elected to any such or similar office of more than one local authority, he shall, at his option, continue to hold the office in one local authority and reign from others within a prescribed period. ]

[1] Ins. by sec. 37 of U.P. Act no. 7 of 1949.

### Section 43-AA. Qualification for the post of President

[1][(1) A person shall not be qualified to be chosen as President of a Municipality unless he -

(a) is an elector for any ward [2][in the Municipal area] concerned and

(b) is not less than 30 years of age on the date of his nomination as a candidate for election to the office of President under section 34-C.

(2) A person shall be disqualified for being chosen as, and for being, President of a Municipality -

(a) is or has become subject to any of the disqualifications [3][mentioned in clauses (a) to (g) and (i) to (k)] of section 13-D and the disqualification has not ceased or been removed under the said section, or

(b) [4][ * * * * ]

(3) [5][ * * * * ]

[1] Subs. by sec. 11 of U. P. Act no. I of 1955.
[2] Subs. by sec. 111(a) of U.P. Act no. 12 of 1994.
[3] Subs. by sec. 111(b) of U.P. Act no. 12 of 1994.
[4] Omit. by sec. 2(1) of U.P. Act no. 4 of 1965. With effect from 1 May, 1958.
[5] Omit. by sec. 111(c) of U. P. Act no. 12 of 1994.

## Section 43-B.

[1][ * * * * ]

[1] Omit. by sec. 112 of U. P. Act no. 12 of 1994.

## Section 43-BB. Transfer of petition

[1][(1) On the application of any party to an election petition presented under sub-section (5) of section 20 [2][ * * * * ], and after notice to the other parties thereto, and after hearing such of them as desire to be heard, or of its own motion, without such notice, the High Court may at any stage -

(a) transfer an election petition pending before a District Judge for trail to any other District Judge ; or

(b) re-transfer the same for trial to the District Judge from whom it was withdrawn.

(2) The District Judge may at any stage transfer an election petition pending before him under this Act to an Additional District Judge and may withdraw any election pending before an Additional District Judge and -

(i) transfer or dispose of the same ; or

(ii) transfer the same for trial or disposal to any other Additional District Judge ; or

(iii) re-transfer the same for trial or disposal to the Court from which it was withdrawn.

(3) Where any election petition has been transferred or re-transferred under sub-section (1) or sub-section (2), the District Judge or the Additional District Judge, who thereafter tries such petition, may, subject to any direction in the order of transfer to the contrary, proceed from the point at which it was transferred or re-transferred :

Provided that he may, if he thinks fit, re-call and re-examine any of the witnesses already examined.

[1] Ins. by sec. 20 of U. P. Act no. 17 of 1982.
[2] Omit. by sec. 113 of U. P. Act no. 12 of 1994.

## Section 43-C. Power of State Election Commission to make order regarding election of President

[1][The State Election Commission may, by order, make provision with respect to the following matters concerning the conduct of and [2][x x x], election of President, that is to say -

(a) the appointment, powers and duties of Returning Officers ;

(b) appointment of dates for nomination, scrutiny, withdrawal and polling ;

(c) the manner of presentation and the form of nomination paper, the requirements for a valid nomination, scrutiny of nominations and withdrawal of candidature ;

(d) procedure at election, including death of candidate before poll and procedure of contested and uncontested elections ;

(e) hours of polling and adjournment of poll ;

(f) manner of voting at elections ;

(g) scrutiny and counting of votes including re-counting of votes and procedure to be followed in case of equality of votes ;

(h) declaration and notification of results ;

(i) deposit of security with nomination and return and forfeiture thereof ;

(j) [3][ * * * * ];

(k) [3][ * * * * ] ;

(l) [3][ * * * * ] ;

(m) [3][ * * * * ] ;

(n) [3][ * * * * ] ;

(o) [3][ * * * * ] ;

(p) [3][ * * * * ] ;

(q) [3][ * * * * ] ;

(r) [3][ * * * * ].

[1] Omit. by sec. 113 of U. P. Act no. 12 of 1994.

[2] Omit. by sec. 114(b) of U. P. Act no. 12 of 1994.

[3] Omit. by sec. 114(c) of U. P. Act 12 of 1994.

## Section 43-D. Oath of allegiance and office

[1][(1) The President and every member of aboard shall before taking his seat, make and subscribe at a meeting of the board an oath or affirmation of his allegiance to the Constitution in the following form :-

(1) A. B., having been elected a member/President of this Municipality do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established that I will uphold the sovereignty and integrity of India, and that I will faithfully and conscientiously discharge the duties upon which I am about to enter.

(2) The President or the member who fails to make, within three months of the date on which his term of office commences or at any one of the first three meetings of the Municipality held after the said date, whichever is later, unless this period is extended by the District Magistrate, the oath or affirmation laid down in and required to be taken by sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person required under sub-section (1) to make an oath or affirmation shall not take his seat at a meeting of the board or do any act as a member or President of the board unless he has made and subscribed an oath or affirmation as laid down under sub-section (1).

[2][ (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. ]

(5) The Executive Officer shall, as soon as may be, report to the District Magistrate the name of the President or member, if any, who ceases to hold his office under sub-section (2). ]

[1] Ins. by sec. 18 of U. P. Act 27 of 1964.

[2] Subs. by sec. 2 of U. P. Act 38 of 2006.

## Section 44.

[1][ * * * * ]

[1] Omit. by sec. 38 of U.P. Act VII of 1949.

## Section 44-A. Bye-election of President

[1][If a casual vacancy occurs in the office of the President 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. ]

[1] Subs. by sec. 115 of U. P. Act 12 of 1994.

## Section 45.

[1][ * * * * ]

[1] Omit. for (Chairman) by sec. 21 of U.P. Act No. 21 of 1978.

## Section 46. Term of office of President

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

(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.]

[1] Subs. by sec. 30 of U.P. Act No. 41 of 1976.

### Section 46-A.

[1][ * * * * ]

[1] Omit. by sec. 72(2) of U.P. Act No. 3 of 1937.

### Section 47. Resignation of President

[1][(1) A president of a municipality wishing to resign may forward his written resignation through the District Magistrate to the State Government. ]

(2) On receipt by the Municipality of information that the resignation has been accepted by the [State Government] [2][ * * * * ] such [President] shall be deemed to have vacated his office.

[1] Subs. by sec. 116(a) of U.P. Act No. 12 of 1994.
[2] Omit. by sec. 116(b) of U. P. Act No. 12 of 1994.

### Section 47-A.

[1][ * * * * ]

[1] Omit. by sec. 2 of U. P. Act No. 22 of 2001.

### Section 48. Removal of President

(1) [1][ * * * * ]

[2][(2) Where the State Government has, at any time, reason to believe that -

(a) there has been a failure on the part of the President in performing his duties, or

(b) the President has -

(i) incurred any of the disqualifications mentioned in sections 12-D and 43-AA ; or

(ii) within the meaning of section 82 knowingly acquired or continued to have, directly or indirectly, or by a partner, any share or interest, whether pecuniary or of any other nature, in any contract or employment with, by or on behalf of the Municipality ; or

(iii) knowingly acted as a President or as a member in a matter other than a matter referred to in clauses (a) to (g) of sub-section (2) of section 82, in which he has, directly or indirectly, or by a partner, any share or interest, whether pecuniary or of any other nature, or in which he was professionally interested on behalf of a client, principal or other person ; or

(iv) being a legal practitioner acted or appeared in any suit or other proceeding on behalf of any person against the board or against the State Government in respect of nazul land entrusted to the management of the board, or acted or appeared for or on behalf of any person against whom a criminal proceeding has been instituted by or on behalf of the Municipality ; or

(v) abandoned his ordinary place of residence in the municipal area concerned ; or

(vi) been guilty of misconduct in the discharge of his duties ; or

[3][(vii) during the current or the last preceding term of the Municipality, 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 Municipality, 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.]

it may call upon him to show cause within the time to be specified in the notice why he should not be removed from office.

[4][(ix) caused loss or damage to any property of the Municipality; or

(x) misappropriated or misused the Municipal fund ; or

(xi) acted against the interest of the Municipality ; or

(xii) contravened the provisions of this Act or the rules made thereunder ; or

(xiii) created an obstacle in a meeting of the Municipality in such manner that it becomes impossible for the Municipality to conduct its business in the meeting or instigated someone to do so ; or

(xiv) willfully contravened any order or direction of the State Government given under this Act ; or

(xv) misbehaved without any lawful justification with the officers or employees of the Municipality ; or

(xvi) disposed of any property belonging to the Municipality at a price less than its market value ; or

(xvii) encroached, or assisted or instigated any other person to encroach upon the land, building or any other immovable property of the Municipality ; ]

[5][Provided that where the State Government has reason to believe that the allegations do not appear to be groundless and the President is prima facie guilty on any of the grounds of this sub-section resulting in the issuance of the show cause notice and proceedings under this sub-section he shall, from the date of issuance of the show cause notice containing charges, cease to exercise, perform and discharged the financial and administrative powers, functions and duties of the President until he is exonerated of the charges mentioned in the show cause notice issued to him under this sub-section and finalization of the proceedings under sub-section (2-A) and the said power function and duties of the President during the period of such ceasing, shall be exercised, performed and discharged by the District magistrate or an officer nominated by him not below the rank of Deputy Collector ; ]

(2-A) [6][ * * * * ]

[7][ * * * * ]

[8][(2-B) An order passed by the State Government under sub-section (2-A) shall be final and shall not be questioned in any court ; and ]

(3) [9][ * * * * ]

[10][(4) A President removed under sub-section (2-A) shall also case to be a member of the board and in case of removal on any of the grounds mentioned in clause (a) or sub-clause (vi), (vii) or (viii) of clause (b) of sub-section (2), shall not be eligible for re-election as President or member for a period of five years from the date of his removal. ]

[1] Omit. by sec. 43 (1) of U. P. Act No. VII of 1949.
[2] Subs. by sec. 20 of U. P. Act 27 of 1964.
[3] Subs. by sec. 31 of U.P. Act No. 41 of 1976.
[4] Ins. by sec. 3 of U. P. Act 22 of 2001.
[5] Ins. by sec. 2(a) Prov. of U. P. Act 02 of 2005.
[6] Omit. by sec. 2(b) of U. P. Act 02 of 2005.
[7] Omit. by sec. 2(b) of U.P. Act no. 2 of 2005.
[8] Ins. by sec. 20(2) of U. P. Act no. 27 of 1964.
[9] Omit. by sec. 118 of U. P. Act no. 12 of 1994.
[10] Subs. by sec. 20(3) of U. P. Act no. 27 of 1964.

## Section 49. President to be member

[1][The President of a municipality shall be ex-officio member of the municipality. ]

[1] Subs. by sec. 119 of U. P. Act no. 12 of 1994.

## Section 50. Functions of Municipality that must be discharged by the President

The following power, duties and functions of a Municipality may be exercised, and shall be performed or discharged, by the [1][President] of the Municipality and [2][subject to the provisions of sections 53 and 53-A,] not otherwise namely -

(a) the owners vested in the [1][President] by sections 70, [2][74 and the provisos to sections] 75 and 76 to appoint, punish or dismiss servants of the board ;

(b) the determination, in accordance with any regulation in this behalf, of questions arising in respect of the service, [3][transfer], leave, pay, privileges and allowances of servants of the board ;

[4][(bb) general supervision over all officers and works of the Board ; ]

(c) the submission to [5][the Prescribed Authority] under section 32, of statements, accounts, reports or copies of documents, and under sub-sections (4) and (5) of section 94 and sub-section (1) of section 108 of copies of resolutions passed by a committee of the board;

(d) such of the powers, duties and functions referred to in the third column of schedule I as are delegated by the board under section 112 to the [6][President], and

(e) all other duties, powers and functions of a board with the exception of -

(i) where there is an executive officer, those vested in an executive officer, by section 60 [and where there is a medical officer of health, those vested in the medical officer of health by section 60-A. ]

(ii) those specified in the second column of schedule I, and

(iii) those delegated by the board under section 112.

[1] Subs. for (Chairman) by sec. 61 of U. P. Act no. VII of 1949.
[2] Subs. by sec. 21 of U. P. Act no. 27 of 1964.
[3] Ins. by sec. 44 (1) of U. P. Act no. VII of 1949.
[4] Cl. (bb) add. by sec. 44 (2) of ibid.
[5] Subs. for (the commissioner and the District Magistrate) by sec. 44 (3) of ibid.
[6] Subs. for (Chairman) by sec. 61 of U. P. Act no. VII of 1949.

## Section 51. Additional duties of the President

It shall also be the duty [1][and power] of the [1][President] -

[2][(a) unless [3][provided otherwise by this Act or] prevented by reasonable cause,

(i) to convene and preside at all meetings of the board,

(ii) [4][ * * * * ]

(iii) otherwise to control in accordance with any regulation made in this behalf the transaction of business at all meetings of the board ; ]

(b) to watch over the financial and superintend the executive administration of the board and bring to the notice of the board any defect therein ; and

(c) to perform such other duties as are required of, or imposed on him by or under this [5][or any other] Act.

[1] Subs. for (Chairman) by sec. 61 of ibid.
[2] Subs. by sec. 6 of U. P. Act IX of 1933.
[3] Ins. by sec. 4 (a) of U. P. Act XIII of 1942 which was re-enacted by sec. 2 (1) of U. P. Act XIII of 1948.
[4] Omit. by sec. 4 (b) of ibid.
[5] Ins. by sec. 45 (2) of U. P. Act VII of 1949.

## Section 51-A. Authority to president to address State Govt. on question of general public interest

"[1][A President may address the [2][State Government] or any Department of the [3][State Government] on any question of general public interest in the manner prescribed. ]

[1] Add. by sec. 46 of ibid.
[2] Subs. by A. O. 1950 for (Provl. Govt.)
[3] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) (vice-president) and (vice-presidents) wherever they occur in sections 52, 53, 53-A, 54, 55 and 56 the words (Chairman), (vice-chairman) and (vice-chairman) shall respectively stand substituted.

## Section 52. Power of Municipality to require reports, etc. from President

(1) The Municipality may require the [1][President] to furnish it with-

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of the municipality ;

(b) a report or explanation on any such matter ; and

(c) a copy of any record, correspondence or plan or other document which is in his possession or control as [2][President] [3] or which is recorded or filed in his office or in the office of any municipal servant.

(2) The [2][President][3] shall comply with every requisition made under sub-section (1) without unreasonable delay.

[4][(3) Nothing in this section or in other provision of this Act shall be deemed to prevent the board from making regulations [5] authorizing the asking of questions by members at its meetings, subject to such conditions and restrictions as may be prescribed in the regulations. ]

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) (vice-president) and (vice-presidents) wherever they occur in sections 52, 53, 53-A, 54, 55 and 56 the words (Chairman), (vice-chairman) and (vice-chairman) shall respectively stand substituted.
[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) (vice-president) and (vice-presidents) wherever they occur in sections 52, 53, 53-A, 54, 55 and 56 the words (Chairman), (vice-chairman) and (vice-chairman) shall respectively stand substituted.
[3] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.
[4] Ins. by sec. 02 of U. P. Act VI of 1919.
[5] For model regulations, see p. 632, M. M. 1952 edition.

### Section 53.

[1][ X X X X X ]

[1] Omit. by sec. 4 of U. P. Act no. 49 of 2007.

### Section 54.

[1][ X X X X X ]

[1] Omit. by sec. 4 of U. P. Act no. 49 of 2007.

### Section 54-A. Temporary arrangement in certain cases

[1][Where person on being elected President fails or reuses 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, the powers and functions of the President shall, until a 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 all powers, functions and duties of the President shall be vested in and be exercised, performed and discharged by him. ]

[1] Ins. by sec. 5 of U. P. Act 49 of 2007.

### Section 55.

[1][ X X X X X ]

[1] Omit. by sec. 6 of U. P. Act no. 49 of 2007.

### Section 56. Notification of elections, nominations and vacancies

["Every election and nomination of a member or President of a Municipality, the due constitution of the Municipality, and every vacancy in the office or member or President, shall be notified in the official Gazette.][1]

[1] Subs. for (Gazette) by A. O. 1937 and again by sec. 19 of U. P. Act I of 1955.

## The Executive Officer and Medical Officer of Health

### Section 57. Power of Municipality to appoint and employ executive officer and medical officer of health

[1][(1) Every Board shall, unless the [2][State Government] either on its own motion or on representation made by the Board, otherwise directs, appoint an Executive Officer by a special resolution.]

Provided that in every case in which such board has at the time of the passing of the Act a secretary but no executive officer the secretary shall be deemed to be the executive officer until or unless he is duly replaced.

(2) Every Municipality with an income of Rs. 50,000 per annum or over shall, unless the [3][State Government] otherwise directs, employ a medical officer of health who belongs to the Uttar Pradesh Public Health Service [3][and an accountant who belongs to the State Accounts Service, on such terms and conditions as may be prescribed by the [State Government][3]. ] ;

[4][Provided that if the State Government expresses its inability to make available the services of a Medical Officer of Health belonging to the U. P. Public Health Service, the Municipality may appoint a temporary Medical Officer of Health by a special resolution. ]

[5][(2-A) Every Municipality shall, if so required by the State Government, employ in addition to or in place of the Accountant, an Accounts Officer nominated by the State Government either severally or jointly with one or more than one Municipality or any other local authority on the terms and conditions as may be prescribed by the State Government from time to time ] .

[6][(3) Every appointment of an Executive Officer under sub-section (1) and of a Medical Officer of Health under the proviso to sub-section (2) make by a Municipality shall be subject to the prior approval of the State Government and their salaries and conditions of service shall be such as may be prescribed. ]

[1] Ss. 57 was Subs. by sec. 14 of U. P. Act V of 1932 and subs. (1) of this sec. 50 Subs. was later subs. by sec. 47 of U. P. Act VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.)
[3] For. rules re-appointment of Medical Officers of Health see not. no. 4233/XI-957 E. d. No. 21, 1932 and no. 2865/XI-353-46, d. June 19, 1946, and pp. 404-408 of the municipal Manual, 1952 edition.
[4] Ins. by sec. 24(1) of U. P. Act 27 of 1964.
[5] Add. by sec. 23 of U. P. Act VII of 1953.
[6] Subs. by sec. 24(2) of U. P. Act 27 of 1964.

## Section 58. Punishment, dismissal or removal of executive officer and transfer of medical officer of health

[[1][(1) A Municipality may dismiss, remove or otherwise punish its Executive Officer by a special resolution supported by not less than two-thirds of the members constituting the board subject to his right of appeal to the State Government, within such time and in such manner as may be prescribed :

Provided that the board shall, in dismissing, removing or otherwise punishing the Executive Officer, follow the procedure that may be prescribed in this behalf. ]

(2) [2][ * * * * ]

(3) If a Municipality by special resolution recommend the transfer of its medical officer of health [3][other than one appointed under the proviso to sub-section (2) of section 57], [or its Accountant][4] the [5][State Government] shall transfer the medical officer of health [6][or the Accountant as the case may be] from the Municipality's employment provided the board gives sufficient reasons therefor. ]

[1] Subs. by sec. 25 of U. P. Act 27 of 1964.
[2] Omit. by sec. 25(2) of U. P. Act no. 27 of 1964.
[3] Ins. by sec. 25(3) of U. P. Act no. 27 of 1964.
[4] Ins. by sec. 4 of U. P. Act I of 1945, made by the Governor, in exercise of the powers assumed by him under sec. 93 of G. of I Act 1935 and which was re-enacted by sec. 2 (1) of U. P. Act XIII of 1948.
[5] Subs. by A. O. 1950 for (Provl. Govt.)
[6] Subs. by sec. 61 of U. P. Act VII of 1949 for (Chairman).

## Section 59. Appointment of officiating executive officer

[1][(1) During the absence of leave, or other temporary vacancy in the office, of an Executive Officer, if the period of such leave or vacancy does not exceed two months, the President may appoint a person to act as Executive Officer ; and if the period exceeds two months an appointment shall be made by the Municipality in accordance with the provisions of section 57 :

Provided that when the period of vacancy which initially did not exceed two months is subsequently extended due to unforeseen circumstances the appointment made by the President may continue subject to the approval of the State Government. ]

(2) Every person so appointed may exercise the powers and shall perform the duties conferred or imposed by or under this or any other enactment on the person for whom he is appointed to act.

[2][ (3) The salaries and conditions of service appertaining to such appointments shall be such as may be prescribed, and the provisions of section 58, with such modifications as may be prescribed shall apply to persons so appointed. ]

[1] Subs. by sec. 26(1) of U. P. Act 27 of 1964.
[2] Subs. by sec. 26(2) of U. P. Act 27 of 1964.

## Section 60. Functions of a Municipality that must be discharged by the executive officer

[1][(1) In any municipality where there is an executive officer the following powers of the Municipality shall be exercised by such officer, and save as provided in section 62, not otherwise, namely -

(a) the power to grant and issue under his signature or to refuse any license which can be granted by a Municipality, other than a license for a market, slaughterhouse or hackney carriage ;

(b) the power to suspend or withdraw any such license ;

(c) the power to receive, recover and credit to the municipal fund any sum due or tendered to the Municipality ;

(d) the powers conferred by the section or sub-sections specified in the first column or schedule II [or where such sections or sub-sections are followed by the words "in part" by such parts thereof as are indicated by the description in column 2 of the said schedule][2] and the power to do all things necessary for the exercise of these powers ;

(e) in respect of servants of the Municipality, the powers vested in the executive officer by sections 75 and 76, and the power to grant leave of absence to the holder of any post to which he has power to appoint.

(f) any other power that has been delegated by the board to the executive officer.

[3][(2) [4][ * * * * ] All servants of the Municipality shall be subordinate to the executive officer.

[1] Subs. by sec. 9 of U.P. Act no. 29 of 1966.
[2] Ins. by sec. 10 of U. P. Act no. II of 1919.
[3] Subs. for "(3)" by sec. 10 of U. P. Act no. II of 1919.
[4] Omit. by sec. 27(3) of U. P. Act no. 27 of 1964.

## Section 60-A. Function to be discharged by medical officer of health

[1][Notwithstanding anything contained in section 60 the [2][State Government] may, by notification in the [3][Official Gazette] direct that in any municipality the medical officer of health, [4][subject to the general control] of the executive officer, shall exercise the following powers ; provided that in case of disagreement between these officers the question shall be referred to the [5][President][6] whose decision shall be final -

(a) the power to grant and issue under his signature every permit or license, other than a permit or license for a market or slaughter house, which can be granted by a Municipality in respect of bye-laws framed under parts B, D, F, G and I of list I and part I of list II of section 298 ;

(b) the power to suspend or withdraw any such permit or license ;

(c) the powers conferred on the executive officer under section 60 (1) (d) in respect of sections 191 (1) and (2), 192 (1), 196 (c) and (d), 201 (1), 202 (1), 225 (1) and (2), 227, 224 (1) and (2), 245 (1), 249, 250 (2), 267, 268, 269, 270, 271, 273 (1), (a), 276, 277, 278, 280, 283, 294 and also in respect of 307 so far as the notice referred to therein relates to the other sections specified in this clause ;

(d) in respect of servants of the Municipality employed for conservancy, public health, vaccination, and the registration of births and deaths the powers vested in the executive officer by sections 75 (a) and 76 (a) and the power to grant leave of absence to the holder of any post to which he has power to appoint ].

[1] Ss. by the A. O. 1950 for (Provl. Govt.) which had been Subs. by the A. O. 1937 for (L.G.).

[2] Subs. by A. O. 1950 for (Provl. Govt.)

[3] Subs. for (Gazette) by A. O. 1937.

[4] Subs. for (with the concurrence in writing) by sec. 50 of U. P. Act VII of 1949.

[5] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) (vice-president) and (vice-presidents) wherever they occur in sections 52, 53, 53-A, 54, 55 and 56 the words (Chairman), (vice-chairman) and (vice-chairman) shall respectively stand substituted.

[6] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

## Section 60-B. Delegation of powers to principal officers of the Electrical, Public works, education and water works Departments

[1][[2][The State Government] may by notification in the official Gazette, direct that in any municipality the principal officers of the Electrical, Public Works, [3][ ] and Water Works Departments [4][and Municipal Museum] shall exercise, with reference to their departments [4][or museum] powers under clause (e) of sub-section (1) of section 60, and anything done in exercise of the powers conferred under the provisions of this sections shall be deemed to be thing done and power exercised by the Executive Officer. ]

[1] Ins. by sec. 51 of U. P. Act no. VII of 1949.

[2] Subs. by A. O. 1950 for (Provl. Govt.)

[3] The word "Education" omit. by sec. 24 of U. P. Act VII of 1953.

[4] Ins. by sec. 28(1) of U. P. Act no. 27 of 1964.

## Section 61. Right of appeal from orders of executive officer

(1) No appeal shall lie to the board from any order passed by an executive officer [or medical officer of health][1] in the exercise of the powers conferred upon him by section 60 [2][or section 60-A].

(a) the order is an order against which an entry is shown in the third column of schedule II, such entry not being avoided by regulation made under clause (e) of sub-section (1) of section 297 and in force, or

(b) the order is an order passed in respect of a license and provision is made for appeal therefrom by any bye-law.

(2) Where an appeal lies it shall be filed within ten days of the communication of the order or of date on which the order is, under the provisions of this Act, deemed to have been communicated.

(3) when an appeal is filed within such period the order shall remain suspended until the appeal is decided.

[1] The word "Education" omit. by sec. 24 of U. P. Act VII of 1953.

[2] Ins. by sec. 18 of U. P. Act no. V of 1932.

## Section 62. Delegation of powers by Executive Officer or medical officer of health

[1][(1) With the sanction of the President an Executive Officer or a Medical Officer of Health may empower, by general or special order, any servant of the Municipality to exercise, under his control, any power, other than a power delegated to him under clause (f) of sub-section (1) of section 60 conferred on him by or under this Act.]

(2) An order by the Executive Officer [2][or medical officer of health] under sub-section (1) may prescribe any

condition and impose any restriction in respect of the exercise of any power.

(3) Any order passed by a servant of the Municipality in the exercise of a power conferred on him under sub-section (1) shall be liable to rescission or revision by the executive officer [or medical officer of health][2] , [3][or museum].

[1] Subs. by sec. 29(1) of U. P. Act 27 of 1964.
[2] Ins. by sec. 19 of U. P. Act no. V of 1932.
[3] Ins. by sec. 62 (3) of U. P. Act no. 27 of 1964.

### Section 63. Powers of President or Municipality or committee to require reports, etc., from executive officer or medical officer of health

(1) The [1][President or the] Municipality, or any committee of the Municipality, may require from the executive officer [2][or medical officer of health] -

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to [3][that branch of the administration of the Municipality with which he is concerned ] ;

(b) a report or explanation on any such matter ; and

(c) a copy of any record, correspondence or plan or other document which is in his possession or under his control as executive officer [2][or medical officer of health] or which is recorded or filed in his office or in the office of any servant subordinate to him.

(2) The executive officer [2][or medical officer of health] shall comply with every requisition made under sub-section (1) without unreasonable delay.

[1] Ins. by sec. 19 of U. P. Act no. V of 1932.
[2] Ins. by sec. 52 of U. P. Act no. VII of 1949.
[3] Subs. for (the administration of the municipality) by sec. 19 of U. P. Act no. V of 1932.

### Section 64. Right of executive officer or medical officer of health to take part in discussions

The executive officer, [1][Accounts Officer] [2][or medical officer of health] may, with the permission of the [3][President][4] or in virtue of a resolution passed in this behalf at a meeting of the Municipality or of a committee, make an explanation in regard to a subject under discussion, but shall not vote upon or make a proposition at such meeting.

[1] Ins. by sec. 25 of U. P. Act no. VII of 1953.
[2] Ins. by sec. 52 of U. P. Act no. VII of 1949.
[3] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) (vice-president) and (vice-presidents) wherever they occur in sections 52, 53, 53-A, 54, 55 and 56 the words (Chairman), (vice-chairman) and (vice-chairman) shall respectively stand substituted.
[4] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

### Section 65. Power of State Government to appoint Executive Officer

[1][If a Municipality, being bound to make an appointment under the provisions of section 57 or section 59, fails to make an appointment and [2][ * * * * ] within such time as the [3][State Government] considers reasonable, the [3][State Government] may itself make the appointment and may fix the salary, contributions to provident fund or pension and other conditions appertaining to such appointment :

Provided that if the [3][State Government] has made an appointment in exercise of the powers conferred by this section, the Municipality shall not be bound to pay a sum exceeding a monthly average of Rs. 1,000 in the case of Municipalities with an income of three lakhs or over or of Rs. 500 in the case of other Municipalities on account of the salary, leave allowances and contributions of the person so appointed. ]

[1] Subs. by sec. 20 of U. P. Act no. V of 1932.
[2] Omit. by sec. 30 of U. P. Act no. 27 of 1964.
[3] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

## Other servants

### Section 66. Appointment of secretaries

(1) Every board of a Municipality where there is no executive officer shall, by special resolution appoint one or more secretaries.

[1][(2) Each such appointment shall be subject to prior approval of the Prescribed Authority and the salaries and other conditions of service of the persons so appointed shall be such as may be prescribed. ]

[1] Subs. by sec. 31 of U. P. Act 27 of 1964.

## Section 66-A. Appointment of officiating secretary

[1][(1) During the absence on leave, or other temporary vacancy in the officer, of a secretary appointed under section 66, if the period of appointed under section 66, if the period of such leave or vacancy does not exceed two months, the President may appoint a person to act as secretary, and if the period exceeds two months an appointment shall be made by the board in accordance with the provisions of section 66.

(2) When the period of vacancy in which appointment has been made under the first part of sub-section (2) is subsequently extended beyond two months due to unforeseen circumstances the appointment made by the President may continue subject to the approval of the State Government.

(3) Every person so appointed may exercise the powers and shall perform the duties conferred or imposed by or under this or any other enactment on the person for whom he is appointed to act.

(4) The salary and other conditions of service of a person appointed under sub-section (1) shall be such as may be prescribed. ]

[1] Ins. by sec. 32 of U. P. Act no. 27 of 1964.

## Section 67. Punishment and dismissal of Secretaries

[1][A Municipalities may dismiss, remove or otherwise punish any Secretary appointed under section 66 or section 66-A, by special resolution supported by not less than two-thirds of the members constituting the Municipalities, subject to his right of appeal, to such authority, within such time and in such manner, as may be prescribed:

Provided that the Municipalities shall, in dismissing, removing or otherwise punishing the Secretary follow the procedure that may be prescribed in this behalf. ]

[1] Subs. by sec. 33 of U. P. Act no. 27 of 1964.

## Section 68. Appointment of Special Officers of Technical Departments

[1][(1) A Municipalities may, and if so required by the State Government, shall by special resolution, appoint the principal officers, of its technical departments such as Civil Engineer, Assistant Civil Engineer, Electrical Engineer, Assistant Electrical Engineer, Waterworks Engineer, Assistant Waterworks Engineer, Electrical and Waterworks Engineer, Assistant Electrical and Waterworks Engineer or Overseer and also Secretary where there is already an Executive Officer.

[1][(2) During the absence on leave, or other temporary vacancy in the office, of any of the officers mentioned in sub-section (1), if the period of such leave or vacancy does not exceed two months, the President may appoint a person to act in such office ; if the period exceeds two months an appointment shall be made by the Municipalities in accordance with the provisions of sub-section (1).

(3) When the period of vacancy in which appointment has been made under the first part of sub-section (2) is sub-sequently extended beyond two months due to unforeseen circumstances, the appointment made by the President may continue subject to the approval of the State Government.

(4) Every person appointed under sub-section (2) may exercise the powers and shall perform the duties conferred or imposed by or under this or any other enactment on the person for whom he is appointed to act.

(5) Each appointment made under sub-section (1) or the second part of sub-section (2) shall be subject to the prior approval of the State Government.

(6) The salary and other conditions of service of a person appointed under this section shall be such as may be prescribed. ]

[1] Subs. by sec. 34 of U. P. Act no. 27 of 1964.

## Section 68-A. Compliance by Municipalities of requisition by State Government of Servants in times of emergency

[1][On the occurrence of war, famine, scarcity, epidemic, disease of men, or beasts, floods, or any similar emergency, and to provide for fairs, melas or other occasions involving large gathering of people, the Municipality shall immediately comply with any requisition made by the [2][State Government] or by an officer of the Government authorized by general or special order to make the requisition, for the services of any of the Municipality officers or officials holding posts in its medical, public health, sanitary, veterinary, [3][electrical, Water Works] or Public Works departments, or vaccination, for the services of any vaid or hakim employed by the requisitioning as meet such proportion of the charge connected with the Municipalities, and shall the [3][State Government] may decide to be a proper charge on the Municipality. ]

[1] Subs. by sec. 18(3) of U.P. Act No. 34 of 1972.

[2] Ins. by sec. 54 of U. P. Act VII of 1949.
[3] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 68-B.

[1][(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, adhoc 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 of 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, adhoc 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, 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 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). ]

[1] Ins. by sec. 3 of U. P. Act 38 of 2006.

