



राज. नं. एल. डब्लू./एन०. पी. 890

लाइसेंस नं० डब्लू० पी०-41

लाइसेंस टू पोस्ट एट कन्सिशनल रेट

# सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 5 जनवरी, 1996

पीठे 15, 1917 शक संवत्

UTTAR PRADESH SARKAR

VIDHAYI ANUBHAG-1

No. 36/XVII-V-1-1 (KA) 47-1996

Dated Lucknow, January 5, 1996

NOTIFICATION

MISCELLANEOUS

THE following President's Act enacted on January 5, 1996 is published for general information :-

**THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS  
(AMENDMENT) ACT, 1996**

(PRESIDENT'S ACT NO. 3 OF 1996)

[Enacted by the President in the Forty-sixth Year of the Republic of India]

AN

ACT

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

IN exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995, the President is pleased to enact as follows :-

CHAPTER-I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1996.

Short title and commencement.

(2) It shall be deemed to have come into force on September 29, 1995.

## CHAPTER-II

*Amendment of the Uttar Pradesh Municipal Corporations Act, 1959*

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

2. In section 7 of the Uttar Pradesh Municipal Corporations Act, 1959, in sub-section (5)—

(a) after the words "Nagar Pramukhs" the words "and the Upa-Nagar Pramukh" shall be *inserted* ;

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

"Provided that if the office of the Nagar Pramukh of a Corporation is reserved the office of Upa Nagar Pramukh of that Corporation shall not be reserved."

## CHAPTER-III

*Amendment of the Uttar Pradesh Municipalities Act, 1916*

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

3. In section 9-A of the Uttar Pradesh Municipalities Act, 1916, hereinafter referred to as the principal Act, in sub-section (5)—

(a) after the word "Presidents" the words "and the Vice-Presidents" shall be *inserted*;

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

"Provided that if the office of the President of a Municipality is reserved, the office of Vice-Presidents in that Municipality shall not be reserved."

Amendment of section 13-J

4. In section 13-J of the principal Act, in sub-section (1) clause (c) shall be *omitted*.

## CHAPTER-IV

*Miscellaneous*

Repeal and saving.

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Fourth Amendment) Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

U. P. Ordinance No. 38 of 1995

SHANKER DAYAL SHARMA,  
*President.*

K. L. MOHANPURIA,  
*Secretary to the Government of India.*

*Reasons for the enactment*

Comprehensive amendments were made in pursuance of the Constitution (74th Amendment) Act, 1992 in the Urban Local Self-Government Laws. Sub-section (5) of section 7 of the Uttar Pradesh Municipal Corporations Act, 1959 and sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916 respectively provided for reservation of the offices of the Nagar Pramukh of the Municipal Corporations and of the Presidents of the Municipalities in favour of the Scheduled Castes, Scheduled Tribes, backward classes and the women. According to the State Election Commission reservation to the offices of Upa-Nagar Pramukh and the Vice-Presidents like those of the Nagar Pramukhs and the Presidents was also necessary. The provisions of section 130 of the Representation of the People Act, 1951 that no person shall on the date or dates on which the poll is taken at any polling station canvass for votes, solicit the vote of any elector persuade any elector not to vote for any particular candidate, persuade any elector not to

vote at the election or exhibit any notice or sign relating to the election within the polling station or in any public or private place within a distance of one hundred metres of the polling station were accordingly provided in section 48 of the Uttar Pradesh Municipal Corporation Act, 1959 but in clause (c) of sub-section (1) of section 13-J of the Uttar Pradesh Municipalities Act, 1916, the provision of twenty five metres was made in place of one hundred metres. It was decided to amend the aforesaid Acts to provide for the reservation to the offices of the Upa-Nagar Pramukhs and the Vice-Presidents and to provide for one hundred metres in place of twenty five metres for the said offences relating to elections.

2. Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Urban Local Self-Government (Laws (Fourth Amendment) Ordinance, 1995 (U. P. Ordinance No. 38 of 1995) was promulgated by the Governor on the 29th September, 1995.

3. The President issued a proclamation on the 18th October, 1995 under article 356 of the Constitution, in relation to the State of Uttar Pradesh, declaring *inter alia*, that the powers of Legislature of the State shall be exercised by or under the authority of Parliament. Parliament has, under article 357 (1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996).

4. The said Ordinance could not be replaced by an Act and the Ordinance is expiring on the 7th January, 1996. It is therefore, decided that the said Ordinance shall be replaced by a President's Act.

5. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996) the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said Committee has yet not been constituted and the matter is very urgent, it is proposed to enact the measure without reference to the said Committee.

C. RAMACHANDRAN,  
Secretary to the Government of India.

By order,  
R. D. MATHUR,  
Pramukh Sachiv.