An Act to provide for the establishment of Municipal Corporations for certain cities in Uttar Pradesh

Whereas it is expedient to provide for the establishment of Municipal Corporations in certain cities with a view to ensure better municipal government of the said cities; it is hereby enacted as follows:

GENERAL AMENDMENT


CHAPTER I

PRELIMINARY

1. Short title, extent and commencement – [(1) This Act may be called the Uttar Pradesh Municipal Corporation Act, 1959.] (2) It extends to the whole of the State of Uttar Pradesh. (3) This Chapter shall come into operation at once, and the remaining provisions of this Act shall in relation to a City come into operation from such day as the State Government may by notification in the Official Gazette appoint in that behalf [and different dates may be appointed for different provisions].

Provided that for the limited purpose of constituting a Corporation for a City under this Act, the provisions of Chapter II including –

(a) the delimitation of wards in the City;

1 Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 15, 1958 and by the Uttar Pradesh Legislative Council on December 17, 1958. Received the assent of the President on January 22, 1959 and was published in the Uttar Pradesh Gazette, Extra., dt. Jan. 24, 1959.
2 Subs. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).

♣ The word “Deputy Mayor” omitted by U.P. Act 49 of 2007, S.8.

* * *
(b) the preparation and publication of electoral rolls;

(c) the qualifications and disqualifications for being chosen as Mayor, \[* * *\] or Corporator of a Corporation; and for nomination as candidate for election as Mayor, \[* * *\] or Corporator; and

(d) generally, the conduct of election and all other matters necessary for the due constitution of the Corporation;

shall come into operation in and in respect of such City from the date of notification under Section 3 and notwithstanding anything in any other enactments all acts may be done and all proceedings taken as may be necessary for holding the elections in accordance with the provisions of the said Chapter and rules made thereunder for the due constitution of the Corporation.

NOTES

1. Commencement of the Act. – The Legislature has stated expressly that Chapter 1 of the Act shall come into operation at once, and the remaining provisions shall come into operation from such day as the State Government may by notification in the Official Gazette appoint. Notification No. 41 Ma-PRA-II/XI-C-12 : Corp-59 dated January 18, 1960, published in U.P. Gazette, Extraordinary, dated January 18, 1960, appointed the 1st day of February, 1960. It runs as under:

“In exercise of the powers conferred by sub-section (3) of Section 1 of the U.P. Nagar Mahapalika Adhiniyam, 1959 and in continuation of Notification No. 331-PRA-1/XI-C-30-Corp-58, dated September 28, 1959, bringing into operation Section 579 and 580 of the said Adhiniyam, the Governor of the Uttar Pradesh is pleased to appoint the 1st day of February, 1960, as the date on which the remaining provisions of the said Act and three Schedules, appended thereto shall come into operation in relation to the cities of Kanpur, Allahabad, Varanasi, Agra and Lucknow as constituted under Section 3 of the said Adhiniyam”.

2. Extent. – The Act extends to the whole of State of Uttar Pradesh. It is restricted in its application to only KAVAL towns. But subsequently, under Section 8-AA(1)(b), the District Magistrates concerned were appointed as Administrators and deemed Nagar Mahapalikas for the cities of Gorakhpur, Meerut and Bareilly. [For details see 1982 LLT-201[232], 1982 LLT-V-201[233], 1984 LLT-V-133 [190].] Extension to other towns was being contemplated for which details are not available. The State of U.P. comprises of the territories which immediately before the commencement of the Indian Constitution were either comprised in the province known as the United Provinces or were being administered as if they formed part of the Province.

\[^{4}\text{Omitted by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).}\]
\[^{5}\text{Omitted by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).}\]
2. **Definitions.** – In this Act unless there be something repugnant in the subject or context –

(1) “advertisement” means any word, letter, model, sign, placard, board, notice, device, or representation whether illuminated or not, in the nature of and employed wholly or in part for the purpose of advertisement, announcement or direction and includes any hoarding or similar structures used or adapted to be used for the display of advertisement;

(2) ”appointed day” with reference to a City means the day on which the due constitution of the Corporation for the City is notified in the Official Gazette;

(3) ”Assembly Rolls” mean the electoral rolls prepared for the Assembly constituencies under and in accordance with the provisions of the Representation of the People Act, 1950;

(4) ”bakery or bake-house” means any place in which bread, biscuits or confectionery are baked, cooked or prepared in any manner whatsoever for the purposes of sale or profit;

(5) “budget grant” means the total sum entered on the expenditure side of a budget estimate under a major head as prescribed by rules and adopted by the Corporation and includes any sum by which such budget grant may be increased or reduced by a transfer from or to other heads in accordance with the provisions of this Act and rules;