### Section 68-C.

[1][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. ]

[1] Ins. by sec. 3 of U. P. Act 38 of 2006.

### Section 69. Punishment and dismissal of officers appointed under section 68

[1][ (1) A Municipality may, by special resolution, dismiss, remove or otherwise punish any officer appointed under section 68 or the proviso to sub-section (2) of section 57, subject to the conditions provided in section 58 in respect of the dismissal, removal or other punishment of an Executive Officer. ]

(2) [2][ * * * * * ]

[1] Subs. by sec. 35(1) of U. P. Act no. 27 of 1964.
[2] Omit. by sec. 35(2) of U. P. Act no. 27 of 1964.

### Section 69-A. Framing charges against or suspension of officers by President

[1][(1) If the President has reason to believe that the Executive Officer or the Secretary or any of the other officers of the Municipalities appointed under section 68 [2][or the proviso to sub-section (2) of section 57], is corrupt or has persistently failed in the discharge of his duties or is otherwise guilty of misconduct, he may frame charges against him and where he is satisfied that it is so necessary, he may, for reasons to be recorded suspend him pending the completion of the enquiry [2][and the passing of the final order by the Prescribed Authority or the Municipalities, as the case may be, under sub-section (4).]

[3][(2) Whenever the President takes action under sub-section (1), he shall within a week inform the Prescribed Authority and also forward to it a copy of the charges, and in case an order of suspension has been passed, the President shall also forward to the Prescribed Authority the material forming the basis of the charges. ]

[4][(2-A) The order or suspension under sub-section (1) may at any time be revoked or modified by the Prescribed Authority. ]

(3) The enquiry under sub-section (1) shall be carried on in such manner as may be prescribed by rules.

[5][(4) After the enquiry is completed, the President shall submit the record with his recommendations to the Prescribed Authority or to the Municipality as be may consider fit. The Prescribed Authority or the board, as the case may be, shall thereupon notwithstanding anything contained in sub-section (1) of section 58 or section 67 or section 69, proceed to consider the report and may, after such further inquiry as it may deem necessary, dismiss, remove or

otherwise punish or exonerate the Executive Officer or Secretary or other officer as the case may be ;

Provided that the board shall act under this sub-section through a special resolution supported by not less than two-thirds of the members constituting the Municipality. ]

[6][(5) An appeal against an order of dismissal, removal or other punishment passed under sub-section (4) by the Prescribed Authority or the board, shall lie to the State Government within such time and in such manner as may be prescribed. ]

[1] In accordance the section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act), during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1961, section 69-A shall stand omitted.

[2] Ins. by sec. 35(1) of U. P. Act no. 27 of 1964.

[3] Subs. by sec. 36(2) of U. P. Act no. 27 of 1964.

[4] Ins. by sec. 36(3) of U. P. Act no. 27 of 1964.

[5] Subs. by sec. 36(4) of U. P. Act no. 27 of 1964.

[6] Subs. by sec. 36(4) of U. P. Act no. 27 of 1964.

## Section 69-B. Centralisation of services of Municipal Officers and Servants

[1][[2][(1) Notwithstanding anything contained in sections 57, 59, 65 to 68, 69, 69-A, 71, 74, 79 and 80, the State Government may at any time by rules provide for the creation of one or more services of such officers and servants as the State Government may deem fit, common to all or some [3][Nagar Panchayats or Municipal Councils or to the Nagar Panchayats, Municipal Councils, Municipal Corporation and Jal Sansthans in the State] and prescribe the methods of recruitment and conditions of service of persons appointed to any such service. ]

Explanation :- For the purposes of this sub-section it is classified that services common to the Nagar Panchayats, and Municipal Councils or Nagar Panchayats, Municipal Councils, Municipal Corporaton and Jal Sansthans in the districts of Garhwal and Kumaon Divisions of the State may be created.

(2) When any such service is created, officers and servants serving on the posts included in the service may, if found suitable, be absorbed in the service, provisionally or finally, and the services of others shall stand determined, in the prescribed manner.

[4][ 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 ; and ]

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

[5][(4) Notwithstanding anything contained in the preceding such sections (1), (2) and (3) or any other provision of the Act, the State Government may by rules also provide for regularization of temporary and ad hac appointments, made before the prescribed date, without consultation with the State Public Service Commission. ]

[1] Subs. by sec. 10 of U. P. Act no. 29 of 1966.

[2] Subs. by sec. 9 of U. P. Act no. 05 of 1984.

[3] Subs. by sec. 124(a) of U.P. Act no. 12 of 1994.

[4] Ins. by sec. 6(a) Prov. of U. P. Act no. 15 of 1983.

[5] Ins. by sec. 6(b) of U. P. Act no. 15 of 1983.

## Section 70. Temporary servants required for emergency

The power to appoint and fix the salaries of temporary servants in cases of emergency shall vest in the [1][President][2] subject to the following conditions, namely -

[3][(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 Municipality prohibiting the employment of temporary servants for any particular work, and ]

(b) each appointment under this section by the [4][President] [5] shall be reported at the next meeting of the board following the appointment.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) wherever it occur in sections 70, 74, 75, 76 and 77 the words (Chairman) shall stand substituted.

[2] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

[3] Ins. by sec. 7 of U. P. Act no. 15 of 1983.

[4] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix

to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) wherever it occur in sections 70, 74, 75, 76 and 77 the words (Chairman) shall stand substituted.

[5] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

## Section 71. Power of Municipality to determine permanent staff

[1][Except as provided by sections 57, 66, 68 and 70, [and subject to any general or special directions as the [2][State Government] may from time to time issue][2] Municipality may by [3][special] resolution determine what servants are required for the discharge of the duties of the Municipality and [4][their qualifications and conditions of service].

[1] Subs. by sec. 22 of U. P. Act no. V of 1932.

[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[3] Ins. by sec. 38(1) of U. P. Act no. 27 of 1964.

[4] Subs. by sec. 38(2) of U. P. Act no. 27 of 1964.

## Section 72. Combination of offices

Subject to the provisions of this Act or of any rule a Municipality [1][President or Executive Officer, as the case may be,] may appoint one person to discharge the duties of any two or more offices.

[1] Ins. by sec. 39 of U. P. Act no. 27 of 1964.

## Section 73. Appointment, etc. of servants on the education establishment

[(1) Subject to the provisions of sub-section (2), the appointment of persons on the educational establishment of a Municipality shall be made by [1][such] authority a[2] may be specified in this behalf by the State Government, and different authorities may be specified for different classes of post on the establishment.

(2) The State Government may make rules regulating the recruitment, punishment, [3][****] appeal and other conditions of service of persons appointed to the educational establishment of a Municipality. ][4]

[5][Provided that the appointment of a teacher or Head of an institution shall be governed by the provisions of the Uttar Pradesh State Universities Act, 1973, or the Intermediate Education Act, 1921, as the case may be. ]

[1] Subs. by sec. 40(1) of U. P. Act no. 27 of 1964.

[2] Add. by sec. 55 of U. P. Act no. VII of 1949.

[3] Omit. by sec. 40(2) of U. P. Act no. 27 of 1964.

[4] Subs. by sec. 28 of U. P. Act no. VII of 1949.

[5] Ins. by sec. 8 Prov. of U. P. Act no. 10 of 1978.

## Section 74. Appointment and dismissal of permanent superior staff

[1][Subject to the provisions of sections 57 to 75, servants on posts in the non-centralized 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, Vaids, Hakim and Municipal Fire Station Officers, shall be subject to the approval of the Municipality. ]

[1] Subs. by sec. 8 of U. P. Act no. 15 of 1983.

## Section 75. Appointment of permanent inferior staff

[1][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. ]

[1] Subs. by sec. 9 of U. P. Act no. 15 of 1983.

## Section 76. Punishment and dismissal of permanent interior staff

[1][Except as otherwise provided, the Executive Officer, and where there is no Executive Officer, the President may dismiss, remove or otherwise punish servants of the Municipality, or terminate the services of probationers, on [2][referred to in section 75] or in a city Rs. 75 subject to their 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.]

[1] Subs. by sec. 42 of U. P. Act no. 27 of 1964.

[2] Subs. by sec. 10 of U. P. Act no. 15 of 1983.

### Section 77. Limitation of powers conferred by section 71 to 76

(1) The provisions of sections 71, 73, 74, 75 and 76 shall be subject to the provisions of -

(a) section 78, and

(b) any rule[1] in particular of any rule imposing any conditions on the appointment of persons to offices or any particular office requiring professional skill, and on the suspension or dismissal [2]"removal or other punishment of discharge or termination of service" of persons so appointed.

(2) The provisions of sections 74, 75 and 76 shall also be subject to the provisions of any regulation raising any maximum or minimum monthly salary prescribed in those sections with reference to the respective powers of the Municipality, the [President] [3] and the Executive Officer over the staff.

[1] For rules, re. Sanitary Inspects, Sub-Overseers, establishment or water works and drainage works and establishment for Electric Supply Scheme, see pp. 409-419, 360-361, 361-362 and 384-385 respectively of the Municipal Manual of 1952 edition.

[2] Ins. by sec. 43 (b) of U. P. Act no. 27 of 1964.

[3] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

### Section 77-A. Power of appellate authority in disciplinary matters

[1][The appellate authority to which an appeal against an order of dismissal, removal or other punishment if preferred under this Act or the rules may -

(a) set aside, reduce or confirm the penalty ; or

(b) remit the case to the authority which imposed the penalty with such directions as it may deem fit. ]

[1] Ins. by sec. 44 of U. P. Act no. 27 of 1964.

### Section 77-B. Power of suspension

[1][(1) The authority competent to punish an officer or servant of the Municipalities may place him under suspension -

(a) where a disciplinary proceeding against him is contemplated or pending or,

(b) where a criminal case against him in respect of an offence involving moral turpitude is under investigation, enquiry or trial.

(2) Where a penalty of dismissal or removal imposed upon an officer or servant of the Municipality is set aside in appeal under this Act or the rules, and the case is remitted for further enquiry or action or with any other directions, the officer or servant shall be deemed to have been placed or continued under suspension on and from the date of the original order of dismissal or removal.

(3) Where a penalty of dismissal or removal imposed upon an officer or servant of the Municipality is set aside or declared or rendered void in consequence of or by a decision of a court of law, and the punishing authority, on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the officer or servant shall be deemed to have been placed or continued under suspension by the punishing authority on and from the date of the original order of dismissal or removal.

(4) An order of suspension made or deemed to have been dame under this section may at any time be revoked by the authority which made or deemed to have made the order or by the appellate authority.

(5) A Municipality shall act under this section by a special resolution supported by not less than two-thirds of the members constituting the Municipality.

(6) An officer or servant who is placed or is deemed to have been placed under suspension shall during the period of such suspension be entitled to receive, instead of salary, such sub-sentence allowance as may be prescribed. ]

[1] Ins. by sec. 44 of U. P. Act no. 27 of 1964.

## Special provisions as to certain servants

### Section 78. Pensions and dismissal in case of servants of the Government employed by Municipality or vice versa

(1) A Municipality shall contribute to the pension and leave allowances of any servant -

(a) whose services are lent or transferred by Government to the Municipality, or

(b) whose services are lent or transferred by the Municipality to Government, or

(c) who is employed partly by Government and partly by the Municipality.

(2) Such contribution shall be to the extent prescribed by any general rules[1] or special orders made by [2][the Government concerned ]

(3) A Municipality shall not, without the assent of Government, dispense with the services of any servant described in clause (a) or (c) of sub-section (1) or finally dismiss from its service any servant described in clause (b) of sub-section (1), unless it has given Government at least six months' notice.

(4) In this section "Government" shall mean the [3][Central Government] or any [4][State Government.]

[1] For rules-(i) re. Sanitary Inspects, see nots. no. 574/XI-707-Ed. Feb. 23, 1920, no. 2346/XI-800. d. Oct. 0, 1922, no. 1918-II/XI-16-E, d. Jan. 8, 1923, no. 903/ XI-784-E., d. May 7, 1924, no. 3169/XI-16-E, d. Sep. 5, 1926, no. 1600/XI-784-E, d. June 11, 1928, no. 361/XI-707-E, d. March 22, 1929, no. 2749/XI-784-E, d. Sept. 19, 1930, no. 2074/XI-734-E, d. Aug. 10, 1931, no. 2841/XI-784-E, d. June 7, 1932, no. 435-VII/XI-784-E, d. Apr. 20, 1933, no. 3356 (6)/XI-784-E, d. Dec. 8, 1936, no. 3358, (7) XI-45, d. Feb. 22, 1938, no. 5240(2) XI-54, d. Oct. 10, 1938 and no. 3624/XI-559, d. Dec. 8, 1938 and pp. 409-419 of M. M. 1952 edition.

[2] Subs. for (the G: G. in C.) by A. O. 1937.

[3] Subs. for (Govt. of India) by A. O. 1937.

[4] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

## Section 79. Leave allowances, provident fund, annuities and gratuities

(1) In every case where a board is entitled to pay a salary to any officer or servant, it shall, subject to any [1]regulations in this behalf, be entitled to pay leave allowances to such officer or servant.

(2) A Municipality may establish and maintain a provident fund[2] and may itself contribute thereto.

(3) A Municipality may grant a gratuity, upon his retirement, to any servant of the Municipality who is excluded from participation in the benefits of the provident fund.

(4) The Municipality may, with the previous sanction of the [3][State Government], grant or arrange for the purchase of an annuity to -

(a) any servant who, at the date of his retirement, has not been contributing to ta provident fund established under sub-section (2) or has contributed thereto for a period of less than 10 years, and

(b) any officer or servant injured, otherwise than by reason of his own default, in the execution of his duty, or, where such injury results in death, the family of such officer or servant.

(5) A Municipality may, with the like sanction, instead of taking action under clause (b) of sub-section (4), grant a compassionate allowance to an officer or servant referred to therein, or to the family of such officer or servant.

[1] See. p. 450 of M. M. 1952 edition.

[2] For. Municipal Provident Fund, see nots. no. 1906/XI-6H, d. July 5, 1916, and on R-47/XI-34, d. Feb. 10, 1933, on pp. 449-450 of M. M., 1952 edition.

[3] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.) Which Subs. by sec. 2 and Sch. I of Act XXXVIII of 1920

## Section 80. Limitations of powers conferred by the previous section

The provisions of section 79 shall be subject to the condition that the Municipality shall not, without the special sanction of the [1][State Government] , grant to any officer or servant or to his family a pension, annuity or gratuity greater in amount than that to which he or it would have been entitled, under any general or special orders of the [2][Central Government], [3][or State Government] if the service qualifying for the pension, annuity or gratuity had been service under [4][That Government] for the same time, on the same pay, and in other respects of the same character.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.) Which Subs. by sec. 2 and Sch. I of Act XXXVIII of 1920

[2] Subs. for (G. G. in C.) by A. O. 1937.

[3] Ins. by sec. 2 and Sch. I of Act XXXVIII of 1920 and adapted by A. O. 1950 and 1937.

[4] Subs. for (Govt.) by A. O. 1937.

### Liability of members, officers and servants

## Section 81. Surcharge

[1][(1) The President and every Vice-President, every member, officer and servant of the Municipality shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Municipality, 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, members, 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 Municipality, with the previous sanction of, or on being directed by, the Prescribed Authority, may institute a suit for compensation against such person.

[1] Subs. by sec. 34 of U. P. Act no. 41 of 1976.

## Section 82. Penalty on member of President acquiring interest in contract, etc

(1) A [1][member or [2] President] of a Municipality who, otherwise than with the permission in writing of the [3][Prescribed Authority] knowingly acquires or continues to have, directly or indirectly, by himself or his partner, any [4][share or interest, whether pecuniary or of any other nature] in any contract or employment, with, by, or on behalf of the Municipality, shall be deemed to have committed an offence under section 168 of the Indian Penal Code[5] :

(2) Provided that a person shall not be deemed for the purposes of sub-section (1) to acquire, or continue to have, any [4][share or interest, whether pecuniary or of any other nature] in a contract or employment by reason only of his -

(a) having a [4][share or interest, whether pecuniary or of any other nature] in any lease, sale or purchase of land or buildings, or in any agreement for the same, Provided that such [4][share or interest, whether pecuniary or of any other nature] was acquired before he became a member, or

(b) having a share in a joint stock company which shall contract with, or be employed by, or on behalf of, the Municipality, or

(c) having a [4][share or interest, whether pecuniary or of any other nature] in a newspaper in which can advertisement relating to the affairs of the Municipality is inserted, or

(d) holding a debenture or otherwise being interested in a loan raised by, or on behalf of, the Municipality, or

(e) being retained by the Municipality as a legal practitioner, or

(f) having a [4][share or interest, whether pecuniary or of any other nature] in the occasional sale of an article in which he regularly trades to the Municipality to a value not exceeding, in any one year, such amount as the Municipality, with the sanction of [6][the State Government], fixes in this behalf, or

(g) being a party to an agreement made with the board under the provisions of section 196 (c) or of section 229.

[1] The words (in the name of the Secretary of State in Council) omit. by A. O. 1937.

[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951, (U. P. Act XV of 1951) (see Appendix to this Act), during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word "president, wherever it occurs in section 82, the word "Chairman" shall stand substituted.

[3] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.) Which Subs. by sec. 2 and Sch. I of Act XXXVIII of 1920

[4] Subs. by sec. 46 of U. P. Act no. 27 of 1964.

[5] Subs. for (member) by sec. 58 of U. P. Act VII of 1949.

[6] Subs. by A. O. 1950 for (the Provl. Govt.), which had been Subs. by the A. O. 1937 for (the Govt.).

## Section 83. Provision against servants being interested in contract, etc

(1) A person who has directly or indirectly, by himself or his partner, a [1][share or interest, whether pecuniary or of any other nature] in a contract with, by, or on behalf of, a Municipality or in any employment with, under, by or on behalf of, a Municipality, other than as a municipal servant, shall be disqualified for being a servant of such Municipality.

(2) A municipal servant who shall acquire or continue to have, directly or indirectly, by himself or his partner, a [1][share or interest, whether pecuniary or of any other nature] in any such contract or employment as aforesaid shall cease to be a municipal servant, and his office shall become vacant.

(3) A municipal servant who knowingly acquires or continues to have, directly or indirectly, a [1][share or interest, whether pecuniary or of any other nature] in a contract or, except in so far as concerns his employment as a municipal servant, in any employment with, under, by, or on behalf of, a Municipality of which he is a servant., shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(4) Nothing in this section shall apply to any such share or interest in a contract or employment with, under, by, or on behalf of, the board as is referred to in clauses (b) (d) and (g) of sub-section (2) of section 82, or to any [1][share or interest, whether pecuniary or of any other nature] acquired or retained, with the permission of the [2][Prescribed Authority], in any lease, sale or purchase of land or buildings, or in any agreement for the same.

[1] Ins. by sec. 47 of U.P. Act No. 27 of 1964.

[2] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

### Section 84. All officers and servants of a municipality to be deemed public servants

Every officer or servant of a Municipality shall be deemed to be a public servant within the meaning of the Indian Penal Code; and in the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall for the purposes of this section, be deemed to include a Municipality.

### Section 85. Penalty on specified municipal servants for failure to discharge their duties

(1) A sweeper employed by a Municipality who, -

(a) except in accordance with the terms of a written contract of service, or with the permission of the Municipality, resigns or abandons his employment, or

(b) without a reasonable cause of which notice has, when possible, been given to the Municipality, absents himself from his duties, shall be liable upon conviction to imprisonment which may extend to two months.

(2) The [1][Prescribed Authority] may direct that on and from specified future date the provisions of sub-section (1) shall apply also to any other specified class of servants employed by a Municipality whose functions intimately concern the public health or safety :

Provided that when a [1][Prescribed Authority] makes an order under this sub-section he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the [2][State Government] which may thereupon rescind the order or direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

## CHAPTER - III CONDUCT OR BUSINESS

### Municipal meetings and proceedings

### Section 86. Meetings of a Municipality

(1) There shall be at least one meeting of the Municipality in every month to be held on a day fixed by regulation or of which notice has been given in a manner provided by regulation in this behalf.

[1][(2) The [2][President] [3] may convene a meeting whenever he thinks fit and shall, upon a requisition made in writing by not less than one-fifth of the members of the Municipality and served on the [2][President][3] or sent by registered post acknowledgement due addressed to the municipal Municipality at their office, convene a meeting within a period of [4][fifteen days] from the date of the service or receipt of such requisition] :

[5][Provided that the President may, for reasons to be recorded, postpone a meeting, other than a meeting convened on the requisition of members as above, by giving such notice as may be provided by regulation in this behalf ; ]

(3) A meeting may be adjourned until the next or any sub-sequent day, and an adjourned meeting may be further adjourned in like manner.

(4) Every meeting shall be held at the municipal office (if any) or other convenient place of which notice has been duly given.[6]

[7][(5) The President shall report to the District Magistrate the name of any member who has, without obtaining sanction from the Municipality, absented himself from the meetings of the Municipality for more than three consecutive months or three consecutive meetings, whichever is the longer period. ]

[1] Subs. by sec. 7 of U. P. Act no. IX of 1933, for the following ; "(2) The Chairman may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fifth of the members of the board, convene a meeting."

[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word (president) wherever it occur in sections 70, 74, 75, 76 and 77 the words (Chairman) shall stand substituted.

[3] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

[4] Subs. by sec. 48 of U. P. Act no. 27 of 1964.

[5] Ins. by sec. 48 Prov. of U. P. Act no. 27 of 1964.

[6] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951), (see Appendix to this Act) during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word "president", wherever it occurs in sections 86 and 87, the word Chairman, shall stand substituted.

[7] Ins. by sec. 48(2) of U. P. Act no. 27 of 1964.

### Section 87. Transaction of business at meetings

[1]* * *[2] Subject to any provision to the contrary made by regulation in this behalf, any business may be transacted at any meeting :

* * *[2] Provided that no business which is required to be transacted by a special resolution shall be transacted unless previous notice of the intention to transact such business has been given :

[Provided also that nothing in this section shall apply to a motion that the board shall adopt a resolution expressing non-confidence in the calling upon the [3][President] to resign].

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951), (see Appendix to this Act) during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951, the following amended section 87-A shall be in operation ;

[2] The figures "(1)" and "(2)" respectively del. by sec. 8 of U. P. Act IX of 1933.

[3] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

## Section 87-A.

[1][ X X X X X ]

[1] Omit. by sec. 4 of U. P. Act no. 22 of 2001.

## Section 88. Quorum

(1) It shall be necessary for the transaction of any business other than business which is required to be by a special resolution that not less than one-third of the total number of members of the Municipality for the time being shall be present.

(2) It shall be necessary for the transaction of business which is required to be transacted by special resolution that not less than one half of such members shall be present :

(3) Provided that when it is necessary to postpone any business at a meeting for want of the prescribed quorum, the [1][President][2] after the transaction of such business as can be transacted, shall adjourn the meeting to another date, and the business postponed for want of the prescribed quorum shall be transacted on such date, or in the event of a further adjournment of the meeting to a subsequent date, on such subsequent date, notwithstanding any deficiency in the number of members present.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word "president" and "Vice-Chairman" shall wherever they occur in sections 88, 89, 90, 91 and 92, the words "Chairman" and "Vice-Chairman" shall respectively stand substituted.

[2] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

## Section 89. President of meeting

If at a meeting [1][President is not present] the members present shall elect one of their members to be the [2][President] of the meeting, and such [President] shall perform all the duties, and may exercise all the powers of the [3][President] of a Municipality when presiding at a meeting.

[1] Subs. by sec. 7 of U. P. Act no. 49 of 2007.

[2] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

[3] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word "president" and "Vice-Chairman" shall wherever they occur in sections 88, 89, 90, 91 and 92, the words "Chairman" and "Vice-Chairman" shall respectively stand substituted.

## Section 90. Publicity of meetings

Every meeting shall be open to the public unless the President thereof considers that the public should be excluded during the whole or any part of the meeting.

## Section 91. Power of President of meeting to maintain order

Where, at a meeting of the Municipality, any member or other person refuses to comply with any direction of the [President] ruling any business, discussion or matter out of order, or otherwise regulating the conduct of members or of business, or where any member or person willfully disturbs the meeting, the [President] may require that member or person to withdraw from the meeting and, in the event of his omitting to do so, may employ against him such force as is necessary or as in good faith he believes to be necessary, for the purpose of removing and excluding him from the meeting.

## Section 92. Decision by vote

(1) All question which may come before a meeting of a Municipality shall be decided by a majority of the votes of the members present and voting :

[1][Provided that where the President [2][x x x] is of opinion that the decision on any question (including the budget

estimates and proposals of taxation) by the Municipality by a majority of votes of the members present and voting is against the interests of the Municipality, 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 Municipality) as he thinks fit, and his decision shall have effect as if it were a decision of the Municipality :

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 Municipality. ]

(2) In case of an equality votes, the [1][President] of the meeting shall have a second or casting vote.

(3) The foregoing provisions of this section shall be subject to the provisions of sub-section (6) of section 94 and of any other provision of, or under this or any other enactment requiring a resolution to be supported by any proportion or number of the members.

[1] Ins. by sec. 36 (1) of U. P. Act no. 41 of 1976.
[2] Subs. by sec. 23 of U.P. Act No. 17, 1982 and Omitted by sec. 126 of U.P. Act No. 12 of 1994.

## Section 93. Right of certain officers to attend and speak at meetings

[1][Chief Engineer, Local Self-Government Engineering Department], [2][the Director of Medical and Health Services or the Assistant Director of Medical and Health Services] the Civil Surgeon of the district, the Executive Engineer, the Inspector of Schools and any other officer specially authorized by the [3][State Government] in this behalf shall be entitled to attend a meeting of the Municipality and address the Municipality on any matter affecting their respective departments.

[1] Subs. for the words (the Superintending Engineer, Public-Health Department) by sec. 31 (a) of U. P. Act VII of 1953.
[2] Subs. for the words (the Director of Public-Health or Assistant Director of Public Health) by sec. 31 (b) of ibid.
[3] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

## Section 94. The minute book and resolutions

(1) The names of the members present, and the proceedings held and resolutions passed at a meeting of a Municipality shall be entered in a book to be called the minute book.

[1][1 (A) The Executive Officer or where there is no Executive Officer the Secretary of the Municipality shall maintain a register of attendance of members and every member shall sign it before taking his seat at any meeting of the Municipality ; ]

[2][(2) The minutes shall be read out at the meeting or the next ensuing meeting and, unless objected to by a majority of such of the members, if any, present at the reading as were also present at the proceedings recorded in such minutes, shall be certified as passed by the signature of the President of the meeting at which they are read ;]

[(3) Every resolution passed by a Municipality at a meeting, shall, as soon thereafter as may be, [3][be published in Hindi in any paper, approved by the State Government for purposes of publication of public notices, published in the district, or if there is no such paper in the district, in the division, in which the municipality concerned is situate and where there is no such paper, be posted upon the notice Municipalities of the Municipal Office and Collectorate Office for three consecutive days.]

(4) Copies of every resolution passed by a Municipality at a meeting shall, within ten days from the date of the meeting, be forwarded to the [4][Prescribed Authority] and the District Magistrate.

(5) When, subsequent to action being taken in respect of any resolution under sub-section (3) or (4), but before the minutes recording the resolution are signed as required by sub-section (2), any alteration is made in the wording of such minutes the alteration shall be notified by publication or communicated to the [5][Prescribed Authority] and the District Magistrate, as the case may be.

(6) A resolution of a Municipality shall not be modified or cancelled within six months after the passing thereof -

(a) unless previous notice has been given setting forth fully the resolution which it is proposed to modify or cancel and the motion or proposition for the modification or cancellation of such resolution, and

(b) except by a resolution supported by not less than one-half of the total number of members of the Municipality for the time being.

[1] Ins. by sec. 50 of U. P. Act no. 27 of 1964.
[2] Subs. by sec. 50 (2) of U. P. Act no. 27 of 1964.
[3] Subs. by sec. 50 (3) of U. P. Act no. 27 of 1964.
[4] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[5] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

## Conduct of correspondence, accounts, budgets, etc

### Section 95. Conduct of correspondence, accounts, budgets, etc

The following matters shall be regulated and governed by rules made by the [1][State Government], namely -

(a) the intermediate office or offices, if any, through which correspondence between Municipalities and the [1][State Government] or officers of the [1][State Government] and representations by the Municipality addressed to the [1][State Government] shall pass ; [2]

(b) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the Municipality ;[3]

(c) the authority by whom and the conditions subject to which such plans and estimates may be sanctioned ;[3]

(d) the agency by which such plans and estimates shall be prepared and by which works shall be carried out ;[3]

(e) the accounts to be kept by Municipalities, the manner in which accounts shall be audited and published, and the power of auditors in respect of disallowance and surcharge ] [4]

(f) the date before which a meeting shall be held for the sanction of the budget ; [5]

(g) the method and forms to be adopted in the preparation of budget ; [5]

(h) the conditions subject to which a Municipality in respect of which an order has been issued under section 102 shall be entitled to vary or alter its budget [5]; [* * * *][6]

(i) the returns, statements, and reports to be submitted by Municipalities[7] ; [8][and]

[9][(j) regular periodical inspection of office and works of the Municipality.]

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[2] For. rules see nots. no. 1906/XI-6H, d. July 5, 1916, and G. O. 93-O. M./XI-522-E, d. Aug. 31, 1920, and p. 339 of Municipal Manual 1952 edition.

[3] For rules see nots. no. 313/XI-747-E d. Jan. 29, 1926, G. O. no. 1130/XI-747- E., d. April 29, 1926, and nots, no. 1015/XI-91, d. April 3, 1930, no. 1378/XI-747, E., d. May 5, 1931, no. 1782/XI-747 E., d. June 18, 1931, no. 3152/XI-91, 29, d. Oct. 23, 1931, no. 3299-VI/XI-91, 1929, d. Dec. 7, 1932 no. 2032/XI-91:1929, d. Jne 26, 1933, no. 522-I.XI-91-1929, d. May 13, 1935, and no. 1456/XI-747-E, d. May 23, 1936, and pp. 371-383 of the Municipal Manual, 1952 edition.

[4] For. rules see nots. no. 4000/XI-10H, d. Oct 4, 1916, and pp. 326-327, and pp. no. 460-462 of the Municipal Manual, 1952 edition, and also of the Municipal Account Code.

[5] For rules see nots. no. 1858/XI-10-H d. July. 3, 1916, no. 4000/XI-10- H., d. Oct 4, 1916, no. 323/XI-10H, d. Feb. 18, 1919, no. 659/XI-345-29, d. Feb. 25, 1931, and no. 4718/XI-10H., d. Jan 6, 1933 and G.Os. no. 2290/XI-428B, d. Oct. 2, 1897, nos. 1860 and 1874/XI-10H, d. July 3, 1916, an no. 3/XI-27H, dated Jan. 2, 1918, and pp. 310-326 of the Municipal Manual, 1952 edition.

[6] The word (and) omit. by sec. 62 (a) of U. P. Act VII of 1949.

[7] For. rules see nots. no. 4000/XI-10H, d. Oct 14, 1916, no. 4278/XI-10H, dated Nov. 28, 1`917, and no. 1797/ZI-781E, d. July 25, 1924, and G. O. no. 308 XI-30, d. Feb. 11. 1933 and pp. 325-339 of the Municipal Manual, 1952 edition.

[8] Add. by sec. 62 (b) of U. P. Act no. VII of 1949.

[9] Add. by sec. 62 (c) ibid.

## Contracts

### Section 96. Sanctioning of contracts

(1) The sanction of the Municipality by resolution is required in the case of very contract -

(a) for which budget provision does not exist ; or

[1]*[(b) involving a value or amount, exceeding [2][fifty thousand rupees] in the case of a contract by the Municipal Council and [3][fifteen thousand rupees] in the case of a contract by the Nagar Panchayat] :

[4][Provided that during the period intervening tow meetings of the Municipal Council. the president may sanction contracts involvinga value or amount not exceeding [5][one lakh rupees].

(2) Any contract, other than a contract of either description specified in sub-section (1), may be sanctioned by resolution of the Municipality, or by a committee of the Municipality (not being an advisory committee) empowered in this behalf by regulation, or by any or one more than one officer or servant of the board so empowered ;

[6][Provided that the contracts sanctioned by a committee, officer or servant shall be placed before the Municipality for information at the next ensuing meeting ; ]

(3) [7][Where] the plans and estimates of a project have, in accordance with any rule made in this behalf, been sanctioned by the Municipality, and the execution of the work has been entrusted by the Municipality to an engineer in its service or employment, the Municipality may, with the previous sanction of the [Prescribed Authority] empower by resolution such engineer to sanction all contracts, or any one or more by contracts of any particular description [8][other than a contract of either description specified in sub-section (1)] required for the execution of the project, and may in like manner impose any condition or restriction on the exercise of the power so conferred.

