मासिक प्रगति प्रतिवेदन	8.	सूचना के अधिकार अधिनियम की धारा 25 (3) के अधीन उपबन्ध (क) से (ङ) के सम्बन्ध में 5 बिन्दुओं पर शहरी विकास विभाग की प्रत्येक लोक प्राधिकारी इकाई मासिक प्रगति प्रतिवेदन अपने उच्च लोक प्राधिकारी को प्रेषित करेंगे, विभाग के निदेशालय स्तर से ऐसे प्राप्त प्रगति प्रतिवेदन को संकलित कर उत्तरांचल सूचना आयोग को प्रत्येक माह दसवीं तारीख तक प्रेषित किया जाना होगा।
	8.1	सूचना आयोग इन मासिक प्रगति प्रतिवेदन का उपयोग अपनी वार्षिक रिपोर्ट तैयार करने में करेगा।
सूचना पट्टों को प्रदर्शित करना	9.	जन सामान्य की सुविधा हेतु प्रत्येक लोक प्राधिकारी स्तर पर अपने कार्यालय के प्रमुख स्थान पर नामित लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी एवं अपीलीय अधिकारी के नाम, पदनाम तथा दूरभाष नम्बर प्रदर्शित करते हुये सूचना पट्ट लगाये जायेंगे।
लोक प्राधिकारियों द्वारा आयोग स्तर से प्राप्त शिकायतों एवं अपीलों पर कार्यवाही	10.	आयोग में धारा 18 (1) के अधीन प्राप्त शिकायतों एवं धारा 19 (3) के अन्तर्गत प्राप्त दूसरी अपील पर लोक प्राधिकारी को जारी नोटिस को प्रत्येक लोक प्राधिकारी स्तर पर एक प्रथक पंजिका में दर्ज किया जायेगा। इस पंजिका में प्राप्त शिकायतों एवं अपीलों पर लोक प्राधिकारी स्तर पर समय–समय पर की गई कार्यवाही का दिनांक सहित अंकन किया जायेगा।
द्वितीय अपील राज्य सूचना आयोग (अपील प्रक्रिया) नियम, 2005 अधिसूचना सं0 305/XXII/2005–9 (33) 2005 दिनांक 13 दिसम्बर, 2005 दिनांक 13 दिसम्बर, 2005 (परिशिष्ट–VII)	11.	अधिनियम की धारा 19 (3) में राज्य सूचना आयोग को द्वितीय अपील दायर करने हेतु राज्य सूचना आयोग (अपील प्रक्रिया) नियम 2005 का पालन किया जायेगा।

*****

सूचित करेगा कि उसे निर्णय से असंतुष्ट होने पर विभागीय अपीलीय अधिकारी के यहां 30 दिन के अन्दर अपील करने का अधिकार है।

प्रथम अपील धारा 19 (1)

6. अपील करने वाला व्यक्ति सूचना प्राप्ति के लिये निर्धारित समय सीमा की समाप्ति की तिथि से 30 दिन के अंदर अथवा लोक सूचना अधिकारी के आदेश की प्राप्ति की तिथि से 30 दिनों के अंदर विभागीय अपीलीय अधिकारी के समक्ष अपील कर सकता है, सम्बन्धित अपीलीय अधिकारी को यदि यह विश्वास हो जाता है कि किन्ही अपरिहार्य कारणों से अपीलकर्ता अपनी अपील की याचिका निर्धारित समय में प्रस्तुत करने में असमर्थ रहा हो तो वह उक्त समय सीमा के बाद भी अपील स्वीकार कर सकता है।

6.1 लोक सूचना अधिकारी द्वारा अधिनियम की धारा 11 के अन्तर्गत यदि तीसरे पक्ष से सम्बन्धित सूचना अनुरोधकर्ता को देने के सम्बन्ध में निर्णय दिया गया है तो इस आदेश से प्रभावित तीसरा पक्ष, आदेश की तिथि से 30 दिनों के अंदर विभागीय अपीलीय अधिकारी के यहाँ अपील कर सकता है।

6.2 विभागीय अपीलीय अधिकारी द्वारा अपील का निस्तारण, याचिका की तिथि से 30 दिनों के अंदर किया जायेगा।

सूचनाओं का स्वैच्छिक प्रकटन (उत्तरांचल सूचना आयोग परिपत्र सं0 65/उ0सू0आ0/सू0सू0आ0 /2005 दिनांक 6 दिसम्बर, 2005) (परिशिष्ट–VI)

7. अधिनियम की धारा 4 (1) (ख) के अधीन विभाग की सभी प्रशासनिक इकाईयों जो लोक प्राधिकारी घोषित है, के द्वारा 17 बिन्दुओं पर सूचनायें संकलित कर प्रत्येक बिन्दु पर मैनुअल बनाये जायेंगे, उक्त सभी मैनुअल पर सी0डी0 तैयार कर राष्ट्रीय सूचना केन्द्र को उपलब्ध कराई जायेगी, विभाग के प्रत्येक लोक प्राधिकारी स्तर पर उक्त मैनुअल की हार्ड प्रति एवं साफ्ट प्रति उपलब्ध रहेगी।

7.1 उक्त मैनुअल यथास्थिति प्रत्येक वर्ष के अन्त में अद्यावधिक किये जायेंगे तथा मैनुअल सूचना के अधिकार अधिनियम के अन्तर्गत जन साधारण के अवलोकनार्थ बराबर उपलब्ध रहेंगे।

सूचना उपलब्ध करायेगा या धारा 8 और धारा 9 मे विनिर्दिष्ट कारणों में से किसी कारण से अनुरोध को अस्वीकार करेगा, यदि लोक सूचना अधिकारी विनिर्दिश्ट अवधि के भीतर सूचना के लिये अनुरोध पर विनिश्चय करने में असफल रहता है तो, यह समझा जायेगा कि उसने अनुरोध को नामंजूर कर दिया है।

सूचना का अधिकार (फीस एवं लागत का विनियमन) नियम, 2005
अधिसूचना ए0–266/XXII/205–9 (31) दिनांक 13 अक्टूबर 2005 एवं सं0 165/मू/XXXI (13) G-2 (2)/2006 दिनांक 31 मार्च, 2006 (परिशिष्ट–IV)

4. अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना मांगे जाने हेतु आवेदन पत्र के साथ देय फीस एवं अभिलेखों की छायाप्रतियां अनुरोधकर्ता को उपलब्ध कराने हेतु पार्श्वांकित अधिसूचना के अनुसार शुल्क देय होगा।

