
**Uttar Pradesh Urban Local Self Government Laws
(Amendment) Act, 2006**

25 of 2006

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**Uttar Pradesh Urban Local Self Government Laws
(Amendment) Act, 2006**

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An Act further to amend the Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959 It is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:-- 1. Received the assent of the Governor on September 15, 2006 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 16th September, 2006, pp. 8-14

CHAPTER 1
PRELIMINARY

1. Short Title And Commencement :-

(1) This Act may be called the Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on July 12, 2006.

CHAPTER 2
AMENDMENT OF THE UTTAR PRADESH MUNICIPALITIES ACT, 1916

2. Amendment Of Section 9-A Of U.P. Act No. 2 Of 1916 :-

In Section 9-A of the Uttar Pradesh Municipalities Act, 1916 for sub-section (5) the following sub-section shall be substituted, namely:--

"(5) The offices of President and Vice-President of the Municipal Councils and Nagar Panchayat shall be reserved and allotted for the 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 or for the backward classes shall be determined in the manner that it shall bear, as nearly as may be, the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the urban area of the State, or of the Scheduled Tribes in the urban area of the State, or of the backward classes in the urban area of the State bears to the total population of such area in the State and if in determining such number of offices, there comes a remainder then, if it is half or less than half of the divisor, it shall be ignored and if it is more than half of the divisor, the quotient shall be increased by one and the number so arrived at shall be the number of offices to be reserved for the Scheduled Castes or the Scheduled Tribes or the backward classes, as the case may be :

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty-seven per cent of the total number of offices in the State;

(ii) for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes, as the case may be, under subsection (3) shall not be less than one-third of the number of offices for the Scheduled Castes, Scheduled Tribes and for the backward classes and if in determining such number of offices there comes a remainder then the quotient shall be increased by one and the number so arrived at shall, as the case may be, be the number of offices to be reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backward classes :

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 subsection (3) shall not be less than one-third of the number of offices for the Scheduled Castes, Scheduled Tribes and for the backward classes and if in determining such number of offices there comes a remainder then the quotient shall be increased by one and the number so arrived at shall, as the case may be, the number of offices be reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backward classes.

(c) All Municipal Councils and Nagar Panchayats of the State shall be arranged in such serial order that the Municipal Councils or Nagar Panchayats having largest percentage of population of Scheduled Castes in the State, shall be placed at Serial Number 1 and Municipal Councils or Nagar Panchayats having lesser population of the Scheduled Castes than those shall be placed at number 2 and the rest shall likewise be placed respectively at succeeding numbers.

(d) Subject to item (ii) of sub-clause (b) the number of offices of the Presidents determined under sub-clause (b) for Municipal Councils or the Nagar Panchayats of the State shall be allotted to different Municipal Councils or Nagar Panchayats in the State, as the case may be, in the manner that--

(i) the number of offices determined under item (i) of sub-clause (b) for the offices of Scheduled Castes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the Scheduled Castes, shall be allotted to Scheduled Castes next to the Municipal Council or Nagar Panchayat placed at Serial No. 1 under sub-clause (c):

Provided that such Municipal Council or Nagar Panchayats shall be first allotted to the women belonging to the Scheduled Castes;

(ii) the number of offices determined under item (i) of sub-clause (b) for the offices of Scheduled Tribes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the Scheduled Tribes be allotted to Scheduled Tribes serialwise next to the last serial allotted under item (i):

Provided that such Municipal Council or Nagar Panchayat shall be first allotted to the women belonging to the Scheduled Tribes.

(iii) the number of offices determined under item (i) of sub-clause (b), for the offices of backward classes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the backward classes shall be allotted to backward classes serialwise next to the last serial number allotted

under item (ii):

Provided that such Municipal Council or Nagar Panchayat shall be first allotted to the women belonging to the backward classes.

(iv) the number of offices determined under item (ii) of sub-clause (b) excluding the officers determined under the said sub-clause for the women of Scheduled Castes, Scheduled Tribes and backward classes shall be allotted to the women serialwise next to the last serial number allotted under item (iii).

(e) If on the basis of the population of Scheduled Castes or Scheduled Tribes in a Municipal Council or Nagar Panchayat--

(i) only one office could be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, such office shall be allotted to the women.

