

THE UTTAR PRADESH MUNICIPALITIES ACT, 1916¹
[Uttar Pradesh Act No. II of 1916]

[11th May, 1916]

(AS AMENDED UPTO DATE)

An Act to consolidate and amend the law relating to Municipalities in the²[Uttar Pradesh]

Whereas, it is expedient to consolidate and amend the law relating to Municipalities in the³[Uttar Pradesh];

It is hereby enacted as follows :

CHAPTER I

PRELIMINARY

1. **Short title, extant and commencement** – (1) This Act may be called the⁴[Uttar Pradesh] Municipalities Act, 1916.

⁵[(2) It shall extend to the whole of Uttar Pradesh.]

(3) It shall come into force on the first day of July, 1916.

NOTE

Constitutional Instrumentalities – In the case of *Ahmedabad Municipal Corporation*,⁶ the Apex Court has held that the Gram Panchayats, the Zila Parishads and Municipalities are local bodies, Parts IX and IX-A of the Constitution have brought, through Articles 243 to 243-ZG, the Panchayats, Zila Parishads and Municipalities as constitutional instrumentalities to elongate the socio-economic and political democracy under the rule of law, Articles 243-G and 243-W enjoin preparation of plans for economic development and social justice. The State i.e., the Union of India, the State Governments and the local bodies constitute an integral executive to implement the directive principles contained in Part IV through planned development under the rule of law. The appellant-Corporation, therefore, has Constitutional duty and authority to implement the directives contained in Articles 38, 39 and 46 and all cognate provisions to make the fundamental rights available to all the citizens as meaningful. It would, therefore, be the duty of the appellant to enforce

¹ Received the assent of Lieutenant Governor on 11.05.1916 and of the Governor-General on 15.06.1916, and was published under Sec. 81 of the Government of India Act, 1915 on 24.06.1916.

² Subs. by Sec. 32 of U.P. Act No. 26 of 1955, for “United Provinces”

³ Subs. by *ibid.*

⁴ Subs. by *ibid.*

⁵ Subs. by A.L.O. 1950.

⁶ AIR 1997 SC 152.

the schemes in a planned manner by annual budgets to provide right to residence to the poor.¹

2. Definitions – In this Act unless there is something repugnant in the subject or context,-

²[(1) “Backward Classes” means the backward classes of citizens specified in Schedule 1 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994;]

³[(2) “Buildings” means a house, out-house, stable, shed, hut or other enclosure or structure whether of masonry bricks, wood, mud, metal or any other material whatsoever, whether used as a human dwelling or otherwise, and includes any verandah, platform, plinth, staircase, door step, wall including compound wall other than a boundary wall of a garden or agricultural land not appurtenant to a house but does not include a tent or other such portable temporary shelter;]

(3) “Bye-law” means a bye-law made in exercise of a power conferred by this Act.

(4) ⁴[* * *]

(5) “Compound” means land, whether enclosed or not which is the appurtenance of a building or the common appurtenance of several buildings;

⁵[(5-A) “Director” means the Director of Local Bodies, Uttar Pradesh appointed under Section 31-B;]

⁶[(5-AA) “District Planning Committee” means the District Planning Committee constituted under Article 243-ZD of the Constitution;]

(6) “Drain” includes a sewer, pipe, ditch, channel or any other device for carrying of sullage sewage and polluted water, or rain water or sub-soil water, together with pail depots, traps, sinks cisterns flush, tanks and other fittings appertaining thereto;

⁷[(6-A) “Finance Commission” means the Finance Commission ⁸[constituted under] Article 243-I of the Constitution;]

¹ Anugrah Narian Singh V. State of U.P., (2006) 1 SAC 1.

² Subs. by U.P. Act No. 12 of 1994.

³ Subs. by U.P. Act No. 26 of 1964.

⁴ Omitted by U.P. Act No. 12 of 1994.

⁵ Ins. by U.P. Act No. 41 of 1976.

⁶ Ins. by U.P. Act No. 12 of 1994.

⁷ Ins. by U.P. Act No. 12 of 1994.

⁸ Subs. by U.P. Act No. 26 of 1995.