5. यदि लोक सूचना अधिकारी के पास किसी ऐसी सूचना दिये जाने का अनुरोध प्राप्त होता है जो तीसरे पक्षकार से सम्बन्धित है और तीसरे पक्षकार द्वारा उसे गोपनीय माना गया है, तो ऐसी दशा में लोक सूचना अधिकारी अनुरोध प्राप्त होने से पांच दिनों के भीतर, ऐसे तीसरे पक्षकार को इस तथ्य की लिखित रूप से सूचना देगा और इस बारे में कि सूचना प्रकट की जानी चाहिये या नहीं, लिखित रूप में या मौखिक रूप में निवेदन करने के लिये तीसरे पक्षकार को आमंत्रित करेगा एवं सूचना के प्रकटन के बारे में कोई निर्णय करते समय तीसरे पक्षकार के उत्तर को ध्यान में रखेगा।

5.1 तीसरे पक्षकार को ऐसी सूचना के प्रस्तावित प्रकटन के विरूद्ध अभ्यावेदन करने का अवसर दिया जायेगा। लोक सूचना अधिकारी द्वारा तीसरे पक्षकार से सम्बन्धित सूचना के अनुरोध प्राप्त होने के पश्चात् 40 दिन के भीतर इस बारे में निर्णय लिया जायेगा कि उक्त सूचना या अभिलेख या उसके भाग का प्रकटन किये जाये या नहीं और अपने निर्णय की सूचना लिखित मे तीसरे पक्षकार को भी देगा। लोक सूचना अधिकारी तीसरे पक्षकार को यह भी

नगर निगम, देहरादून

जन सामान्य तक सूचनाओं एवं अभिलेखों की पहुँच का विवरण

सूचना का अधिकार अधिनियम, 2005 (परिशिष्ट–I)	1.	प्रत्येक लोक प्राधिकारी के कार्यकरण में पारदर्शिता और उत्तरदायित्व के संवर्धन के लिये, लोक प्राधिकारियों के नियंत्रणाधीन सूचना तक पहुँच सुनिष्चित करने के लिये नागरिकों के सूचना के अधिकार की व्यवहारिक षासन पद्वति स्थापित करने के उद्देश्य से सूचना का अधिकार अधिनियम 2005, दिनांक 12 अक्टूबर, 2005 से अस्तित्व में है।
लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी एवं अपीलीय अधिकारी (परिशिष्ट–II)	2.	नगर निगम, देहरादून उत्तरांचल, के अधीन समस्त स्थानीय नगर निकायों अधिनियम की धारा 5 (1), धारा 5 (2) एवं धारा 19 (1) के अन्तर्गत क्रमशः लोक सूचना अधिकारियों, सहायक लोक सूचना अधिकारियों एवं विभागीय अपीलीय अधिकारियों का नामंकन किया गया है।
सूचना हेतु प्राप्त अनुरोध पत्रों का पंजीकरण एवं निस्तारण	3.	नागरिकों से प्राप्त सूचनाके अनुरोधों का पंजीकरण यथास्थिति पार्श्वांकित शासनादेश में दिये गये किसी एक प्रारूप में किया जायेगा, सहायक लोक सूचना अधिकारी स्तर पर सूचना के अनुरोध को प्राप्त करने की स्थिति में, उसे लोक सूचना अधिकारी को शीघ्रताशीघ्र परन्तु विलम्बतः 5 दिन के अंदर निर्धारित प्रारूप में अग्रेशित करेगा
	3.1	अनुरोधकर्ता को सूचना का अनुरोध का प्राप्ति पत्र आवेदन शुल्क की रसीद सहित दिया जायेगा, यदि अनुरोधकर्ता गरीबी रेखा से निम्न आय वर्ग का हो तो उससे किसी प्रकार का शुल्क नहीं लिया जायेगा
शासनादेश सं0 146/सु0/ XXXI (3) G-/3.2 2006 दिनांक 22 मार्च, 2006 (परिशिष्ट – III)	3.2	अधिनियम की धारा 6 के अधीन सूचना का अनुरोध प्राप्त होने पर लोक सूचना अधिकारी यथासम्भव शीघ्रता से, और किसी भी दशा में अनुरोध प्राप्ति के तीस दिन के भीतर ऐसी फीस के संदाय पर जो विहित की जाये या तो

नगर निगम के स्वास्थ्य विभाग के अधिकारियों/कर्मचारियों द्वारा नगर क्षेत्र में खाद्य पदार्थों की जांच का कार्य खाद्य पदार्थ अपमिश्रण अधिनियम व निमयावली वर्ष 1955 के अन्तर्गत किया जाता है। अतएव जन सामान्य की जानकारी हेतु उक्त नियमावली इस अधिनियम के साथ प्रकाशित की जा रही है।

आदर्श जन्म–मृत्यु पंजीकरण नियमावली उत्तरांचल, 2003 के अनुसार नगर निगम द्वारा नगर क्षेत्र में जन्म–मृत्यु का पंजीकरण किया जाता है। उक्त नियमावली भी इस मैनुअल के साथ प्रकाशित की जा रही है।

सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत नगर निगम देहरादून द्वारा जन सामान्य तक सूचना एवं अभिलेखों की पहुंच की व्यवस्था की गई है जिसका विवरण इस मैनुअल के साथ संलग्न है।

*****

नगर निगम, देहरादून

[सूचना का अधिकार अधिनियम, 2005 की धारा–4(1)(ख)(v)]

मैनुअल – पांच

अपने द्वारा या अपने नियंत्रणाधीन धारित या अपने कर्मचारियों द्वारा अपने कृत्यों के निर्वहन के लिए प्रयोग किये गये नियम, विनियम, अनुदेश, निर्देशिका और अभिलेख

नगर निगम के कार्यो के निर्वहन हेतु धारित अधिनियम/नियम/अनुदेश

उत्तर प्रदेश शासन द्वारा नगर पालिका परिषद, देहरादून को उच्चीकृत कर नगर निगम देहरादून का गठन उत्तर प्रदेश नगर निगम अधिनियम, 1959 के अधीन वर्ष 1994 में किया। उत्तरांचल राज्य गठन के उपरान्त उत्तरांचल (उत्तर प्रदेश नगर निगम अधिनियम, 1959) अनूकूलन एवं उपान्तरण आदेश, 2002 जो आवास एवं शहरी विकास विभाग की अधिसूचना सं0–1064/श0वि0–आ0/2002–27(न0नि0)/2002 देहरादून दिनांक 08 नवम्बर, 2002 के द्वारा अधिसूचित किया गया, के अनुसार उत्तरांचल शासन द्वारा उत्तर प्रदेश नगर निगम अधिनियम, 1959 को इस प्राविधानों के साथ कि अधिनियम में जहां–जहां पर शब्द "उत्तर प्रदेश" आया है, वहां–वहां पर "उत्तरांचल" पढा जायेगा, अंगीकृत कर तत्काल प्रभाव से लागू किया गया।