[1] Subs. by sec. 128(a) of U.P. Act no. 12 of 1994. * Ins. by sec. 128(b) of U.P. Act no. 12 of 1994.
[2] Subs. by sec. 5(a) of U. P. Act no. 22 of 2001.
[3] Subs. by sec. 5(b) of U.P. Act No. 22 of 2001.
[4] Ins. by sec. 128(b) Prov. of U.P. Act no. 12 of 1994.
[5] Subs. by sec. 5(c) of U.P. Act no. 22 of 2001.
[6] Ins. by sec. 51(2) Prov. of U. P. Act no. 27 of 1964.
[7] Subs. by sec. 51(3) of U. P. Act no. 27 of 1964.
[8] Subs. by sec. 51(3) of U.P. Act No. 27 of 1964.

## Section 97. Execution of contracts

(1) Every contract made by or on behalf of a Municipality whereof the value of the amount exceeds Rs. 250 shall be in writing :

[1][Provided that unless the contract has been duly executed in writing, no work including collection of materials in connection with the said contract shall be commenced or undertaken. ]

(2) Every such contract shall be signed -

(a) by the [2][President] [3] or a [Vice-President] and by the Executive Officer or a secretary, or

(b) by any person or persons empowered under sub-section (2) or (3) of the previous section to sanction the contract if further and in like manner empowered in this behalf by the Municipality.

(3) If a contract to which the foregoing provisions of this section apply is executed otherwise than in conformity therewith it shall not be binding on the Municipality.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the word "president" and "Vice-President" wherever they occur in sections 97 and 98, the words "Chairman" and "Vice-Chairman" shall respectively stand substituted.
[3] Subs. for (Chairman) and (Vice-Chairman) by sec. 61 ibid.

## Section 97-A. Special provision regarding certain projects

[1][Notwithstanding anything contained in this Act, every contract or estimate in respect of an urban development project sponsored by the Central Government or receiving aid from the World Bank or any other foreign organization, be 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 months 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. ]

[1] Ins. by sec. 129 of U. P. Act no. 12 of 1994.

## Section 97-B. Private sector participation agreement

[1][(1) Notwithstanding anything to the contrary contained in any other provision of this Act, a Municipality may, in the discharge of its functions specified in sections 7 and 8 :-

(a) promote the undertaking of any project for supply of urban infrastructure or services by participation of a person, company firm, society, trust or anybody corporate or any institution, or government agency or any agency functioning under any law for the time being in force, in financing, construction, maintenance and operation of such project of a Municipality irrespective of its cost.

(b) consider and approve the undertaking of any project relating to urban infrastructure or services by a person, company, or firm or society, or trust, or body corporate, or institution, or government agency, or any agency in terms of a private sector participation agreement or jointly with any such agency.

(2) Without prejudice to the generality of the foregoing provisions of this section such agreements include the following :-

(a) Build-Own-Operate-Transfer agreement,

(b) Build-Own-Operate-Maintain Agreement,

(c) Build and Transfer Agreement,

(d) Build-Lease-Transfer Agreement,

(e) Build Transfer Operate Agreement,

(f) Lease and Management Agreement,

(g) Management Agreement,

(h) Rehabilitate Operate-Transfer Agreement,

(i) Rehabilitate-Own-Operate-Maintain Agreement,

(j) Service Contract Agreement, and

(k) Supply-Operate-Transfer Agreement.

(3) In the discharge of its obligations for providing urban infrastructure and services in relation to water supply drainage and sewerage, solid waste management, urban transport, parks, playgrounds, health and hygiene, recreation and community center and other civic amenities and facilities and commercial infrastructure, the Municipality may, wherever considered appropriate in the public interest, -

(a) discharge any of its obligations on its own; or

(b) enter into any private sector participation agreement. ]

[1] Ins. by sec. 4 of U. P. Act no. 29 of 2009.

### Section 98. Registration of instruments

Where the Indian Registration Act, 1908 or any rule made thereunder, requires or permits any act to be done with reference to a document by a person executing or claiming under the same and the document has been executed on behalf of a Municipality or is a document under which a Municipality claims, the act may, notwithstanding anything to the contrary contained in the aforesaid enactment or in any rule thereunder, be done by the [1][President][2] the executive officer or a secretary of the Municipality, or by any other officer of the Municipality empowered by regulation in this behalf.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the word "president" and "Vice-President" wherever they occur in sections 97 and 98, the words "Chairman" and "Vice-Chairman" shall respectively stand substituted.

[2] Subs. for (Chairman) and (Vice-Chairman) by sec. 61 ibid.

## The budget

### Section 99. The Budget

(1) Every board shall have prepared, and laid before it, at a meeting to be held in every year before such date as is fixed by rule in this behalf, a complete account of the actual and expected receipts sand expenditure for the year ending on the thirty-first day of March next following such date together with a budget estimate of the income and expenditure of the board for the year commencing on the first day of April next following.

(2) Subject to the provisions of section 102 the board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and by special resolution, sanction a budget, which shall be submitted to the [1][State Government] or to such officers as the [1][State Government] by order directs in this behalf.

(3) Subject to the like revisions the board may vary or alter form time to time as circumstances may render desirable, by special resolution, the budget sanctioned under sub-section (2).

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 100. The revised budget

As soon as may be after the first day of October a revised budget for the year shall be framed and such revised budget shall, so far as may be, subject to all the provisions applicable to a budget made under section 99.

### Section 101. Minimum closing balance shown in budget

In framing a budget a Municipality shall provide for the maintenance of such minimum closing balance (if any) as the [1][State Government] may by order prescribe. [2]

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[2] The power has been delegated to Commissioner, see not. no. 1858/XI-10-H., dated July 3, 1916, pp. 325-326 of Municipal Manual, 1952 edition.

### Section 102. Budget of indebted Municipalities

Where in the opinion of the [1][State Government] the condition of indebtedness of any Municipality is such as to make the [2][control of the State Government] over its budget desirable, the [1][State Government] may, by order declaring the such is the case, direct that the budget of such Municipality shall be subject to the sanction of the [1][State Government] or of the [3][Prescribed Authority] and that the power, to vary or alter the budget under sub-section (3) of section 99 shall be subject to conditions to be prescribed by rule[4].

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[2] Subs. for (control of Govt.) by A. O. 1937.
[3] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[4] See. not no. 47/18/IX-10H, d. Jan. 6, 1933, and rule 6, on pp. 310-311 of Municipal Manual, 1952 edition.

### Section 103. Prohibition of expenditure in excess of budget

(1) Where a budget has been passed the Municipality shall not incur any expenditure under any of the heads of the budget, other than a head providing for the refund of taxes in excess of the amount passed under that head, without making provision for such excess by the variation or alteration of the budget.

(2) Where any expenditure under any head providing for the refund of taxed is incurred in excess of the amount passed under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget.

## Committees and joint committees

### Section 104. Appointment of committees

[1](1) A Municipality may [2][where so required by the [State Government[3] shall.-

(a) by regulation establish such committees as it thinks fit, [2][or as the [3][State Government] may direct] for the purpose of exercising such powers, performing such duties or discharging such functions as may be delegated to a committee under section 112, and

[4][ (b) by single transferable vote elect such of its members as it thinks fit for a period not exceeding one year to any committee so established, in accordance with the method prescribed in the Regulations made by the Chairman of the Legislative Council of [5][Uttar Pradesh] in pursuance of orders 82 and 87 of the Standing Orders, for the conduct of business and procedure to be followed in the Legislative Council and dated March 15, 1921, the words the "President" and "the Council" occurring in the said Regulations being for purposes of this clause read as [1][President][6] of the Municipality, and "Municipality" respectively, provided that the [3][State Government] may from time to time as it thinks fit amend the said Regulations for the purposes of this clause ; and ]

(c) by resolution remove any member [7][elected] under clause (b);

[(1-A) In any committee exclusively for the education of girls established under the preceding sub-section not less than one-half of its members shall be women members of the Municipality together with such other women who, being residents of the municipality but not members of the Municipality, are, by reason of their interest in the education of girls, appointed under section 105.

The Chairman of any such committee shall be a person elected from amongst the women members of such committee. ]

(2) Provided that a Municipality may from time to time by resolution establish, and appoint the members of one, or more than one, advisory Committee for the purpose of inquiring into and reporting on any matter in respect of which a decision of the Municipality is required by or under this Act.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951, for the word "president" occurring in sections 104, the word "Chairman" shall stand substituted.
[2] Add. by sec. 64 (1) of U. P. Act VII of 1949.
[3] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[4] Subs. for (president) by M. O. 1950.
[5] Subs. by A. O. 1950 for (the United Provinces of Agra and Oudh).
[6] Subs. for (Chairman) by sec. 61 U. P. Act VII of 1949.
[7] Subs. for (Appointed) by sec. 3 (2) of U. P. Act XX of 1934.

### Section 105. Appointment of persons other than members

(1) Notwithstanding anything contained in this Act it shall be awful for a board by a resolution supported by not less than one-half of the whole number of members for the time being, to appoint as members of a committee any

persons of either sex who are not members of the Municipality, but who, in the opinion of the Municipality possess special qualifications for serving on such committee :

Provided that the number of persons so appointed on a committee shall not exceed one-third of the total number of the members of the committee.

(2) All the provisions of this Act, and of any rules relating to the duties, powers, liabilities, disqualifications, and disabilities of member shall, save as regards a disqualification on the grounds of sex, be applicable, so far as may be, to such persons.

### Section 106. Vacancies in committee

A vacancy occurring in any committee may at any time be filled up by the appointment by the Municipality, in the manner prescribed by section 104, or section 105, of another member or person.

### Section 107. President of a committee

(1) The Municipality may by resolution appoint a [1][President][2] for any committee.

(2) In default of a [1][President][2] being appointed by the Municipality, a committee shall appoint its own [1][President][2] from among its members.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, the following amended sub-section (2) of section 113 shall be in operation.

[2] Subs. for (Chairman) by sec. 61 U. P. Act VII of 1949.

### Section 108. Procedure of committees

(1) The provisions of sub-sections (1) and (2) of section 92, of section 93, and of sub-section (1), (2), (4), (5) and (6) of section 94 shall apply to the proceedings of committees of a Municipality as if the words 'a committee' were substituted for the words "a Municipality" or "the Municipality" wherever they occur therein.

(2) Committees may meet and adjourn as they think proper, but the [1][President][2] of the committee may, whenever he thinks fit, and shall, upon the written request of the [1][President] of the Municipality or of not less than two members of the committee, call a meeting of the committee.

(3) Subject to the provision contained in sub-section (4) no business shall be transacted at any meeting unless more than one-fourth of the members of the committee are present thereat.

(4) Where it is necessary to postpone any business at a meeting of a committee for want of the prescribed quorum, the procedure specified in sub-section (3) of section 88 shall be followed.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, the following amended sub-section (2) of section 113 shall be in operation.

[2] Subs. for (Chairman) by sec. 61 U. P. Act VII of 1949.

### Section 109. Subordination of committees to Municipality

(1) The Municipality may at any time call for any extract from any proceedings of any committee and for any return, statement, account or report concerning or connected with any mater with which the committee has been authorized, or directed to deal.

(2) Every committee shall, with all convenient speed, comply with any requisition of the board made under sub-section (1).

[1][(3) The Municipality may, for reasons to be recorded, vary or override any decision of the committee. ]

[1] Ins. by sec. 52 of U. P. Act no. 27 of 1964.

### Section 110. Joint committee

(1) The Municipality may, and if so required by the (State Government) shall combine with one or more than one, other assenting local authority to appoint, by means of a written instrument subscribed by the local authorities concerned, a joint committee for the purpose of transacting any business in which they are jointly interested.

(2) Such instrument shall prescribe the number of members who shall be chosen by each local authority to represent it upon the joint committee, the person who shall be [1][President] thereof, the powers being powers exercisable by one or more of the concurring local authorities, which may be exercised by the joint committee, and the method of conducting the proceedings and correspondence thereof.

(3) Such instrument may from time to time be varied or rescinded by a further instrument subscribed by all the local authorities concerned, and in the event of the rescission of any instrument under this subsection, all proceedings

thereunder shall be deemed inoperative with effect from a date to be specified in such further instrument.

(4) Any difference of opinion arising in the course of any proceedings under the foregoing provisions of this section between two or more local authorities shall be decided by reference to the [State Government] under section 325.

[1] Subs. for (Chairman) by sec. 61 U. P. Act VII of 1949.

### Section 110-A. Formation of State Municipal, Municipality Union and its functions

[(1) The municipal Municipalities in [1][Uttar Pradesh] may combine to form an association to be called the [2][State] Municipal Municipalities Union :

Provided that no such association shall be formed unless more than half the number of municipal Municipality in the [3][State] severally pass a resolution signifying their intention to become members.

(2) The functions of the union formed under sub-section (1) of this section shall be to examine problems of common interest to the municipal Municipalities, to advise the municipal Municipalities on the improvement of municipal administration and to perform such other function as the [1][State Government] may from time to time prescribe.

(3) The following matter shall be regulated and governed by rules made by the [1][State Government], viz.-

(a) the constitution and aims and objects of the union ;

(b) the amount and the method of contribution by the municipal Municipalities to the union ;

(c) the management and control of finances of the union ;

(d) [4][ * * * * ] ;

(e) generally such other matter as may be necessary for the purpose of this section. ]

[1] Subs. for (the United Provinces) by A. O. 1950.

[2] Subs. by the A. O. 1950 for (Provincial).

[3] Subs. by ibid for (Province).

[4] Omit. by sec. 130 (1) (d) of U. P. Act no. 12 of 1994.

## Exercise and delegation of powers by Municipality

### Section 111. Powers of which the exercise is reserved to a Municipality acting by resolution

(1) The powers, duties, and functions specified in the second column of schedule I, with the exception of those against which an entry is shown in the third column of that schedule, may be exercised, and shall be performed or discharged, by a board by resolution passed at a meeting of the board and not otherwise.

(2) Nothing in sub-section (1) shall be construed to prevent a resolution of aboard being carried into execution by any agency duly authorized in this behalf by or under this Act, or by a servant of the Municipality acting within the scope of his employment.

### Section 112. Delegation of power by Municipality

(1) With the exception of a power, duty or function -

(a) specified in the second column, and against which no entry is shown in the third column of schedule I ;

(b) reserved or assigned to a [1][President][2] by clause (a), (b) and (c) of section 50 or by section 51 ; and

[3][(c) Where there is an executive officer or a medical officer of health, reserved to the executive officer by section 60 or to the medical officer of health by section 60-A ] ; a board may delegate by regulation all or any of the powers, duties or functions conferred or imposed on, or assigned to, a Municipality under this Act.

(2) Except as provided in sub-section (3), a Municipality shall not itself exercise, perform or discharge, or interfere in the exercise, performance or discharge of any power, duty or function which it has delegated under sub-section (1).

(3) The delegation by the board under sub-section (1) of any power, duty or function may be made subject to the condition that all or any orders made in pursuance of such delegation shall be subject to the right of appeal to or revision by, the Municipality within a specified period.

(4) Nothing in the foregoing provisions of this section shall be deemed to prevent a resolution of a committee of a Municipality being carried into execution by any agency duly authorized in this behalf by or under this Act, or to preclude any servant of the Municipality from acting within the scope of his employment.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, for the word "president" occurring in sect 112, the word "Chairman" shall stand substituted.

[2] Subs. for (Chairman) by sec. 61 U. P. Act VII of 1949.

[3] Subs. by sec. 26 of U. P. Act V of 1932.

### Validity of Acts and Proceedings

### Section 113. Presumptions and savings

(1) No vacancy in a Municipality or in a committee of a board shall vitiate any act or proceeding of a Municipality or of such committee.

[1](2) No disqualification, or defect in the election, nomination or appointment, of a person acting as a member of a Municipality or of a committee appointed under this Act, or as the [2][President or the Chairman, as the case may be] of a meeting of a Municipality or of such committee, shall be deemed to vitiate any act or proceeding of the board or the committee, if the majority of the persons present at the time of the act being done, or proceeding being taken, were qualified and duly elected [3][or nominated] members of the board or committee.

(3) Unless the contrary is proved, any document or minutes which purport to be the record of the proceedings of a board or committee shall, if substantially made and signed in the manner prescribed for the making and signing of the record of such proceedings, be deemed to be a correct record of the proceedings, of a duly convened meeting held by a duly constituted board or committee whereof all the members were duly qualified.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, the following amended sub-section (2) of section 113 shall be in operation.

[2] Subs. for (Chairman) by sec. 65 U. P. Act VII of 1949.

[3] Ins. by sec. 11 of U. P. Act no. 11 of 1919.

## CHAPTER - IV MUNICIPAL FUND AND PROPERTY

### Section 114. Municipal Fund

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

(2) Every municipality shall constitute a Development Fund for the purpose of this Act. The constitution and disposal of the Development Fund shall be effected in such manner as may be prescribed.

(3) Twenty five percent of the Development Fund constituted under sub-section (2) shall be non-lapsable and shall be earmarked and utilized to provide and promote services for the urban poor and the inhabitants of the slum area.

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

[1] Subs. by sec. 2 of U. P. Act no. 07 of 2011.

### Section 114-A. Powers of the Municipality to borrow money

[1][For performance of its duties and functions, whether, mandatory or discretionary, a Municipality 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. ]

[1] Ins. by sec. 5 of U. P. Act no. 19 of 1990.

### Section 115. Custody and investment of municipal fund

[[1][(1) The municipal fund shall be kept in the Government treasury or sub-treasury or in the State Bank of India or, with the previous sanction of the State Government in the U. P. Co-operative Bank or in a Scheduled Bank. ]

(2) In places where there is no such treasury or sub-treasury or bank, the municipal fund may be kept with a banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so kept as the [2][State Government] may in each case think sufficient ;

(3) Provided that nothing in the foregoing provisions of this section shall be deemed to preclude a board from, with the previous sanction of the [2][State Government] investing in any of the securities described in section 20 of the Indian Trust Act, 1882] or placing on fixed deposit with a Presidency Bank any portion of its municipal fund which is not required for immediate expenditure.

[1] Subs. by sec. 53 of U. P. Act no. 27 of 1964.

[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

## Section 116. Property vested in Municipality

Subject to any special reservation made by the [1][State Government], all property of the nature hereinafter in this section specified and situated within the municipality shall vest in and belong to the Municipality, and shall, with all other property which may become vested in the Municipality be under its direction, management and control. that is to say, -

(a) all public town walls, gates, markets, slaughterhouses, manure and night-soil depots and public buildings of every description which, have been constructed or are maintained out of the municipal fund ;

(b) all public streams, lakes, springs, tanks will and work for the supply ; storage and distribution of water for public purposes, and all bridges, buildings, engines materials and thins, connected therewith or appertaining thereto, and also any adjacent land not being private property appertaining to any public tank or well ;

(c) all public sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto ;

(d) all dust, dung [2][night-soil] ashes, refuse animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the board from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places appointed by the board under section 273 ;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;

(f) all land or other property transferred to the board by [Government] [3] or by gift, purchase or otherwise for local public purposes ; and

(g) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things existing on or appertaining to such streets.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[2] Ins. by sec. 54 of U. P. Act no. 27 of 1964.
[3] Subs. by A. O. 1950 for (His Majesty.)

## Section 117. Compulsory acquisition of land

[1]Where a Municipality, for the purpose of exercising any power or performing any duty conferred or imposed upon it by or under this or any other enactment, desires the [2][State Government] to acquire on its behalf, permanently or temporarily, any land or any respect of land under the provisions of the Land Acquisition Act, 1894, or of other existing law, the [2][State Government] may, at the request of the Municipality, [3][in the manner prescribed] acquire such land or such right under the aforesaid provisions ; and, on payment by the board to the [2][State Government] of the compensation awarded thereunder and of the charges incurred by the [2][State Government] in connexion with the proceedings, the land or right, as the case may be, shall rest in the Municipality.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of the aforesaid Act XV of 1951 the following amended section 117 shall be in operation.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[3] Add. by sec. 67 of U. P. Act VII of 1949.

## Section 118. Power of board to manage and control property entrusted to its management

Subject to the provisions of the next section and to any condition imposed by the owner of the property, a Municipality may manage and control any property entrusted to its management and control.[1]

[1] For. rules re. nazul entrusted to the management of local bodies, see pp. 8-15 of Nazul Manual, 1949 edition.

## Section 119. Public institutions

(1) The management, control and administration of every public institution maintained exclusively out of the municipal fund shall vest in the Municipality.

(2) Any other public institution may be vested in, placed under the management, control and administration of the Municipality ; provided that the extent of the independent authority of the board in respect thereof may be prescribed by rule.

(3) All property, endowments and funds belonging to any public institution vesting in, or placed under the management, control and administration of, a Municipality shall be held by the Municipality in trust for the purpose, to which such property, endowments and funds were lawfully applicable at the time the institution became so vested or was so placed.

(4) Provided that nothing in the foregoing provisions of this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890.

## Section 120. Application of municipal fund and Property

(1) The municipal fund and all property vested in a Municipality shall be applied for the purposes express or implied, for which, by or under this or any other enactment, powers are conferred or duties or obligations are imposed upon the Municipality.

(2) Provided that the Municipality shall not incur any expenditure for acquiring or renting land beyond the limits of the Municipality or for constructing any work beyond such limits except -

(a) with the sanction of the [1][State Government], and

(b) on such terms and conditions as the [1][State Government], imposes.

(3) Provided also that priority shall be given, in the order set forth below, to the following liabilities and obligations of a Municipality -

[2][(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 Municipality ; ]

(b) the payment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act, 1914 (Act no. 9, 1914);

(c) [3]"exceed the payments under clause (a), the payment of establishment charges" including such contributions as are referred to in section 78, and the salary, allowances and pension of an executive officer appointed [4][by the State Government] ;

(d) any sum ordered to be paid from the municipal fund under sub-section (3) of section 35, sub-section (2) of section 36, section 126, sub-section (3) of section 163, or sub-section (3) of section 320.

[5][Explanation - For the purposes of this sub-section, a person shall be deemed to be a Safai Mazdoor if he is employed by the Municipality for the purposes of sweeping and cleaning of municipal roads, lanes, pathways, drains, sewers, latrines and urinals, carrying of dead animals and refuse and for other jobs of the like nature. ]

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[2] Subs. by sec. 11(1) of U. P. Act no. 15 of 1983.
[3] Subs. by sec. 11(2) of U. P. Act no. 15 of 1983.
[4] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (by Govt.).
[5] Ins. by sec. 11 (3) Exp. of U. P. Act no. 15 of 1983.

## Section 120-A. Restriction on expenditure from municipal fund over certain litigation

[1][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 Municipality 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.]

[1] Ins. by sec. 37 of U. P. Act no. 41 of 1976.

## Section 121. Disposal of municipal fund when area ceases to be a Municipality

(1) When by reason of a notification under section 3 any local area ceases to be a Municipality and is immediately placed under the control of another local authority, the municipal fund and other property vesting in the Municipality shall vest in such other local authority, and the liabilities of the Municipality shall be transferred to such other local authority.

(2) When, in like manner, any local area ceases to be a Municipality and is not immediately placed under the control of another local authority, the municipal fund and other property vesting in the Municipality shall vest in [1][by the State Government] and the liabilities of the Municipality shall be transferred to [2][by the State Government].

[1] Subs. by A. O. 1950 for (His Majesty for the purposes of the Province.), The words (for the purposes of the province) were ins. by A. O. 1937.
[2] Subs. by A. O. 1950 for (the Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).

## Section 122. Disposal of municipal fund who area ceases to be included in a Municipality

(1) When by reason of a notification under section 3 any local area ceases to be a Municipality and is immediately placed under the control of some other local authority, such portion of the municipal fund and other property vesting in the Municipality shall vest in that other local authority and such portion of the liabilities of the Municipality shall be transferred to that other local authority, as the [1][by the State Government] after consulting the Municipality and that other local authority, declares by notification.

(2) When, in like manner, any local area ceases to be included in a municipality and is not immediately placed under the control of some other local authority, such portion of the municipal fund and other property vesting in the Municipality shall vest in [2][the State Government] and such portion of the liabilities of the Municipality shall be

transferred to [3][the State Government] as the [1][State Government], after consulting the Municipality and considering any representations made by the inhabitants of the excluded area, declares by notification.

(3) Provided that where an excluded local area is placed under the control of a local authority not existing at a date previous to the exclusion, the [1][State Government] before making a declaration under sub-section (1), shall take into consideration any representation made by the inhabitants of the excluded area.

(4) Provided also that the foregoing provisions of this section shall not apply in any case where the circumstances, in the opinion of the [4][State Government], render undesirable the transfer of any portion.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (by Govt.).
[2] Subs. by A. O. 1950 for (His Majesty for the purposes of the Province.), The words (for the purposes of the province) were ins. by A. O. 1937.
[3] Subs. by A. O. 1950 for (the Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).
[4] Subs. by the A. O. 1950 for (His Majesty).

## Section 123. Application of funds and property accruing to Government under section 121 or 122

Any municipal fund or portion of a municipal fund or other property of a Municipality accruing under the provisions of section 121 or 122 to [1][by the State Government], shall be applied in the first place to satisfy any liabilities of the Municipality transferred under such provisions to [2][the State Government], and secondly for the benefit of the inhabitants of the local area.

[1] Subs. by A. O. 1950 for (His Majesty for the purposes of the Province.), The words (for the purposes of the province) were ins. by A. O. 1937.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).

## Section 124. Power of board to transfer property

(1) Subject to any restriction imposed by or under this Act, a Municipality may transfer by sale, mortgage, lease, gift, exchange or otherwise any property vested in the Municipality, not being property held by it one any trust the terms of which are inconsistent with the right to so transfer.

(2) Notwithstanding anything contained in sub-section (1) the board may, with the sanction of the [1][State Government], transfer to [2][Government], any property vested in the board, but not so as to affect any trust or public rights to which the property is subject.

(3) Provided that every transfer under sub-section (1), other than a lease for a term not exceeding one year, shall be made by instrument in writing sealed with the common seal of the municipality and otherwise complying with all conditions in respect of contracts imposed by or under this Act.

[3][(4) For safeguarding the interest of weaker section of the society in an urban area, the State Government may issue directions as it may think fit with respect to the acquired or vested land in a municipality. ]

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (by Govt.).
[3] Ins. by sec. 2 of U. P. Act no. 28 of 2009.

## Section 125. Payment of compensation from municipal fund

The Municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Municipality, its, officers or servants under this or any other enactment or vested in the [1][State Government], the [2][Prescribed Authority] or the District Magistrate under section 34, and shall make such compensation where the person sustaining the damage was not himself in the matter in respect of which the power was exercised.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L. G.) which had been subs. for (G. G. in C.) by sec. 2 and Sch. 1 of Act XXXVIII of 1920.

## Section 126. Payment by Municipality for special public protection a fairs, etc

(1) When special police protection is, in the opinion of the [1][State Government], requisite on the occasion of a fair, agricultural show or industrial exhibition managed by a Municipality, the [2][State Government] may provide such protection, and the Municipality shall pay the whole charge thereof or such portion of such charge as the [2][State Government] considers equitably payable by it.

(2) If the sum charged is not paid the District Magistrate may make an order directing the person having the custody of the municipal fund to pay the expense from such fund.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[2] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

### Section 127. Other matters relating to municipal fund and property

The following matters shall be regulated and governed by rules made by the [1][State Government] under section 296, namely -

(a) the authority on which money may be paid from the municipal fund; [2]

(b) the conditions on which property may be acquired by the board or on which property vested in the Municipality may be transferred by sale, mortgage, lease exchange or otherwise[3] ; and

(c) any other matter relating to the municipal fund or municipal property in respect of which the Act makes no provision or insufficient provision and provision is necessary.[2]

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

[2] For. rules see the Municipal Account Code in M. M. Vol. II, 1951 edition.

[3] For. rules see nots. no. 1906/XI-6H, d. July 5, 1916, no. 2025/XI-274, dated June. 8, 1935, and no. 3260/XI-836, d. Dec. 9, 1939, and pp. 350-351 and 357 of Municipal Manual, 1952 edition.

## CHAPTER IV-A DISTRICT PLANNING COMMITTEE AND THE FINANCE COMMISISON

### Section 127-A. District planning committee

(1) There shall be constituted in every district a 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 such committee shall be elected by, and from amongst, the elected members of the Zila 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 special planning, sharing of water and other physical and natural resources, the integrated development of infrastructure an environmental conservation ;

(ii) the extent and type of available resources whether financial or otherwise.

(b) consult such institutions and organizations 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.

### Section 127-B. Preparation of plan

(1) The Executive Officer of a Municipality shall prepare every year a development plan for the municipal area in the manner prescribed by rules.

(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.

### Section 127-C. Finance Commission

(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 livable 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 taxed, duties, tolls and fees which may be assigned to or appropriated by, the Municipalities ;

(ii) 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 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. ]

# CHAPTER - V MUNICIPAL TAXATION

## Imposition and alteration of taxes

### Section 128. Taxes to be imposed

[1][(1) Subject to the provisions of this Act and of article-285 of the Constitution of India, a Municipality shall impose the following taxes, namely :-

(i) a tax on the annual value of buildings or lands or both ;

(ii) a water tax on the annual value of buildings or lands or both;

(iii) a drainage tax on the annual value of buildings livable on such buildings as are situated within a distance, to be fixed by rules in this behalf for each Municipality from the nearest sewer line ;

(iv) a conservancy tax for the collection, removal and disposal of excrementious and polluted matter from privies, urinals, cesspools ;

(2) In addition to the taxes specified in sub-section (1), the Municipality may, for the purposes of this Act and subject to the provisions thereof, impose any of the following taxes, namely :-

(i) a tax on trades and callings carried on within the municipal limits and deriving special advantages from, or imposing special burdens on, the municipal services ;

(ii) a tax on trades, callings and vocations including all employments remunerated by salary or fees ;

(iii) a theater tax which means a tax of amusements or entertainments ;

(iv) a tax on dogs kept within the Municipality ;

(v) a scavenging tax ;

(vi) a tax on deeds of transfer of immovable properties situated within the limits of the Municipality ;

(vii) [2][x x x]

(viii) a tax on vehicles and other conveyances plying within the Municipality limit or on boats moored therein.

(ix) betterment tax.

(3) The municipal taxes shall be assessed and levied in accordance with the provisions of this Act and the rules and bye-laws framed thereunder.

(4) Nothing in this section shall authorize the imposition of any tax which the State Legislature has no power to impose in the State under the Constitution :

Provided that a Municipality which immediately before the commencement of the Constitution was lawfully levying any such tax under this section as then in force, may continue to levy that tax until provisions to the contrary is made by the Parliament. ]

[1] Subs. by sec. 2 of U. P. Act no. 08 of 2011.

[2] Omit. by sec. 173 (2) of U.P. Act no. 01 of 2017.

### Section 128-A. Tax on deed of transfer of immovable property

[1][[2][ (1) Where a Municipality has imposed a tax referred to in clause (xiii-B) of sub-section (1) of section 128, the duty imposed by the Indian Stamp Act, 1899, on any deed of transfer of immovable property shall, in the case of immovable property situated within the limits of such municipality, be increased by two per cent on the amount or value of the consideration with reference to which the duty is calculated under the said Act :

Provided that the Municipality may, by special resolution with the prior approval of the State Government, raise the afore-mentioned percentage of the increase in stamp duty up to five. ]

(2) All collections resulting from the said increase shall, after the deduction of incidental expenses, if any, be paid to

the Municipality concerned by the State Government in such manner as may be prescribed.

(3) For the purposes of this sub-section, section 27 of the Indian Stamps, Act, 1899, shall be so read and construed as if it specifically requires the particulars referred to therein to be separately set forth in respect of -

(a) property situate within the limits of a municipality, and

(b) property situate outside the limits of a municipality.

(4) For the purposes of this section all references in section 64 of the Indian Stamps Act, 1899, to the Government shall be deemed to include the board as well. ]

[1] Ins. by sec. 56 of U. P. Act no. 27 of 1964.
[2] Subs. by sec. 11 of U. P. Act no. 29 of 1966.

## Section 129. Restriction on the imposition of water tax

[1][The imposition of a tax under [2]"clause (ii) of sub-section (1)" of section 128 shall be subject to the restriction that the tax shall not be imposed -

(i) on land exclusively used for agricultural purposes unless water is supplied by the Municipality for such purpose ; or

(ii) on a plot of land or building the annual value whereof, does not exceed rupees three hundred and sixty, and to which no water is supplied by the Municipality ; or

(iii) on any plot or building no part of which is within the radius prescribed for the municipality from the nearest stand-pipe or other waterworks whereat water is made available to the public by the Municipality.

Explanation - For the purposes of this section -

(a) "building" shall include the compound, if any, thereof, and where there are several buildings in a common compound, all such buildings and the common compound ;

(b) "a plot of land" means any piece of land held by a single occupier, or held in common by several co-occupiers whereof no one portion is entirely separated from other portion by the land of another occupier or of other co-occupier or by public property. ]

[1] Subs. by sec. 9 of U. P. Act no. 10 of 1978.
[2] Subs. by sec. 3 of U. P. Act no. 08 of 2011.

