

No. 301/XXXVI(3)/2024/32(1)/2024
Dehradun Dated, September 20, 2024

NOTIFICATION

Miscellaneous

In pursuance of the provision 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 Uttarakhand (Uttar Pradesh Municipalities Act, 1916) (Amendment) Act, 2024' (Uttarakhand Act No. 15 of 2024).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 17th September, 2024.

**The Uttarakhand (Uttar Pradesh Municipality Act, 1916)
(Amendment) Act, 2024**

(Uttarakhand Act No. 15 Year, 2024)

An

Act

further to amend the Uttar Pradesh Municipality Act, 1916 (Adaptation and Modification order 2002) in the context of Uttarakhand State,

Be it enacted by the Uttarakhand State Legislature in the Seventy-fifth year of the Republic of India as follows:-

Short Title and Commencement. 1. (1) This Act may be called the Uttarakhand (Uttar Pradesh Municipality Act, 1916) (Amendment) Act, 2024.

(2) It shall come into force at once.

Amendment in 2. In section 2 of the Uttar Pradesh Municipality Act, 1916 (Adaptation and Modification order, 2002) (hereinafter referred to as the principal Act) new clause (28) shall be inserted as follows, namely:-

“(28) ‘Dedicated Commission’ means the Dedicated Commission constituted by the State Government for determining the seats of other Backward Classes;”

Amendment of 3. In the principal Act sub section (1) of section 9-A shall be substituted as follows, namely;

(1) In every municipality seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes and the number of seats so reserved shall be in the same proportion to the total number of seats to be filled by direct election in that municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the municipal area bears to the total population of such area and the number of seats reserved for Backward Classes shall be such as determined by the State Government as per the recommendations made by the Dedicated Commission on the basis of contemporary in-depth empirical investigation and such seats may be allotted to different wards in a municipality by rotation in such order as may be prescribed by the rules;

Provided that the total reservation for Scheduled Castes and Scheduled Tribes and Backward Classes shall not exceed 50 percent of total number of seats;

Provided further that if the reservation for Schedules

Castes and Scheduled Tribes is 50 percent or more of the total number of seats, there shall be no reservation for the Backward Classes;

Provided also that if the data of population of Backward Classes is not available, then their population may be determined by conducting a survey in the prescribed manner."

Amendment of 4.
Section 13-D

In the principal Act clause (e) of Section 13-D shall be substituted as follows, namely;

"has more than two living children, who were born after April 27, 2003;

Provided that the above provision regarding disqualification shall not apply in case of having twin or more children in the second pregnancy after the first child, or,"

Amendment of 5.
Section 48

In the principal Act in section 48, -

(a) at the end of clause (b) of sub section (2) following proviso shall be inserted as follows, namely: -

"Provided that where the State Government has reason to believe that the allegations do not appear to be unfounded and the President or the vice President is prima facie guilty on any ground under this sub section and in consequence of which a show cause notice is issued to him under this sub-section and proceedings are held then from the date of issue of the show cause notice containing the allegations, President or the vice President shall be prevented from exercising, performing and discharging the financial and administrative powers, functions and duties unless he is acquitted of the charges mentioned

in the issued show cause notice and the proceedings under clause (a) of sub section (2) are concluded and during such period of prevention the said powers, functions and duties of the President or the vice President shall be exercised, performed and discharged by the District Magistrate or any officer nominated by him not below the level of Deputy Collector:

Provided further that those President and vice President found guilty under clause (a) and (b) of sub-section (2) shall not be able to remain a member of the municipality and shall not be eligible for re-election as president or member for a period of five years from the date of conviction."

(b) Sub section (3) shall be substituted as follows namely;

"the order passed under clause (a) and (b) of sub-section (2) shall be final and shall not be challenged in any court."

**Amendment of 6.
section 128**

In the principal Act clause (vii) of sub-section (1) of section 128 shall be substituted as follows, namely:

"(vii) tax on advertisement, not being advertisement published in newspapers."

**Repeal and 7.
Saving**

(1) The Uttarakhand (Uttar Pradesh Municipality Act, 1916) (Amendment) Ordinance, 2024 is here by repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order,

DHANANJAY CHATURVEDI,

Principal Secretary,

Statement of Objects and Reasons

To provide adequate representation to the Other Backward Classes in the Urban Local Body elections as per the recommendations of the Single Dedicated Commission the Uttarakhand (Uttar Pradesh Municipality Act, 1916) (Amendment) Ordinance, 2024 has been promulgated.

2- The proposed bill is the replacing bill of the said Ordinance.

Prem Chand Aggarwal
Minister