(ii) no office could be reserved for the Scheduled Castes or for the Scheduled Tribes, the order of allotment of offices referred in subclause (d) shall be so adhered to as if there is no reference in it to the Scheduled Castes or to the Scheduled Tribes, as the case may be.

(f) The offices allotted in any previous election to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women shall not be allotted in the subsequent election respectively to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women and the offices in such subsequent election shall be allotted serially from the next to the last office allotted to the women in the previous election in the order referred to in sub-clause (d) in cyclic order.

(2) Reservation and allotment of the offices of Vice-President.--

For the reservation and allotment of offices of the Senior Vice-President of Municipal Councils or the Vice-President of Nagar Panchayats, the provisions of subclause (5) of clause (1) shall mutatis mutandis apply :

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty-seven per cent of the total number of unreserved offices of President in the State :

Provided also that the number of offices to be reserved for the women shall not be less than one-third of the total number of unreserved offices of President and if in determining such number of offices, there comes a remainder then the quotient shall be increased by one and the number so arrived at shall be the number of offices to be reserved for women :

Provided also that offices allotted in any election to the women

shall not be allotted to the women in the next following election and shall be allotted to the next Municipal Council or Nagar Panchayat, as the case may be :

Provided also that if the office of the President of a Municipal Council is reserved, the office of Vice-President of that Municipal Council shall not be reserved :

Provided that where the offices of Senior Vice-President in the Municipal Councils, are reserved for Scheduled Castes or backward classes or women, the office of Junior Vice-President in such Municipal Councils, the office of the junior most Vice-President shall be reserved for backward classes, women or Scheduled Castes, as the case may be.

(3) Allotment order.--

(a) Notwithstanding anything contained in the foregoing clauses the State Government shall, determining the number of offices to be reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and the women, by order published in the Gazette, allot the offices to the Municipalities.

(b) The draft of order under sub-clause (a) shall be published for objections for a period of not less than seven days.

(c) The State Government shall consider the objections, if any, but it shall not be necessary to hear in person on such objections unless the State Government considers it necessary so to do and thereupon it shall become final.

(d) The draft of order referred to in sub-clause (b) shall be published in 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."

CHAPTER 3

AMENDMENT OF THE UTTAR PRADESH MUNICIPAL CORPORATION ACT, 1959

3. Amendment Of Section 7 Of U.P. Act No. 2 Of 1959 :-

In Section 7 of the Uttar Pradesh Municipal Corporation Act, 1959 for sub-section (5) the following sub-section shall be substituted, namely:--

"(5) The offices of Mayor and Deputy Mayor of the Corporation shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes and women in the manner given below:-

(1) Reservation and allotment of offices of mayor.--

(a) The reservation and allotment of offices of the Mayor shall be

done in the manner hereinafter provided.

(b) The number of offices to be reserved--

(i) for the Scheduled Castes or for the Scheduled Tribes or for the backward classes shall be determined in the manner that it shall bear, as nearly as may be, the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the urban area of the State, or of the Scheduled Tribes in the urban area of the State, or of the backward classes in the urban area of the State bears to the total population of such area in the State and if in determining such number of offices there comes a remainder then, if it is half or less than half of the divisor, it shall be ignored and if it is more than half of the divisor, the quotient shall be increased by one and the number so arrived at shall be the number of office to be reserved for the Scheduled Castes or the Scheduled Tribes or the backward classes, as the case may be:

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty-seven per cent of the total number of offices in the State;

(ii) for the women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes, as the case may be, under subsection (3) shall not be less than one-third of the number of offices for the Scheduled Castes, Scheduled Tribes and for the backward classes, and if in determining such number of offices there comes a remainder then the quotient shall be increased by one and the number so arrived at shall, as the case may be, be the number of offices to be reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backward classes.

(c) All Municipal Corporation of the State shall be arranged in such serial order that the Municipal Corporations having largest percentage of population of Scheduled Castes in the State, shall be placed at Serial Number 1 and Municipal Corporations having lesser population of the Scheduled Castes than those shall be placed at Serial Number 2 and the rest shall likewise be placed respectively at succeeding numbers and likewise the remaining shall be numbered respectively.