नगर निगम अधिनियम, 1959 एवं तदोपरान्त उत्तरांचल शासन द्वारा किये गये संशोधनों की गजट प्रतियां, शहरी विकास निदेशालय, उत्तरांचल द्वारा प्रकाशित मैनुअल–पांच में संलग्न है। नगर निगम देहरादून द्वारा उक्त मैनुअल–पांच में प्रकाशित अधिनियम/नियम/विनियम व अनुदेशों का प्रयोग नगर निगम अधिनियम, 1959 के प्राविधानों को कार्यान्वित व अनुपालन करने के लिये किया जा रहा है। क्योंकि शहरी विकास निदेशालय, उत्तरांचल के मैनुअल–पांच में नगर निगम से सम्बन्धित अधिनियम/नियम/अनुदेश/शासनादेश प्रकाशित है एवं नगर निगम में मैनुअल की प्रति जन–सामान्य के अवलोकनार्थ उपलब्ध हैं। तथापि जन–सामान्य की सुविधा हेतु नगर निगम अधिनियम 1959 की छायाप्रति इस मैनुअल के साथ संलग्न की जा रही है किन्तु अन्य शासनादेशों का पुनः प्रकाशन नहीं किया जा रहा है।

नगर निगम देहरादून द्वारा नगर निगम अधिनियम, 1959 के उपबन्धों से संगत उपविधियां बनाकर उन उपविधियों का उपयोग किया जा रहा है। नगर निगम देहरादून द्वारा बनाई गई उक्त उपविधियों इस मैनुअल के साथ संलग्न हैं।

नगर निगम देहरादून को बृहत्तर नगरीय क्षेत्र वर्ष 1994 में घोषित किया गया था एवं उससे पूर्व यह निकाय नगर पालिका परिषद थी। नगर पालिका परिषद, देहरादून द्वारा बनाई गई उपविधियां भी जन–सामान्य की जानकारी हेतु इस मैनुअल के साथ संलग्न है।

नगर निगम, देहरादून

प्रस्तावना

सूचना का अधिकार अधिनियम, 2005 लागू होने के उपरान्त जन–सामान्य के लिये विभिन्न लोक प्राधिकारियों से अपेक्षित जानकारी/सूचना प्राप्त करने में सुविधा हो गई है। दूसरी ओर प्राधिकारियों के लिये भी सूचना का अधिनियम, 2005 की धारा–4(1)(ख) में बाध्यकारी निर्देश है कि अपने विभाग/संगठन से सम्बन्धित वह सभी सूचनाएं जिनका उल्लेख अधिनियम की धारा–4(1)(ख) की उपधारा–(I) से (XVII) में है, प्रकाशित की जायें।

अधिनियम में दिये गये निर्देशानुसार, नगर निगम देहरादून द्वारा नगर निगम से सम्बन्धित सभी सूचनाएं जन सामान्य की जानकारी के लिये मैनुअल–एक से मैनुअल–सत्रह में निम्नानुसार प्रकाशित की गई है :–

1. मैनुअल–एक से मैनुअल–चार
2. मैनुअल–पांच
3. मैनुअल–छः से मैनुअल–सत्रह

नगर निगम देहरादून के उपरोक्त सूचना मैनुअल तैयार करने में मा0 मुख्य सूचना आयुक्त, उत्तरांचल एवं सूचना आयोग, उत्तरांचल के अधिकारियों का अमूल्य मार्गदर्शन प्राप्त हुआ है। नगर निगम, देहरादून मा0 मुख्य सूचना आयुक्त, उत्तरांचल एवं सूचना आयोग, उत्तरांचल के अधिकारियों का अत्यन्त आभारी है।

नगर निगम देहरादून के सूचना मैनुअल तैयार करने में श्री पी0एस0 रावत उप नगर अधिकारी, श्री भूनेन्द्र अग्रवाल कार्यालय अधीक्षक एवं श्रीमती गौरी गुप्ता, सविदा कम्प्यूटर ऑपरेटर का विशेष व सराहनीय योगदान रहा जिसके लिए यह सभी अधिकारी/कर्मचारी प्रशंसा के पात्र है।

नगर निगम देहरादून श्री जी0एन0 सेमवाल का भी आभारी है जिन्होंने सूचना मैनुअल तैयार करने में विशेष सहायता प्रदान की है।

सूचना का अधिकार अधिनियम, 2005 की धारा–4 की उपधारा–2 में दिये गये निर्देशानुसार नगर निगम, देहरादून द्वारा मैनुअल–एक से मैनुअल–सत्रह में प्रकाशित सूचनाओं का प्रतिवर्ष नियमित रूप से अद्यतन किया जाता रहेगा।

(इन्द्रधर बौड़ाई)
मुख्य नगर अधिकारी

नगर निगम, देहरादून

सूचना का अधिकार अधिनियम, 2005 के अधीन सूचना मैनुअल की विषय–सूची

क्र0सं0	विषय	पृष्ठ संख्या
	प्रस्तावना	
	मैनुअल–पांच	
1	नगर निगम देहरादून के कार्यों के निर्वहन हेतु धारित अधिनियम/नियम/अनुदेश	1–2
2	नगर निगम देहरादून द्वारा जन सामान्य तक सूचनाओं एवं अभिलेखों की पहुँच का विवरण	3–53
3	नगर पालिका परिषद देहरादून द्वारा प्रकाशित उपविधियां वर्ष 1993	54–168
4	नगर निगम देहरादून कर्मचारी सेवानिवृत्ति सुविधा तथा भविष्य निधि विनियम, 1999	169–192
5	नगर निगम देहरादून प्रेक्षागृह कर उपविधियां	193–194
6	नगर निगम देहरादून होटल/लॉजिंग हाऊस सम्बन्धी उपविधि–2002	194–196
7	नगर निगम देहरादून के कुत्ते के पंजीकरण सम्बन्धी नियम	196–197
8	नगर निगम देहरादून के भवन/सम्पत्तिकर की दरें	197
9	नगर निगम देहरादून के होटल/लॉजिंग हाऊस की शुल्क दरें	198
10	आदर्श जन्म–मृत्यु पंजीकरण नियमावली उत्तरांचल, 2003	199–220
11	नगर निगम देहरादून द्वारा विज्ञापन पट्ट एवं बैनरों के लगाने सम्बन्धी नियम	221–223
12	नगर निगम देहरादून द्वारा ठेली/रेड़ी पंजीकरण शुल्क की दरें सम्बन्धी आदेश	224
13	खाद्य पदार्थ उपनियम नियमावली	225–299
14	नगर निगम अधिनियम, 1959	300–379