## Section 129-A. Levy of tax on annual value of buildings or lands or both

[1][The Tax on annual value of buildings or lands or both shall be levied in respect of all buildings and, lands situated in the municipal limit except, -

(a) buildings and lands solely used for purposes connected with the disposal of the dead ;

(b) buildings and leans or portions thereof solely occupied and used for public worship or for the charitable purposes, fields, farms and gardens of Government aided institutions of research and development, play grounds of Government aided or unaided, recognized educational institutional institutions or sports stadium ;

(c) buildings solely used as schools and intermediate colleges, whether aided by the State Government or not ;

(d) ancient monuments as defined in the Ancient Monuments Preservation Act, 1904, subject to any direction of the State Government in respect of any such monument ;

(e) buildings and lands vested in the Union of India, except where provisions of clause (2) of Article 285 of the Constitution of India apply ;

(f) any owner occupied residential building constructed on a plot of land measuring thirty square meters or having a carpet area upto fifteen square meters, provided that the owner thereof does not own any other building in the municipal limit ; and

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

[1] Ins. by sec. 4 of U. P. Act no. 08 of 2011.

## Section 130. Restriction on the imposition of other taxes

[1][The imposition of a tax under [2][clause (iv) of sub-section (1) or clause (vi) of sub-section (2)] of section 128 shall be subject to the restriction that the tax shall not be assessed on any house or building, or leviable from the occupier of any house or building unless the Municipality under clause (a) of Section 196 undertakes the house scavenging or the collection, removal and disposal of excrementitious and pollute matter from privies, urinals and cesspools of such house or building. ]

[1] Subs. by sec. 58 of U. P. Act no. 27 of 1964.
[2] Subs. by sec. 5 of U. P. Act no. 08 of 2011.

## Section 130-A. Power of State Government to require Municipality to impose taxes

[1][(1) The [2][State Government] may, by general or special order, published in the official Gazette, require a Municipality to impose any tax mentioned in section 128, not already imposed, at such rate and within such period as may be specified in the notification, and the Municipality shall thereupon act accordingly.

(2) the [2][State Government] may require a Municipality to [3][increase, modify or vary] the rate of any tax already imposed and thereupon the Municipality shall [3][increase, modify or vary] the tax as required.

(3) If the Municipality fails to carry out the order passed under sub-section (1) or (2), the [2][State Government] may pass suitable order [imposing, increasing, modifying or varying][3] the tax, and thereupon the order of the [2][State Government], shall operate as if it had been a resolution duly passed by the Municipality, [4][under sub-section (2) of section 134.]

[1] Ins. by sec. 68 of U. P. Act VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).
[3] Subs. by sec. 22 (1) and (2) of U. P. Act no. I of 1955.
[4] Ins. by sec. 59 of U. P. Act no. 27 of 1964.

## Section 130-B. Pooling of receipts of taxes for certain purposes

[1][All moneys derived from water, drainage, scavenging and conservancy taxes mentioned in clauses (x), (x-a), [2][clause (ii), (iii), (iv) of sub-section (1) and clause (vi) of sub-section (2)] of section 128 and all other incomes derived from waterworks and sullage farms and disposal of excrementitious and polluted matters collected from privies, urinals, and cesspools shall be pooled together and shall be used for purposes connected with the construction, maintenance, extension or improvement of the waterworks and drainage works and arrangements for scavenging and collection, removal and disposal of excrementitious and polluted matter from privies, urinals, and cesspools including maintenance of sullage farms. ]

[1] Ins. by sec. 60 of U. P. Act no. 27 of 1964.
[2] Subs. by sec. 6 of U. P. Act no. 08 of 2011.

## Section 131. Framing of preliminary proposals

(1) When a Municipality desires to impose a tax, it shall by special resolution frame proposals specifying -

(a) the tax, being one of the taxes described in [1][sub-section (2)] of section 128, which it desires to impose ;

(b) the persons or class of persons to be made liable, and the description of property or other taxable thing or circumstances in respect of which they are to be made liable, except where and in so far as any such class or description is already sufficiently defined under clause (a) or by this Act ;

(c) the amount or rate leviable from each such person or class of persons ;

(d) any other matter referred to in section 153, which the [2][State Government] requires by rule to be specified.

(2) The Municipality shall also prepare a draft of the rules which it desires the [2][the State Government] to make in respect of the matters referred to in section 153.

(3) The Municipality shall, thereupon, publish in the manner prescribed in section 94 the proposals framed under sub-section (1) and the draft rules framed under sub-section (2) along with a notice in the form set forth in schedule III.

[1] Subs. by sec. 7 of U. P. Act no. 08 of 2011.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).

## Section 132. Procedure subsequent to framing proposals

(1) Any inhabitant of the municipality may, within a fortnight from the publication of the said notice, submit to the Municipality an objection in writing to all or any of the proposals framed under the preceding section, and the Municipality shall take any objection so submitted into consideration and as orders thereon by special resolution.

(2) If the Municipality decides to modify its proposals or any of them, it shall publish modified proposals and (if necessary) revised draft rules along with a notice indicating that the proposals and rules (if any) are in modification of proposals and rules previously published for objections :

[1][Provided that no such publication shall be necessary where the modification is confined to reduction in the amount or rate of the tax originally proposed. ]

(3) Any objections which may be received to the modified proposals shall be dealt with in the manner prescribed in

sub-section (1).

(4) When the Municipality has finally settled its proposals, it shall submit them along with the objections (if any) made in connection therewith to the (Prescribed Authority) [2].

[1] Ins. by sec. 61 Prov. of U. P. Act no. 27 of 1964.
[2] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

### Section 133. Power of State Government or prescribed authority to reject, sanction or modify proposals

(1) In the case of a municipality other than a city, [1][Upon receipt of the proposals and objections under the preceding sections] the [2][Prescribed Authority], after considering the objections received under sub-section (4) of section 132, may either refuse to sanction the proposals or return them to the Municipality for further consideration or sanction them without modification or with such modification not involving an increase of the amount to be imposed, as he deems fit.

(2) In any other case the [2][Prescribed Authority], shall submit the proposals and objections to the [3][State Government], who may pass any of the orders described in sub-section (1).

(3) [4][ * * * * ]

[1] Subs. by sec. 8 of U. P. Act no. 08 of 2011.
[2] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[3] Subs. by A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).
[4] Subs. sec. (3) re. submission, in certain cases, of orders of the State Govt. for confirmation of the Central Govt. which was amended by sec. 4 of U. P. Act I of 1918 and Act XXXVIII of 1920 was omit. by the A. O. 1937.

### Section 134. Resolution of Municipality directing imposition of tax

(1) Proposals have been sanctioned by the [1][Prescribed Authority] or the [2][State Government], [3][* * * *] the [2][State Government], after taking into consideration the draft rules submitted by the Municipality, shall proceed forthwith to make under section 296, such rules in respect of the tax as for the time being it considers necessary.

(2) When the rules have been made the order of sanction and a copy of the rules shall be sent to the Municipality, and thereupon the Municipality shall by special solution direct the imposition of the tax with effect from a date to be specified in the resolution.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).
[3] The words (or when the sanction of the L. G. has been confirmed by the G. G. in C. as the case may be) omit. by the A. O. 1937.

### Section 135. Imposition of tax

(1) A copy of the resolution passed under section 134 shall be submitted to the [1][State Government], if the tax has been sanctioned by [1][State Government] and to the [2][Prescribed Authority], in any other case.

(2) Upon receipt of the copy of the resolution the [1][State Government], or [2][Prescribed Authority] as the case may be, shall notify in the [3][Official Gazette], the imposition of a tax shall in all cases be subject to the condition that it has been so notified.

(3) A notification of the imposition of a tax under sub-section (2) shall be conclusive proof that the tax has been imposed in accordance with the provisions of this Act.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).
[2] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.
[3] Subs. for (Gazette) by the A. O. 1937.

### Section 136. Procedure for altering taxes

The procedure for abolishing a tax, or for altering a tax in respect of the matters specified in clauses (b) and (c) of sub-section (1) of section 131, shall, so far as may be, be the procedure prescribed by sections 131 to 135 for the imposition of a tax.

### Section 137. Power of State Government to remedy or abolish tax

(1) Whenever it appears, on complaint made or otherwise to the [1][State Government], that the levy of any tax is contrary to the public interest or that any tax is unfair in its incidence, the [1][State Government] may, after considering the explanation of the Municipality concerned, by order require such Municipality to take measures within a time to be specified in the order, for the removal of any defect which it considers to exist in the tax or in the method of assessing or collecting the tax.

(2) Upon the failure or inability of the Municipality to comply, to the satisfaction of the [1][State Government], with an order made under sub-section (1), the [1][State Government] may by notification suspend the levy of the tax, or of any portion thereof, until the defect is removed, or may abolish or reduce the tax.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been subs. by the A. O. 1937 for (secretary of State in Council).

## Consolidated taxes

### Section 138. Consolidation of taxes

(1) For the purpose of assessing, levying or collection, but not for the purpose of imposing or granting exemption from, the taxes described in [1]"clauses (i) and (ii) of sub-section (1) and clause (vi) of sub-section (2)" of section 128, a Municipality may consolidate any two or more of such taxes which are imposed upon buildings or lands or both:

(2) Provided that in any register or assessment list relating to a consolidated tax and used for the purpose of informing any person of his liability hereunder or for the purpose of securing compliance with the provisions of section 129 or 130, the Municipality shall apportion the consolidated tax amongst the several taxes comprised therein, so as to show approximately the amount assessed or collected on account of each separate tax.

[1] Subs. by sec. 9 of U. P. Act no. 08 of 2011.

### Section 139. Deductions required by exemptions

(1) In assessing a consolidated tax effect shall be given to any partial or total exemption from any single tax comprised therein.

(2) Such effect shall be given -

(a) in the case of partial exemption, by means of the deduction from the total amount of the consolidated tax which would otherwise be leviable or assessable in respect of any buildings, or lands or both to which the exemption applies, of a proportionate part, corresponding to the exemption, of the amount which might otherwise have been assessed on account of the single tax ; and

(b) in the case of a total exemption, by means of the deduction from such total amount of the whole amount assessed, on account of the single tax.

## Assessment and levy of taxes on the annual value of buildings or lands or both

### Section 140. Definition of annual value

[1][(1) "Annual Value" means -

(a) in the case of railway stations, colleges, schools, hotels, factories commercial buildings and other non-residential buildings, twelve times the value arrived at on multiplying with multiplier to be fixed by rules in the monthly rate of rent per square foot of residential buildings fixed under clause (b) with the covered area of the building or open area of the land or both, as the case may be.

(b) in the case of a building or land not falling within the provisions of clause (a), twelve times the value arrived at on multiplying the carpet area of the building, or the area of the land, by the applicable minimum monthly rate of rent per square foot of the carpet area in the case of building or the applicable minimum monthly rate of rent per square foot of the area in the case of land, as the case may be, and for this purpose the minimum monthly rate of rent per square foot shall be such as may be fixed once in every two years by the executive officer of the Municipality on the basis of the location of the building or the land, nature of the construction of the building, the circle rate fixed by the Collector for the purpose of the Indian Stamp Act, 1899 and the current minimum rate of rent in the area for such building or land and such other factors, and in such manner, as may be prescribed :

Provided that where the annual value of any building would, by reason of exceptional circumstances, in the opinion of the Municipality, be excessive if calculated in the aforesaid manner, the Municipality may fix the annual value at any less amount which appears to it equitable.

Explanation 1- For the purpose of calculation of annual value the carpet area shall be calculated as under :-

(i) Rooms-full measurement of internal dimension ;

(ii) covered Verandah-full measurement of internal dimension ;

(iii) Balcony, Corridor, Kitchen and Store-50 per cent measurement of internal dimension ;

(iv) Garage-one-fourth measurement of internal dimension ;

(v) Area covered by bathroom, latrines, portico and staircase shall not form part of the carpet area.

Explanation II - The standard rent, the agreed rent or the reasonable annual rent of a building for the purposes of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 shall not be taken into account

while calculating the annual value of the building.

(2) Where the Municipality so resolves, the annual value for the purpose of assessment of property taxes shall -

(a) in the case of land and owner-occupied residential building which is not more than ten years old, be deemed to be 25 per cent less and if it is more than ten years but not more than twenty years old, be deemed to be 32.5 percent less, and if it is more than twenty years old, be deemed to be 40 per cent less than the annual value determined under clause (b) of sub-section (1) ; and

(b) in the case of residential building let on rent, which is net more than ten years old, be deemed to be 25 per cent more and if it is more than ten years but not more than twenty years old, be deemed to be 12.5 per cent more than the annual value determined under clause (b) of sub-section (1), and if it is more than twenty years old, be deemed to be equal to the annual value determined under clause (b) of sub-section (1) ]

[1] Subs. by sec. 10 of U. P. Act no. 08 of 2011.

### Section 141. Preparation of assessment list

[1][The Municipality or the Executive Officer authorized by it in this behalf, shall cause are wise rental rates and an assessment list in the municipal area or par thereof to be prepared from time to time in accordance with the manner prescribed in the rules. ]

[1] Subs. by sec. 11 of U. P. Act no. 08 of 2011.

### Section 141-A. Option to deposit a tax on the annual value of building or land or of both by self-assessment

[1][Notwithstanding anything to the contrary in any other provisions of this Act, the owner or occupier primarily liable for payment of tax in respect of a building may himself assess every year his liability regarding the amount of property tax payable by him and in doing so he may himself determine the annual value of the building in accordance with the provisions of section 140, a and deposit the tax so assessed by him in such manner, together with a statement of such self-assessment, in such form as may be prescribed.

[1] Subs. by sec. 11 of U. P. Act no. 08 of 2011.

### Section 141-B. Submission of the details of houses or lands for assessment of tax

[1][(1) For the purposes of annual rental value, the owner or the occupier of every house or land shall submit a return thereof upto a date as may be prescribed.

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

(3) The penalty referred to in sub-section (2) may be compounded by the Executive Officer. ]

[1] Subs. by sec. 11 of U. P. Act no. 08 of 2011.

### Section 142. Publication of list

[1][The Municipality or the Executive officer authorized by it in this behalf shall publish the list prepared under section 141 in accordance with the manner prescribed in the rules. ]

[1] Subs. by sec. 12 of U. P. Act no. 08 of 2011.

### Section 143. Objections on proposed rates and list

[1][The Municipality or the Executive Officer authorized by it in this behalf shall dispose of the objections in accordance with the manner prescribed in the rules. ]

[1] Subs. by sec. 13 of U. P. Act no. 08 of 2011.

### Section 144. Authentication and custody of list

[1][(1) The Executive Officer or an officer authorized by him in this behalf, shall authenticate by his signature the area wise rental rates and the assessment list of the municipal area or any part thereof, as the case may be.

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

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

[1] Subs. by sec. 14 of U. P. Act no. 08 of 2011.

### Section 145. Revision and duration of list

(1) A new assessment list shall ordinarily be prepared in the manner prescribed by sections 141 to 144 once in every five years.

(2) Subject to any alteration or amendment made under section 147 and to the result of any appeal under section 160 ; every valuation and assessment entered in a valuation list shall be valid from the date on which the list takes effect [1][in the municipality or part thereof and until the first day of the month next following the completion of the new list].

[1] Subs. by sec. 16 of U. P. Act no. 03 of 1987.

### Section 145-A. Adoption of value of property determined under U. P. Act XII of 1962

[1][Notwithstanding anything contained elsewhere in this Act, the Municipality may by special resolution decide that the taxable value of buildings and lands determined under clause (ii) of section 4 of the Uttar Pradesh (Nagar Kshettra) Bhumi Aur Bhawan Kar Adhiniyam, 1962, shall be the annual value for the purposes of this Act. ]

[1] Ins. by sec. 62 of U. P. Act no. 27 of 1964.

### Section 146. Conclusiveness of entries in list

An entry in an assessment list shall be conclusive proof,-

(a) for any purpose connected with a tax to which the list refers, of the amount leviable in respect of any building or land during the period to which the list relates, and

(b) for the purpose of assessing any other municipal tax, of the annual value of any building or land during the said period.

### Section 147. Amendment and alteration of list

(1) The [1][Municipality or the Executive Officer authorised by it] may at any time alter amend the assessment list -

(a) by entering therein the name of any person or any property which ought to have been entered or any property which become liable to taxation after the authentication of the assessment list ; or

(b) by substituting therein for the name of the owner or occupier of any property the name of any other person who has succeeded by transfer or otherwise to the ownership or occupation of the property ; or

(c) by enhancing the valuation of, or assessment on, any property which [2][has become incorrectly valued or assessed or which, by reason of fraud, misrepresentation or mistake, has been incorrectly valued or assessed]; or

(d) by re-valuing or re-assessing any property the value of which has been increased by additions or alterations to buildings ; or

(e) where the percentage on the annual value at which any tax is to be levied has been altered by the Municipality or the Executive Officer authorised by it under the provisions of section 136, by making a corresponding alteration in the amount of the tax payable in each case ; or

(f) by reducing upon the application of the owner, or on satisfactory evidence that the owner is untraceable and the need for reduction established, upon its own initiative the valuation of any building which has been wholly or partly demolished or destroyed ; or

(g) by correcting any clerical or arithmetical error.

(2) Provided that the Municipality shall give at least one month's notice to any person interested of any alteration which the Municipality proposes to make under clause (a), (b), (c), or (d) of sub-section (1) and of the date on which the alteration will be made.

(3) The provisions of sub-sections (2) and (3) of section 143 applicable to the objections thereunder mentioned shall, so far as may be, apply to any objection made in pursuance of a notice issued under sub-section (2) and to any application made under clause (f) of sub-section (1).

(4) Every alteration made under sub-section (1) shall be authenticated by the signature or signatures of the person or persons authorized by section 144 and, subject to the result of an appeal under section 160, shall take effect from the date or which the next installment falls due.

[1] Subs. by sec. 15 (1) of U.P. Act no. 08 of 2011.
[2] Subs. by sec. 12 of U. P. Act no. XVII of 1934.

### Section 148. Obligation to supply information for purposes of amendment

(1) When a building is built, re-built or enlarged, the owner shall give notice thereof to the Municipality within fifteen days from the date of completion of such buildings, re-building or enlargement, or from the date of the occupation of such building, whichever date happens first.

(2) Any person failing to give the notice required by sub-section (1) shall be punished upon conviction with a fine which may extend to fifty rupees or ten times the amounts of the tax payable on the said building or engorgement for a period of three months, whichever is greater.

## Section 149. Liability for payment of certain taxes on annual value

(1) [1][Except when otherwise provided by rule], every tax other than a scavenging tax or tax for the cleansing of latrines and privies) on the annual value of buildings or lands or of both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands or holds them on a building or their lease from the [Government][2] or from the Municipality, or on a building lease from any person.

(2) In any other case the tax shall be primarily leviable as follows, namely, -

(a) if the property is let, from the lessor ;

(b) if the property is sub-let, from the superior lessor ;

(c) if the property is unlet, from the person in whom the right to let the same vests.

(3) On failure to recover any sum due on account of such tax from the person primarily liable, the Municipality or the Executive Officer authorised by it may recover from the occupier of any part of the buildings or lands in respect of which it is due, that portion thereof which bears to be whole amount due the same ratio as the rent annually payable by such occupier bears to the aggregate amount of rent payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof in the authenticated assessment list.

(4) An occupier who makes any payment for which he is not primarily liable under the foregoing provisions shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable.

[1] Ins. by sec. 12 of U. P. Act no. II of 1934.

[2] Subs. by the A. O. 1950 for (Crown) which had been subs. by the A. O. 1937 for (the secretary of State in Council).

## Section 150. Liability for payment of other such taxes

(1) A scavenging tax, or a tax for the cleansing of latrines and privies, on the annual value of buildings or lands or of both, shall be levied from the actual occupier of the property upon which the taxes are assessed.

(2) Provided that, where such property is let to more occupiers than one, the Municipality may at its option levy he tax from the lessor instead of from the actual occupiers.

(3) A lessor from whom a tax is levied under sub-section (2) may, in the absence of a contract to the contrary, recover the tax from any or all of the actual occupiers.

## Section 151. Remission by reason of non-occupation

(1) In a municipality other than one situated wholly or partly in a hilly tract when a building or land has remained vacant and unproductive of rent for ninety or more consecutive days during any year, the Municipality shall remit or refund so much of the tax of that year as may be proportionate to the number of days that the said building or land has remained vacant and unproductive of rent.

(2) When in any such municipality a building consists of separate tenements one, or more than one, of which has remained vacant and unproductive of rent for any such period as aforesaid, the Municipality may remit or refund such portion (if any) of the tax or installment as is prescribed by rule. [1]

(3) Provided that no remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Municipality, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(4) The burden of proving the facts entitling a person to relief under this section shall be upon him.

(5) For the purposes of this section a building or land shall not be deemed vacant, if maintained as a pleasure resort or town or country house, or be deemed unproductive of rent, if left to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

[1] See. model rule 7 of M. M. of 1952.

## Section 152. Obligation to give notice of re-occupation

(1) The owner of a building or land for which a remission or refund of the tax [1][has been applied for given] under the last preceding section shall give notice of the re-occupation of such building or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punished upon conviction with a fine which shall not be less than twice the amount of tax payable on such building or land for the period during which it has been re-occupied without notice, and which may extend to fifty rupees or to ten times the amount of the said tax, whichever sum is the greater.

[1] Subs. by sec. 63 of U. P. Act no. 27 of 1964.

## Collection, composition, exemption and other matters relating to taxation

### Section 153. Rules as to assessment, collection and other matters

The following matters shall be regulated and governed by rules except in so far as provision therefor is made by this Act, namely,-

(a) the assessment, collection or composition of taxes, and, [1][ * * * * ]

(b) the prevention of evasion of taxes ;

(c) the system on which refunds shall be allowed and paid ;

(d) the fees for notices demanding payments on account of a tax and for execution of warrants of distress ;

(e) the rates to be charged for maintaining live-stock distrained;

(f) any other matter relating to taxes in respect of which this Act makes no provision or insufficient provision and provision is, in the opinion of the [2][State Government], necessary.

[1] Omit. by sec. 3 of U. P. Act no. 09 of 1991.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 154.

[1][ X X X X X ]

[1] Omit. by sec. 4 of U. P. Act no. 09 of 1991.

### Section 155.

[1][ X X X X X ]

[1] Omit. by sec. 4 of U. P. Act no. 09 of 1991.

### Section 155-A.

[1][ X X X X X ]

[1] Omit. by sec. 4 of U. P. Act no. 09 of 1991.

### Section 156. Compensation

(1) Subject to the provisions of any rule, a Municipality may by a special resolution confirmed by the [1][Prescribed Authority], provided that all or any persons may be allowed to compound for a tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recoverable in the manner provided by Chapter VI.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

### Section 157. Exemption

(1) A Municipality may exempt, for a period not exceeding one year, from the payment of a tax, or nay portion of a tax, imposed under this Act any person who is in its opinion, by reason of poverty, unable to pay the same, and may renew such exemption as often as it deems necessary.

(2) A Municipality may, by a special resolution confirmed [1][by the Prescribed Authority] exempt from the payment of a tax, or any portion of a tax, imposed under this Act any person or class of persons or any property or description of property.

(3) The [2][State Government] may, by order, exempt from the payment of a tax, or any portion of a tax, imposed under this Act any person or class of persons or any property or description of property.

[1] Subs. for (Commissioner) by sec. 60 of ibid which had been subs. for (by the L. G. in the case of cities and by the Commissioner in other cases) by sec. 13 of U. P. Act II of 1919.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 158. Obligation to disclose liability

(1) [1][The Municipality or any assessing authority under this Act may by written communication call upon an inhabitant of the municipality to furnish such information or produce such records, books of account and documents as may be necessary in order to ascertain ; ]

(a) whether such inhabitant is liable to pay a tax imposed under this Act ;

(b) at what amount he should be assessed ;

(c) the annual value of the building or land which he occupies and the name and address of the owner.

[2][(2) If an inhabitant so called upon to furnish information or to produce records, books of account or documents

omits to furnish or produce the same or, if furnished or produced, the same appears to the Municipality or the assessing authority to be incorrect or incomplete, the Municipality or the assessing authority, as the case may be, shall after making such inquiry as it considers necessary make the assessment to the best of its judgment. ]

[1] Subs. by sec. 66 (1) of U. P. Act no. 27 of 1964.
[2] Subs. by sec. 66 (2) of U. P. Act no. 27 of 1964.

### Section 159. Powers of discovery

Subject to the conditions and restrictions specified in sub-section (2) of section 287, the [President], the executive officer and, if authorized in this behalf by resolution, any other member, officer, or servant of the Municipality may enter, inspect and measure a building for the purposes of valuation, or enter and inspect a stable, coach house or other place wherein there is reason to believe that there is a vehicle or animal liable to taxation under this Act.

### Section 159-A. Rounding off of figure

[1][In computing the amount of any tax under this Act a fraction of a rupee less than five Paise or which is not a multiple of five Paise shall be rounded off to five Paise or to the next higher multiple of five Paise as the case may be. ]

[1] Ins. by sec. 67 of U. P. Act no. 27 of 1964.

## Appealed against taxation

### Section 160. Appeals relating to taxation

(1) In the case of a tax assessed upon the annual value of building s or lands or both an appeal against an order passed under sub-section (3) of section 143 or under sub-section (3) of section 147, and, in the case of any other tax, an appeal against an assessment, or any alteration of an assessment, may be made to the District Magistrate or to such other officer as may be empowered by the [1][State Government] in this behalf ;

(2) [2][ * * * * ]

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[2] Omit. by sec. 140 of U. P. Act no. 12 of 1994.

### Section 161. Limitation and preliminary deposit of tax claimed

No such appeal shall be heard and determined unless -

(a) the appeal is, in the case of tax assessed on the annual value of building, or lands or both, brought within thirty days next after the date of communication of the order (exclusive of the time requisite for obtaining a copy thereof) and, in the case of any other tax within thirty days next after the date of the first demand under the assessment or alteration of assessment ; and

(b) the amount claimed from the appellant has been deposited by him in the municipal office.

### Section 162. Reference to High Court

(1) If, during the hearing of an appeal under section 160, a question as to the liability to, or the principle of assessment, of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of a person interested, draw up a statement of the facts of the case and the point on which doubt is entertained and refer the statement with his own opinion on the point for the decision of the High Court.

(2) On reference being made under sub-section (1) the subsequent proceeding in the case shall be, s nearly as may be, in conformity with the rules relating to references to the High Court contain in Order XLVI of the first schedule of the Code of Civil Procedure, 1908, or such other rules as are made by the High Court under section 122 of that Code.

### Section 163. Costs

(1) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(2) Costs awarded under this section to the Municipality shall be recoverable by the Municipality in the manner provided by Chapter VI.

(3) If the Municipality fails to pay costs awarded to an appellant within ten days after the date of the communication to the Municipality of the order or payment thereof, the officer awarding the costs may order the persons having the custody of the balance of the municipal fund to pay the amount.

### Section 164. Bar to jurisdiction of civil and criminal courts in matters of taxation

(1) No objection shall be taken to a valuation or assessment nor shall the liability of a person to be assessed or taxed be questioned in any other manner or by any other authority than is provided in this Act.

(2) The order of the appellate authority confirming, setting aside or modifying an order in respect of valuation or assessment or liability to assessment or taxation shall be final : provided that it shall be lawful for the appellate for the appellate authority, [1][upon application made within three months from the date of its original order or on its own motion, to review an order passed by it in appeal by a further order ; provided further that no order shall be reviewed by the appellate authority on its own motion beyond three months from its date,"

[1] Subs. by sec. 68 of U. P. Act no. 27 of 1964.

### Formal defects in assessments and demands

### Section 165. Savings

No assessment list or other list, notice, bill or other such document specifying, or purporting to specify, with reference to any tax, charge, rent or fee any person, property, thing or circumstances shall be invalid by reason only of a mistake in the name, residence, place of business or occupation of the person, or in the description of the property, thing or circumstance, or by reason of any mere clerical error or defect of form, and it shall be sufficient that the person, property, thing or circumstance is described sufficiently for the purpose of identification and it shall not be necessary to name the owner or occupier of any property liable in respect of a tax.

## CHAPTER - VI RECOVERY OF CERTAIN MUNICIPAL CLAIMS

### Section 166. Presentation of bill

(1) As soon as person becomes liable for the payment of -

(a) any sum on account of a tax, other than [1][any tax] payable upon immediate demand, or

(b) any sum payable under clause (c) of section 196 or section 229 or section 230 in respect of the supply of water, or payable in respect of any other municipal service or under taking, or

(c) any other sum declared by this Act or by rule[2] [3][or bye-law], to be recoverable in the manner provided by this chapter, the Municipality shall, with all convenient speed, cause a bill to be presented to the persons so liable.

(2) Unless otherwise provided by rule, a person shall be deemed to become liable for the payment of every tax and licence fee upon the commencement of the period in respect of which such tax or fee is payable.

[1] Subs. by sec. 5 of U. P. Act no. 09 of 1991.

[2] See. not. no. 1906/XI-6H., d. July 5, 1916 and p. 388 of M. M. 1952 edition.

[3] Ins. by sec. 71 of U. P. Act VII of 1949.

### Section 167. Contents of bill

Every such bill shall specify -

(a) the period for which and the property, occupation, circumstances or thing in respect of which the sum is claimed, and

(b) the liability or penalty enforceable in default of payment, and

(c) the time (if any) within which an appeal may be referred or provided in section 161.

### Section 168. Notice of demand

If the sum for which a bill has been presented as aforesaid is not-aid into the municipal office, or to a person empowered by a regulation to receive such payments, within fifteen days from the presentation thereof, the Municipality may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form set forth in schedule IV, or to the like effect.

### Section 169. Issue of warrant

(1) If the person liable for the payment of the said sum does not, within fifteen days from the service of such notice of demand, either -

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the Municipality or of such officer as the Municipality by regulation may appoint in this behalf, or, where there is an executive officer, of the executive officer, as the case may be, why he should not pay the same, such sum with all costs of the recovery may be recovered under a warrant caused to be issued by the Municipality in the form of schedule V, or to the like effect, by distress and sale of the movable property of the

defaulter.

(2) Every warrant issued under this section shall be signed by the [1][President] [2] of the Municipality, or by an officer to whom the Municipality has delegated its power by regulation or by the executive officer, if any.

[1] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (see Appendix to this Act), during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, for the word "President", occurring section in 169, the word "Chairman" shall stand substituted.

### Section 170. Forcible entry for purpose of executing warrant

(1) It shall be lawful for a municipal office to whom a warrant issued under section 169 is addressed, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building in order to make the distress directed in the warrant in the following circumstances and not otherwise -

(a) if the warrant contains a special order authorizing him in this behalf, and

(b) if he has reasonable grounds for believing that the building contains property which is liable to seizure under the warrant, and

(c) if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance.

(2) Provided that such officer shall not enter or break open the door of an apartment appropriated for women, until he has given any women therein an opportunity to withdraw.

### Section 171. Manner of executing warrant

(1) It shall also be lawful for such officer to diestrum, wherever it may be found, any movable property of the person therein named as defaulter, subject to the provisions of sub-sections (2) and (3).

(2) The following property shall not be distrained -

(a) the necessary wearing apparel and bedding of the defaulter, his wife and children.

(b) the tools of artisans,

(c) books of account,

(d) when the defaulter is an agriculturist, his implements of husbandry, seed-grains and such cattle as may be necessary to enable him to earn his livelihood.

(3) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distained which, in the opinion of a person authorized by or under sub-section (2) of section 169 to sign a warrant, should not have been so distrained, they shall forthwith be returned.

(4) The officer shall on seizing the property, forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of schedule VI that the said property will be sold as shall be specified in such notice.

### Section 172. Sale of goods under warrant and application of proceeds

(1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be [recovered is likely to exceed its value, the [1][President] [2], or other officer by whom the warrant was signed, shall at once give notice warrant was signed, shall at once give notice to the person in whose possession the property was seized to the effect that it will be sold at one, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold at once under sub-section (1) the property seized or a sufficient portion thereof may, on the expiration of the time specified in the notice served by the officer executing the warrant, be sold by public auction under the orders of the Municipality, unless the warrant is suspended by the person who signed it or the sum due from the defaulter is paid together with all costs incidental to the notice, warrant and distress and detention of the property.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person from whose possession the property was taken ; but if the same be claimed by written application to the Municipality within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Municipality.

[1] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (see Appendix to this Act), during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, for the word "President", occurring section in 169, the word "Chairman" shall stand substituted.

### Section 173. Procedure in case of execution against property outside municipality

(1) If no sufficient movable property belonging to a defaulter, or being upon the premises in respect of which he is assessed, can be found within the municipality, the District Magistrate may, on the application of the Municipality, issue his warrant to an officer of his court -

(a) for the distress and sale of any movable property or effects belonging to the defaulter within any other part of the jurisdiction of the magistrate, or

(b) for the distress and sale of any movable property belonging to the defaulter within the jurisdiction or any other magistrate exercising jurisdiction within [1][Uttar Pradesh].