(d) Subject to item (ii) of sub-clause (b) the number of offices of the Mayor determined under sub-clause (b) for Municipal Corporations of the State, shall be allotted to different Municipal Corporations in the State, as the case may be, in the manner that,-

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(i) the number of offices determined under item (i) of sub-clause (b) for the offices of Scheduled Castes including the number of

offices determined under item (ii) of the said sub-clause for the women belonging to the Scheduled Castes, shall be allotted to Scheduled Castes serialwise next to the Municipal Corporations placed at Serial No. 1 onwards under sub-clause (c):

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

(ii) the number of offices determined under item (ii) of sub-clause (b) for the offices of Scheduled Tribes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the Scheduled Tribes, shall be allotted to Scheduled Tribes serialwise next to the last serial allotted under item (i):

Provided that such Municipal Corporation shall be first allotted to the women belonging to the Scheduled Tribes.

(iii) the number of offices determined under item (i) of sub-clause (b), for the offices of backward classes including the number of offices determined under item (ii) of the said sub-clause for the women belonging to the backward classes shall be allotted to backward classes serialwise next to the last serial number allotted under item (ii):

Provided that such Municipal Corporation shall be first allotted to the women belonging to the backward classes;

(iv) the number of offices determined under item (ii) of sub-section (b) excluding the offices determined under the said sub-clause for the women of Scheduled Castes, Scheduled Tribes and backward classes shall be allotted to the women serialwise next to the last serial number allotted under item (iii).

(e) If on the basis of the population of Scheduled Castes or Scheduled Tribes in a Municipal Corporation--

(i) only one office could be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, such office shall be allotted to the women;

(ii) no office could be reserved for the Scheduled Castes or for the Scheduled Tribes, the order of allotment of offices referred in subclause (d) shall be so adhered to as if there is no reference in it to the Scheduled Castes or to the Scheduled Tribes, as the case may be.

(f) The offices allotted in any previous election to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women shall not be allotted in the subsequent election respectively to the Scheduled Castes, the Scheduled Tribes, the backward classes or the women and the offices in such subsequent election shall be

allotted serially from the next to the last office allotted to the women in the previous election in the order referred to in sub-clause (d) in cyclic order.

(2) Reservation and allotment of the offices of Deputy Mayor.--

For the reservation and allotment of office of the Deputy Mayor of Municipal Corporations, the provisions of sub-clause (5) of clause (i) shall mutatis mutandis apply:

Provided that the number of offices to be reserved for the backward classes under this clause shall not be more than twenty-seven per cent of the total number of unreserved offices of Mayor in the State:

Provided also that the number of offices to be reserved for the women shall not be less than one-third of the total number of unreserved offices of Mayor and if in determining such number of offices, there comes a remainder than the quotient shall be increased by one and the number so arrived at shall be the number of offices to be reserved for women:

Provided also that the offices allotted to any election in any election to the women shall not be allotted to the women in the next following election and shall be allotted to the next Municipal Corporation, as the case may be:

Provided also that if the office of the Mayor of a Municipal Corporation is reserved, the office of Deputy Mayor of that Municipal Corporation shall not be reserved.

(3) Allotment order.--

(a) Notwithstanding anything contained in the foregoing subsections the State Government shall, after determining the number of offices to be reserved for the Scheduled Castes, Scheduled Tribes, backward classes and the women, by order published in the Gazette, allot the offices to the Municipal Corporations.

(b) The draft of order under sub-clause (a) shall be published for objections for a period of not less than seven days.

(c) The State Government shall consider the objections, if any, but it shall not be necessary to hear in person on such objections unless the State Government consider it necessary so to do and thereupon it shall become final.

(d) The draft of order referred to in sub-clause (b) shall be published in at least one daily newspaper having wide circulation in the concerned district and shall also be affixed on the notice board of the offices of the District Magistrate and the concerned Municipal Corporation."

4. Repeal And Saving :-

(1) The Uttar Pradesh Municipalities (Amendment) Ordinance, 2006 and the Uttar Pradesh Municipal Corporation (Amendment) Ordinance, 2006 are hereby repealed.

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