(6) ”building” includes a house, out-house, stable, shed, hut and other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, door-steps, walls including compound walls and fencing and the like but does not include a tent or other such portable temporary structures;

(7) ”building-line” means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the building rules;

(8) ”by-law” means a bye-law made under the provisions of this Act;

(9) ”cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from building;

(10) “city” means a larger urban area as notified under clause (2) of Article 243-Q of the Constitution;[

6][10] “Commercial building” means any building not being a factory which is used or occupied for carrying on any trade or commerce or any work connected therewith or incidental or ancillary thereto;[

7][10-A]

---

(11) "Commissioner of Division" with reference to a City means the Commissioner of the Division in which the City is situated and includes any Additional Commissioner to whom the Commissioner of the Division has delegated his functions under this Act;

8[(11-A) “Corporation” or “Municipal Corporation” means the Municipal Corporation constituted for a city under sub-clause (c) of clause (1) of Article 243-Q of the constitution:]

(12) “cubical contents” when used with reference to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey, or, when the building consists of one storey only, the upper surface of its floor;

(13) “dairy” includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied for sale or in which milk is kept for the purposes of sale or manufactured into butter, ghee, cheese, curd, or dried or condensed milk for sale and, in the case of dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk but does not include a shop or other place in which milk is sold for consumption on the premises only;

(14) “dairyman” includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or intended to be offered for sale for human consumption and any purveyor of milk and any occupier of a dairy;

(15) “dairy product” includes milk, butter, ghee, curd, butter-milk, cheese and every product of milk;

(16) “dangerous disease” means cholera, plague, smallpox, or any other epidemic or infectious disease by which the life of human beings is endangered and which the Corporation may from time to time by public notice declare to be a dangerous disease;

(17) [* * *]9

10[(17-A) “Director” means the Director of Local Bodies, Uttar Pradesh, appointed by the State Government under Section 5-A].

(18) “District Judge’ includes an Additional District Judge to whom any function of the District Judge has been transferred under this Act;

7 Ins. by U.P. Act 3 of 1987 (w.e.f. 21-1-1987).
8 Ins. by U.P. Act 26 of 1995, S.2 (w.e.f. 28-12-1994)).
(19) “drain” includes a sewer, tunnel, pipe, ditch, gutter or channel and cistern flush-tank, septic-tank, or other devices for carrying off or treating sewage offensive matter, polluted water, sullage, waste water, drain water, or subsoil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith and any ejectors, compressed air mains, sealed sewage main and special machinery or apparatus for raising, collecting, expelling or removing sewage offensive matter from any place;

(20) “eating house” means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises;

(21) “elector” in relation to a ward means a person whose name is for the time being entered in the electoral roll of that ward;

11[(22) “essential service” means a service referred to in Section 112-B];

(23) ‘factory” means a factory as defined in the Factories Act, 1948;

(24) “filth” includes sewage, night-soil and all offensive matter;


(25) “financial year” means the year commencing on the first day of April;

(26) “food” includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in composition or preparation of human food, and also includes confectionery, flavouring and colouring matters and spices and condiments;

(27) “frame building” means a building the external walls of which are constructed of timber framing or iron framing, and the stability of which depends on such framing;

(28) “house-drain” means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a Corporation drain;

(29) “house-gully” or “service passage” means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to

12 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).
Corporation servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom;

(30) "hut" means any building which is constructed principally of wood, mud, leaves, grass, cloth, or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Corporation may declare to be a hut for the purpose of this Act;

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

(32) "the judge" means the judge of the Court of Small Causes having jurisdiction in the City under the Provisional Small Cause Courts Act, 1887;

(33) "land" includes land which is being built upon or is built upon or is covered with water, benefits to arise out of and things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

(34) “licensed plumber”, “licensed surveyor”, “licensed architect”, “licensed engineer”, “licensed structural designer” and “licensed clerk of work” respectively, mean a person licensed by the Corporation as a plumber, surveyor, architect, engineer, structural designer or a clerk of works under this Act;

(35) “lodging house” means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration and includes a collection of buildings, or a building, or part of a building used for the accommodation of pilgrims and travelers whether on payment or otherwise;

(36) “market” includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish fruit, vegetables, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person;

(37) “masonry building” means any building other than a frame building or a hut and includes any structure a substantial part of which is made of masonry or of steel, iron or other metal;

14[(38) “member of a Corporation” means a Corporator, a Padan Sadasya, a Nam-Nirdishtha Sadasya or a Chairperson of a Committee, if any, established under clause (e) of Section 5, if he is not member of the Corporation and, unless the contrary is indicated, includes a Mayor;

