

**Uttar Pradesh Urban Local Self Government Laws (Second Amendment) Act, 2009**

**29 of 2009**

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**Uttar Pradesh Urban Local Self Government Laws (Second Amendment) Act, 2009**

**29 of 2009**

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 Sixtieth Year of the Republic of India as follows:-- 1. Received the assent of the Governor on August 26, 2009 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 22nd September, 2009, pp. 10-17

CHAPTER 1  
PRELIMINARY

## **1. Short Title :-**

This Act may be called the Uttar Pradesh Urban Local Self Government Laws (Second Amendment) Act, 2009.

### **CHAPTER 2**

AMENDMENT OF THE UTTAR PRADESH MUNICIPALITIES ACT, 1916

## **2. Amendment Of Section 2 Of U.P. Act. No. 2 Of 1916 :-**

In Section 2 of the Uttar Pradesh Municipalities Act, 1916, hereinafter in this chapter referred to as the principal Act, after clause (23-A) the following clause shall be inserted, namely:--

"(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."

## **3. Substitution Of Section 3-B :-**

For Section 3-B of the principal Act, the following section shall be substituted, namely:--

"3-B. Constitution and composition of Ward Committee.--

(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 (sic 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 organisations, who have special knowledge or experience of municipal administration;

Provided that not less than one-third number of total number of members shall be reserved 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 authorised 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 members of the Municipal Council.

(8) In the event of the office 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."

"(2) xxx."

#### **4. Insertion Of New Section 97-B :-**

After Section 97-A of the principal Act, the following section shall be inserted, namely:--

"97-B. Private sector participation agreement.--

(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 any body 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."

## **5. Insertion Of New Section 293-B :-**

After Section 293-A of the principal Act, the following section shall be inserted, namely:--

"293-B. Power to levy user charges.--

The Municipality or any officer or agency or organisation authorised 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;
- (iv) using of public path ways, footpaths and public land;
- (v) stacking of materials or rubbish on public street for construction, alteration, 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 utilisation plants, meat and fish markets, etc.;

(x) any other specific service rendered or infrastructure created or facility or amenity provided."

## **6. Insertion Of Section 332-A :-**

After Section 332 of the principal Act the following section shall be inserted, namely:--

"332-A. Public disclosure of information.--

(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 Committees,
- (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 from 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.

#### CHAPTER 3

#### AMENDMENT OF THE UTTAR PRADESH MUNICIPAL CORPORATION ACT, 1959

### **7. Amendment Of Section 2 :-**

In Section 2 of the Uttar Pradesh Municipal Corporation Act, 1959, hereinafter in this chapter referred to as the principal Act, after clause (80), the following clause shall be inserted, namely:--

(80-A) "User Charges" means the charges or fees levied for specific service rendered or infrastructure created or facilities and amenities provided in pursuance of the provisions of this Act by the Municipal Corporations..

### **8. Substitution Of Section 6-A :-**

For Section 6-A of the principal Act the following section shall be substituted, namely:--

"6-A. Constitution and composition of Ward Committee.--

(1) Each Ward Committee constituted under clause (1) of Article 243-S of the Constitution within the territorial area of a Corporation, 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 (sic territory) of the concerned ward.

(3) Each Ward Committee shall consist of--

- (a) the Corporator representing the ward;
- (b) such other members not exceeding ten as may be nominated by the Corporation from amongst persons registered as electorals within the territorial area of the concerned Ward Committee, office bearers of citizens welfare societies and representatives of non-government organisations, who have special knowledge or experience of municipal administration:

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

(4) The Corporator representing that ward in the Corporation shall

be the Chairperson of that Committee.

(5) A Group C employee of Municipal Corporation authorized by the Municipal Commissioner 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 the Corporator.

(8) In the event of the office 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 Corporation.

(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."

## **9. Amendment Of Section 58 :-**

In Section 58 of the principal Act, for the second proviso the following proviso shall be substituted, namely:

"Provided further that no person of the Uttar Pradesh Palika (Centralised) Services may be appointed as Additional Municipal Commissioner unless he is a Deputy Municipal Commissioner of the Corporation in the seniormost scale."

## **10. Insertion Of New Section 137-A :-**

After Section 137 of the principal Act, the following section shall be inserted, namely:--

"137-A. Private sector participation agreement.--

(1) Notwithstanding anything to the contrary contained in any other provision of this Act, a Municipal Corporation may, in the discharge of its functions specified in Sections 114 and 115--

(a) promote the undertaking of any project for supply of urban infrastructure or services by participation of a person, company, firm, society, trust or any body corporate or any institution, or Government agency or any agency under any other law for the

time being in force, in financing, construction, maintenance and operation of such projects of a Municipal Corporation irrespective of its cost,

(b) consider and approve the undertaking of any project relating to urban infrastructure or services by a person or company, or firm, or society, 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, and

(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 centres and other civic amenities and facilities and commercial infrastructure, the Municipal Corporation 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."

#### **11. Amendment Of Section 174 :-**

In Section 174 of the principal Act, in sub-section (1) for clause (a), the following clause shall be substituted, namely:

"(a) in 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."

#### **12. Amendment Of Section 207-A :-**



In Section 207-A of the principal Act, for the words "residential building" the word "building" and for the words and figures "clause (b) of Section 174" the words and figures "Section 174" shall be substituted.

#### Section 13 - Insertion of Sections 573-A and 573-B

After Section 573 of the principal Act the following sections shall be inserted, namely:--

##### "573-A. Power to levy user charges.--

The Municipal Corporation or any officer or agency or organisation authorised by it in this behalf shall 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,
- (iv) using of public path ways, footpaths and public land;
- (v) stacking of materials or rubbish on public street for construction, alteration, 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 house, carcass utilisation plants, meat and fish markets etc;
- (x) any other specific service rendered or infrastructure created or facility or amenity provided.

##### 573-B. Public disclosure of information.--

(1) The Corporation 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 Corporation or its Committees;
- (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 Corporation;
- (d) audited financial statements of balance sheet, receipts and expenditures, annual budget, etc.;
- (e) the service levels provided for each of the services being undertaken by the Corporation;

- (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 Corporation, and manner and criteria of identification of beneficiaries for such programmes;
  - (h) details of programmes undertaken by the Corporation;
  - (i) particulars of City Development Plans and Detailed Project Reports, relating to development of the Corporation;
  - (j) the particulars of major works, values of works, time of completion and details of contract;
  - (k) the details of Corporation Funds--
    - (i) income generated and realized in the previous year under Tax and Non-tax heads;
    - (ii) taxes, duties, cess and surcharge, rent, fee from 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 Corporation
  - (d) Zone Offices
  - (e) Issue of a Bulletin
  - (f) Notification in Gazette
  - (g) Any other mode as may be prescribed by the State Government.