सूचना का अधिकार अधिनियम, 2005

{धारा–4(1)(ख)}

मैनुअल – पांच

नगर निगम, देहरादून

दूरभाष सं0–0135–2655620, 2653572, 2658204
फैक्स – 0135–2651060

परिशिष्ट-1

रजिस्ट्री सं० डी०-221

REGISTERED NO. D.-221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग 2—अनुभाग 1क
PART II—Section 1A

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 4 / NO. 4 — नई दिल्ली, गुरुवार, 13 अक्तूबर, 2005/21 आश्विन, 1927 (शक) / NEW DELHI, THURSDAY, OCTOBER 13, 2005/ASVINA 21, 1927 (SAKA) — खंड XXXIX / VOL. XXXIX

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

विधि और न्याय मंत्रालय

(विधायी विभाग)

नई दिल्ली, 13 अक्तूबर , 2004/21 आश्विन, 1927 (शक)

दि स्पेशल ट्रिब्यूनल्स (सप्लीमेंटरी प्रोविजन्स) रिपील ऐक्ट, 2004 ; (2) दि गवर्नमेंट ऑफ यूनियन टेरिटरीज ऐंड दि गवर्नमेंट ऑफ नेशनल कैपिटल टेरिटरी ऑफ देहली (अमैंडमेंट) ऐक्ट, 2005; और (3) दि राइट टू इनफार्मेशन ऐक्ट, 2005 के निम्नलिखित हिन्दी अनुवाद राष्ट्रपति के प्राधिकार से प्रकाशित किए जाते हैं और ये राजभाषा अधिनियम, 1963 (1963 का 19) की धारा 5 की उपधारा (1) के खंड (क) के अधीन उनके हिन्दी में प्राधिकृत पाठ समझे जाएंगे :—

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, October 13, 2005 /Asvina 21, 1927 (Saka)

The translation in Hindi of the following, namely:—(1) The Special Tribunals (Supplementary Provisions) Repeal Act, 2004; (2) The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005; and (3) The Right to Information Act, 2005 are hereby published under the authority of the President and shall be deemed to be the authoritative texts thereof in Hindi under clause *(a)* of sub-section *(1)* of section 5 of the Official Languages Act, 1963 (19 of 1963) :—

7

लिए उनको विवश करना ;

(ख) दस्तावेजों के प्रकटीकरण और निरीक्षण की अपेक्षा करना ;

(ग) शपथपत्र पर साक्ष्य को अभिग्रहण करना ;

(घ) किसी न्यायालय या कार्यालय से किसी लोक अभिलेख या उसकी प्रतियां मंगाना ;

(ङ) साक्षियों या दस्तावेजों की परीक्षा के लिए समन जारी करना ; और

(च) कोई अन्य विषय, जो विहित किया जाए ।

(4) यथास्थिति, संसद् या राज्य विधान-मंडल के किसी अन्य अधिनियम में अंतर्विष्ट किसी असंगत बात के होते हुए भी, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग इस अधिनियम के अधीन किसी शिकायत की जांच करने के दौरान, ऐसे किसी अभिलेख की परीक्षा कर सकेगा, जिसे यह अधिनियम लागू होता है और जो लोक प्राधिकारी के नियंत्रण में है और उसके द्वारा ऐसे किसी अभिलेख को किन्हीं भी आधारों पर रोका नहीं जाएगा ।

अपील । 19. (1) ऐसा कोई व्यक्ति, जिसे धारा 7 की उपधारा (1) या उपधारा (3) के खंड (क) में विनिर्दिष्ट समय के भीतर कोई विनिश्चय प्राप्त नहीं हुआ है या जो, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी के किसी विनिश्चय से व्यथित है, उस अवधि की समाप्ति से या ऐसे किसी विनिश्चय की प्राप्ति से तीस दिन के भीतर ऐसे अधिकारी को अपील कर सकेगा, जो प्रत्येक लोक प्राधिकरण में, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या लोक सूचना अधिकारी की पंक्ति से ज्येष्ठ पंक्ति का है :

परन्तु ऐसा अधिकारी, तीस दिन की अवधि की समाप्ति के पश्चात् अपील को ग्रहण कर सकेगा, यदि उसका यह समाधान हो जाता है कि अपीलार्थी समय पर अपील फाइल करने में पर्याप्त कारण से निवारित किया गया था ।

(2) जहां अपील धारा 11 के अधीन, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या किसी राज्य लोक सूचना अधिकारी द्वारा पर व्यक्ति की सूचना प्रकट करने के लिए किए गए किसी आदेश के विरुद्ध की जाती है वहां संबंधित पर व्यक्ति द्वारा अपील, उस आदेश की तारीख से 30 दिन के भीतर की जाएगी ।

(3) उपधारा (1) के अधीन विनिश्चय के विरुद्ध दूसरी अपील उस तारीख से, जिसको विनिश्चय किया जाना चाहिए था या वास्तव में प्राप्त किया गया था, नब्बे दिन के भीतर केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को होगी :

परन्तु, यथास्थिति, केन्द्रीय लोक सूचना आयोग या राज्य सूचना आयोग नब्बे दिन की अवधि की समाप्ति के पश्चात् अपील को ग्रहण कर सकेगा, यदि उसका यह समाधान हो जाता है कि अपीलार्थी समय पर अपील फाइल करने से पर्याप्त कारण से निवारित किया गया था ।

(4) यदि यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का विनिश्चय, जिसके विरुद्ध अपील की गई है, पर व्यक्ति की सूचना से संबंधित है तो यथास्थिति केन्द्रीय सूचना आयोग या राज्य सूचना आयोग उस पर व्यक्ति को सुनवाई का युक्तियुक्त अवसर देगा ।

(5) अपील संबंधी किन्हीं कार्यवाहियों में यह साबित करने का भार कि अनुरोध

26

पड़ने की संभावना है ।

(4) यदि राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त, किसी प्रकार राज्य सरकार द्वारा या उसकी ओर से की गई किसी संविदा या करार से संबद्ध या उसमें लिप्तबद्ध है या किसी निगमित कंपनी के किसी सदस्य को किसी रूप में से अन्यथा और उसके अन्य सदस्यों के साथ सामान्यतः उसके लाभ में या उससे प्रोद्भूत होने वाले किसी कायदे या परिलब्धियों में हिस्सा लेता है तो वह उपधारा (1) के प्रयोजनों के लिए कर्दाधार का दोषी समझा जाएगा ।

अध्याय 5

सूचना आयोगों की शक्तियां और कृत्य, अपील तथा शास्तियां

सूचना आयोगों की शक्तियां और कृत्य ।

18. (1) इस अधिनियम के उपबंधों के अधीन रहते हुए, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य आयोग का यह कर्तव्य होगा कि वह निम्नलिखित किसी ऐसे व्यक्ति से शिकायत प्राप्त करे और उसकी जांच करे,—