(39) Municipal Commissioner means the Municipal Commissioner appointed under Section 58 and includes an Additional Municipal Commissioner appointed under the said section, a Deputy Municipal Commissioner and a Assistant Municipal Commissioner appointed under Section 107 while exercising powers and performing duties under Section 112;

(40) “Corporation drain” means a drain vested in the Corporation;

(41) “Corporation market” means a market vested in or managed by the Corporation;

(42) “Corporation slaughter-house” means a slaughter-house vested in or managed by the Corporation;

(43) “Corporation Office” means office of the Municipal Corporation;

(44) “Corporation tax” means any impost levied under the provisions of this Act;

(45) “Corporation waterworks” means waterworks belonging to or vesting in the Corporation;

15[(45-A) “Metropolitan area” means an area as defined in clause (c) of Article 243-P of the Constitution;

(45-B) “municipality” means an institution of self government constituted under Section 4;

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

(46) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance, or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(47) “occupier” includes –

(a) any person who for the time being is paying or is liable to pay the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner living in or otherwise using his land or building;

(c) a rent-free tenant;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

15 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).
(48) “offensive matter” includes animal carcasses, dung, dirt and putrid or putrefying substances other than sewage;

(49) "Officer of the Corporation” means a person holding for the time being an office created or continued by or under this Act but shall not include a member of the Corporation or of a Committee as such;

(50) “Official Gazette” means the Gazette issued under the authority of the State Government;

(51) “Order” means any order published in the Official Gazette or in the manner prescribed;

16[(51-A) “backward classes” means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;]

(52) “owner” means –

(a) When used with reference to any premises the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes –

(i) an agent or trustee who receives such rent on account of the owner;

(ii) an agent or trustee who receives the rent of or is entrusted with, or concerned for any premises devoted to religious or charitable purposes;

(iii) a receiver, sequestrator or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises; and

(iv) a mortgagee-in-possession;

(b) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat;

17[(52-A) “Panchayat” means a Panchayat referred to in clause (f) of Article 243-P of the Constitution;]

(53) “part of a building” includes any wall, underground room or passage, verandah, fixed platform, plinth, staircase or door-step attached to, or within the

16 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).
17 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).
compound of an existing building or constructed on ground which is to be the site or compound of a projected building;

18[(53-A) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;]

19[(54) “premises” means any land or building;]

(55) “prescribed” means prescribed by this Act or by rule or other made thereunder or by or under any other enactment;

(56) “prescribed authority” means an officer or a body corporate appointed by the State Government in this behalf by notification in the Official Gazette, and, if no such officer or body corporate is appointed, the Commissioner of the Division in which the City is situate;

(57) “petroleum” means petroleum as defined in the 20[Petroleum Act, 1934];

(58) “private street” means a street which is not a public street;

(59) “privy” means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human excreta and the fitting and apparatus, if any, connected therewith, and includes a closet of the dry type, an aqua privy, a latrine and a urinal;

(60) “public place” includes any public park or garden or any ground to which the public have or are permitted to have access;

(61) “public securities” means –

(a) securities of the Central Government or any State Government;

(b) securities, stocks, debentures or shares, the interest whereon has been guaranteed by the Central or the State Government;

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by any enactment for the time being in force in any part of the Republic of India;

(d) securities expressly authorized by any order which the State Government makes in this behalf;

(62) “public street” means any street –

---

18 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).
(a) heretofore leveled, paved, metalled, channeled, sewered or repaired out of Corporation of other public funds; or

(b) which under the provisions of Section 290 is declared to be, or under any other provisions of this Act becomes, a public street;

(63) (a) a person is deemed to ‘reside” in any dwelling which, or some portion of which, he sometimes uses, whether interruptedly or not, as a sleeping apartment, and

(b) a person is not deemed to cease to “reside” in any such dwelling merely because he is absent from it or has elsewhere another dwelling in which he resides, if there is the liberty or returning to it at any time and no abandonment of the intention of returning to it;

(64) “rubbish” includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(65) “rules” mean rules made under powers conferred by this Act;

(66) “Schedule” means the schedule appended to this Act;

(67) [* * *]21

(68) “The expression “Scheduled Bank” shall have the meaning assigned to it in the Reserve Bank of India Act, 1934;

(69) “Servant of the Corporation” means any person in the pay and service of the Corporation;

(70) “sewage” means night-soil and other contents of water-closets, latrines, privies, urinals, cess-pools, or drains and polluted water from sinks, bath-rooms, stables, cattle-sheds, and other like places and includes trade effluent and discharges from manufactories of all kinds;