- (7) “Inhabitant” used with reference to a local area means by person ordinarily residing or carrying on business or owning or occupying immovable property therein;
- (8) “Lodging house” includes a collection of buildings, or a building or part of a building used for the accommodation of pilgrims and travelers;
- ¹[(8-A) “Master Plan” means a comprehensive plan showing therein the existing and proposed local and general layout of –
- (a) arterial streets and transportation lines;
 - (b) residential sections;
 - (c) business areas;
 - (d) industrial areas;
 - (e) educational institutions;
 - (f) public parks, play-grounds and other recreational places;
 - (g) public and semi-public buildings; and
 - (h) any other places put to any specified used;]
- ²[(9) “Municipality” means an institution of self-Government ³[referred to in clause (e) of Article 243-P of the Constitution];
- (9-A) “Municipal Area” means the territorial area of a municipality ⁴[* * *];
- ⁵[(9-B) “Municipal Council” means the Municipal Council constituted under sub-clause (b) of clause (1) of Article 243-Q of the Constitution;
- (9-C) “Nagar Panchayat” means the Nagar Panchayat constituted under sub-clause (a) of clause (1) of Article 243-Q of the Constitution;]
- (10) “Notification” means a notification published in the Official Gazette;
- (11) “Occupier” includes an owner in actual occupation of his own land or building;
- (12) “Officer of the ⁶[Municipality]” means a person holding for the time being an office created or continued by or under this Act, but shall

¹ Added by U.P. Act No. 26 of 1964.

² Subs. by U.P. Act No. 12 of 1994.

³ Subs. by U.P. Act No. 26 of 1995.

⁴ Omitted by U.P. Act No. 26 of 1995.

⁵ Subs. by U.P. Act No. 26 of 1995.

⁶ Subs. by U.P. Act No. 12 of 1994.

not include a member of the ¹[Municipality] or of a committee as such;

(13) “Owner” includes a person for the time being receiving or entitled to receive the rent, or a part of the rent, of any land or building, whether on his own account or as trustee, or as agent for a person or for a religious or charitable purpose, or as receiver appointed by or under the order of Court or who would so receive the same if the land or building were let to a tenant;

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

(14) “Part of building” includes any wall, underground room or passage, verandah, fixed platform, plinth, staircase or doorstep attached to, or within the compound of a existing building, or constructed on ground which is to be the site or compound of a projected building;

(15) “Petroleum” means the petroleum as defined in the Indian Petroleum Act, 1849³;

⁴[(16) “Population” means population as ascertained at the last preceding census of which the relevant figures have been published;]

⁵[(17) (i) “Prescribed” means prescribed by or under this Act or rules made thereunder or by or under any other enactment;

(ii) “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;]

(18) “Public Place” means a space, not being private property which is open to the use or enjoyment of the public whether such space is vested in the ⁶[Municipality] or not;

(19) “Public street” means a street –

(a) which is declared a public street by the ⁷[Municipality] under the provisions of Section 22], or

¹ Subs. by U.P. Act No. 12 of 1994.

² Ins. by U.P. Act No. 12 of 1994.

³ See now Petroleum Act, 1934 (Act No. 30 of 1934).

⁴ Subs. by U.P. Act No. 12 of 1994.

⁵ Subs. by U.P. Act No. 7 of 1949.

⁶ Subs. by U.P. Act No. 12 of 1994.

⁷ Subs. by U.P. Act No. 12 of 1994.