(2) In the case of action being taken under clause (b) of sub-section (1) the other Magistrate shall endorse the warrant so issued and cause it to be executed and any amount received to be remitted to the Magistrate issuing the warrant who shall remit the same to the Municipality.

[1] Subs. by A. O. 1950 for (the United Provinces.)

### Section 173-A. Recovery of taxes as arrears of land revenue

[1][(1) Where any sum is due on account of a tax, other than [2][any tax] payable upon immediate demand, from a person to a board, the Municipality may, without prejudice to any other mode of recover, apply to the Collector to recover such sum together with costs of the proceedings, as if it were an arrears of land revenue.

(2) The Collector on being satisfied that the sum is due shall proceed to recover it as an arrear of land revenue. ]

[1] Ins. by sec. 69 of U. P. Act no. 27 of 1964.
[2] Subs. by sec. 6 of U. P. Act no. 09 of 1991.

### Section 174. Fees and costs

Fees for -

(a) every notice issued under section 168,

(b) every distress made under section 171, and

(c) the costs of maintaining any live-stock seized under the said section, shall be chargeable at the rates respectively specified in such behalf in rules[1] made by the [2][State Government] and shall be included in the costs of recovery to be levied under section 169.

[1] For. Municipal Provident Fund, see nots. no. 1906/XI-6H, d. July 5, 1916, and on R-47/XI-34, d. Feb. 10, 1933, on pp. 449-450 of M. M., 1952 edition.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 175. Savings

[No distress or sale made under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, detect or want of harm in the bill, notice, warrant of distress, iventory or other proceeding relating thereto.]

### Section 176. Alternative power of bringing suit

Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of the demand, the Municipality may sue the person liable to pay the same in any court of competent jurisdiction.

### Section 177. Liability of immovable property for taxes

All sums due on account of a tax imposed on the annual value of building or lands or of both shall, subject to the prior payment of the land revenue (if any) due to [1](Government) thereupon, be a first charge upon such buildings or lands.

[1] Subs. by A. O. 1950 for (His Majesty).

## CHAPTER - VII POWERS AND PENALTIES IN RESPECT OR BUILDINGS, PUBLIC DRAINS, STREETS, EXTINCTION OF FIRES, SCAVENGING AND WATER SUPPLY

### Building Regulation

### Section 178. Notice of intention to erection building or make well

(1) Before beginning, within the limits of the municipality,-

(a) to erect a new building or new part of a building, or

(b) to re-erect or make a material alteration in a building, or

(c) to make or enlarge a well, a person shall give notice of his intention to the Municipality.

(2) The notice referred to in sub-section (1) as required in the case of a building shall only be necessary where the building about on, or is adjacent to, a public street or place, or property vested in [1][State Government] or in the Municipality, unless, by a bye-law applicable to the area in which the building is situated, the necessity of giving notice is extended to all buildings.

(3) An alteration in a building shall, for the purposes of this chapter and of any bye-law, be deemed to be material if -

(a) if affects or is likely to affect prejudicially the salability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene, or

(b) it increases or diminishes the height of, area covered by or cubical capacity of the building or reduces the cubical capacity of any room in the building below the minimum prescribed in any bye-law, or

(c) it converts into a place for human habitation a building or part of a building originally constructed for other purposes, or

(d) it is an alteration declared by a bye-law made in this behalf to be material alteration.

[1] Subs. by A. O. 1950 for (His Majesty).

## Section 179. Plans and specifications required to validate notice

(1) Where a bye-law has been made prescribing and requiring any information and plans in addition to a notice, no notice under section 178 shall be considered to be valid until the information, if any, required by such bye-law has been furnished to the satisfaction of the Municipality.

(2) In any other case, the Municipality may, within one week of the receipt of the notice required by section 178 require a person who has given such notice to furnish a plan and specification of any existing on proposed building, or part of a building, or well together with a site plan of the land, with such reasonable details as the Municipality may prescribe in its requisition and, in such case, the notice shall not be considered to be valid until such plans and specification have been furnished to the satisfaction of the Municipality.

## Section 180. Sanction of work by Municipality

(1) Subject to the provisions of any bye-law, the Municipality may either refuse to sanction any work of which notice has been given under section 178 or any sanction in it absolutely or subject to -

(a) any written directions that the Municipality deems fit to issue in respect of all or any of the matters mentioned in sub-head (h) of heading A of section 298, or

(b) a written direction requiring the setback of the building or part of a building to the regular line of the street prescribed under section 222, or no default of any regular line prescribed under that section, to the line of frontage of any neighboring building or buildings.

(2) In the case of a refusal to sanction under sub-section (1), the Municipality shall communicate in writing the reasons for such refusal to the person giving notice under section 178.

(3) Should the Municipality neglect or omit for one month after the receipt of a valid notice under section 178 to make and deliver to the person who has given such notice an order of the nature specified in sub-section (1) in respect thereof, such person may by a written communication call the attention of the Municipality to the omission or neglect, and, if such omission or neglect continues for a further period of fifteen days, the Municipality shall be deemed to have sanctioned the proposed work absolutely.

(4) Provided that nothing in sub-section (3) shall be construed to authorize any person to act in contravention of this Act or of any bye-law.

[(5) No person shall commence any work of which notice has been given under section 178 until sanction has been given or deemed to have been given under this section. ][1]

[2][(6) The Municipality may within six months, cancel or modify sanction granted by it under sub-section (1) if it is found that the sanction was secured through fraud or misrepresentation, and any work done thereunder shall be deemed to have been done without such sanction :

Provided that before cancelling or modifying any sanction the board shall give a reasonable opportunity to the party concerned of being heard. ]

[1] Add. by sec. 14 of U. P. Act no. II of 1919.

[2] Ins. by sec. 70 of U. P. Act no. 27 of 1964.

## Section 180-A. Restriction on the power of a Municipality to sanction construction of a place of entertainment in certain cases

[Notwithstanding anything contained in this Act, or any bye-law made thereunder, the construction of, or any addition to, any building, of public entertainment or any addition thereto, shall not except with the previous approval of the State Government, be sanctioned by a Municipality, if the site of, or proposed for such building is -

(a) within a radius of one furlong from -

(i) any residential institution attached to a recognized educational institution such as a college, a high school or girls school ; or

(ii) a public hospital with a large indoor patient ward ; or

(iii) an orphanage containing one hundred or more in mates ; or

(b) in any thickly populated residential area which is either exclusively residential or reserved or used generally for residential as distinguished from business purposes ; or

(c) in any area reserved for residential purposes by any housing or planning scheme or otherwise under any enactment ] [1] ;

[Provided that no permission to construct any building intended to be used for cinematograph exhibition shall be given unless the board is satisfied that section to the plans and specifications have been obtained in accordance with the rules framed under the Cinematograph Act, 1918.

Explanation - For the purposes of this section "place of public entertainment" means any building where music, singing or dancing is provided and to which the public are admitted on payment of money or otherwise and includes a race course, circus, theatre, cinema, music hall, carnival and bagatelle room ][2].

[1] Add. by sec. 35 of U. P. Act no. VII of 1953.
[2] Ins. by sec. 72 of U. P. Act no. VII of 1949.

## Section 181. Duration of sanction

(1) A sanction given or deemed to have been given by a board under [1][section 180] shall be available for one year or for such lesser period as may be prescribed by bye-law [2][unless it is extended by the Municipality for a further period up to one year].

(2) After the expiry of the said period the proposed work may not be commenced except in pursuance of a fresh sanction applied for and granted under the [3][same] sections.

[1] Ins. by sec. 72 of U. P. Act no. VII of 1949.
[2] Ins. by sec. 71 of U. P. Act no. 27 of 1964.
[3] Subs. by sec. 24 (i) and (ii) of U. P. Act no. I of 1951.

## Section 182. Inspection of works requiring sanction

The [1][President] [2], the Executive Officer and, if authorized in this behalf by resolution, any other member, officer or servant of the Municipality may at any time and without warning inspect any work in respect of which notice is required under section 178 -

(a) while under construction, or

(b) within one month of the receipt of a report that it has been completed or, in default of such report, at any time after completion.

[1] Subs. for (Chairman) by sec. 61 of U. P. Act no. VII of 1949.
[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (see Appendix to this Act), during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, for the word "President", occurring section in 169, the word "Chairman" shall stand substituted.

## Section 183. Compensation of damage sustained through order passed under section 180

Notwithstanding anything contained in section 125, a person giving notice under section 178 shall not be entitled to any compensation for damage or loss sustained by reason of an order passed by a Municipality under section 180, unless -

(a) the order is passed on some ground other than that the proposed work would contravene a bye-law or be prejudicial to the health or safety of the public or any person, or

(b) the order contains direction of the nature specified in clause (b) of sub-section (1) of section 180, or

(c) the order is an order or refusal to sanction the re-erection of a building on the ground that it is unsuitable in plan or design to the locality, or is intended for a purpose suitable to the locality, or contravenes a bye-law under sub-head (f)

of heading A of section 298.

### Section 184. Effect of sanction under section 180

(1) A sanction given or deemed to have been given under section 180 shall not, beyond exempting the person to whom the sanction is given or deemed to have been given from any penalty or consequence to which he would otherwise be liable under section 185, 186 or 222, confer or extinguish any right or disability, or operate as an estoppel or admission, or affect any title to property or have any other legal effect what so ever.

(2) In particular such sanction shall not operate to relieve any person from the obligation imposed by section 209 to obtain separate sanction for any structure referred to therein.

### Section 185. Illegal erection or alteration of a building

Whoever begins, continues or completes the erection or re-erection of, or any material alteration in, a building or part of a building or the construction or enlargement of a well, without giving then notice required by section 178, or in contravention [of the provisions of section 180, sub-section (5) or] [1] of an order of the Municipality refusing sanction of any written directions made by the Municipality under section 180 or any bye-laws, shall be liable upon conviction to a fine which may extend to [2][one thousand rupees but which in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court shall not be less than two hundred and fifty rupees.]

[1] Ins. by sec. 15 of U. P. Act no. II of 1949.
[2] Subs. by sec. 72 of U. P. Act no. 27 of 1964.

### Section 186. Power of board to stop erection and to demolish building erected

The Municipality may at any time by write notice direct the owner or occupier of any land to stop the erection, re-erection or alteration of a building or part of a building or the construction or enlargement of a well thereon in any case where the Municipality considers that such erection, re-erection, alteration, construction or enlargement is an offence under section 185 and may, in like manner, direct the alteration or demolition as it deems necessary of the building, part of a building, or the well, as the case may be.

## Extinction of fire

### Section 187. Establishment and maintenance of fire brigade

The Municipality may establish and maintain a fire-brigade and may provide any implements, machinery, or means of communicating intelligence which it thinks necessary for the prevention and extinction of fire.

### Section 188. Power of fire-brigade and other persons for suppression of fires

(1) On the occasion of a fire in a municipality, any magistrate any, member of the Municipality, the executive officer, the engineer or a secretary of the Municipality, or any member of the fire-brigade directing its operations and (if required so to do by a magistrate, a member of the Municipality, the executive officer, the engineer or a secretary of the Municipality) any police officer, above the rank of constable, may -

(a) remove or order the removal of any person who by his presence Interferes with or impedes the operations for extinguishing the fire or for saving life or property ;

(b) close any street or passage in or near which a fire is burning;

(c) for the purpose of extinguishing the fire, break into or through or pull down, or cause to be broken into or through or pulled down or used for the passage of houses or other appliances any premises ;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred ;

(e) call on the person in charge of a fire-engine to render such assistance as may be possible ; and

(f) generally take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for an act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred for a duty imposed by this section shall be deemed to be damaged by fire within the meaning of a policy of insurance against fire.

## Public drains

### Section 189. Construction of public drains

(1) The Municipality may construct, within or, subject to the provisions of sub-section (2) of section 120, outside the municipality, such drains as it thinks necessary for keeping the municipality property cleansed and drained and may carry such drains through, across or under any street or place, and after reasonable notice in writing to the owner or occupier into, through or under any buildings or land :

(2) Provided that no drain shall be constructed within the limits of a cantonment without the approval of the [1][State Government] and otherwise than with the concurrence of the General officer Commanding the division in which such cantonment is situate or, in the event of such concurrence, being withheld, the previous sanction of the [2][Central Government].

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[2] Subs. for (G. G in C.) by the A. O. 1937.

### Section 190. Alteration of public drains

(1) The Municipality may, from time to time, enlarge, lessen alter the course of, cover in or otherwise improve a public drain and may discontinue, close up or remove any such drain.

(2) The exercise of the power conferred by sub-section (1) shall be subject to the condition that the Municipality shall provide another and equally effective drain or in place of any existing drain of the use of which any person is deprived by the exercise of the said power.

### Section 191. Use of public drains by private owners

(1) The owner or occupier of a building or land within the municipality shall be entitled to cause his drains to empty into the drains of the Municipality, provided that he first obtains the written permission of the Municipality, and that he complies with such conditions consistent with any bye-law as the Municipality prescribes as to the mode in which, and the superintendence under which the communications are to be made between drains not vested in the Municipality and drains which are so vested.

(2) Whoever, without the written permission of the Municipality or in contravention of any bye-law or of any direction or condition made or imposed under sub-section (1), makes or causes to be made, or alters or causes to be altered, a connection of a drain belonging to himself or to some other person with a drain vested in the Municipality shall be livable upon conviction to a fine which may extended to fifty rupees, and the Municipality may by written notice require such person to close, demolish, alter, re-make or otherwise deal with such connection as it deems fit.

### Section 192. Power of Municipality to enforce drainage connection with public drains

(1) When a building or land situated within one hundred feet of a public drain is at any time not drained to the satisfaction of the Municipality by any or a sufficient drainage connection with such drain, the Municipality may, by notice require the owner or occupier of such building or land to make and maintain a drainage connection with the drain in such manner as the Municipality, subject to the provisions of any bye-law, directs.

(2) The provisions of sections 306 to 312 (inclusive) shall apply to default in compliance with any such requisition, notwithstanding hat part of the land through which the said drainage connection is required to pass may not belong to the person so making default, unless he shall prove that the default was caused by the act of the owner or occupier of such last mentioned land, and he has made application to the Municipality under section 193.

### Section 193. Power of private persons to carry a drain through the land of another person

(1) Any person desiring that an existing or proposed drain on his land shall be carried through or under the under the building or land, or connected with the drain, or another person owning a building or land abutting on, or a drain connected with a municipal drain may apply to the Municipality.

(2) The Municipality on receiving an application under sub-section (1) may call upon the other person to show cause, within a specified period, why the applicant's drain should not be carried through or under his building or land or connected with his drain.

(3) The Municipality shall hear any objection made by such person if submitted within the specified period, and thereafter, if it considers that the drain or drainage connection should be made, shall record an order to this effect.

(4) The order shall set out in writing -

(a) the period within which the parties shall come to an agreement as to the construction of the drain or drainage connection ;

(b) the period within which the drain or drainage connection shall be made ;

(c) the respective responsibilities of the parties concerned for the maintenance, repair, and cleansing of the drain or drainage connection when made, and

(d) the sum (if any) payable, whether in the form of rent of otherwise, by the person making the application to the owner of the land, building or drain, as the case may be.

(5) If the sums awarded under clause (d) of sub-section (4) take the form of a lump payment, the Municipality may recover it in the manner provided by Chapter VI and pay any sum recovered to the person whom it is due. If a rent has been awarded, the person to whom it is due may recover it by suit in any civil court having jurisdiction.

(6) If the parties concerned fail to agree within the period specified in the order, or if the drain or drainage connection is not constructed within the period specified for its construction, the Municipality may itself construct it and may recover the cost from the applicant in the manner provided by Chapter VI.

### Section 194. Right of owner to divert drain on his land

The owner of any land into, through or under which a drain has carried under the provisions of the preceding section may, at any time, with the written permission of the Municipality and subject to such conditions as the Municipality may impose divert the drain at his own expense.

## Scavenging and cleansing

### Section 195. Definition of house-scavenging

House-scavenging means the removal of filth, rubbish, ordure, or other offensive matter from the dustbin, privy, cesspool or other receptacle for such matter in or pertaining to a house or a building.

### Section 196. Adoption and relinquishiment by Municipality of house-scavenging, etc

Subject to the provisions hereinafter contained with respect to the rights of customary sweepers and of agriculturists, the Municipality may -

(a) by public notice undertake the house-scavenging of any houses or buildings or the [1][collection, removal and disposal or excrementitious and polluted matter from privies, urinals and cesspools] in the municipality from a date not less than two months after issue of the notice ;

(b) after giving by public notice or otherwise not less than two month's notice to the parties concerned, relinquish an undertaking under clause (a) ;

(c) on the application or with the consent of the occupier, at any time undertake the house-scavenging of a house or building or the [2][collection, removal and disposal of excrementitious and polluted matter from privies, urinals and cesspools] in any building or on any land or the removal of other offensive matter or rubbish from a building or land, on terms to be fixed by bye-law in this behalf ; and

(d) after giving not less than two months' notice to the occupier, relinquish an undertaking under clause (c).

[1] Subs. by sec. 73(1) of U. P. Act no. 27 of 1964.

[2] Subs. by sec. 73(2) of U. P. Act no. 27 of 1964.

### Section 197.

(1) The occupier of a house or building affected by a notice issued under clause (a) of section 196 may, at any time after the issue thereof, apply to the Municipality to exclude that house or building from the notice.

(2) The Municipality shall consider and pass orders upon such application within six weeks of the receipt thereof, and may by such order exclude such house or building from the notice.

(3) In deciding whether to exclude a house or building from the notice, the Municipality shall consider, among other matter, the efficiency of the arrangements for house-scavenging made by the occupier.

### Section 198. Continuance of house-scavenging once adopted by Municipality

When the Municipality has undertaken the house-scavenging of a house or building under section 196, it may continue to perform such house-scavenging, with or without the consent of the occupier for the time being of such house or building.

### Section 199. Powers of municipal servants for house-scavenging

The servants of the Municipality employed in house scavenging may, at all reasonable times, do all things necessary for the proper performance of any house-scavenging undertaken by the Municipality.

### Section 200. Savings in favour of customary sweepers and of agriculture-ists

Notwithstanding anything in section 196, the Municipality shall, not, except in accordance with the provisions of sections 201 and 202-

(a) undertake the house-scavenging of a house or building in respect whereof a sweeper has a customary right to do such house-scavenging without the consent of the sweeper, or

(b) undertake the house-scavenging of a house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith without the consent of the occupier.

### Section 201. Punishment of customary sweepers for negligence

(1) should a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fail to perform such house-scavenging in a proper way, the occupier of the house or building or the Municipality may complain to a magistrate.

(2) The magistrate receiving such complaint shall hold an enquiry, and should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and upon a second or any later conviction in regard to the same house or building, may also direct the right of the customary sweeper to do the house scavenging of the house or building to be forgieted ; and thereupon such right shall be forfeited :

[1][Provided that the Magistrate may at any stage during the pendency of the case under this sub-section authorize the Municipality to undertake, the house-scavenging of such house or building till final orders in the case are passed by him. ]

[1] Ins. by sec. 74 Prov. of U. P. Act 27 of 1964.

### Section 202. Procedure in case of default by agriculturist

(1) Should an agriculturist who himself cultivates land with in municipal limits or in a village conterminous therewith fail to provide for the proper house-scavenging of a house or building occupied by him, the Municipality may complain to a magistrate.

(2) The magistrate receiving the complaint shall hold an enquiry, and should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the Municipality to undertake the same, and there upon the Municipality shall be entitled to undertake such house-scavenging.

## Street Regulations

### Section 203. Provision of laying out and making a street before the construction of a building on a site which does not abut a public or private street

[1][Except where a site abuts a public or private street, if any person owning or possessing any land not hitherto used for building purposes intends to utilize, sell, lease or otherwise transfer such land or any portion thereof as site for the construction of a building, he shall, before utilizing, selling, letting or otherwise transferring such site, lay out and make a street which shall connect such site with an existing public or private street. ]

[1] Subs. by sec. 73 of U. P. Act VII of 1949.

### Section 204. Permission to layout and make a street

[1][(1) Every person before beginning to lay out or make a new private street shall submit an application in writing to the Municipality seeking permission to lay out or make such street and shall, along with such application, submit plans showing the following particulars ;

(a) the proposed level, direction and width of the street.

(b) the street alignment and the building line and shall also state in the application the arrangements to be made for the leveling, paving metalling, flagging, channeling, swearing, raining, conserving and lighting of the street.

(2) The provisions of his Act and of any rules or bye-laws made thereunder as to the level and width of a public street and the height of a building abutting thereon shall apply to the case of a street referred to in sub-section (1) ; and all other particulars referred to in that sub-section shall be subject to the approval of the Municipality.

(3) Within sixty days after the receipt of an application under sub-section (1) the Municipality shall either sanction the laying out or the making of the street on such conditions as it may think fit to impose or disallow it, or ask for further information with respect to it within a specified reasonable period.

(4) Such sanction may be refused -

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Municipality, likely to be made for carrying out any general scheme of street improvement, or

(ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at least at one end with a public of a private street which is already connected with a public street.

(5) No person shall lay out or make any new private street or road without, or otherwise than in conformity with, the orders of the Municipality. If further information is asked for under sub-section (3), the laying out or making of the street shall not be commenced until orders have been passed on the application after receipt of such information.

Provided that the passing of such orders shall not in any case be delayed by more than thirty days after the Municipality has received all the information which it considers necessary for the final disposal of the application. ]

[1] Subs. by sec. 74 of ibid.

### Section 205. Sanction of the Municipality to be presumed for laying out the street in certain cases

[1][Should the Municipality neglect or omit for sixty days after the receipt of an application under sub-section (1) of section 204 or if an order has been issued under sub-section (3) asking for further information fail within a period specified in such order to deliver to the person who has submitted the application, particulars of the information required by the Municipality, such person may, by a written communication call the attention of the Municipality to the omission, neglect or failure, and if such omission, neglect or failure continues for a further period of thirty days, the Municipality shall be deemed to have sanctioned the laying out and making of the proposed street absolutely :

Provided that nothing contained herein shall be construed to authorize any person to act in contravention of any provisions of the Act or any by-laws. ]

[1] Subs. by sec. 75 of U. P. Act VII of 1949.

### Section 206. Duration of sanction

(1) A sanction given or deemed to have been given by a Municipality under [1][sections 204-205] shall be available for one year.

(2) After the expiry of the said period, the proposed street may not be commenced except in pursuance of a further sanction applied for and granted under the foregoing sections.

[1] Subs. for (section 205) by sec. 76 of U.P. Act no. 7 of 1949.

### Section 207. Illegal making of a street

Whoever begins continues or completes the laying out or making of a street without giving the notice required by section [1][204] or in contravention of any written directions made by the Municipality under section 205 or any by-law or any provision of this Act shall be liable upon conviction to a fine which may extend to five hundred rupees.

[1] Subs. for (203) by sec. 77 of ibid.

### Section 208. Power of Municipality to alter unsanctioned street and demolish the same

[1][ (1) If any person lays out or makes any street referred to in section 204, without or otherwise than in conformity with the orders of the Municipality, the Municipality may, notwithstanding any prosecution which may have been started against the offender under this Act, by notice in writing -

(a) require the offender to show sufficient cause by a written statement signed by him and sent to the Municipality on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Municipality, or if such alteration be impracticable, why such street should not be demolished, or

(b) require the offender to appear before the Municipality either personally or by a duly authorized agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Municipality, the Municipality may pass such order directing the alteration or demolition of the street as it thinks fit. ]

[1] Subs. by sec. 78 of U. P. Act VII of 1949.

### Section 209. Sanction of Municipality to projections over streets and drains

(1) Subject to any rules made by the [1][State Government] prescribing the conditions for the sanction by a Municipality of projections over streets or drains, a Municipality may give written permission, where provision is made by a by-law for the giving of such permission -

(a) to the owners or occupiers of buildings in or on streets to erect or re-erect open verandahs, balconies, or rooms,

to project over the street from any upper story thereof, at such height from the surface of the street, and to such an extent beyond the line of the plinth or basement wall as are prescribed in such by laws ; and

(b) to the owner or occupier of any building or land to erect or re-erect any projection or structure so as to overhang, project into, or encroach on or over a drain in a street to such an extent, and in accordance with such conditions as are in like manner prescribed.

(2) In giving permission under clause (a) of sub-section (1), a Municipality may prescribe the extent to which, and the conditions under which, any roofs, eaves, weather-Municipalities, shop-Municipalities and the like may be allowed project over such streets.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 210. Penalty for construction of projections over streets or drains without permission

Any person erecting or re-erecting any such projection or structure as is referred to in section 109 without the permission thereby required or in contravention of any permission given the under shall be liable on conviction to a fine which may extend to [1][one thousand rupees and in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court shall not be less than two hundred and fifty rupees.]

[1] Subs. by sec. 75 of U. P. Act 27 of 1964.

### Section 211. Power to remove encroachments and projections over streets and drains

The Municipality may, by notice require the owner or occupier of a building to remove or to alter a projection or structure overhanging, projecting into or encroaching on a street, or into, on or over any drain, sewer or aqueduct therein ;

Provided that in the case of any such projection or structure lawfully in existence on or before the 10th day of March, 1900, the Municipality shall make compensation for any damage caused by the removal or alteration, which shall not exceed ten times the cost of erection and demolition.

### Section 212. Powers to require leveling, paving, etc, of a street

[1][(1) If any private street or part thereof is not leveled, paved, metaled, flagged, channeled, severed, drained, conserved, or lighted to the satisfaction of the Municipality, the Municipality may by notice require the owners or occupiers of [2][or lands] fronting, or abutting such street or part thereof to carry out any work which in its opinion may be necessary, and within such time as may be specified in such notice.

(2) if such work is not carried out within the time specified in the notice, the Municipality may, if it thinks fit, execute it and the expenses incurred shall be recovered from the owners or occupiers in default under Chapter VI according to the frontage of their respective premises and in such proportion as may be settled by the Municipality.

(3) If any, street has been leveled, paved, metaled, flagged, channeled, severed, drained, conserved and lighted under the provisions of the preceding sub-sections, such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street. ]

[1] Subs. by sec. 79 of U. P. Act VII of 1949.
[2] Subs. by sec. 76 of U. P. Act 27 of 1964.

### Section 212-A. Power of the [Municipality] to control and regulate the construction of any building or street and drains beyond [Municipal area]

[1][Notwithstanding anything contained elsewhere in this Act, a Municipality may, subject to such conditions and limitations as may be prescribed, control and regulate under this Chapter the construction of any building, street or drain, beyond the limits of the municipality up to a distance of five miles. ]

[1] Subs. by sec. 77 of U. P. Act no. 27 of 1964.

### Section 213. Power to require the protection of streets during erection of buildings, etc

(1) No person shall cut down any tree or cut off a branch of any tree, or erect or re-erect or demolish any building or part of a building or alter or repair the outside of any building where such action is of a nature as to cause obstruction, danger or annoyance, or risk of obstruction, danger or annoyance to any person using a street, without the previous permission in writing of the Municipality.

(2) The Municipality may at any time by notice require that any person doing or proposing to do any of the acts referred to in sub-section (1), shall refrain from beginning or continuing the act unless he puts up, maintains and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice, and may further at any time by notice require the removal, within a time to be specified in the notice, of any screen or hoarding erected in anticipation or in pursuance of any of the said acts.

(3) Whoever contravenes the provisions of sub-section (1) shall be liable on conviction to a fine which may extend [1][five hundred rupees] and to a further fine which may extend to [1][ten rupees] for every day on which contravention continues after the date of the first conviction.

[1] Subs. by sec. 78 of U. P. Act 27 of 1964.

### Section 214. Power to require trimming of hedges and trees

The Municipality may, by notice require the owner or occupier of any land to cut or trim the hedges growing there on and bordering on a street, or any branches of trees growing thereon with overhang a street and obstruct the same or cause danger.

### Section 215. Power to remove accidental obstructions

When a private house, wall or other erection or anything fixed thereto or a tree shall fall down and obstruct a public drain or encumber a street, the Municipality may remove such obstruction or encumbrance at the expense of the owner of the same and may recover such expense in the manner provided by Chapter VI, or may by notice, require the owner to remove the same within a time to be specified in the notice.

### Section 216. Regulation of troughs and drain water pipes affecting a street

The Municipality may, by notice, require the owner or occupier of any building or land abutting on a street to put up and keep in good condition proper troughs and pipes for receiving and carrying off the water from the building or land and for discharging the same in such manner as the Municipality may think fit, as so not to inconvenience persons passing along the street.

### Section 217. Naming of streets and numbering of buildings

(1) The Municipality may -

(a) [1][With the prior approval of the Prescribed Authority" cause a name for a new name to be given to a street, and

(b) cause the name or the new name to be affixed to or marked on any building in such position as it thinks fit, or

(c) require by a written notice the owner or occupier of any building to affix thereto a number plate or new number plate of a pattern approved by the Municipality or itself cause a number or a new number to be affixed to or marked any building.

(2) Any person destroying, pulling down, defacing or altering any name or number or number plate affixed to or marked on a building under sub-section (1) or affixing to or marking on a building a different name or number from that affixed or marked by or under the order of the Municipality shall bailable on conviction to a fine which may extend to [2]"two hundred and fifty".

[1] Ins. by sec. 79 (1) of U. P. Act 27 of 1964.

[2] Subs. by sec. 79 (2) of U. P. Act 27 of 1964.

### Section 218. Power to attach brackets to buildings, etc

(1) The Municipality may erect upon any premises or attach to the outside of any building, or to any tree -

(a) posts, brackets or other supports for oil, gas, electric or other lamps,

(b) posts, brackets or other supports for telegraph wires, telephone wires or wires conducting electricity for locomotive purposes, or

(c) shafts or pipes deemed necessary for the proper ventilation of drains and water-works ;

(2) Provided that the erection or attachment of such supports, shafts and pipes shall not be effected in the manner to occasion injury or inconvenience and shall be subject, so far as may be, to any provisions of the Indian Telegraph Act, 1885, applying to the attachment, removal or alteration of a telegraph line or posts.

## Public streets

### Section 219. Power to construct, improve and provide sites on public streets

A Municipality may -

(a) lay out and make a new public street and construct tunnels and other works subsidiary to the same, and

(b) widen, lengthen, extend enlarge or otherwise improve any existing public street if vested in the Municipality, and

(c) turn, divert, discontinue or close any public street so vested, and

(d) provide within its discretion building sites of such dimensions as it thinks fit to abut on or adjoin any public street made, widened, lengthened, extended, enlarged or improved by the Municipality under clause (a), (b) and (c) or by

the [1][State Government], and

(e) subject to the provisions of any rule [2] prescribing the conditions on which property may be acquired by the Municipality, acquire any land along with the buildings thereon which it considers necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred by the preceding clauses, and

(f) subject to the provisions of any rule[2] prescribing the condition on which property vested in the Municipality may be transferred, lease, sell or otherwise dispose of any property acquired by the Municipality under clause (e) or any land used by the Municipality for a public street and no longer required therefor and in doing so impose any condition as to the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed, and as to any other matter that it deems fit.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[2] For. rules, see nots. no. 1906/XI-6H, d. July 5, 1916, and on 2025/XI-274, d. June. 8, 1935, on pp. 351-352 of M. M.

## Section 220. Use of public streets by vendors and other persons

Notwithstanding any right or privilege (previously) acquired, accrued, or enjoyed, in a municipality for which bye-laws under sub-head (b) of heading E of section 298 have been made and are in force, no itinerant vendor, or any other person, shall be entitled to use or occupy any public street or place for the sale of articles or for the exercise of any calling or for the setting up a of any booth or stall without the permission of the Municipality given in accordance with such by-laws.

## Section 221. Adoptation of a street as a public street

[1][(1) A Municipality may at any time, and shall, when required by a requisition under sub-section (3) of section 212, by public notice posted up in a street that is not a public street, or in a part of such street, give intimation of its intention to declare the same a public street. Within two months next after such notice has been so posted up the owner or owners of such street or such part of a street, or of a greater portion thereof, may lodge objections at the municipal office against the notice. The Municipality shall consider the objections lodged, and, it rejects them, may, by further public notice posted up in such street or such part declare the same to be a public street. ]

(2) Any public notice required under sub-section (1) shall, in addition to being posted up in the street, be published in a local paper (if any) or in such other manner as the Municipality thinks fit.

[1] Subs. by sec. 81 of U. P. Act VII of 1949.

## Section 222. Power to regulate line of buildings on public streets

(1) Whenever the Municipality considers it expedient to define the general line of buildings on each or either side of any existing or proposed public street, it shall give public notice of its intention to do so.

(2) Every such notice shall specify a period within which objections will be received.

(3) The Municipality shall consider all objections received within the specified period and may then pass a resolution defining the said line, and the line so defined shall be called "the regular line of the street."

(4) Thereafter it shall not be lawful for any person to erect, re-erect or alter a building or part of a building so as to project beyond the regular line of the street, unless he is authorized to do so by a sanction granted under section 180 or by a permission in writing and the Municipality is hereby empowered to grant such permission) under this section.