(क) जो, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को, इस कारण से अनुरोध प्रस्तुत करने में असमर्थ रहा है कि इस अधिनियम के अधीन, ऐसे अधिकारी की नियुक्ति नहीं की गई है या, यथास्थिति, केन्द्रीय सहायक लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी ने इस अधिनियम के अधीन सूचना या अपील के लिए धारा 19 की उपधारा (1) में विनिर्दिष्ट केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अथवा ज्येष्ठ अधिकारी या, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को उसके आवेदन को भेजने के लिए स्वीकार करने से इंकार कर दिया है ;

(ख) जिसे इस अधिनियम के अधीन अनुरोध की गई कोई जानकारी तक पहुंच के लिए इंकार कर दिया गया है ;

(ग) जिसे इस अधिनियम के अधीन विनिर्दिष्ट समय-सीमा के भीतर सूचना के लिए या सूचना तक पहुंच के लिए अनुरोध का उत्तर नहीं दिया गया है ;

(घ) जिससे ऐसी फीस की रकम का संदाय करने की अपेक्षा की गई है, जो वह अनुचित समझता है ;

(ङ) जो यह विश्वास करता है कि उसे इस अधिनियम के अधीन अपूर्ण, भ्रम में डालने वाली या मिथ्या सूचना दी गई है ; और

(च) इस अधिनियम के अधीन अभिलेखों के लिए अनुरोध करने या उन तक पहुंच प्राप्त करने से संबंधित किसी अन्य विषय के संबंध में ।

(2) जहां, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग का यह समाधान हो जाता है कि उस विषय में जांच करने के लिए युक्तियुक्त आधार है, वहां वह उसके संबंध में जांच आरंभ कर सकेगा ।

(3) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य आयोग को, इस धारा के अधीन किसी मामले में जांच करते समय वही शक्तियां प्राप्त होंगी, जो निम्नलिखित मामलों के संबंध में सिविल प्रक्रिया संहिता, 1908 के अधीन किसी वाद का विचारण करते समय सिविल न्यायालय में निहित होती हैं, अर्थात् :—

(क) किन्हीं व्यक्तियों को समन करना और उन्हें उपस्थित कराना तथा शपथ पर मौखिक या लिखित साक्ष्य देने के लिए और दस्तावेज या चीजें पेश करने के

25

था और सेवानिवृत्ति उपदान के समतुल्य पैंशन को छोड़कर अन्य प्रकार के सेवानिवृत्ति फायदों के समतुल्य पैंशन भी है, रकम को कम कर दिया जाएगा :

परन्तु यह और कि जहां राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त, अपनी नियुक्ति के समय, किसी केन्द्रीय अधिनियम या राज्य अधिनियम द्वारा या उसके अधीन स्थापित किसी निगम या केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या नियंत्रणाधीन किसी सरकारी कंपनी में की गई किसी पूर्व सेवा के संबंध में सेवानिवृत्ति फायदे प्राप्त कर रहा है वहां राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से सेवानिवृत्ति फायदों के समतुल्य पैंशन की रकम कम कर दी जाएगी :

परन्तु यह और कि राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों के वेतन, भत्तों और सेवा की अन्य शर्तों में उनकी नियुक्ति के पश्चात् उनके लिए अलाभकारी रूप में परिवर्तन नहीं किया जाएगा ।

(6) राज्य सरकार, राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों को उतने अधिकारी और कर्मचारी उपलब्ध कराएगी जितने इस अधिनियम के अधीन उनके कृत्यों के दक्ष पालन के लिए आवश्यक हों और इस अधिनियम के प्रयोजन के लिए नियुक्त किए गए अधिकारियों और अन्य कर्मचारियों को संदेय वेतन और भत्ते तथा सेवा के निबंधन और शर्तें ऐसी होंगी, जो विहित की जाएं ।

राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्त का हटाया जाना ।

17. (1) उपधारा (3) के उपबंधों के अधीन रहते हुए, राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को राज्यपाल के आदेश द्वारा साबित कदाचार या असमर्थता के आधार पर उसके पद से तभी हटाया जाएगा, जब उच्चतम न्यायालय ने, राज्यपाल द्वारा उसे किए गए किसी निर्देश पर जांच के पश्चात् यह रिपोर्ट दी हो कि, यथास्थिति, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त को उस आधार पर हटा दिया जाना चाहिए ।

(2) राज्यपाल, उस राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त को, जिसके विरुद्ध उपधारा (1) के अधीन उच्चतम न्यायालय को निर्देश किया गया है, ऐसे निर्देश पर उच्चतम न्यायालय की रिपोर्ट की प्राप्ति पर राज्यपाल द्वारा आदेश पारित किए जाने तक, पद से निलंबित कर सकेगा और यदि आवश्यक समझे तो ऐसी जांच के दौरान कार्यालय में उपस्थित होने से प्रतिषिद्ध भी कर सकेगा ।

(3) उपधारा (1) में अंतर्विष्ट किसी बात के होते हुए भी राज्यपाल, राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को, आदेश द्वारा, पद से हटा सकेगा यदि, यथास्थिति, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त—

(क) दिवालिया न्यायनिर्णीत किया गया है ; या

(ख) वह ऐसे किसी अपराध के लिए दोषसिद्ध ठहराया गया है, जिस राज्यपाल की राय में नैतिक अधमता अंतर्वलित है ; या

(ग) वह अपनी पदावधि के दौरान अपने पद के कर्तव्यों से परे किसी वैतनिक नियोजन में लगा हुआ है ; या

(घ) राज्यपाल की राय में, मानसिक या शारीरिक अक्षमता के कारण पद बने रहने के अयोग्य है ; या

(ङ) उसने ऐसे वित्तीय या अन्य हित अर्जित किए हैं, जिनसे, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में उसके कृत्यों पर प्रतिकूल प्र

24

था और सेवानिवृत्ति उपदान के समतुल्य पेंशन को छोड़कर अन्य प्रकार के सेवानिवृत्ति फायदों के समतुल्य पेंशन भी है, रकम को कम कर दिया जाएगा :

परन्तु यह और कि जहां राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त, अपनी नियुक्ति के समय, किसी केन्द्रीय अधिनियम या राज्य अधिनियम द्वारा या उसके अधीन स्थापित किसी निगम या केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या नियंत्रणाधीन किसी सरकारी कंपनी में की गई किसी पूर्व सेवा के संबंध में सेवानिवृत्ति फायदे प्राप्त कर रहा है वहां राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से सेवानिवृत्ति फायदों के समतुल्य पेंशन की रकम कम कर दी जाएगी :

परन्तु यह और कि राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों के वेतन, भत्तों और सेवा की अन्य शर्तों में उनकी नियुक्ति के पश्चात् उनके लिए अलाभकारी रूप में परिवर्तन नहीं किया जाएगा ।