- (b) which with the consent, express or implied, of the owner of the land comprising the street has been leveled, paved, metalled, channelled severed or repaired out of the municipal or other public funds;
- (20) “Regulation” means a regulation made in exercise of a power conferred by this Act;
- (21) “Rule” means a rule made in exercise of a power conferred by this Act;
- ¹[(21-A) the expression “Scheduled Bank” shall have the meaning assigned to it in the Reserve Bank of India Act, 1934;]
- (22) “Servant of the ²[Municipality]” means any person in the pay and service of the ³[Municipality];
- ⁴[(22-A) “Smaller urban area” means an area notified as such under clause (2) of Article 243-Q of the Constitution;]
- ⁵[22-B) “State Election Commission” means the State Election Commission ⁶[constituted under] Article 243-K of the Constitution;]
- (23) “Street” means any road, bridge, footway, lane, square, court, alley or passage which the public or any portion of the public, has right to pass along and includes, on either side, the drain or gutters and the land upto the defined boundary of any abutting property, notwithstanding the projection over such land of any verandah or other superstructure;
- ⁷[(23-A) “Transitional area” means an area in transition from a rural area to an urban area notified as such under clause (2) of Article 243-Q of the Constitution;]
- (24) “Vehicle” means a wheeled conveyance capable of being used on a street, and includes a bicycle, tricycle ⁸[or motor vehicle as defined in the ⁹United Provinces Motor Vehicle Taxation Act, 1935 (U.P. Act No. 5 of 1935)];
- ¹⁰[(24-A) “Wards Committee” means the ¹⁰Wards Committee ¹¹[referred to in Article 243-S of the Constitution];]

¹ Ins. by U.P. Act No. 1 of 1955.

² Subs. by U.P. Act No. 12 of 1994.

³ Subs. by U.P. Act No. 12 of 1994.

⁴ Subs. by U.P. Act No. 26 of 1995.

⁵ Subs. by U.P. Act No. 12 of 1994.

⁶ Subs. by U.P. Act No. 26 of 1995, for “referred to in”.

⁷ Subs. by U.P. Act No. 26 of 1995.

⁸ Subs. by U.P. Act No. 5 of 1935.

⁹ See now U.P. Motor Vehicles Taxation Act, 1997 (U.P. Act No. 21 of 1997).

¹⁰ Ins. by U.P. Act No. 12 of 1994.

¹¹ Subs. by U.P. Act No. 26 of 1995.

- (25) “Water for domestic purposes” shall not include water for cattle, or for horses, for washing carriages, where the cattle, horses or carriages are kept for sale or hire ¹[or for any other commercial purpose] or by a common carrier, or water for any trade, manufacture, or business or for building purpose or for watering gardens ²[not appurtenant to any dwelling house], or for fountains or for any ornamental purpose;
- (26) “Water works” includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, cuts, sluices, mains, pipes, culverts, engines, hydrants, stand-pipes, conduits and all machinery, lands, buildings, bridges and things for supplying of used for supplying water;
- (27) where a power is expressed as being conferred on any authority to require a person to do one thing or to do another thing, the authority may, in its discretion require the person to do either thing, or if, the nature of the case permits, both of the things, or may give the person the option of doing whichever of the things he chooses.

NOTES

Advertisement – Meaning of, - Notice given in a manner designed to attract public attention. *Edwards V. Lubbock County*.³

Information communicated to the public, or to an individual concerned, as by handbills, newspaper, television, billboards, radio. *First Nat. Corpn. V. Perrine*.⁴

An advertisement is a matter that draws attention of the public or a segment of the public to a product, service, person, organization or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organization or line of conduct intended to promote sale or use of product or range of products. An advertisement is generally of goods and services and is an information intended for the potential customers and not a mere display of the name of the company unless the same happens to be a trade mark or trade name.⁵

Building – Meaning of, - A perusal of the definition of the terms “building” shows that the definition is widely worded. It includes within its ken even enclosures or structures whether of masonry, etc. or otherwise including compound walls. A basement situated at the bottom of the building though meant to be utilized as a parking space would definitely be covered by the definition of the term “building” and hence would be liable to general tax.⁶

¹ Ins. by U.P. Act No. 26 of 1964.

² Ins. by U.P. Act No. 26 of 1964.

³ Tex Civ. App. 33, SW 2d 482.

⁴ 99 Mont 454, 43 P 2d 1073, 1077.

⁵ ICICI Bank V. Municipal Corporation of Greater Bombay, (2005) 6 SCC 404.

⁶ Arvindbhai Narottam Shah V. Municipal Corpn. Of City of Ahmedabad, (2003) 12 SCC 171.

Bungalow – Meaning of, - The word ‘bungalow’, normally and apparently cannot be extended to cover multistoried complex. The word ‘bungalow’ is defined as a “one story house, lightly built” and cannot partake a shape of a duplex unit.¹

¹ Vivek Srivastava V. Union of India and others, (2005) 2 SAC 237.