(5) Any owner of land who is prevented by the provisions of this section from erecting, re-erecting or altering any building on any land may require the Municipality to make compensation for any damage which he may sustain by reasons of such prevention, and upon the payment of compensation in respect of any land situated within the regular line of the street such land shall vest in the Municipality.

(6) The Municipality may, by notice require the alteration or demolition of any building or part of a building erected, re-erected or altered in contravention of sub-section (4).

## Section 223. Duties of Municipality when constructing public streets, etc

(1) The Municipality shall, during the construction or repair of a public street or of any water-works, drains or premises vested in it, or whenever any public street, water-works, drain or premises vested in it have, for want of repair, or otherwise, become unsafe for use by the public, take all necessary precautions against accident by -

(a) shoring up and protecting adjacent buildings, and

(b) fixing bars, chains or posts across or in any street for the purpose of preventing or diverting traffic during such construction or repair, and

(c) guarding and providing with sufficient lighting from sunset to sunrise any work in progress.

(2) Whoever, without the authority or consent of the Municipality, in any way interferes with any arrangement or construction made by the Municipality under sub-section (1) or guarding against accident shall be liable on conviction to a fine which may extend to fifty rupees.

## Water-supply

### Section 224. Power of Municipality to construct and alter water-works

The Municipality may -

(a) construct water-works within or, subject to the provisions of sub-section (2) of section 120, outside the municipality, and may carry such works through, across, over or under any street or place, and after reasonable notice in writing to the owner or occupier, into, through, over or under any buildings or land, [1][* * * *]

(b) from time to time enlarge, lessen, alter the course of, cover in or otherwise improve any water-works and discontinue, close up or remove the same,

[ [2](c) with the previous sanction of the [3][State Government], grant to any person or company a licence to supply water within municipal limits and for this purpose to lay down mains and pipes, construct water-works and do all other necessary acts or things, and

(d) with the same sanction, transfer all or any part of its existing water-works to the management of such licences ;

Provided that such sanction shall not be given unless the [3][State Government] is satisfied that it will be in the best interests of the public concerned. ]

[1] The words "and" del. by sec. 3 of U. P. Act VI of 1933.
[2] Add. by sec. 3 of U.P. Act No. VI of 1933.
[3] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 224-A. Powers and liabilities of licences

[1][(1) When a licence is granted under clause (c) of section 224, the rate at which, the manner in which, and the person by whom, payments shall be made to the licensee for water supplied by him and the terms and conditions on which the licensee may grant water connections to the consumers shall be steeled between the Municipality and the license and entered in the licence, and the Municipality may delegate to the licensee any of the powers conferred on it by this Act or rules relating to water-works and water-supply ;

Provided that the power of assessment of water-tax and of its recovery otherwise than by a civil suit shall not be delegated to the licensee.



(2) Such licensee with the previous sanction of the Municipality may exercise the powers conferred on the Municipality by sections 225 and 227 of this Act. ]

[1] Sec. 224-A add. by sec. 4 of U. P. Act VI of 1933.

### Section 224-B. Revocation of existing licences

[1][Every licence granted under clause (c) of section 224 shall if not already revoked, stand revoked with effect from June 13, 1975. ]

[1] Subs. by sec. 2 of U. P. Act 45 of 1975.

### Section 224-C. Provisions where licence as a licensee is revoked

[1][(1) Where the licence of a licensee is revoked under section 224-B as it stood immediately before the commencement of the U. P. Municipalities (Amendment) Act, 1975, or where such licence stands revoked by virtue of the new section 224-B as substituted by the said Act, all the property pertaining to the waterworks (namely, all existing water supply services, including all plants, machinery, water-works, pumping sets, filter beds, water mains and pipes laid down along, over or under any public street, and all buildings and other works, materials, stores and things appurtenant thereto) belonging to or vested in the licensee immediately before the date of revocation of the license (hereinafter in this section referred to as the said date) shall as from the said date vest in and stand transferred to the Municipality free from any debt, mortgage or similar obligation of the licensee attached to such property :

Provided that any such debt. mortgage or similar obligation shall attach to the amount referred to in sub-section (2) in substitution for such property.

(2) Where any property belonging to the licensee vests in the Municipality under sub-section (1), not being waterworks of which only the management was transferred to him by the Municipality under clause (d) of section 224, the Municipality shall pay to such licensee an amount determined as hereinafter provided in this section :

Provided that the licensee shall, in addition to the said amount, be paid interest thereon on the Reserve Bank are ruling on the said date plus one percentum for the period from the said date to the date of payment of the said amount.

(3) The State Government shall appoint, by order in writing a person having adequate knowledge and experience in matters relating to accounts to be Special Officer to assess any amount payable under this section to the licensee after making the deductions mentioned in this section.

(4) (a) The Special Officer may call for the assistance of such officers and staff of the State Government in the Local Self-Government Engineering Department or of the licensee as he may deem fit for assessing the net amount payable.

(b) The Special Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters :-

(i) enforcing the attendance of any person and examining him on oath ;

(ii) compelling the production of documents ; and

(iii) issuing commissions for the examination of witnesses.

The Special Officer shall also have such further powers as may be specified by the State Government by notification in the Gazette.

(5) The gross amount payable to such licensee shall be the aggregate value of the amounts specified below -

(i) the book value of all completed works in beneficial use pertaining to the waterworks and taken over by the Municipality (excluding works paid for by the consumers), less depreciation calculated in accordance with the Table appended to this section ;

(ii) the book value of works in progress taken over, excluding works paid for by the consumers or prospective consumers ;

(iii) the book value of all stores, including spare parts taken over, and in the case of used stores and spare parts, if taken over, such sum as may be decided upon by the Special Officer ;

(iv) the book value of all other fixed assets in use on the said date and taken over, less depreciation calculated in accordance with the said Table ;

(v) the book value of all plants and equipments existing on the said date, if taken over, but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in accordance with the said Table ;

Explanation- The book value of any fixed asset means its original cost, and shall comprise -

(i) the purchase price paid by the licensee for the asset, including the cost of delivery and all charges property incurred in erecting and bringing the asset into beneficial use, as shown in the books of the licensee ;

(ii) the cost of supervision actually incurred, but not exceeding fifteen per cent of the amount referred to in paragraph (i) :

Provided that before deciding the amount under this sub-section, the licensee shall be given an opportunity by the Special Officer of being heard, after giving him a notice of at least 15 days therefor.

(6) The Municipality shall be entitled to deduct the following sums from the gross amount payable under sub-section (5) to the licensee -

(a) all amounts and arrears of interest, if any, thereon, due from the licensee to the Municipality ;

(b) all amounts and arrears of interest, if any, thereon, due to the State Government or the State Electricity Board ;

(c) any amount of wages, bonus, gratuity, provident fund or other payments due to remaining unpaid on the said date to persons employed as workmen (within the meaning of the U. P. Industrial Disputes Act, 1947) in connection with the waterworks ;

(d) any amount which licensee may have failed to pay in respect of either his contribution or the employees contribution realized by him or any other dues recoverable from licensee under the Employees Provident Fund Act, 1952 or the Employees State Insurance Act, 1948 in respect of persons employed in connection with the water-works.

(7) The liability of the licensee towards the State Government or the State Electricity Board or towards his employees, as the case may be, to the extent of deductions made under sub-section (7) shall use stand discharged. Upon any such deduction being made the Municipal Board shall to that extent be liable to make payment to the State Government, the State Electricity Board or the workmen, as the case may be.

(8) Where the gross amount payable to the licensee is equal to or less than the amount to be deducted under this section no payment shall be made to the licensee by the Municipal Municipality.

(9) The amount, if any, payable by the Municipality to the licensee shall be as determined by the Special Officer under sub-sections (5), (6), (8) and nothing in section 324 shall be construed to apply in relation to the determination of the amount, payable by the Municipality under this section.

**Table of depreciation based on the period of life expectancy of various assets**

There shall be deducted for each year in respect of fixed assets employed in the licensee's undertaking such an amount as would, if set aside annually throughout the period specified in the following table and accumulated at compound interest at four per cent annum, produce at the end of the said period an amount equal to ninety per cent of the original cost of the asset after taking into account the sums already written off or set aside in the books of the licensee :-

| Column 1 | Column 2 |
|---|---|
| Description of asset | Number of years or period |
| A. Land owned under full title. | Infinite. |
| B. Land held under lease. | The period of the lease or the period remaining unexpired on the assignment of the lease. |
| C. Assets purchased now - | |
| (a) Building and Civil Engineering works of a permanent character not mentioned above :- | |
| (i) Offices | Fifty |
| (ii) Temporary erections, such as wooden structures | Five |
| (iii) Roads other than Kuchacha Roads | One hundred |
| (iv) Others | Fifty |
| (b) Self-propelled vehicles | Seven |
| (c) (i) Office future and fittings. | Twenty |
| (ii) Office equipment | Ten |

| Column 1 | Column 2 |
|---|---|
| D. Assets purchased second hand and assets not otherwise provided for in this table. | Such reasonable period as the Special Officer determines in each case having regard to the nature, age and condition of the asset at the time of its acquisition by it. ] |

[1] Subs. by sec. 3 of U. P. Act 45 of 1975.

## Section 225. Power to require private water-course, etc, to be changed or closed

(1) The Municipality may, by notice, require the owner of, or the person having control over, a private water-course, spring, tank, well or other place, the water of which is used for drinking, to keep and maintain the same in good repair and to clean the same, from time to time, of silt refuse or decaying vegetation and may also require him to protect the same from pollution in such manner as the Municipality may think fit.

(2) When the water of any such water-course, spring, tank, well or other place is proved to the satisfaction of the Municipality to be unfit for drinking the Municipality may, by notice, require the owner or person having control thereof to desist from s using such water or permitting others to so use it, and if, after such notice, such water is used by any person for drinking, the Municipality may, by notice, require the owner or person having control thereof to close such well, either temporarily or permanently, or to enclose or fence such water-course, spring, tank, well or other place in such manner as it may direct, so that the water thereof may not be so used.

## Section 226. Emergent powers on outbreak of epidemic

In the event of a municipality, or nay part thereof, being visited with an outbreak of cholera or other infectious disease notified in this behalf by the [1][State Government], the [President] [2] of the Municipality, or any person authorized by him in this behalf, may during the continuance of the epidemic, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be taken for the purpose of drinking, and may further, take such steps as he deems fit to prevent the removal of water therefrom[3].

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[2] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

[3] See. instructions in G. O. no. 7/XVI-127 d. Jan. 5, 1914, nots. no. 4825/XI-135, d. Dec. 2, 1916, no. 3681, ?XI-366, d. Dec. 17. 1928 and no. 815/XI-266, d. April 3, 1934, and pp. 422-427 of M. M. 1952 edition.

## Section 227. Removal of latrines, etc. near any source of water supply

The Municipality may, by notice, require an owner or occupier on whose land a drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse exists within fifty feet of a spring, well, tank, reservoir or other source from which

water is, or may be derived for public use, to remove or close the same within one week from the service of such notice.

### Section 228. Obligations of Municipality imposing water tax

(1) The Municipality of every municipality in which water tax is imposed shall be bound -

(a) throughout a prescribed area or prescribed areas -

(i) to maintain a system of water supply through pipes, and

(ii) to lay on water at a prescribed pressure and during prescribed hours, and

(iii) to supply, in all the chief streets in which mains have been laid, water to stand-pipes or pumps situated at such intervals as are prescribed[1], and

(b) [subject to the rules as may be framed to allow the owner or occupier of any building or land assessed to a prescribed minimum water-tax to connect for the purpose of obtaining water for domestic purposes, the building or land with a main by means of a communication pipe of the prescribed size and description, and

(c) to supply within every twenty-four hours, to every owner or occupier entitled to a house connection under clause (b) whose land or building is provided therewith, such amount of water as is prescribed[2] with reference to the water-tax payable by him and his estimated requirements for domestic purposes, into a storage cistern erected in or on the building or land, of a capacity not less than such amount and of a prescribed pattern and at an altitude not exceeding the maximum prescribed for the same.

(2) The word "prescribed" in sub-section (1) means prescribed by rule under section 235.

[1] See. model rules 6-8 on p. 511 in ibid.

[2] See. nots. no. 1906/XI-6H, d. July. 5, 1916 and rules 2 and 23 on pp. 388 and 391 of M. M. 1952 edition.

### Section 229. Supply of water by agreement

Every board may by agreement supply any owner or occupier of land with any water that he may require for any purpose for such remuneration, consistent with any rate or rates prescribed by rule, and on such terms and conditions consistent with this Act and with any rule, as are agreed on between the Municipality and such owner or occupier.

### Section 230. Charges for water supply

(1) When any building or land is connected with a main the Municipality may, so far as is consistent with any agreement made under section 229, charge the owner, lessor or occupier, whichever is prescribed by rule, for all water consumed at the rate or rates so prescribed ;

(2) Provided that the Municipality shall deduct from the charge on account of water supplied in any month one-twelfth of the water-tax assessed on the building or land.

### Section 231. Exemption of Municipality from liability owing to accident, etc

Notwithstanding any obligation imposed on a Municipality by section 228 or by any agreement made under section 229, a Municipality shall not be liable to any forfeiture, penalty or damages for failure to supply water, if the failure to supply arises from accident or from unusual drought or other unavoidable cause.

### Section 232. Subordination to supply for domestic purposes of supply or other purposes

Notwithstanding any obligation to supply water imposed by an agreement under section 229 the Municipality may at any time cease to supply water for other than domestic purposes, if it is of the opinion that such supply would interfere with the supply of water for domestic purposes, and in such case the Municipality shall not liable to any forfeiture, penalty or damages for so ceasing -

(a) unless the failure to supply such water arises from a cause other than one specified in section 231, and

(b) unless the Municipality has undertaken to supply water for other than domestic purposes by an agreement made under section 229 making express provisions for forfeiture penalty or damages upon failure to supply such water.

### Section 233. Subordination of rights of supply to restrictive rules

Notwithstanding anything contained in section 228, or in any agreement under section 229, the supply of water to any building or land shall be, and shall be deemed to have been granted, subject to the provisions of any rule made under section 235, and in particular to any provision as to the limit or stoppage of the supply and as to the prevention of waste and misuse.

## Section 234. Provisions as to meters and connection pipes

All meters, connection pipes and other works incidental to the supply of water to any building or land shall, except as otherwise provided by rule, be supplied, repaired, extended and altered, as may be necessary, at the expense of the person requiring the supply, but shall be under the control of the Municipality.

## Section 235. Water supply rules

(1) The following matters relating to the supply of water from municipal or public water-works shall be regulated and governed by rules[1], namely -

(a) any matter in respect of which this Act declares that provision shall be made by rule ;

(b) [2]the size and nature of the mains and pipes to be laid and the water-works to be constructed by a Municipality for the supply of water ;

(c) the construction, control and maintenance of municipal water-works and of pipes and fittings in connection therewith ;

(d) the size and nature of the stand-pipe or pumps to be erected by a Municipality ;

(e) the mains or pipes in which fire plugs are to be fixed and the places at which keys of the fire plugs are to be deposited ;

(f) the periodical analysis by a qualified analyst of the water-supply by a Municipality ;

(g) the conservation and prevention of injury or contamination to sources and means of water-supply and appliances for the distribution of water, whether within or without the [3][Municipal area] ;

(h) the manner in which connections with water-works may be constructed or maintained and the agency which shall or may be employed for such construction or maintenance ;

(i) the regulation of all matters and things connected with the supply and use of water and the turning on and turning off and preventing the waste of water ;

(j) the collection of water-tax and of charges relating to the supply of water and the prevention of evasion of the same ; and

(k) any other matter relating to the supply of water in respect of which this Act makes no provision or insufficient provision and further provision is, in the opinion of the [4][State Government] necessary.

(2) Provided that no rule shall be made under sub-section (1) affecting a cantonment or part of a cantonment without the previous sanction of the [5][Central Government].

[1] For rules see nots. no. 1906/XI-6H., d. July. 5, 1916, no. 4105/XI-74.H., d. Oct. 12, 1916, no. 1191/XI-383-E, d. June 17, 1918, no. 1898/XI-383-E., d. Nov. 25, 1920, no. 2551/XI-756 E., d. Sept. 12, 1923, no. 1450/XI-756-E, d. June. 26/27, 1924, no. 135/XI-756-E, d. han. 13. 1925, no. 1725, no. 1725/XI-756, E. d. July , 1925, no. 667/XI-756-E. d. March 10, 1926, no. 1848/XI-532. E., d. July 14, 1926, no. 72/XI-756-E. d. March 24, 1927, 3090/XI-766. E. d. Dec. 22, 1927, no. 827/XI-756-E. d. March 21, 1928, no. 3885/XI-756-E., d. Dec. 6, 1928, no. 2046/XI-756-E, d. July 10, 1931. No. 4648/XI-383-E., d., Dec. 16, 1932. no. 1359/XI-756-E, d. April 23, 1935, no. 2428/XI. 91-E,. 4 d. Oct. 3, 1936, no. 2322. XI-756-E, d. July 9, 1937, and pp. 388-403 of M. M. 1952 edition.

[2] Subs. by sec. 146 of U.P. Act no. 12 of 1994.

[3] Subs. by sec. 146 of U.P. Act no. 12 of 1994.

[4] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[5] Subs. for (G. G. in C.) by the A. O. 1937.

## Section 235-A. Rules relating to the supply of water by a person or company

[1][The following matters relating to the grant of a licence under clause (c) of section 24 of the Act shall be regulated and governed by rules to be made by the [2][State Government] subject to the conditions prescribed in section 300 ;

(1) the selection of a licensee,

(2) the form of application for a licence,

(3) the form of licence,

(4) the preparation and submission of returns and accounts by the licensee in a prescribed form,

(5) duties of a licensee,

(6) the securing of a regular and wholesome supply of water by the licensee to consumers,

(7) the appointment of an officer of a specified rank and class to ensure that the provisions of the Act and the rules relating to water-works are being properly carried out, and

(8) any other matter which is necessary for the proper working of the licence.

[1] Sec. 235-A add by sec. 5 of U. P. Act VI of 1933.

[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Power of removal of structures interfering with public works

### Section 236. Unauthorized construction or tree over drain or water-work

(1) Where, on or after the 10th day of March 1900. any street has been made or any building, wall or other structure has been erected or any tree has been planted without the permission in writing of the Municipality over a pubic drain or culvert or a water-work vested in the Municipality, the Municipality may -

(a) by notice require the person who has made the street, erected the structure or planted the tree, or the owner or occupier of the land on which the street has been made, structure erected or tree planted, to remove or deal in any other way the Municipality thinks fit with the street, structure or tree, or

(b) itself remove or deal in any other way it thinks fit with the street, structure or tree.

(2) any expense incurred by a Municipality by action taken under clause (b) of sub-section (1) shall be recoverable in the manner prescribed by Chapter VI from the person by whom the street was made, structure erected or tree planted.

## CHAPTER - VIII OTHER POWERS AND PENALTIES

### Markets, slaughter-houses, sale of food, etc

### Section 237.

[1][ X X X X X ]

[1] Omit. by sec. 3 of U. P. Act no. 26 of 2018.

### Section 238.

[1][ X X X X X ]

[1] Omit. by sec. 3 of U. P. Act no. 26 of 2018.

### Section 239. Power of District Magistrate in respect of animals not slaughtered for sale

Whenever it appears to the District Magistrate to be necessary for the preservation of the public peace or order, he may, subject to the control of the [1][Prescribed Authority] prohibit or regulate, by public notice the slaughter within the limits of a municipality of animal or animals of any specified description for purposes other than specified description for purposes other than sale and prescribe the mode and route in and by which such animals shall be brought to and meat shall be conveyed from the place of slaughter.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act no. VII of 1949.

### Section 240. Disposal of flesh imported in contravene-tion of a by-law regulating importation

Should the flesh of any cattle sheep, goat or swine be brought within municipal limits in contravention of a bye-law made under sub-head (e) of heading F of section 298, it may be seized by an officer of the Municipality authorized in that behalf, and may be destroyed or otherwise disposed of as the Municipality may, by general or special order, direct.

### Section 241. Licensing of markets and shops for sale of certain articles

(1) The right of any person to use any place, within the limits of a municipality, other than a municipal market, as a market or shop for the sale of animals, meat or fish intended for human food, or as a market for the sale of fruit or vegetables, shall be subject to by laws (if any) made under heading "F" of section 298 :

(2) Provided that, where any by-law is in force requiring a licence for the establishment or maintenance of a market or shop for the sale of any article mentioned in sub-section (i), the Municipality shall not-

(a) refuse a licence for the maintenance of a market or shop lawfully established at the date of such by law coming into force, if application be made within six months from such date, except on the ground that the place where the market or shop is established fails to comply with any conditions prescribed by, or under this Act, or

(b) cancel, suspend or refuse to renew any licence granted under such by-law for any cause other than the failure of the licensee to comply with the conditions of the licence or with any provision of or made under, this Act.

### Section 242. Improper feeding of animals kept for dairy purposes or used for food

Whoever feeds, or allows to be fed, an animal which is kept for dairy purposes, or may be used for food, on filthy or deleterious substances, shall be liable on conviction to a fine which may extend to fifty rupees.

### Section 243. Inspection of places for sale of food, drink and drugs

The [1][President] [2] the executive officer, [3][the medical officer of health] and, if authorized in this behalf by resolution, any other member, officer or servant of the Municipality may without notice, at any period of the day or night, enter into and inspect a market, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any article of food or drink or any animal or drug which may be therein.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, no. 1951, (U. P. Act no. XV of 1951) (see Appendix to this Act), during the period commencing from June 21, 1949, and until a new board is constituted by the first General Elections held under the U. P. Municipalities act, 1916, next after the commencement of the aforesaid Act XV of 1951 for the word "president", wherever it occurs in section 82, the word "Chairman" shall stand substituted.

[2] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

[3] Ins. by sec. 27 of the U. P. Act no. V of 1932.

### Section 244. Seizure of un-whole some article and removal of deleterious and spent drugs

(1) If, in the course of the inspection of a place under the preceding section, an article of food or drink or an animal appears to be intended for the consumption of man and to be intended for the consumption of man and to be unfit therefor, the Municipality may seize and remove the same, or may cause it to be destroyed, or to be so disposed of as to prevent its being exposed for sale or use for such consumption.

(2) If it is reasonably suspected that a drug has been improperly adulterated or by reason of age or the effect of climate has become inert or unwholesome, or has otherwise become deteriorated in such manner as to lessen its efficacy, or to change its operation, or to render it noxious, the Municipality may remove the same, giving a receipt therefore, and may produce it before a magistrate.

(3) If it appears to a magistrate before whom a drug has been produced under sub-section (2) that the drug has been improperly adulterated or has become inert, unwholesome or deteriorated as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit, and if any offence appears to have been committed, he may proceed to take cognizance thereof.

## Nuisances from certain trades and professions

### Section 245. Regulation of offensive trades

(1) If it is shown to the satisfaction of a Municipality that any building or place within the limits of the municipality which any person uses or intends to use as a factory or other place of business for the manufacture, storage, treatment or disposal of any article, by reason of such use, or by reason of such intended use, occasions or is likely to occasion a public nuisance, the Municipality may at its option require by notice the owner or occupier of the building or place -

(a) to desist or refrain, as the case may be, from using or allowing to be used, the building or place for such purpose, or

(b) only to use, or allow to be used, the building or place for such purpose under such conditions or after such structural alterations as the Municipality imposes or prescribed in the notice with the object of rendering use of the building or place for such purpose free from objection.

(2) Whoever, after receiving notice given under sub-section (1), uses or allows to be used any building or place in contravention of the notice shall be liable on conviction to a fine which may extend to two hundred rupees and to a further fine which may extend to forty rupees for every day on which he so uses or allows to be used the place or building after the date of the first conviction.

(3) The [1][State Government] may, by notification, make the provisions of this section, or of any by-law made under heading "G" of section 298, applicable to any area beyond the municipality lying within a distance of a mile from the municipal boundary[2].

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[2] This power has been delegated to Commissioner (now prescribed authority) see not. no. 1103/XI-504-E, d. June. 5, 1918 and pp. 476-478 of M. M., 1952 edition.

### Section 246. Loitering and soliciting for immoral purpose

Whoever, in a street or public place within the limits of the municipality, loiters for the purpose of prostitution or importunes a person to the commission of sexual immorality, shall be liable on conviction to a fine which may extend to fifty rupees :

Provided that no court shall take cognizance of an offence under this section except on the complaint on the person importuned, or on the complaint of a municipal officer or a police officer not below the rank of a sub-inspector

respectively authorized in this behalf in writing by the Municipality and the District Magistrate.

### Section 247. Brothels etc

(1) When a magistrate of the first class receives information -

(a) that a house in the vicinity of a place of workshop or an educational institution or a boarding house, hostel or mess used or occupied by students is used as a brothel or for the purpose or habitual prostitution or by disorderly persons of any description, or

(b) that any house is used as aforesaid to the annoyance of respectable inhabitants in the vicinity, or ;

(c) that a house in the immediate neighborhood of a cantonment is used as a brothel or for the purpose of habitual prostitution. he may summon the owner, tenant, manager or occupier of the house to appear before him either in person or by agent ; and if satisfied that the house is used as described in clause (a), clause (b), or clause (c), may, by a written order, direct such owner, tenant, manager or occupier within a period to be stated in such order, not less than five days from the date thereof, to discontinue such use :

Provided that action under this sub-section shall be taken only-

(i) with the sanction or by order of the District Magistrate, or

(ii) on the complaint of three or more persons residing in the immediate vicinity of the house to which the complaint refers, or

(iii) [* * * *][1] on the complaint of the Municipality.

(2) If a person against whom an order has been passed by a magistrate under sub-section (1) fails to comply with such order within the period stated therein, the magistrate may impose on him a fine which may extend to twenty-five rupees for every day after the expiration of that period during which the house is so used.

[1] The words (in the cases referred to in clauses (a) and (c) of this sub-section) omit. by sec. 83 of U. P. Act no. VII of 1949.

### Section 248. Begging, etc

[* * * *][1] Whoever, in a street or public place within the municipality, begs importunately for alms, or exposes or exhibits with the objects of exciting charity a deformity or disease or an offensive sore or wound, shall be liable on conviction [2][to imprisonment which may extend to one month or to a fine which may extend to fifty rupees or to both. ]

[* * * * *] [3]

[1] Numbers (1) given by sec. 2 (b) of U. P. Act no. VIII of 1942 made by the Governor in exercise of the power assumed by him under sec. 93 of G. of I. Act 1935, has been omit. by sec. 2 (1) of U. P. Act XIII of 1948.

[2] Subs. for "to a fine which may extend to twenty rupees" by sec. 2 (a) of U. P. Act no. VIII of 1942 made by the Governor in exercise of the power assumed by him under sec. 93 of G. of I. Act 1935, and re-enacted by sec. 2 (1) of U. P. Act no. XIII of 1948.

[3] Proviso add by sec. 2 (b) of U. P. Act VIII of 1942 made by the Governor in exercise of the power assumed by him under sec. 93 of G. of I. Act 1935, has been omit. by sec. 2 (1) of U. P. Act no. XIII of 1948.

## Public safety

### Section 249. Disposal of mad dogs, etc

The Municipality may authorize any person to destroy or to cause to be destroyed, or to confine or to cause to be confined, for such period as the Municipality may direct, any dog or other animal suffering, or reasonably suspected to be suffering, from rabies, or bitten by a dog or other animal suffering or suspected as aforesaid.

### Section 250. Muzzling order

(1) Where in any municipality the prevalence of rabies in the opinion of the Municipality renders it necessary, the Municipality may by public notice require the muzzling, for such period as it thinks fit or until such notice is cancelled, of all dogs within the municipality, or within any part of the municipality.

(2) During such period of time the Municipality may exercise the power conferred by section 249, in respect of any dog which is found at large without a muzzle after a date to be specified in the notice.

### Section 251. Bar to compensation for dogs lawfully destroyed

No damages shall be payable in respect of a dog or other animals destroyed or otherwise disposed of under the provisions of section 249 or 250 or of any by-law made under sub-head (h) or (l) of heading H of section 298.

### Section 252. Neglect of the rule of the road

Whoever, in driving, leading or propelling a vehicle along a street, fails, except in the case of actual necessity -

(a) to keep to the left, and

(b) When he is passing a vehicle going in the same direction, to keep to the right of that vehicle, shall be liable on conviction to a fine which may extend to ten rupees.

Exception- This section shall not apply in the case of a municipality wholly or in part situated in a hilly tract.

### Section 253. Driving vehicles without proper lights

Whoever drives, leads or propels vehicle between nightfall and dawn in a street, unless the vehicle is properly supplied with lights, shall be liable on conviction to a fine which may extend to twenty rupees :

Provided that a Municipality may by a special resolution confirmed by the [1][Prescribed Authority] direct that this section shall not apply in the case of vehicles proceeding at not more than walking pace.

[1] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

### Section 254. Failure to remove elephant etc. to safe distance

Whoever, being in charge of an elephant, camel or bear, omits, on being requested to do so, to remove so far as may be practical his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden, driven or led, shall be liable on conviction to a fine which may extend to twenty rupees.

### Section 255. Prohibition of tethering of cattle, etc,. on street

(1) The owner or keeper of any cattle or other animals found tethered, or straying about without a keeper, in a street or public places shall be liable on conviction to a fine which may extend to [1][two hundred and fifty] rupees.

(2) An animal found tethered as aforesaid may be removed by a municipal officer or servant or by a police officer to a pound as if the animal had been found straying.

[1] Subs. by sec. 80 of U. P. Act no. 27 of 1964.

### Section 256. Halting vehicles or animals on public grounds

Where any land vested in the Municipality [or any public place] is, without the permission in writing of the Municipality, used as a halting place for any vehicle or animal or as a place of encampment, the owner or a keeper of the vehicle or animal or the person encamping, as the case may be, shall be liable on conviction to a fine which may extend to [1][one hundred] rupees, and in the case of a continuing breach, to a further fine which may extend to [1][ten rupees] for every day after the date of the first conviction during which the offender is proved to have persisted in the commission of the offence.

[1] Subs. by sec. 81 of U. P. Act no. 27 of 1964.

### Section 257. Power as to inflammable structures

(1) The Municipality may, by public notice, direct that within certain limits to be fixed by it, the roof and external walls or huts or other buildings shall not be made or renewed with grass, mats, leaves or other highly inflammable materials without the consent of the Municipality in writing.

(2) The Municipality may at any time by written notice require the owner of a building which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Municipality or before the issue of such public notice, if any :

Provided that in the case of any such roof or wall in existence before he issue of such public notice or made with the consent of the Municipality, the Municipality shall make compensation for any damage caused by the removal which shall not exceed the original cost of constructing the roof or wall.

(3) Whoever, without such consent as is required by sub-section (1) makes or renews, or causes to be made or renewed, or in disobedience to a notice given under sub-section (2) suffers to remain, a roof or wall of such material as aforesaid, shall be liable on conviction to a fine which may extend to twenty-five rupees and to a further fine which may extend to ten rupees for every day on which the offence is continued, after the date of the first conviction.

### Section 258. Power to search for inflammable materials in excess of authorized quantity

(1) The Municipality may, without notice and at any period of the day or night, enter into and inspect a house or building which is suspected to contain petroleum or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provision of section 245 or of any by-law.

(2) Should any such excess quantity of such material be discovered it may be seized and held subject to such order as a magistrate may pass with respect to it.

(3) If the magistrate decides that the material seized was stored in the house or building contrary to any direction made under section 245 or to the provisions of any by-law, he may pass an order confiscating the same.

(4) Subject to any provision of, or made under, this or any other enactment, the material so confiscated may be sold by order of the magistrate and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings, to which the person storing the material in excessive quantity may be liable.

### Section 259. Stacking, etc. of inflammable materials

The Municipality may, where it appears to be necessary for the prevention of danger to life or property, by public notice prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or from placing mats or thatched huts or fighting fires in a place or within limits specified in the notice.

### Section 260. Dangerous quarrying

(1) If in the opinion of the Municipality, the working of a quarry, or the removal of stone, earth or other material from the soil in any place is dangerous to persons residing in, or entitled to visit, the neighborhood thereof, or create, or is likely to create, a public nuisance, the Municipality may, by written notice, prohibit the owner of the said quarry or place, or the person responsible for such working or removal, from continuing or permitting the working of such quarry, or the removal of such materials, or may require him to take such order with such quarry or place as the Municipality shall direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), it appears to the Municipality to be necessary in order to prevent imminent danger, it may cause a proper hoarding or fence to be put up for the protection of passengers near a quarry or place, and any expense incurred by the Municipality in taking such action shall be paid by the owner or other persons as aforesaid, and shall be recoverable in the manner provided by Chapter VI.

### Section 261. Displacing pavements, etc

(1) Whoever displaces, takes up or makes an alteration in, or otherwise interferes with, the payment, gutter, flags, or other materials of a public street, or the fences, walls or posts thereof, or a municipal lamp, lamp-post, bracket, direction-post, stand-post, hydrant or other such or other lawful authority, and whoever extinguishes a municipal light shall be liable on conviction to a fine which may extend to one [1][thousand] rupees.