(6) राज्य सरकार, राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों को उतने अधिकारी और कर्मचारी उपलब्ध कराएगी जितने इस अधिनियम के अधीन उनके कृत्यों के दक्ष पालन के लिए आवश्यक हों और इस अधिनियम के प्रयोजन के लिए नियुक्त किए गए अधिकारियों और अन्य कर्मचारियों को संदेय वेतन और भत्ते तथा सेवा के निबंधन और शर्तें ऐसी होंगी, जो विहित की जाएं ।

राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्त का हटाया जाना ।

17. (1) उपधारा (3) के उपबंधों के अधीन रहते हुए, राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को राज्यपाल के आदेश द्वारा साबित कदाचार या असमर्थता के आधार पर उसके पद से तभी हटाया जाएगा, जब उच्चतम न्यायालय ने, राज्यपाल द्वारा उसे किए गए किसी निर्देश पर जांच के पश्चात् यह रिपोर्ट दी हो कि, यथास्थिति, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त को उस आधार पर हटा दिया जाना चाहिए ।

(2) राज्यपाल, उस राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त को, जिसके विरुद्ध उपधारा (1) के अधीन उच्चतम न्यायालय को निर्देश किया गया है, ऐसे निर्देश पर उच्चतम न्यायालय की रिपोर्ट की प्राप्ति पर राज्यपाल द्वारा आदेश पारित किए जाने तक, पद से निलंबित कर सकेगा और यदि आवश्यक समझे तो ऐसी जांच के दौरान कार्यालय में उपस्थित होने से प्रतिषिद्ध भी कर सकेगा ।

(3) उपधारा (1) में अंतर्विष्ट किसी बात के होते हुए भी राज्यपाल, राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को, आदेश द्वारा, पद से हटा सकेगा यदि, यथास्थिति, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त—

(क) दिवालिया न्यायनिर्णीत किया गया है ; या

(ख) वह ऐसे किसी अपराध के लिए दोषसिद्ध ठहराया गया है, जिस राज्यपाल की राय में नैतिक अधमता अंतर्वलित है ; या

(ग) वह अपनी पदावधि के दौरान अपने पद के कर्तव्यों से परे किसी वैतनिक नियोजन में लगा हुआ है ; या

(घ) राज्यपाल की राय में, मानसिक या शारीरिक अक्षमता के कारण पद बने रहने के अयोग्य है ; या

(ङ) उसने ऐसे वित्तीय या अन्य हित अर्जित किए हैं, जिनसे राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में उसके कृत्यों पर प्रतिकूल प्र

23

(6) राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त, यथास्थिति, संसद् का सदस्य या किसी राज्य या संघ राज्यक्षेत्र के विधान-मंडल का सदस्य नहीं होगा या कोई अन्य लाभ का पद धारण नहीं करेगा या किसी राजनीतिक दल से संबद्ध नहीं होगा या कोई व्यवसाय नहीं करेगा या कोई वृत्ति नहीं करेगा ।

(7) राज्य सूचना आयोग का मुख्यालय राज्य में ऐसे स्थान पर होगा, जिसे राज्य सरकार राजपत्र में अधिसूचना द्वारा विनिर्दिष्ट करे और राज्य सूचना आयोग, राज्य सरकार की पूर्व अनुमोदन से, राज्य में अन्य स्थानों पर अपने कार्यालय स्थापित कर सकेगा ।

पदावधि और सेवा की शर्तें ।

16. (1) राज्य मुख्य सूचना आयुक्त उस तारीख से, जिसको वह अपना पद ग्रहण करता है, पांच वर्ष की अवधि के लिए पद धारण करेगा और पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु कोई राज्य मुख्य सूचना आयुक्त पैंसठ वर्ष की आयु प्राप्त करने के पश्चात् उस रूप में पद धारण नहीं करेगा ।

(2) प्रत्येक राज्य सूचना आयुक्त उस तारीख से, जिसको वह अपना पद ग्रहण करता है, पांच वर्ष की अवधि के लिए या पैंसठ वर्ष की आयु प्राप्त करने तक, इनमें से जो भी पूर्वतर हो, पद धारण करेगा और राज्य सूचना आयुक्त के रूप में पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु प्रत्येक राज्य सूचना आयुक्त, इस उपधारा के अधीन अपना पद रिक्त करने पर धारा 15 की उपधारा (3) में विनिर्दिष्ट रीति से राज्य मुख्य सूचना आयुक्त के रूप में नियुक्ति के लिए पात्र होगा :

परन्तु यह और कि जहां राज्य सूचना आयुक्त की राज्य मुख्य सूचना आयुक्त के रूप में नियुक्ति की जाती है, वहां उसकी पदावधि राज्य सूचना आयुक्त और राज्य मुख्य सूचना आयुक्त के रूप में कुल मिलाकर पांच वर्ष से अधिक नहीं होगी ।

(3) राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त अपना पद ग्रहण करने से पूर्व राज्यपाल या इस निमित्त उसके द्वारा नियुक्त किए गए किसी अन्य व्यक्ति के समक्ष पहली अनुसूची में इस प्रयोजन के लिए उपवर्णित प्ररूप के अनुसार शपथ या प्रतिज्ञान लेगा और उस पर अपने हस्ताक्षर करेगा ।

(4) राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त, किसी भी समय, राज्यपाल को संबोधित अपने हस्ताक्षर सहित लेख द्वारा अपने पद का त्याग कर सकेगा :

परन्तु राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को खंड 17 में विनिर्दिष्ट रीति से हटाया जा सकेगा ।

(5) संदेय वेतन और भत्ते तथा सेवा के अन्य निबंधन और शर्तें--

(क) राज्य मुख्य सूचना आयुक्त की वही होंगी, जो किसी निर्वाचन आयुक्त की हैं ;

(ख) राज्य सूचना आयुक्त की वही होंगी, जो राज्य सरकार के मुख्य सचिव की हैं :

परन्तु यदि राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त अपनी नियुक्ति से समय भारत सरकार के अधीन या किसी राज्य सरकार के अधीन किसी पूर्व सेवा के संबंध में कोई पेंशन, अंशदान या क्षति पेंशन से भिन्न, प्राप्त कर रहा है तो राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में सेवा के संबंध में उसकी वेतन में से उस पेंशन की रकम को, जिसके अंतर्गत पेंशन का ऐसा भाग जिसे संराशित किया गया

22

(घ) राष्ट्रपति की राय में, मानसिक या शारीरिक अक्षमता के कारण पद पर बने रहने के अयोग्य है ; या

