

No. 455/Vidhayee and Sansadiya Karya/2002

Dated Dehradun, December 21, 2002

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttaranchal (Uttar Pradesh Municipalities Act, 1916) (Amendment) Act, 2002 (Uttaranchal Adhinyam Sankhya 13 of 2002).

As passed by the Uttaranchal Legislative Assembly and assented by the Governor on December 21, 2002.

THE UTTARANCHAL (UTTAR PRADESH MUNICIPALITIES ACT, 1916)
(AMENDMENT) ACT, 2002
(ACT No. 13 OF 2002)

AN

ACT

to further amend the Uttar Pradesh Municipalities Act, 1916 in it's application in Uttaranchal,

It is hereby enacted in the fifty third year of the Republic of India as follows :-

1. Short title,
extent and
commencement

- (1) This Act may be called Uttaranchal (Uttar Pradesh Municipalities Act, 1916) (Amendment) Act, 2002.
- (2) In extends to the whole of Uttaranchal
- (3) It shall be deemed to have come into force at once.

2. Amendment
of Section 9-1
(A) of the
Uttar Pradesh
Nagar Palika
Adhinyam
1916

Section 9-(1)(A) of the Uttar Pradesh Nagar Palika Adhinyam, 1916 (hereinafter referred to as the "Principal Act") the following section shall be substituted, namely :-

The elected members, whose numbers shall be not less than 4 and not more then 45, as may be prescribed by the State Govt. and notified in the official Gazatte.

3. Amendment
of the first
proviso of
Section 9-A

The first proviso of Section 9-A of the Principal Act, the Word "fourteen" shall be substituted for the word "Twenty seven".

Amendment
of Section 13-B

In section 13-B of the Principal Act, sub-section (3) shall be added :

- (3) State Election Commission shall obtain from all the candidates a declaration in the form of an affidavit containing the following information and any other information it deems necessary and shall, except information contained in clause (c) and (e), publish the same in the major daily newspapers for the information of the electorate.
 - (a) Whether the candidate has been convicted/acquitted/discharged of any criminal offence in the past and, if convicted, whether he was punished with imprisonment or fine ?

- (b) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the Court of law. If so, the details thereof.
- (c) The assets (immovable, movable, bank balances etc.) of a candidate and of his/her spouse and, that of dependants.
- (d) Liabilities, if any, particularly whether there are any over dues of any public Financial Institutions or Government dues.
- (e) His/her source of income and full details of present Monthly/Annual Income.
- (f) Whether he/she is married/unmarried.
- (g) Number of Children, their ages, and their educational expenses.
- (h) Details of his/her income tax; house tax; projections tax/fees payable annually.
- (i) The educational qualifications of candidate.

After section 13-C of the Principal Act a new subsection (d) shall be inserted :-

- (d) He is not a candidate from more than one ward.

5. Insertio
of a new
sub-sectio
13-C(d)

After section 13-D(d), sub-section(e), 13-D(g) sub-section(h), and 13-D(k) sub-section(i),(m)(n)(o) and (p) in the Principal Act, shall be added :-

- (e) He has more than two living children of whom one is born after expiry of 300 days from the date of notification of this part ; or,
- (h) has been convicted of any offence against a woman or,
- (l) has an interest or share, in a publication where in advertisement regarding activities of the municipalities can be published or,
- (m) is a paid employee of any institution, receiving financial aid from the municipalities or,
- (n) the person or any member of his/her family or his/her legal heir is in unauthorized occupation of any land or building owned or managed by the municipality/ Government or a public road or pavement, canal, drain, or is a beneficiary of such unauthorized occupation ; or,
- (o) is a representative or office bearer of any federation or union of any cadre or class of employees of the municipality ; or
- (p) has been convicted of any offence involving violation of any Act, Rules, Sub-rules, regulations and Govt. orders relating to Municipality and has been found guilty or working against the interest of the municipality.

6. Insertion
of a new
subsection
13-D(e)(h)
(l)(m)(n)
(o) and (p)

7. Insertion of
Section 13-F

After section-13-E of the Principal Act a new section 13-F shall be inserted :-

Procedure of voting : Wherever an election takes place in any ward, voting shall be either through secret ballot or voting machine and there shall be no proxy voting.

8. Amend
ment of
section-43
AA

In sub-section (2)(a) of section 43-AA of the Principal Act after sub-section (b) of section 13-D, sub-section (i),(n),(o),(p), shall be added.

Repeal
and
savings

(1) The Uttaranchal (Uttar Pradesh Nagar Palika Adhiniyam, 1916) (Amendment) ordinance-2002 is here by repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the corresponding provisions of the Uttar Pradesh Nagar Palika Adhiniyam, 1916 as amended by the ordinance referred to in sub-section(1), shall be deemed to have been done or taken under the corresponding provisions of the Uttar Pradesh Nagar Palika Adhiniyam, 1916 as amended by this Act, as if the provisions of this Act were in force at all Material times.

Uttaranchal
Ordinance
no. 3 of
2002

By Order,

(U. C. DHYANI)
Addl. Secretary.