(71) “sky-sign” means any word, letter, model, sign, device or other representation, in the nature of an advertisement, announcement or direction, which is supported on or attached to any post, pole, standard, framework or other support wholly or in part upon, over or above any building or structure and which is wholly or in part visible against the sky from any point in any street or public place, and includes –

(a) every part of support, and

(b) any balloon, parachute or similar device employed wholly or in part for the purpose of any advertisement or announcement, on,
over or above any building, structure or erection of any kind, or on
or over any street or public place;

but shall not be deemed to include –

(i) any flagstaff, pole, vane or weathercock unless adapted or used
wholly or in part for the purposes of any advertisement or
announcement;

(ii) any sign on any board, frame or other contrivance securely fixed
to or on the top of the wall or parapet of any building, on the
cornice or blocking course of any wall or to the ridge or a roof, if
such contrivance be of one continuous face and not open work
and does not extend in height more than three feet above any part
of such wall, parapet or ridge; or

(iii) any representation which relates exclusively to the business of a
railway administration as defined in the Indian Railway Act,
1890, and which is placed wholly upon or over any railway
station yard, platform or station approach, or premises belonging
to such railway administration, and which is also so placed that it
could not fall into any street or public place;

(72) “special fund” means a fund constituted under Section 139;

(73) “State Government” means the Government of Uttar Pradesh;

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

(74) “street” includes any highway and any causeway, bridge, viaduct, arch,
road, lane, foot-way, sub-way, court, alley or riding path or passage, whether a
thoroughfare or note, over which the public have a right of passage or access or have
passed and had access uninterruptedly for a period of twenty years; and, when there is
a foot-way as well as a carriage way in any street, the said term includes both;

(75) “street alignment” means the line dividing the land comprised in an
forming part of a street from the adjoining land;

(76) “sweetmeat shop” means any premises or part of any premises used for
manufacture, treatment or storage for sale or for the sale, wholesale or retail, of any
ice-cream, confections or sweetmeats, whatsoever, for whomsoever intended, and by
whatsoever name the same may be known, and whether the same be for consumption
on or outside the premises;

(77) “theatre tax” means a tax on amusement or entertainments;

22 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).
(78) “trade effluent” means any liquid either with or without particles of matter in suspension therein, which is so wholly or in part produced in the course of any trade or industry carried on at trade premises and in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(79) “trade premises” means any premises used or intended to be used for carrying on any trade or industry;

(80) “trade refuse” means and includes the refuse of any trade, manufacture or business;

(81) “vehicle” includes a carriage, cart, van dray, truck, hand-cart, bicycle, tricycle, motor-car and every wheeled conveyance which is used or is capable of being used on a street;

(82) “ward” means the territorial constituency of a Corporation;

(82-A) “Ward Committees” means the Ward Committee referred to in Article 243-S of the Constitution;

(83) “water closet” means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(84) “water connection” includes –

(a) any tank, cistern, hydrant, stand-pipe, meter or tap, situated on a private property and connected with a water-main or pipe bloning to the Corporation; and

(b) the water-pipe connecting such a tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe;

(85) “water-course” includes any river, stream, or channel whether natural or artificial;

(86) “water for domestic purposes” shall not include water for cattle or for horse, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, for watering gardens, or streets or for fountains or for any ornamental or mechanical purposes;

24 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).
25 Subs. for “constituted under Section 6-A” by U.P. Act 26 of 1995, S.2 (w.e.f. 28-12-1994).
“waterworks” includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open sluice, main-pipe, culvert, engine, water-trust, hydrant, stand-pipe, conduit and machinery, land, building or thing for supplying water or for protecting sources of water-supply; 

“Workshop” means any building, place or premises, or any part thereof, not being a factory, to or over which the employer or the persons working therein have the right to access or control and in which or within the compound or precincts of which, any manual labour is employed or utilized in aid of or incidental to any process for the following purposes:

(a) the making of any article or part thereof; or
(b) the altering, repairing, ornamenting or finishing of any article; or
(c) the adopting for sale or any article;

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

3. Declaration of larger urban area. – (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 larger urban area, shall be known as a City, by such name as he may specify.

(2) Where, by a subsequent notification under clause (2) of Article 243-Q of the Constitution the Governor includes any area in a city, such area shall thereby become subject to all notifications, rules, regulations, bye-laws, orders and directions issued or made under this or any other enactment and in force in the city at the time immediately preceding the inclusion of such area and all taxes, fees and charges imposed under this Act, shall be and continue to be levied and collected in the aforesaid area.

26 Ins. by U.P. Act 12 of 1994 (w.e.f. 30-5-1994).