(ङ) उसने ऐसे वित्तीय और अन्य हित अर्जित किए हैं जिनसे मुख्य सूचना आयुक्त या किसी सूचना आयुक्त के रूप में उसके कृत्यों पर प्रतिकूल प्रभाव पड़ने की संभावना है ।

(4) यदि मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, किसी प्रकार भारत सरकार द्वारा या उसकी ओर से की गई किसी संविदा या करार से संबद्ध या उसमें हितबद्ध है या किसी निगमित कंपनी के किसी सदस्य के रूप में से अन्यथा और उसके अन्य सदस्यों के साथ सामान्यतः उसके लाभ में या उससे प्रोद्भूत होने वाले किसी फायदे या परितोषों में हिस्सा लेता है तो वह, उपधारा (1) के प्रयोजनों के लिए, कदाचार का दोषी समझा जाएगा ।

अध्याय 4

राज्य सूचना आयोग

राज्य सूचना आयोग का गठन ।

15. (1) प्रत्येक राज्य सरकार राजपत्र में अधिसूचना द्वारा..... (राज्य का नाम) सूचना आयोग के नाम से ज्ञात एक निकाय का गठन करेगी, जो ऐसी शक्तियों का प्रयोग और ऐसे कृत्यों का पालन करेगा, जो उसे इस अधिनियम के अधीन सौंपे जाएं ।

(2) राज्य सूचना आयोग निम्नलिखित से मिलकर बनेगा–

(क) राज्य मुख्य सूचना आयुक्त ; और

(ख) दस से अनधिक उतनी संख्या में राज्य सूचना आयुक्त, जितने आवश्यक समझे जाएं ।

(3) राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों की, नियुक्ति राज्यपाल द्वारा निम्नलिखित से मिलकर बनी किसी समिति की सिफारिश पर की जाएगी –

(i) मुख्यमंत्री, जो समिति का अध्यक्ष होगा ;

(ii) विधान सभा में विपक्ष का नेता ; और

(iii) मुख्यमंत्री द्वारा नामनिर्देशित किया जाने वाला मंत्रिमंडल का सदस्य ।

स्पष्टीकरण–शंकाओं को दूर करने के प्रयोजनों के लिए यह घोषित किया जाता है कि जहां विधान सभा में विपक्षी दल के नेता को उस रूप में मान्यता नहीं दी गई है, वहां विधान सभा में सरकार के विपक्षी एकल सबसे बड़े समूह के नेता को विपक्षी दल का नेता समझा जाएगा ।

(4) राज्य सूचना आयोग के कार्यों का साधारण अधीक्षण, निदेशन और प्रबंध राज्य मुख्य सूचना आयुक्त में निहित होगा, जिसकी राज्य सूचना आयुक्तों द्वारा सहायता की जाएगी और वह सभी ऐसी शक्तियों का प्रयोग कर सकेगा और सभी ऐसे कार्य और बातें कर सकेगा जो राज्य सूचना आयोग द्वारा इस अधिनियम के अधीन किसी अन्य प्राधिकारी के निर्देशों के अध्यधीन रहे बिना स्वतंत्र रूप से प्रयोग की जा सकती हैं या की जा सकती हैं ।

(5) राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्त विधि, विज्ञान और प्रौद्योगिकी, समाजसेवा, प्रबंध, पत्रकारिता, जनसंचार माध्यम या प्रशासन और शासन में व्यापक ज्ञान और अनुभव वाले समाज में प्रख्यात व्यक्ति होंगे ।

(ख) सूचना आयुक्त की वही होगी, जो निर्वाचन आयुक्त की है :

परन्तु यदि मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, अपनी नियुक्ति के समय, भारत सरकार के अधीन या किसी राज्य सरकार के अधीन किसी पूर्व सेवा के संबंध में कोई पेंशन, अक्षमता या क्षति पेंशन से भिन्न प्राप्त कर रहा है तो मुख्य सूचना आयुक्त या सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से, उस पेंशन की, जिसके अंतर्गत पेंशन का ऐसा कोई भाग, जिसे संराशिकृत किया गया था और सेवानिवृत्ति उपदान के समतुल्य पेंशन को छोड़कर, सेवानिवृत्ति फायदों के अन्य रूपों के समतुल्य पेंशन भी है, रकम को कम कर दिया जाएगा :

परन्तु यह और कि यदि मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, अपनी नियुक्ति के समय, किसी केन्द्रीय अधिनियम या राज्य अधिनियम द्वारा या उसके अधीन स्थापित किसी निगम में या केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या नियंत्रणाधीन किसी सरकारी कंपनी में की गई किसी पूर्व सेवा के संबंध में सेवानिवृत्ति फायदे प्राप्त कर रहा है तो मुख्य सूचना आयुक्त या सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से, सेवानिवृत्ति फायदों के समतुल्य पेंशन की रकम कम कर दी जाएगी :

परन्तु यह भी कि मुख्य सूचना आयुक्त या सूचना आयुक्त के वेतन, भत्तों और सेवा की अन्य शर्तों में उसकी नियुक्ति के पश्चात् उसके अलाभकर रूप में कोई परिवर्तन नहीं किया जाएगा ।

(6) केन्द्रीय सरकार, मुख्य सूचना आयुक्त या सूचना आयुक्तों को उतने अधिकारी और कर्मचारी उपलब्ध कराएगी, जितने इस अधिनियम के अधीन उनके कृत्यों के दक्ष पालन के लिए आवश्यक हों और इस अधिनियम के प्रयोजन के लिए नियुक्त किए गए अधिकारियों और अन्य कर्मचारियों को संदेय वेतन और भत्ते तथा सेवा के निबंधन और शर्तें ऐसी होंगी, जो विहित की जाएं ।

सूचना आयुक्त या मुख्य सूचना आयुक्त का हटाया जाना ।

14. (1) उपधारा (3) के उपबंधों के अधीन रहते हुए, मुख्य सूचना आयुक्त या किसी सूचना आयुक्त को राष्ट्रपति के आदेश द्वारा साबित कदाचार या असमर्थता के आधार पर उसके पद से तभी हटाया जाएगा, जब उच्चतम न्यायालय ने, राष्ट्रपति द्वारा उसे किए गए किसी निर्देश पर जांच के पश्चात् यह रिपोर्ट दी हो कि, यथास्थिति, मुख्य सूचना आयुक्त या सूचना आयुक्त को उस आधार पर हटा दिया जाना चाहिए ।

(2) राष्ट्रपति, उस मुख्य सूचना आयुक्त या सूचना आयुक्त को, जिसके विरुद्ध उपधारा (1) के अधीन उच्चतम न्यायालय को निर्देश किया गया है, ऐसे निर्देश पर उच्चतम न्यायालय की रिपोर्ट प्राप्त होने पर राष्ट्रपति द्वारा आदेश पारित किए जाने तक पद से निलंबित कर सकेगा और यदि आवश्यक समझे तो, जांच के दौरान कार्यालय में उपस्थित होने से भी प्रतिषिद्ध कर सकेगा ।