(2) Any expense incurred by the board by reason of the doing of any such thing as is mentioned in sub-section (1) may be recovered from the offender in the manner provided by Chapter VI.

[1] Subs. by sec. 82(1) of U. P. Act no. 27 of 1964.

### Section 262. Discharging firearms, etc

Whoever discharges firearms or lets off fireworks or fire balloons, or engages in a game, in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighborhood, or risk of injury to property, shall be liable on conviction to a fine which may extend to twenty rupees.

### Section 263. Power for the prevention of danger from ruinous buildings, unprotected wells, etc

(1) A board may require by notice the owner or occupier of any land or building -

(a) to demolish or to repair in such manner as it deems necessary any building, wall, bank or other structure, or anything affixed thereto, or to remove any tree, belonging to such owner or in the possession of such occupier, which appears to the board to be in a ruinous condition or dangerous to persons or property, or

(b) to repair, protect or enclose, in such manner as it deems necessary, any well, tank reservoir, pool or excavation belonging to such owner or in the possession of such occupier, which appears to the Municipality to be dangerous by reason of its situation, want of repair or other such circumstance.

(2) Where it appears to the Municipality that immediate action is necessary for the purpose of preventing imminent danger to any person or property, it shall be the duty of the Municipality itself, to take such immediate action; and in such case, notwithstanding the provisions of section 287, it shall not be necessary for the Municipality to give notice, if it appears to the Municipality that the object of taking such immediate action would be defected by the delay incurred in giving notice.

### Section 264. Power to prevent unoccupied buildings or land becoming a nuisance

The Municipality may, by notice, require the owner of a building or land which, by reason of abandonment or disputed ownership or other cause, is unoccupied and has become a resort of idle and disorderly persons or otherwise occasions, or is likely to occasion, a public nuisance, to secure and enclose the same within a reasonable time fixed in the notice.

### Section 265. Obstruction of street

(1) Whoever without the written permission of the Municipality -

(a) causes or allows any vehicle, with or without an animal harnessed thereto, to remain or stand so as to cause obstruction in any street longer than may be necessary for loading or unloading or for taking up or setting down passengers, or

(b) leaves or fastens any vehicle or animal so as to cause obstruction in any street, or

(c) exposes any article for sale, whether upon a stall or booth or in any other manner, so as to cause obstruction in any street, or

(d) deposits, or suffers to be deposited, any building materials, box, bale, package or merchandise in any street, or

(e) erects or acts up any fence, rail, post, stall or any scaffolding or any other such fixtures in any street, or

(f) in any manner willfully obstructs or causes obstruction to the free passage of any street, shall be liable upon conviction to fine which may extend to [1][five hundred rupees and in the case of continuing breach to a further fine which may extend to ten rupees or every day after the day of first conviction during which the offender is proved to have persisted in the commission of the offence.]

(2) The Municipality shall have power to remove any obstruction referred to in sub-section (1), and the expense of such removal shall be recoverable from the offender in the manner provided by Chapter VI.

(3) The power exercisable by a Municipality under sub-section (2) to remove obstructions from streets shall also be exercisable for the removal by the Municipality of obstructions from any private property.

(4) Nothing contained in this section shall apply to any obstruction of a street permitted by the Municipality under any section of this Act or any rule or by-law made or licence granted thereunder.

[1] Subs. by sec. 83 (1) of U. P. Act no. 27 of 1964.

### Section 266. Digging up of public land

Whoever, without the written permission of the Municipality, digs up or removes earth, sand or other material from any open space, whether vested in the Municipality or not which is not private property, shall be liable upon conviction to a fine not exceeding [1][five hundred] rupees, and if the offence is a continuing offence, to a further fine not exceeding ten rupees for every day during which the offence continues after the date of the conviction for such offence.

[1] Subs. by sec. 84 of U. P. Act no. 27 of 1964.

## Sanitation and Prevention of disease

### Section 267. Private drains, cesspools, dustbins, latrine, etc

(1) A Municipality may require by notice the owner of occupier of any land or building -

(a) to close, remove, alter, repair, cleanse, disinfect, or put in good order any latrine urinal water-closet, drain, cesspool, dustbin or other receptacle for filth, sullage-water, rubbish or refuse pertaining to such land or building or to remove or alter any door or trap-door of any such latrine, urinal or water-closet which opens on to a street or drain, or

(b) to provide such latrines, urinals, water-closets, drains, cesspools, dustbins or other receptacles for filth, sullage-water, rubbish or refuse as should in its opinion be provided for the building or land whether in addition or not to any existing ones, or

(c) to cause any latrine, urinal or water-closet provided for the building or land to be shut off by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood.

(2) When requiring under sub-section (1) anything to be provided, altered or done, the Municipality may specify in the notice the description of the thing to be provided, the pattern so as to conform with which the thing is to be altered, and the manner in which the thing is to be done.

### Section 268. Latrines for factories, schools or places of public resort

The Municipality may require by notice any person employing more than twenty workmen or laborers or owning, managing or having control of a market, school or thereafter or other place of pubic resort to provide such latrines

and urinals as it may deem fit, and to cause the same to be kept in proper order and to be daily cleansed :

Provided that nothing in this section shall apply to a factory regulated by the [1][Indian Factories Act, 1911].

[1] See now the Factories Act, 1948 (Act no. XLIII of 1948).

### Section 269. Power to require removal of nuisance arising from tanks etc

(1) The Municipality may by notice require the owner or occupier of any land or building to cleanse, repair, cover, fill upon drain off a private well, tank, reservoir, pool, depression or excavation therein which may appear to the Municipality to be injurious to health or offensive to the neighborhood :

(2) Provided that the owner or occupier may require the Municipality to acquire at its expense, or otherwise provide, any land or rights in land necessary for the purpose of effecting drainage ordered under sub-section (1).

### Section 270. Inspection of drains, privies, etc

(1) Subject to the provisions of section 268, the Municipality may inspect a drain, privy, water-closet, latrine, urinal, cesspool or other receptacle for filth, and for that purpose may cause the ground to be opened where it thinks fit.

(2) The expense of such inspection and of causing the ground to be closed and made good as before shall be borne by the Municipality, unless the drain, privy, water-closet, latrine, urinal, cesspool or other receptacle for filth is found to be in bad order or condition, or was constructed in contravention of any provisions of, or made under this or any other enactment, in which case such expenses shall be paid by the owner or occupier and shall be recoverable in the manner provided by Chapter VI.

### Section 271. Cleansing of filthy buildings or land

Should any building or land be in a filthy or unwholesome state, the Municipality may, by notice, require the owner or occupier thereof to cleanse, or otherwise put in a proper state, the building or land, and thereafter to keep the same in a clean and proper state.

### Section 272. Failure to remove offensive matter

Whoever on any building or land -

(a) any dirt, dung, bones, ashes, night-soil or filth, or any noxious or offensive matter is kept for more than twenty-four hours, or otherwise than in some proper receptacle, or

(b) any receptacle for such things is suffered to be in a filthy or noxious state or is not subjected to any proper method of cleaning or purifying, the owner or occupier of the building or land shall be liable, on conviction, to a fine which may extend to fifty rupees, and, in the case of a continuing breach, to a further fine which may extend to five rupees for every day after the date of the first conviction during which the offender has been proved to have persisted in the commission of the offence.

### Section 273. Regulation of the disposal of rubbish, night-soil, etc

(1) The Municipality may -

(a) provide receptacles and places for the deposit of offensive matter and rubbish ;

(b) appoint places for the disposal of night-soil, carcasses and other offensive matter and rubbish ; and

(c) by public notice issue directions as to the time, manner and conditions at, in and subject to which any offensive matter or rubbish referred to in clauses (a) and (b) removed along a street, deposited or otherwise disposed of.

(2) It shall be sufficient notice of the appointment of a place under clause (b) of sub-section (1) that a notice board indicating such appointment is displayed on or near the place appointed.

(3) Before appointing a place outside the municipal limits under clause (b) of sub-section (1) the Municipality shall obtain the previous sanction of the District Magistrate.

### Section 274. Penalty for improper disposal of rubbish, night-soil, etc

The occupier of any building or land from which any offensive matter, rubbish, night-soil or carcass is thrown or deposited on any part of a public place or street, or into any public sewer or drain, or into any drain communicating with a public sewer or drain, otherwise than in a place appointed under clause (b) or in a receptacle provided under clause (a) of sub-section (1) of section 273, and any person contravening any direction of a Municipality issued under clause (c) of the said sub-section shall be liable, upon conviction, to a fine not exceeding twenty rupees.

### Section 275. Disposal of dead bodies of animals

(1) Whenever an animal in the charge of a person dies, otherwise than by being slaughtered either for sale or consumption or for some religious purpose, the person in charge thereof shall, within twenty-four hours, either -

(a) convey the carcass to a place (if any) fixed by the Municipality under section 273 for the disposal of the dead bodies of animals or to a place beyond municipal limits not being within one mile of those limits, or

(b) give notice of the death to the Municipality, whereupon the Municipality shall cause the carcass to be disposed of.

(2) Every person bound to act in accordance with sub-section (1) shall, if he fails so to act, be liable upon conviction to a fine which may extend to ten rupees.

(3) For the disposal of the dead body of an animal under clause (b) of sub-section (1) the Municipality may charge such fee as the Municipality has prescribed, and may recover the same, if not paid in advance, from the owner or keeper of the animal in the manner provided by Chapter VI.

### Section 276. Penalty for discharging sewage on public street, etc

Whenever the water of a sink, sewer or cesspool or any other offensive mater is allowed to flow, drain or be put upon a public street or place, or into a sewer or drain not set apart for the purpose, without the permission in writing of the Municipality or in contravention of any condition prescribed in such permission, the owner or occupier of the land or building from which such water or offensive matter so flows, drains or is put shall be liable, upon conviction, to a fine which may extend to two hundred and fifty.

### Section 277. Power to enter and disinfect buildings

Subject to the provisions of section 287, the Municipality may enter and inspect a building, and may by notice direct all or any part thereof to be internally or externally lime washed, disinfected or otherwise cleansed for sanitary reasons :

Provided that nothing in this section shall apply to a factory regulated by the [1][Indian Factories Act, 1911.]

[1] See now the Factories Act, 1948 (Act no. XLIII of 1948).

### Section 278. Building unfit for human habitation

(1) Should a building, or a room in a building, be, in the opinion of the Municipality, unfit for human habitation in consequence of the want of proper means of drainage or ventilation or otherwise, the Municipality may, by notice, prohibit the owner or occupier thereof from using the building or room for human habitation or suffering it to be so used either absolutely or unless, within a time to be specified in the notice, he effects such alteration therein as is prescribed in the notice.

(2) Upon failure of a person whom notice is issued under sub-section (1) to comply therewith, it shall be lawful for the Municipality to require by further notice the demolition of the building or room.

### Section 279. Penalty for failure to give information of cholera, smallpox, etc

Whoever -

(a) being a medical practitioner and in the course of such practice becoming cognizant of the existence of cholera, plague, small-pox or other infectious disease that may be notified[1] in this behalf by the [2][State Government] in any dwelling other than a public hospital in the municipality, or

(b) in default of such medical practitioner, being the owner or occupier of such dwelling, and being cognizant of the existence of any such infectious disease therein, or

(c) in default of such owner or occupier, being the person in charge of, or in attendance on, a person suffering from any such infectious disease in such dwelling and being cognizant of the existence of the disease therein, fails to give [3][within twenty-four hours of becoming so cognizant], or gives false information to such officer as the Municipality may appoint in this behalf respecting the existence of such disease, shall be liable upon conviction to a fine which may extend to fifty rupees :

Provided that a person not required to give information in the first instance, but only in default of some other persons, shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

[1] See. nots. no. 4825/XI-135, d. Dec. 2, 1916, no. 3681/XI-336, d. Dec. 17, 1928, and no. 815/XI-266, d. April 3, 1934 and p. 246 of M. M., 1952 edition.

[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[3] Add. by sec. 13 of U. P. Act no. XVII of 1934.

### Section 279-A. Power to examine persons suspected to be suffering from infectious diseases

[1][When there is any reason to believe that a case of infectious disease notifiable under section 279 has occurred in building the medical officer of health or other competent person deputed by him shall, subject to the provisions of section 287, enter the said building and make an examination of the person or persons suspected to be suffering from the disease and may also obtain material for pathological examination, if necessary :

Provided that all females above the age of eight years shall be inspected by persons of their own sex only. ]

[1] Add. by sec. 13 of U. P. Act no. XVII of 1934.

### Section 280. Removal to hospital of patients

When a person suffering or certified by a duly qualified medical practitioner to be suffering from cholera, plague, small-pox or any other infections disease that may be notified in this behalf by the [1][State Government] is -

(a) without proper lodging or an accommodation, or

(b) living in a sarai or other public hostel, or

(c) living in a room or house which he neither owns nor is otherwise entitled to occupy, or

(d) lodged in a room or set of apartments occupied by more than one family and any of the occupiers objects to his continuing to lodge therein. the Municipality may, on the advice of a medical officer of rank not inferior to that of an assistant surgeon remove the patient to a hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

[1] Sec. 279-A Add. by sec. 28 of U. P. Act no. V of 1932.

### Section 281. Penalty for acts done by persons suffering from certain disorders

Whoever, while suffering from an infectious, contagious or loathsome disorder -

(a) makes or offers for sale an article of food or drink for human consumption or a medicine or drug, or

(b) willfully touches any such article of food or drink for human consumption or a medicine for sale by others, or

(c) takes any part in the business of washing or carrying soiled clothes, shall be liable upon conviction to a fine which may extend to Fifty rupees.

### Section 282. Prohibition of cultivation, use of manure, or irrigation injurious to health

(1) If [1][the Director of Medical and Health Service] or the Civil Surgeon or Health Officer certifies that the cultivation of any description of crops or the use of any kind of manure or the irrigation of land in any specified manner -

(a) in a place within the limits of a Municipality is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighborhood, or

(b) in a place within or beyond the limits of a Municipality is likely to contaminate the water supply of such Municipality or otherwise render it unfit for drinking purposes, the Municipality may by public notice prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation so reported to be injurious or imposes such conditions with respect hi thereto as may prevent the injury or contamination :

(2) Provided that when, on any land in respect of which such notice is issued, the act prohibited has been practiced in the ordinary course of husbandry for the five successive years next preceding the date of prohibition, compensation shall be paid from the municipal fund to all persons interested therein for damage caused to them by such prohibition.

[1] Subs. by sec. 36 of U. P. Act no. VII of 1953.

### Section 283. Power to require owners to clear away noxious vegetation

The Municipality may, by notice, require the owner or occupier of any land to clear away and remove any vegetation or undergrowth which may be injurious to health or offensive to the neighborhood.

### Section 284. Power to require excavations to be filled up or drained

(1) In a Municipality for which bye-laws have been made under sub-head (g) of heading I of section 298, the Municipality may, by notice, require the owner or occupier or any land upon which an excavation, cesspool tank or pit has been made in contravention of such bye-laws, or in breach of the conditions under which permission to dig any such excavation, cesspool, tank or pit has been granted, to fill up or drain the excavation, cesspool, tank or pit within a period to be specified in such notice.

(2) The [1][State Government] may by notification extend the provisions of this section and of bye-laws made for the purposes of this section to an area beyond the municipality lying within a distance of a mile from the municipal boundary[2].

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[2] For. delegation of this power to Commissioners, now Prescribed Authority see nots. no. 1108/XI-504-E, d. June 5, 1918, and p. 1478 of M. M., 1952 edition.

### Section 285. Power in respect of burial and burning grounds

(1) The Municipality may, by public notice, order a burial or burning ground which is certified by the civil surgeon or health officer to be dangerous, or likely to be dangerous, to the health of persons living in the neighborhood to be closed from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the Municipality may impose in this behalf.

Provided that the limits of such burial places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed without the permission in writing of the Municipality.

(4) No person shall, except with the permission of the Municipality in writing, bury or burn, or cause to be buried or burnt, a corpse in a place other than a recognized burial or burning ground.

(5) Should a person bury or burn, or cause or permit to be buried or burnt, a corpse contrary to the provisions of this section he shall be liable upon conviction to a fine which may extend to [1]"five hundred" rupees.

[1] Subs. by sec. 88 of U. P. Act no. 27 of 1964.

### Section 286. Bathing and washing places

The Municipality may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may be used, and may also set apart suitable places for washing animals or clothes or other things ; and may by public notice prohibit bathing or the washing of animals or clothes or other things in a public place not so set apart, or at times or by persons other than those specified, and may in like manner prohibit an * * * *[1] act by which water in public places [or rivers][2] may be rendered foul or unfit for use of which causes or is likely to cause inconvenience or annoyance to persons lawfully using such places.

[1] The words (other) omit. by sec. 2 of U. P. Act VI of 1929.

[2] Ins. by ibid.

## Inspection, entry, search, etc

### Section 287. Ordinary inspection

(1) the [1][President] [2] , the executive officer and, if authorized in this behalf by resolution, any other member, officer or servant of the Municipality, may enter into or upon a building or land with or without assistants of workmen, in order to make an inspection or survey or to execute a work which a Municipality is authorized by this Act, or by rules or bye-laws, to make or execute, or which it is necessary for a Municipality, for any of the purposes or in pursuance of any of the provisions of this Act or of rules or by-laws, to make or execute ;

(2) Provided that, -

(a) except when it is in this Act or in rules or bye-laws otherwise expressly provided, no such entry shall be made between sunset and sunrise ; and

(b) except when it is in the Act or in rules or bye-laws otherwise expressly provided, no building which is used as a human dwelling shall be so entered, except with the consent of the occupier thereof, without giving the said occupier not less than four hours previous written notice of the intention to make such entry ; and

(c) sufficient notice shall in every instance be given even when any premises may otherwise be entered without notice, to enable the inmates of an apartment appropriated for females to remove to some part of the premises where their privacy need not be disturbed ; and

(d) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act for the word "President" Wherever it occurs in sections 287 and 288, the words "Chairman" shall stand substituted.

[2] Subs. for (Chairman) by sec. 61 of U. P. Act VII of 1949.

### Section 288. Preventive inspection

Where there is reason to believe that, in any building or on any land, a work has been executed in connexion with any municipal water works, drainage works or other municipal undertaking in contravention of the provisions of this Act or of rules or bye-laws, the [1][President] or, if so directed by the [2][President], the executive officer [or the medical officer of health] may at any time and without notice inspect such building or land.

[1] Ins. by sec. 29 of U. P. Act V of 1932.

[2] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act for the word "President" Wherever it occurs in sections 287 and 288, the words "Chairman" shall stand substituted.

### Section 289. Powers for effecting entry

It shall be lawful for a person authorized under the provisions of section 287 or 288 to make an entry for the purpose of inspection, or of search, to open or cause to be opened a door, gate or other barrier -

(a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and

(b) if the owner or occupier is absent, or being present, refuses to open such door, gate or barrier.

### Section 290. Power of Municipality to require certain works to be executed by its own agency

(1) The Municipality may by by-law require any water-works, or work of the nature to which sections 192, 267, and 268 refer to be executed by municipal or other agency under its own orders.

(2) The expenses of any work so executed shall be paid by the person by whom the work would otherwise have been executed, unless the Municipality shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

(3) Any pipes, fittings, receptacles or other appliances for or connected with any waterworks, or with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipality, be deemed to be municipal property, unless the Municipality shall have transferred its interest therein to the owner of such buildings or land.

## Rent and charges

### Section 291. Recovery of rent on land

(1) Where any sum is due on account of rent from a person to a Municipality in respect of land vested in or entrusted to the management of the Municipality, the Municipality may apply to the Collector to recover any arrear of such rent as it were an arrear of land revenue.

(2) The Collector on being satisfied that the sum is due shall proceed to recover it as an arrear of land revenue.

### Section 292. Recovery of rent of other immovable property

Any arrears due on account of rent from a person to the Municipality in respect of immovable property other than land vested in or entrusted to the management of the Municipality shall be recovered in the manner prescribed by Chapter VI.

### Section 293. Fees for use otherwise than under a lease of municipal property

(1) The Municipality may charge fees to be fixed by bye-law or by public auction or by agreement, for the use or occupation (otherwise than under a lease) or any immovable property vested in, or entrusted to the management of the Municipality, including any public street or place of which it allows the use or occupation whether by allowing a projection thereon or otherwise.

(2) Such fees may either be levied along with the fee charged under section 294 for the sanction, licence or permission or may be recovered in the manner provided by Chapter VI.

### Section 293-A. Power to impose fees

[1][A Municipality may with the previous sanction of the [2][State Government] impose and levy fees for use of any place to which the public is allowed access and at which the Municipality may provide sanitary and other facilities to the public. ]

[1] Add. by sec. 85 of U. P. Act no. VII of 1949.

[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 293-B. Power to levy user charges

[1][The Municipality or any officer or agency or organization authorized by it in this behalf may levy user charges, at such rates as may be prescribed from time to time by rules, for the ;

(i) provision of water supply, drainage and sewerage ;

(ii) solid waste management (iii) parking of different types of vehicles in different areas and for different periods ;

(iii) parking of different types of vehicles in different areas and for different periods ;

(iv) using of public path ways, footpaths and public land ;

(v) stacking of materials or rubbish on public street for construction repair or demolition work of any type ;

(vi) management of urban infrastructure and civic amenities ;

(vii) construction, operation, maintenance and management of sewage treatment plants ;

(viii) construction and maintenance of roads, bridges flyovers and subways ;

(ix) construction maintenance and management of slaughter houses, carcass utilization plants, meat and fish markets, etc ;

(x) any other specific service rendered or infrastructure created or facility or amenity provided. ]

[1] Ins. by sec. 5 of U. P. Act no. 29 of 2009.

### Section 294. Licence fees etc

The Municipality may charge a fee to be fixed by bye-law for any licence, sanction or permission which it is entitled or required to grant by or under this Act.

## Obstruction to persons employed by Municipality

### Section 295. Penalty for obstructing persons employed by Municipality

Whoever obstructs or molests a person employed by or under contract with the Municipality under this Act in the performance of his duty or in the fulfillment of his contract, or removes a mark set up for the purpose of indicating any levels or direction necessary to the execution of works authorized by this Act, shall be liable on conviction to a fine which may extend to [1][one thousand rupees or to imprisonment for a period which may extend to six months or to both].

[1] Subs. by sec. 99 of U. P. Act no. 27 of 1964.

# CHAPTER - IX RULES, REGULATIONS AND BYE-LAWS

### Section 296. Obligation and power of State Government to make rules

[1](1) The [2][State Government] shall make rules [2][State Government] consistent with this Act in respect of the matters described in sections [95, 127, 153 and 235][3].

(2) The [2][State Government] may make rules consistent with this Act -

(a) providing for any mater for which power to make provision is conferred, expressly or by implication, on the [2][State Government] by this or any other enactment in force at the commencement of this Act, and :-

(b) generally for the guidance of a board or any Government officer in any matter connected with the carrying out of the provisions of this or any other enactment relating to municipalities,

[4][(c) for the appointment of an ad hoc committee to advise the Municipality on the preparation of master plan for the municipality and its execution ; and

(d) providing for the layout of public streets, residential and non-residential areas. ]

[1] In accordance with section 2 (1) of Uttar Pradesh Municipalities (Supplementary and Validation) Act, 1951 (U. P. Act XV of 1951) (see appendix to this Act) during the period commencing from June 21, 1949 and until a new board is constituted by the first General Elections held under the U. P. Municipalities Act, 1916, next after the commencement of this Act, the following amended sub, section (1) of section 295 shall be in operation-296 (1). The State Government shall make rules consistent with this Act in respect of the matter described in sections 29, 95, 127, 153, 235 and 248.

[2] See footnotes under sec. 57, 78, 94, 95, 102, 118, 128, 156, 166, 174, 219, 226, 228, 229, 235 and 279.

[3] Subs. by sec. 25 of U. P. Act no. I of 1955.

[4] Add. by sec. 37 of U. P. Act no. VII of 1953.

### Section 297. Power to make regulations as to procedure, etc

(1) A Municipality may, by special resolution, make regulations, consistent with this Act, or with any rule under section 296 or regulation under sub-section (2) made by the [1][State Government] as to all or any of the following matters -

(a) the time and place of the meetings of a Municipality ;

(b) the manner of convening meetings, and of giving notice thereof ;

(c) the conduct of proceedings [including the asking of questions by members] at meetings and the adjournment of meetings ;

(d) the establishment of committees, other than merely advisory committees, for any purpose, and the determination of all matters relating to the constitution and procedure of such committees ;

(e) the avoidance of any entry shown in the third column of schedule II ;

(f) with reference to sub-section (2) of section 77, the augmentation of any maximum monthly salary specified in sections 74, 75 or 76 with reference to powers over the staff ;

(g) the delegation of powers, duties or functions to -

(i) the [2][President] of the Municipality ;

(ii) a committee constituted under clause (d) ;

(iii) a chairman of such committee ;

(iv) the executive officer ; or

(v) [3][ * * * ] any other servant of a Municipality ;

(vi) any [4][person] in the service of the [5][Government] who is employed as civil surgeon, medical officer-in-charge, of hospital or dispensary, medical officer of health, deputy inspector of schools or sub-deputy inspector of schools ] ;

(h) the absentee or other allowances for the servants employed by a Municipality;

(i) the amount and nature of the security to be furnished by a servant of a Municipality from whom it is deemed expedient to require security ;

(j) the grant of the leave to servant of a Municipality and remuneration to be paid to the persons, if any, appointed to act for them whilst on leave ;

(k) the [Conditions of service including][6] period of service of all servants of a Municipality and the conditions under which such servants, or any of them, shall receive gratuities or compassionate allowance on retirement, or on their becoming disabled through the execution of their duty, and the amount of such gratuities or compassionate allowances ; and the conditions under which any gratuities or compassionate allowances may be paid to the surviving relatives of any such servants whose death has been caused through the execution of their duty ;

(l) the payment of contributions, at such rates and subject to such conditions as may be prescribed in such regulations, to a pension or provident fund established by the Municipality or with the approval of the Municipality, by the said servants ;

(m) the conditions subject to which sums due to a Municipality may be written off as irrecoverable and the conditions subject to which the whole or any part of a fee chargeable for distress may be remitted ; [* * *] [7]

[8][(n) all matters similar to those set forth in clauses (a) to (d) and not otherwise provided for in this sub-section ; and

(o) all matters similar to those set forth in clauses (a) to (d) and not otherwise provided for in this sub-section ; ]

(2) Provided that the [9][State Government] may, if it thinks fit, make regulations consistent with this Act in respect of any of the matters specified in clauses [(d) and [[10](h) to [(n)] [11] of sub-section (1), and any regulations so made shall have the said sub-section in respect of the same matter or inconsistent therewith.

[1] See footnotes under sec. 57, 78, 94, 95, 102, 118, 128, 156, 166, 174, 219, 226, 228, 229, 235 and 279.
[2] Subs. by sec. 38 (1) of U. P. Act VII of 1953 for (Chairman).
[3] Omit. by sec. 90 of U. P. Act no. 27 of 1964.
[4] Subs. by A. O. 1937 for (Govt. servant).
[5] Subs. by A. O. 1950 for (Crown).
[6] Ins. by sec. 38 (2) of U. P. Act no. VII of 1953.
[7] The word (and) del. by sec. 15 of U. P. Act XVII of 1934.
[8] Subs. for "(n) all other similar matters" by ibid.
[9] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[10] Add. by sec. 87 of U. P. Act no. VII of 1949.
[11] Subs. for '(m)' by sec. 15 of U. P. Act no. XVII of 1934.

## Section 298. Power of Municipality to make bye-laws

(1) A Municipality by special resolution may, and where required by the [1][State Government] shall make by-laws[2] applicable, to the whole or nay part of the municipality, consistent with this Act and with any rule, for the purpose of promoting or maintaining the health, safety, and convenience of the inhabitants of the municipality and for the furtherance of municipal administration under this Act.

(2) In particular, and without prejudice to the generality of the power conferred by sub-section (1), the Municipality of a municipality, wherever situated, may, in the exercise of the said power, make any bye-law[2], described in list I below and the Municipality of a municipality-wholly or in part situated in a hilly tract may further make, in the exercise of the said power, any by-law[2] described in list II below.

**LIST - I**

**BYELAWS FOR ANY MUNICIPALITY**

**A - Building**

(a) Extending, with reference to sub-section (2) of section 178, the necessity of giving notice to all buildings ;

(b) declaring, with reference to clause (d) of sub-section (3) of section 178, an alteration of any specific description to be a "material alteration ;"

(c) determining the information and plans to be furnished to the Municipality under section 179 ;

(d) prescribing that, on payment of fees in accordance with such scale as is specified on this behalf, plans and specification shall be obtainable from the Municipality from an agency prescribed by the Municipality ;

(e) fixing, with reference to section 181, the period for which a sanction shall remain in force ;

(f) prescribing the type of description of buildings which may or may not, and the purposes for which a building may or may not, be erected in any prescribed area or areas ;

(g) prescribing the circumstances in which a mosque, temple, church or other sacred building may or may not be erected, re-erected or altered ;

(h) prescribing with reference to the erection, re-erection or alteration of buildings, or any class of buildings, all or any of the following matters ;

(i) the materials and method of construction to be used or external and party-walls, roofs, and floor ;

(ii) the position and the materials and method of construction of fire-places chimneys, drains, latrines, privies, urinals and cesspools ;

(iii) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;

(iv) the ventilation and space to be left about the building to secure free circulation of air and to facilitate scavenging and for prevention of fire ;

(v) the level and width of foundation, level of lowest floor, and stability of structure ;

(vi) the number and height of the stories of which the building may consist ;

(vii) the means to be provided for egress from the building in case of fire ;

(viii) any other matter affecting the ventilation for sanitation of the building ; and

(ix) the conditions subject to which sanction for the construction or alteration of a well may be refused or granted, with a view to prevent pollution of the water or danger to any person using the well ;

(i) Regulating, in any manner not specifically provided for in this Act, the erection of any enclosure, wall, fence, tent, awning or other structure, of whatsoever kind or nature, on any land within the limits of the municipality.

**B - Drains, privies, cesspools, etc.**

(a) Regulating in any manner not specifically provided for in this Act, the construction, alteration, maintenance, preservation, cleansing, and repair of drains, ventilation, shafts and pipes, water-closets, privies, latrines, urinals, cesspools, and other drainage works ;

(b) Regulating or prohibiting the discharge into drains or deposit therein, of sewage, sullage, polluted water and other offensive or obstructive matter ;

(c) Prescribing the size and nature of the works which owners or occupiers may be required to construct under sections 192, 267 and 268 and the agency which shall be or may be employed for executing such works.

**C - Extinction of Fire**

(a) Prescribing the officer to whom and the place at which the outbreak of a fire shall be reported, and

(b) Generally making provision for the procedure and precautions to be adopted by the public on the occasion of a fire and for any other thing relating to fires in respect of which provision is necessary.

**D - Scavenging**

(a) Prescribing the times and places at which receptacles of filth, rubbish or other offensive matter shall be in readiness for the removal of the contents by the municipal scavenging agency ;

[3][ (aa) regulating the work of house scavenging by customary scavenging by customary sweepers and providing for grant of licences to them and the conditions of any such licence ; and ]

(b) Making provision for any other matter relating to house-scavenging.

**E - Streets**

(a) Determining the information and plans to be furnished to the Municipality under section 203 ;

(b) Permitting, prohibiting or regulating the use or occupation of any or all public streets or places by itinerant vendors or by any person for the sale of articles, or for the exercise of any calling or for the setting up of any booth or stall, and providing for the levy of fees for such use or occupation ;

(c) Regulating the conditions on which permission may be given under section 209 for projections over streets and drains and under section 265 for the temporary occupation of streets.

**F - Markets, slaughter-houses, sale of food, etc.**

(a) Prohibiting, subject to the provision of section 241, the use of any place as a slaughter-house, or as a market or shop for the sale of animals intended for human food or of meat or of fish, or as a market for the sale of fruit or vegetables, in default of a licence granted by the board or otherwise than in accordance with the conditions of a licence so granted ;

(b) Prescribing the conditions subject to which and the circumstances in which, and the areas or localities in respect of which, licences for such use may be granted, refused, suspended or withdrawn ; and

(c) providing for the inspection of, and regulation of the conduct of business, in a place used as aforesaid, so as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

(d) Providing for the establishment, and [except so far as provision may be made by by-laws under sub-head (c) ] for the regulation and inspection of markets and slaughter-houses, of livery stables, of encamping grounds of sarais, of flour-mills, of bakeries, of places for the manufacture, preparation or sale of specified articles of food or drink, or for keeping or exhibiting animals for sale or hire or animas of which the produce is sold, and of places of public entertainment or resort, and for the proper and cleanly conduct of business therein ;

[4][(dd) Prescribing the conditions subject to which, and the circumstances in which, and the areas or locality in respect of which, licences for the purposes of sub-head (d) may be granted, refused, suspended, or withdrawn, and fixing the fees payable for such licences, and prohibiting the establishment of business places mentioned in sub-head (d) in default of licence granted by the Municipality or otherwise than in accordance with the conditions of a licence so granted. ]

(e) In a municipality where a reasonable number of slaughter-houses has been provided or licensed by the Municipality, controlling and regulating the admission within municipal limits, for purposes of sale, the flesh (other than cured or preserved meat) of any cattle, sheep, goats or swine slaughtered, at a slaughter-house or place not maintained or licensed under this Act.

**G - Offensive trades**

(a) Except where and so far as is inconsistent with anything contained in the [5] Indian Petroleum Act, 1899, or in rules made thereunder prohibiting the use of any place, in default of a licence granted by the Municipality or otherwise than in accordance with the conditions of a licence so granted, as a factory or other places of business -

(i) for boiling or storing offal, blood, bones, guts or rags,

(ii) for storing hides, horns or skins,

(iii) for tanning,

(iv) for the manufacture of leather or leather goods,

(v) for dyeing,

(vi) for melting tallow or sulphur,

(vii) for burning or baking bricks, tiles, pottery or lime,

(viii) for soap-making,

(ix) for lid-boiling,

(x) for storing hay, straw, thatching-grass, wood, coal or other dangerously inflammable material,

(xi) for storing petroleum or any inflammable oil or spirit,

(xii) for storing and pressing cotton and cotton refuse,

(xiii) for any other purpose if such use is likely to cause a public nuisance or involve risk of fire ;

(b) prescribing (but no so as to derogate from any power conferred on a Municipality by section 245) the circumstances in which and the areas or localities in respect of which licences may be granted, refused, suspended or withdrawn ; and

(c) Providing for the inspection and regulation of the conduct of business in a place used as aforesaid, so as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

**H - Public safety and convenience**

(a) Prescribing the standard weights and measures to be used within the Municipality, and providing for the inspection of the same ;

(b) Providing for the regulation or prohibition of any description of traffic in the streets, where such regulation or prohibition appears to the board to be necessary ;

(c) Imposing the obligation of taking out licences on the proprietors or drivers of vehicles [6][other than motor vehicles] boats or animals kept or plying for hire, or on persons hiring themselves out for the purpose of carrying loads within the limits of the Municipality, and fixing the fees payable for such licences and the conditions on which they are to be granted and may be revoked ;

(d) Limiting the rates which may be demanded for the hire of a carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the Municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours ;

(e) Prohibiting, in any specified street or area, the residing of public prostitutes and the keeping of a brothel, or the letting or other disposal of a house or building to public prostitutes or for a brothel ;

(f) For the regulation of the posting of bills and advertisements ;

(g) Fixing and regulating the use of places at which boats may be moored, loaded and unloaded, and prohibiting the mooring, loading, and unloading of boats except at such places as may be prescribed by the board ;

(h) Providing for the seizure and confiscation of ownerless animals straying within the limits of the Municipality ;

(i) Providing for the registration of [7][animals] ;

(j) Providing for the imposition of an annual fee for such registration ;

(k) Requiring that every registered [8][animal] shall wear a collar to which shall be attached a token to be issued by the Municipality ;

(l) Providing that [9][an animal] unless registered and wearing such token, may, if found in any public place, be destroyed or otherwise disposed of ;

(m) Prohibiting or regulating, with a view to promoting the public safety or convenience, any act which occasions or is likely to occasion a public nuisance and for the prohibition or regulation of which no provision is made under this heading ;

[10][(n) Providing for the confinement, removal or destruction of animals ; ]

[11][ (o) regulating the keeping and tethering of cattle ; ]

**I - Sanitation and prevention of disease**

(a) Regulating or prohibiting for the purpose of preventing danger to the Public Health, the stalling or herding of horses, camels, cattles, swine, donkeys, sheep or goats.

(b) Prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage, and water-supply of dairies, and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers and providing for the inspection of milk-cattle and securing the cleanliness of milk stores, milk shops, and vessels used by milk-sellers or butter men for milk or butter ;

(c) Controlling and regulating the use and management of burial and burning grounds and fixing the fees to be charged where such grounds have been provided by the Municipality, and prescribing or prohibiting routes for the removal of corpses to burial or burning-grounds ;

(d) Regulating sanitation and conservancy ;

(e) Declaring that no place, unless specially exempted, shall be used as a lodging-house unless it has been duly licensed as such by the Municipality, and prescribing the conditions subject to which such licences may be granted, refused, suspended or withdrawn, and fixing the fees payable for such licences ;

(f) Providing, in default of a by-law made under the preceding sub-head, for the registration and inspection of

lodging-houses, the prevention of overcrowding, the promotion of cleanliness and ventilation, and prescribing the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out therein, and generally for the proper regulation of lodging-houses ;

(g) Prohibiting the digging of excavations, cesspools, tanks or pits within specified areas except with the permission of the Municipality and specifying the conditions subject to which such permission may be given ;

(h) Prohibiting or regulating, with a view to sanitation or the prevention of disease, any act which occasions, or which is likely to occasion, of public nuisance and for the prohibition or regulation of which no provision is made under this heading.

**J - Miscellaneous**

(a) Prohibiting or regulating any Act which occasions or is likely to occasion, a public nuisance for the prohibition or regulation of which no provision is made else-where by or under this Act ;

(b) Providing for the registration of births, deaths, and marriages, and the taking of a census within the Municipality and for the compulsory supply of such information as may be necessary to make such registration or census effective ;

(c) For the protection from injury or interference of anything within the Municipality being the property of [12][Government] or of the Municipality, or being under the control of the Municipality ;

(d) Fixing any charges, or fees, or any scale of charges or fees to be paid for house-scavenging or the cleansing of latrines and privies under section 196 (c) or for any other municipal service or undertaking or to be paid under section 293 (1) or section 294 of the Act, and prescribing the times at which such charges or fees shall be payable, and designating the persons authorized to receive payment thereof ;

(e) Providing for the holding of fairs and industrial exhibitions within the Municipality and under the control of the board, and fixing the fees to be levied thereat ;

(f) requiring and regulating the appointment by owners of buildings and lands in the Municipality of persons residing within or near the Municipality to act as their agents for all or any of the purposes of this Act or of any rule or by-law ;

(g) Specifying the records and documents belonging to, or in the possession of, the Municipality of which inspection may, be made or copies given and the charges to be levied for inspection or copies of such records and documents, and regulating inspection and the giving of copies ;

(h) Providing for the granting of licences for the sale and for the dispensing of medicinal drugs ;

[(i) Providing for the registration and control of midwives and dais publicly practicing their professions ; ] [13][* * *][14]

(j) [x x x]

[15][(k) Providing for the establishment and maintenance of maternity centers and child-welfare clinics ;

(l) Providing for establishment, maintenance and grants-in-aid to institutions of physical culture and supply of milk ;

(m) providing for the installation and maintenance of radio receiving stations ;

(n) Providing for the establishment and maintenance of baby folds and rescue homes for women ;

(o) Providing for the removal of social disabilities of Scheduled Castes and Backward Classes ;

(p) Taking measures for eh control of beggary ;

(q) taking measures for the removal of prostitutes from a specified area to another specified area. ]

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

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

**LIST-II FURTHER BY-LAWS FOR A HILL MUNICIPALITY**

**H - Public safety and convenience**

(n) Regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or revival of soil or quarrying ; and providing for the alteration, repair and proper maintenance of buildings and compounds, for the closing of roads and bypaths and for the general protection of the surface land on any hillside where such by-laws appear to the Municipality to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, the protection of land against erosion, or the deposit thereon of sand, gravel or stones ;

(o) Prohibiting the lighting of fires in the top story of a building which, by reason of its contiguity to other buildings,

might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which story do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the Municipality may deem to be dangerous to the public safety ;

(p) Regulating the rule of the road ;

(q) Rendering licences necessary within the Municipality -

(i) For persons working as job porters for the conveyance of goods ;

(ii) For animals, vehicles, and other conveyances let out on hire for a day or part thereof ; and

(iii) For persons impelling or carrying such vehicles and other conveyances ;

(r) Prescribing the conditions subject to which such licences may be granted, refused, suspended or withdrawn ;

(s) Regulating the charges to be made for the services of such job porters as aforesaid and for the hire of such animals, vehicles and other conveyances and for the remuneration of persons who impel or carry such vehicles or conveyances.

**I - Sanitation and prevention of disease**

(i) Rendering licences necessary for using premises within bazars as stables or cow-houses or as accommodation for sheep, goats and fowls ;

(j) Preventing overcrowding in houses and inhabited sites ; and

**J - Miscellaneous**

(i) Providing for the registration, generally or within particular months, of persons entering or leaving the Municipality.

[1] Subs. for "(n) all other similar matters" by ibid.
[2] For model bye-laws, see pp. 517-629 of M. M. 1952 edition.
[3] Ins. by sec. 91 of U. P. Act no. 27 of 1964.
[4] Ins. by sec. 88 of U. P. Act no. 7 of 1949.
[5] See. now the Petroleum Act, 1934 (Act XXX of 1934), U. C. A. Vol. X, p. 256.
[6] Ins. by sec. 22 and Sch. II of U. P. Act V of 1936.
[7] Subs. by sec. 91 (2) (a) U. P. Act no. 27 of 1964.
[8] Subs. by sec. 91(2)(b) of U. P. Act no. 27 of 1964.
[9] Subs. by sec. 91(2)(b) of U. P. Act no. 27 of 1964.
[10] Ins. by sec. 88 II of U. P. Act no. VII of 1949.
[11] Ins. by sec. 91(2)(c) of U. P. Act no. 27 of 1964.
[12] Subs. by the A. O. 1950 for (His Majesty).
[13] Add. by sec. 30 of U. P. Act V of 1932.
[14] Item (j) add, by sec. 4 of U. P. Act VIII of 1942, made by the Governor in exercise of the powers assumed by him under sec. 93 of G. of I. Act, 1935, has been omit. by sec. 2 (1) of U. P. Act XIII of 1948.
[15] Ins. by sec. 88 (iii) of U. P. Act VII of 1949.
[16] Ins. by sec. 49 of U. P. Act no. 26 of 1995.

## Section 299. Infringement of rules and bye-laws

(1) In making a rules the [1][State Government] and in making a by-law the Municipality with the sanction of the [1][State Government] may direct that a breach of it shall be punishable with fine which may extend to [2][one thousand] rupees, and, when the breach is a continuing breach, with a further fine which may extend to [2]"twenty-five rupees" for every day after the date of the first conviction during which the offender is proved to have persisted in the offence. [3]

(2) The Municipality may with like sanction prescribe a similar penalty for the breach of a rule lawfully made under the United Provinces Municipalities Act, 1873[4], and still remaining in force.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[2] Subs. by sec. 92 of U. P. Act no. 27 of 1964.
[3] For. delegation of power to Commissioners, now Prescribed Authority, see nots. no. 50/XI-118-H, d. Jan. 9, 1918 and p. 477 of M. M. 1952 edition.
[4] Short title changed by sec. 28 of U. P. Act I of 1904, Rep.

## Section 300. Previous publication of rules, etc. made by the State Government

(1) The power of the [1][State Government] to make rules or regulations under this Chapter is subject to the condition of the rules or regulations being made after previous publication and of their not taking effect until they have been published in the [2][official Gazette.]

(2) Any rule or regulation made by the [1][State Government] may be general for all Municipalities or for all Municipalities not expressly excepted from its operation or may be special for the whole or any part of any one or

more than one Municipality as the [1][State Government] directs.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[2] Subs. for (Gazette) by the A. O. 1937.

### Section 301. Regulations and bye-laws to be published

[1][(1) The power of the Municipality to make bye-laws under section 298 shall be subject to the condition of the bye-laws being made after previous publication.

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

[1] Subs. by sec. 50 of U. P. Act no. 26 of 1995.

### Section 301-A. State Government may modify or repeal bye-laws

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

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

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

[1] Ins. by sec. 50 of U. P. Act no. 26 of 1995.

## CHAPTER-X PROCEDURE

### Municipal notices

### Section 302. Fixation of reasonable time for compliance

Where any notice issued under any section of this Act or under any rule or bye-laws requires an act to be done for which no time is fixed by such section or rule or bye-laws, the notice shall specify a reasonable time for doing the same, and it shall rest with the court to determine whether the time so specified was a reasonable time within the meaning of this section.

### Section 303. Service of notice

(1) Every notice or bill issued, or prepared under any section of this Act or under any rule or by-laws shall, unless it is in such section or rule or bye-laws otherwise expressly provided be served or presented -

(a) by giving or tendering the notice or bill, or sending it by post, to the person to whom, it is addressed, or

(b) if such person is not found, then by leaving the notice or bill at his last known place of abode, if within municipal limits, or by giving or tendering the notice or bill to some adult male member or servant of his family, or by causing the notice or bill to be fixed on some conspicuous part of the building or land (if any) to which the notice or bill relates.

(2) When a notice under this Act or under a rule or a by-law is required are permitted by or under this Act, or under a rule or a bye-laws to be served upon an owner or occupier of a building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either -

(a) by giving or tendering the notice, or sending it by, post, to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or

(b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family, or by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person on whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

### Section 304. Method of giving public notice

Subject to the provision of this Act or of any rule, regulation or bye-law, in every case where public notice is to be given by a board such notice shall be deemed to have been given if it is published in some local English or Vernacular paper, (if any), and posted upon a notice board to be exhibited for public information at the building in which the

meetings of the Municipality are ordinarily held.

### Section 305. Defective form

No notice or bill shall be invalid for defect of form.

### Section 306. Disobedience to public notice for provision of Act applicable to the public

Where, by this Act or a notice issued thereunder, the public is required to do or to refrain from doing anything a person who fails to comply with such requisition shall, if such failure is not an offence punishable under any other section, be liable on conviction by a magistrate to a fine not exceeding [1]"one thousand" rupees or every such failure and in the case of continuing breach, to a further fine which may extend to [1]"twenty-five rupees" for every day after the date of the first conviction during which the offender is proved to have persisted in the breach.

[1] Subs. by sec. 93 of U. P. Act no. 27 of 1964.

### Section 307. Obedience to notice issued to individual

If a notice has been given under the provisions of this Act or under a rule or by-law to a person requiring him to execute a work in respect of any property, movable or immovable, public or private or to provide or do or refrain from doing anything within a time, specified in the notice, and if such a person fails to comply with such a notice, then -

(a) the Municipality may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided by Chapter VI ; and further,

(b) the said person shall be liable, on conviction before a magistrate, to a fine which may extend to [1]"one thousand" rupees, and in case of a continuing breach, to a further fine which may extend to [1]"twenty-five rupees" for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

[1] Subs. by sec. 94 of U. P. Act no. 27 of 1964.

### Section 308. Liability of occupier to pay in default of owner

(1) If the person to whom the notice mentioned in section 307 has been given, is the owner of the property in respect of which it is given, the Municipality may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property or a part thereof under such owner to pay to the Municipality instead of to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 307 ; and any such payment made by the occupier to the Municipality shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been made to the owner of the property.

(2) For the purpose of deciding whether action should be taken under sub-section (1) the Municipality may require an occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable and if the occupier refuses to furnish such information he shall be liable for the whole of the expenses as if he were the owner.

(3) All money recoverable by the Municipality under this section shall be recoverable in the manner provided by Chapter VI.

### Section 309. Right of occupier to execute works in default of owner

Whenever default is made by the owner of a building or land in the execution of a work required by or under this Act to be executed by him, the occupier of such building or land may, with the approval of the Municipality, cause such work to be executed, and the expense thereof shall, in the absence of any contract to the contrary be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

### Section 310. Procedure upon opposition to execution by occupier

(1) If, after receiving information of the intention of the owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to allow such owner to take such action the owner may apply to a magistrate.

(2) The Magistrate upon proof of such refusal may make an order in writing requiring the occupier to allow the owner to execute all such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order.

(3) If, after the expiration of eight days from the date of the Magistrate's order, the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable, upon conviction, to a fine which may extend to twenty-five rupees for every day during which he has so continued to refuse.

(4) Every owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

### Section 311. Recovery of cost of work by the occupier

When the occupier of a building or land has, in compliance with a notice issued under the provisions of this Act, executed a work for which the owner of such building or land is responsible, either in pursuance of the contract of tenancy or by law, he shall, in the absence of any contract to the contrary, be entitled to recover from the owner by deduction from the rent payable by him or otherwise the reasonable cost of such work.

### Section 312. Recovery of expenses of removal by Municipality under sections 211, 263, 264, 265, and 278

(1) The expenses incurred by the Municipality in effecting any removal under section 263 or 265 or, in the event of a written notice issued under sections 211, 263, 264 or 278 not being complied with under section 307, shall be recoverable by sale of the materials removed; and if the proceeds of such sale do not suffice, the balance shall be recoverable from the owner of the said materials in the manner provided by Chapter VI.

(2) If the expenses of removal are in any case paid before the materials are sold, the Municipality shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of and on his paying all other expenses, if any, incurred by the Municipality in respect thereof, or in respect of the intended sale or disposal thereof.

(3) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Municipality thinks fit, as soon as conveniently may be after one month, from the date of their removal whether expenses of the removal have in the meantime been paid or not ; and the proceeds, if any, of the sale or other disposal shall, after defraying therefrom the costs of the sale or other disposal, and if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the Municipality.

### Section 313. Relief to agents and trustees

(1) When a person, by reason of his receiving, or being entitled to receive the rent of immovable property as trustee or agent of a person or society would, under this Act, be bound to discharge an obligation imposed by this act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper Act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(2) When an agent or trustee has claimed and established his right to relief under this section, the Municipality may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which come to him hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

## Prosecutions

### Section 314. Authority for prosecution

Unless otherwise expressly provided, no court shall take cognizance of any of the offences, punishable under this Act (whereof a list is given in Schedule VIII for the purpose merely of easier reference) or under any rule or by-law, except on the complaint of, or upon information received from the Municipality or some person authorized by the Municipality by general or special order in this behalf.

### Section 315. Power to compound offences

[1][(1) The Executive Officer or Medical Officer of Health of a Municipality or, in Municipalities in which there is no Executive Officer or Medical Officer of Health, the President of a Municipality may either before or after the institution of proceedings, compound an offence against this Act or a rule or bye-laws, except an offence described in sections 237 (4), 242, 246, 247, 281, 285 (5), or 295 :

Provided that no offence shall be compoundable which is constituted by failure to comply with a written notice, issued by or on behalf of the Municipality unless the notice has been complied with, in so far as compliance is possible. ]

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

[1] Subs. by sec. 95 of U. P. Act no. 27 of 1964.

### Section 316. Compensation for damage to municipal property

If through an act, neglect or default an account whereof a person shall have incurred a penalty imposed by or under this Act any damage to the property of the Municipality shall have been caused, the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such amount on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

### Section 317. Powers and duties of police in respect of offences and assistance to municipal authorities

Every police officer shall give immediate information to the Municipality of an offence coming to his knowledge which has been committed against this Act or against an Act referred to in clause (b) of sub-section (1) of section 114, or against any rule made under any of the said Acts and shall be bound to assist all members, officers, and servants of the Municipality in the exercise of their lawful authority.

## Appeals from orders of Municipality and suits against the Municipality

### Section 318. Appeals from order of Municipality

(1) Any person aggrieved by any order or direction made by a board under the powers conferred upon it by sections 180 (1), 186, [1][204] 205 (1) 208, 211, [1][212], 222 (6), 241 (2), 245, 278, 285, or under a bylaw made under heading G of section 298, may within thirty days from the date of such direction or order, exclusive of the time requisite for obtaining a copy thereof, appeal to such officer as the [2][State Government] may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the District Magistrate ;

[3][ * * * * ]

(2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) No appeal shall be dismissed or allowed in part or whole unless reasonable opportunity of showing cause or being heard has been given to the parties.

[1] Ins. by sec. 89 of U. P. Act no. VII of 1949.
[2] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).
[3] Omit. by sec. 156 Prov. of U. P. Act no. 12 of 1994.

### Section 319. Reference to High Court

(1) If on the hearing of an appeal under section 318 any question as to the legality of the prohibition, direction, notice or order arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of facts of the case and the point on which doubt is entertained and, refer the statement, with his own opinion on the point, for the decision of the High Court.

(2) On a reference being made under sub-section (1), the subsequent proceedings in this case shall be as nearly as may be in conformity with the rules relating to references to the High Court contained in Order XLVI of the first Schedule of the Code of Civil Procedure, 1908, or such other rules as are made by the High Court under section 122 of that Code.

### Section 320. Costs

(1) The court deciding the appeal shall have power to award costs at its discretion.

(2) Costs awarded under this section to the Municipality shall be recoverable by the Municipality as if they were arrears of a tax due from the appellant.

(3) If the Municipality fail to pay any costs awarded to an appellant under this section within ten days after the date of the communication of the order for payment thereof, the court awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

### Section 321. Finality of order of appellate authority

(1) No order or direction referred to in section 318 shall be questioned in any other manner or by any other authority than is provided therein.

(2) The order of the appellate authority confirming, setting aside or modifying any such order or direction shall be final :

Provided that it shall be lawful for the appellate authority, upon application, and after giving notice to the other party,

to review any order passed by him in appeal by a further order passed within three months form the date of his original order.

### Section 322. Suspension of orders passing under section 318 pending decision of appeal or civil suit regarding the subject of appeal or civil Suit

[1][ Where an order or direction referred to in section 318 is subject to appeal and an appeal has been instituted against it, or a civil suit has been instituted in respect thereof, all proceedings to enforce such order and all prosecutions for a breach thereof, may, by order of the appellate authority or of the Civil Court, as the case may be, be suspended pending the decision of the appeal or the civil suit and if such order is set aside on appeal or by the decision of the Civil Court, disobedience thereof shall not be deemed to be an offence. ]

[1] Subs. by sec. 90 of U. P. Act no. VII of 1949.

### Section 323. Appeals from certain orders of a court

Every order of forfeiture under section 201 and every order under section 302 or section 258 shall be subject to appeal to the next superior court to that by which the order was passed, but shall not be otherwise open to appeal or revision.

### Section 324. Disputes as to compensation payable by Municipality

(1) Should a dispute arise touching the amount of compensation which the Municipality is required by this Act to pay, it shall be settled in such manner as the parties may agree, or in default of agreement by the Collector, upon application made to him by the Municipality or the person claiming compensation.

(2) Any decision of the Collector awarding compensation shall be subject to aright of the applicant for compensation to require reference to District Judge in accordance with the procedure set for the in section 18 of the Land Acquisition Act, 1894.

(3) In cases in which compensation is claimed in respect of land the Collector and the District Judge shall, as far as may be, observe the procedure prescribed by the said Act for proceedings in respect of compensation for the acquisition of land acquired for public purposes.

### Section 325. Decision of disputes between local authorities

(1) Should a dispute arise between a municipal Municipality and nay other local authority on any matter in which they are jointly interested, such dispute shall be referred to the [1][State Government] whose decision shall be final.

(2) The [1][State Government] may regulate by rule made under section 296 the relation to be observed between Municipalities and other local authorities in any matter in which they are jointly interested.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

### Section 326. Suits against Municipality or its officers

(1) No suit shall be instituted against a Municipality, or against a member, officer or servant of a Municipality, in respect of an act done or purporting to have been done in its or his official capacity, until the expiration of two months next after notice in writing has been, in the case of a Municipality, left at its office, and in the case of a member, officer or servant, delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

(2) If the Municipality, member, officer or servant shall, before action is commenced, have tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.

(3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto be commenced otherwise than within six months next after the accrual of the cause of action :

(4) Provided that nothing in sub-section (1) shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceedings.

### Section 326-A. Civil Court not to grant temporary inunctions in certain cases

[1][No civil court shall in the course of any suit grant any temporary injunction or make any interim order -

"(a) restraining any person from exercising the powers or performing the functions or duties of a President or

Vice-President of a Municipality, or a Chairman of a committee or sub-committee of a Municipality or of a member, officer or servant of a Municipality or of a committee or sub-committee of a Municipality on the ground that such person has not been duly elected, nominated or appointed as such president, vice-president, chairman, member, officer or servant or" [2],

(b) restraining any person or persons or any Municipality or committee or sub-committee of a Municipality from holding any election, or from holding any election in any particular manner. ]

[1] Sec. 326-A add. by sec. 2 of U. P. Act no. IV of 1934.

[2] Subs. by sec. 26 (a) of U. P. Act no. I of 1955.

## CHAPTER XI SUPPLEMENTARY

### Section 327. Delegation of powers by the State Government

The [1][State Government] may, by notification, delegate to the [2][Prescribed Authority] in respect of any specified municipality or municipalities [3][within his or its jurisdiction] any one or more of the powers vested in it by this Act, with the exception of the powers detailed in Schedule VII.

[1] Subs. by A. O. 1950 for (Provl. Govt.), which had been Subs. by the A. O. 1937 for (L.G.).

[2] Subs. for (Commissioner) by sec. 60 of U. P. Act VII of 1949.

[3] Subs. by sec. 41 of U. P. Act VII of 1953.

### Section 328. Facility for Inspection of minute books and assessment lists

The minute books and assessment lists of the Municipality shall be open to inspection free of charge by any taxpayer or elector under conditions to be prescribed by bye-law in this behalf.

### Section 329. Provision for publicity of rules, regulations and bye-law

Books containing every rule, regulation and bye-law shall be kept in the municipal office and shall be open, during the ordinary hours of business, to inspect free for charge by any person and shall be for sale to the public at such office at a reasonable price to be specified by bye-law in this behalf.

### Section 330. Mode of proof of municipal records

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

### Section 331. Restrictions on the summoning of municipal servants to produce documents

No municipal officer or servant shall in any legal proceeding to which a Municipality is not a party be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

### Section 332. Inspection of municipal works and registers by members

With the previous sanction of the [1][President] any member of a Municipality may, inspect any work or institution, constructed or maintained, in whole or part, at the expense of the Municipality, and any register, book, accounts or other document belonging to, or in the possession of, the Municipality.

[1] Subs by sec. 27 of U. P. Act no. I of 1955.

### Section 332-A. Public disclosure of information

[1][(1) The Municipal Council shall maintain and publish its records to disclose the required information at quarterly intervals as mentioned below :-

(a) Proceedings or substance of proceedings of the Municipal Council or its Committee,

(b) a directory of its officers and employees,

(c) the particulars of officers, who grant concessions, permits, licenses or provide civic amenities in various departments of the Municipal Council.

(d) audited financial statements of balance sheet, receipts and expenditures, annual budget, etc.

(e) the service levels provided for each of the services being provided by the Municipal Council,

(f) particulars of all plans, proposed expenditure, actual expenditure on major services provided or activities performed and reports on disbursements made,

(g) details of subsidy programmes on major services provided or activities performed by the Municipal Council, and manner and criteria of identification of beneficiaries of such programmes.

(h) details of programmes undertaken by the Municipal Council,

(i) particulars of City Development Plans and Detailed Project Reports relating to the development of the Municipal Council,

(j) the particulars of major works, values of works, time of completion and details of contract,

(k) the details of Municipal Council Funds -

(i) income generated and realized in the previous year under Tax and Non-tax heads ;

(ii) taxes, duties, cess and surcharge, rent, fee form property, permit and license and user charges ;

(iii) amounts against (II) above, that remain uncollected ;

(iv) grants loans or devolution of funds from State Government for various purposes and the position of utilization.

(l) such other information as may be prescribed by the State Government.

(2) Manner of disclosure shall include :-

(a) Newspapers,

(b) Internet,

(c) Notice Boards of Municipal Council,

(d) issue of a Bulletin,

(e) notification in Gazette,

(f) any other mode as may be prescribed by the State Government. ]

[1] Ins by sec. 6 of U. P. Act no. 29 of 2009.

## Section 333. Exercise by District Magistrate of Municipality power pending establishment of Municipality

[When a new municipality is created under this Act, the District Magistrate, or other officer, or Committee, or authority appointed by him in this behalf, may, until a Municipality is established, exercise the power and perform the duties and functions of the Municipality, and he or it shall, for the purposes aforesaid, be deemed to be the Municipality :

Provided always that the District Magistrate or such other officer, or committee, or authority shall, as early as possible, make preliminary arrangements for the holding of first elections and generally of expediting the assumption by the board of its duties when constituted].[1]

[2][ * * * * ]

[1] Subs for sec. 333 by sec. 2 of U. P. Act no. XI of 1950.

[2] Omit. by sec. 157 prov. of U. P. Act no. 12 of 1994.

## Section 333-A. Consequences of declaration of a smaller urban area in place of a transitional area

[1][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 :-

(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 realizable.

(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 authorized by or under this Act ;

(iii) all properties, including rights or benefits subsisting under any deed, contract, bond, security or choses-inaction, vested in the Nagar Panchayat, on the date immediately preceding the said the shall be transferred to and vested in and ensure 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 realized 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, bye-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. ]

[1] Ins by sec. 158 of U. P. Act no. 12 of 1994.

## Section 333-B. Consequences of constitution of a municipality by excluding an area from existing municipal area

[1][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 form 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 authorized by or under this Act ;

(c) all property within the municipal area or 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 municipal area on the date immediately preceding the said date, shall be transferred to and vested in and ensure for the benefit of the newly constituted municipality ;

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

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

(f) such of the servants of the municipality of the undivided municipal area as are transferred to the newly constituted municipality shall become servants of the newly constituted municipality as if they had been appointed by the newly constituted 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 municipal area of the newly constituted municipality shall be deemed to have been done or taken by the newly constituted municipality. ]

[1] Ins by sec. 159 of U. P. Act no. 12 of 1994.

## Section 334. Repeals and savings

(1) The enactments specified in schedule IX are repealed.

(2) Provided that this repeal shall not affect -

(a) the validity of any appointment, or any grant or appropriation of money or property, or any tax or impost, made or imposed under any enactment hereby repealed, or

(b) the terms of remuneration, or right to pension, of any officer appointed before the commencement of this Act.

## Section 335. Savings as to Indian Railways Act, 1890

Nothing in this Act shall affect any provision of the Indian Railways Act, 1890, or any rule made under that Act.

### Section 336. Validation of acts done before commencement of Act

All acts done before the commencement of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

### Section 336-A.

[1][ X X X X X ]

[1] Omit. by sec. 96 of U. P. Act no. 27 of 1964.

## CHAPTER - XII

### Notified Area

### Section 337.

[1][x x x]

[1] Omit. by sec. 160 of U.P. Act no. 12 of 1994.

### Section 338.

[1][x x x]

[1] Omit. by sec. 160 of U.P. Act no. 12 of 1994.

### Section 339.

[1][x x x]

[1] Omit. by sec. 160 of U.P. Act no. 12 of 1994.

### Section 340. Power to remove difficulties

[1][(1) If any difficulty arises in giving effect to the provisions of this Act or, by reasons of anything contained in this Act, to any other enactment for the time being in force, the State Government may, as occasion requires, by a notified order make such provisions not inconsistent with the provisions 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 the expiration of the period of two years from 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.

[1] Ins by sec. 161 of U. P. Act no. 12 of 1994.

### Section 341. Construction of references

[1][On and from the date of commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994, any reference to the Municipal Municipality or the Town Area Committee constituted under the United Provinces Town Areas Act, 1914 in any rules, regulations, bye-laws, statutory instruments, or in any other law for time being in force, or in any document or proceedings shall be construed as reference respectively to the Municipal Council or the Nagar Panchayat. ]

[1] Ins by sec. 161 of U. P. Act no. 12 of 1994.

### Section 342. Provision until the constitution of municipalities

[1][(1) Notwithstanding anything in this Act, all the powers, functions and duties or every Municipal Municipality, its President and Committees, Notified Area Committee and its Chairman, or Town Area Committee and its Chairman shall, on the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994, vest in and be exercised, performed and discharged by the District Magistrate who shall, as the occasion may require, be deemed to be the Municipal Municipality, its President or the Committee, or the Notified Area Committee or its Chairman, or the Town Area Committee or its Chairman as the case may be.

(2) The District Magistrate may delegate all or any of the powers functions and duties to any other person or authority.

(3) The District Magistrate in whom the power, functions and duties of a Municipal Municipality and its President, or a Notified Area Committee and its Chairman or a Town Area Committee and its Chairman are vested under the Uttar

Pradesh Municipalities, Notified Areas and Town Areas (Alpakalik Vyavastha) Adhiniyam 1994 including the person or authority to whom the District Magistrate has delegated his power, shall be deemed to be vested with such powers, functions and duties under the provisions of this section.

(4) The provisions of this section shall cease to have effect on the expiration of a period of six months from the date of the commencement of the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 1994 or until the date appointed for the first meeting of the Municipal Council or as the case may be, the Nagar Panchayat whichever is earlier. ]

[1] Ins by sec. 161 of U. P. Act no. 12 of 1994.

## Schedules

The Schedules are not reproduced in this PDF. Each is in the official file, at the page given:

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SCHEDULE II SCHEDULED POWERS OF EXECUTIVE OFFICERS (official file, page 194)

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[1]SCHEDULE VIII LIST OF OFFENCES (official file, page 208)

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