(3) उपधारा (1) में अंतर्विष्ट किसी बात के होते हुए भी राष्ट्रपति, मुख्य सूचना आयुक्त या किसी सूचना आयुक्त को आदेश द्वारा पद से हटा सकेगा, यदि यथास्थिति, मुख्य सूचना आयुक्त या सूचना आयुक्त,--

(क) दिवालिया न्यायनिर्णीत किया गया है; या

(ख) वह ऐसे अपराध के लिए दोषसिद्ध ठहराया गया है, जिसमें राष्ट्रपति की राय में, नैतिक अधमता अन्तर्वलित है ; या

(ग) अपनी पदावधि के दौरान, अपने पद के कर्तव्यों से परे किसी वैतनिक नियोजन में लगा हुआ है ; या

20

परिशिष्ट - I

(4) केन्द्रीय सूचना आयोग के कार्यों का साधारण अधीक्षण, निदेशन और प्रबंधन, मुख्य सूचना आयुक्त में निहित होगा, जिसकी सहायता सूचना आयुक्तों द्वारा की जाएगी और वह ऐसी सभी शक्तियों का प्रयोग और ऐसे सभी कार्य और बातें कर सकेगा, जिनका केन्द्रीय सूचना आयोग द्वारा स्वतंत्र रूप से इस अधिनियम के अधीन किसी अन्य प्राधिकारी के निदेशों के अधीन रहे बिना प्रयोग किया जा सकता है या जो की जा सकती है ।

(5) मुख्य सूचना आयुक्त और सूचना आयुक्त विधि, विज्ञान और प्रौद्योगिकी, समाज सेवा, प्रबंध, पत्रकारिता, जनसंपर्क माध्यम या प्रशासन तथा शासन का व्यापक ज्ञान और अनुभव रखने वाले जनजीवन में प्रख्यात व्यक्ति होंगे ।

(6) मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, यथास्थिति, संसद् का सदस्य या किसी राज्य या संघ राज्यक्षेत्र के विधान-मंडल का सदस्य नहीं होगा या कोई अन्य लाभ का पद धारित नहीं करेगा या किसी राजनैतिक दल से संबद्ध नहीं होगा अथवा कोई कारबार नहीं करेगा या कोई वृत्ति नहीं करेगा ।

(7) केन्द्रीय सूचना आयोग का मुख्यालय, दिल्ली में होगा और केन्द्रीय सूचना आयोग, केन्द्रीय सरकार के पूर्व अनुमोदन से, भारत में अन्य स्थानों पर कार्यालय स्थापित कर सकेगा ।

पदावधि और सेवा की शर्तें ।

13. (1) सूचना आयुक्त, उस तारीख से, जिसको वह अपना पद ग्रहण करता है पांच वर्ष की अवधि के लिए पद धारण करेगा और पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु यह कि कोई मुख्य सूचना आयुक्त पैंसठ वर्ष की आयु प्राप्त करने के पश्चात् उस रूप में पद धारण नहीं करेगा ।

(2) प्रत्येक सूचना आयुक्त, उस तारीख से, जिसको वह अपना पद ग्रहण करता है, पांच वर्ष की अवधि के लिए या पैंसठ वर्ष की आयु प्राप्त करने तक, इनमें से जो भी पूर्वतर हो, पद धारण करेगा और ऐसे सूचना आयुक्त के रूप में पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु प्रत्येक सूचना आयुक्त, इस उपधारा के अधीन अपना पद रिक्त करने पर धारा 12 की उपधारा (3) में विनिर्दिष्ट रीति से मुख्य सूचना आयुक्त के रूप में नियुक्ति के लिए पात्र होगा :

परन्तु यह और कि जहां सूचना आयुक्त को मुख्य सूचना आयुक्त के रूप में नियुक्त किया जाता है वहां उसकी पदावधि सूचना आयुक्त और मुख्य सूचना आयुक्त के रूप में कुल मिलाकर पांच वर्ष से अधिक नहीं होगी ।

(3) मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, अपना पद ग्रहण करने से पूर्व राष्ट्रपति या उनके द्वारा इस निमित्त प्राधिकृत किसी अन्य व्यक्ति के समक्ष, पहली अनुसूची में इस प्रयोजन के लिए उपवर्णित प्ररूप के अनुसार एक शपथ या प्रतिज्ञान लेगा और उस पर हस्ताक्षर करेगा ।

(4) मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, किसी भी समय, राष्ट्रपति को संबोधित अपने हस्ताक्षर सहित लेख द्वारा अपना पद त्याग सकेगा :

परन्तु मुख्य सूचना आयुक्त या किसी सूचना आयुक्त को धारा 14 में विनिर्दिष्ट रीति से हटाया जा सकेगा ।

(5) संदेय वेतन और भत्ते तथा सेवा के अन्य निबंधन और शर्तें--

(क) मुख्य सूचना आयुक्त की वही होंगी, जो मुख्य निर्वाचन आयुक्त की है ;

19

भाग को प्रकट करने का आशय है, और इस बारे में कि सूचना प्रकट की जानी चाहिए या नहीं, लिखित में या मौखिक रूप से निवेदन करने के लिए पर व्यक्ति को आमंत्रित करेगा तथा सूचना के प्रकटन के बारे में कोई विनिश्चय करते समय पर व्यक्ति के ऐसे निवेदन को ध्यान में रखा जाएगा :

परन्तु विधि द्वारा संरक्षित व्यापार या वाणिज्यिक गुप्त बातों की दशा में के सिवाय, यदि ऐसे प्रकटन में लोकहित, ऐसे पर व्यक्ति के हितों को किसी संभावित अपहानि या क्षति से अधिक महत्वपूर्ण है तो प्रकटन अनुज्ञात किया जा सकेगा ।

(2) जहां उपधारा (1) के अधीन, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी द्वारा पर व्यक्ति पर किसी सूचना या अभिलेख या उसके किसी भाग के बारे में किसी सूचना की तामील की जाती है, वहां ऐसे पर व्यक्ति को, ऐसी सूचना की प्राप्ति की तारीख से दस दिन के भीतर, प्रस्तावित प्रकटन के विरुद्ध अभ्यावेदन करने का अवसर दिया जाएगा ।

(3) धारा 7 में किसी बात के होते हुए भी, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी धारा 6 के अधीन अनुरोध प्राप्त होने के पश्चात् चालीस दिन के भीतर, यदि पर व्यक्ति को उपधारा (2) के अधीन अभ्यावेदन करने का अवसर दे दिया गया है, तो इस बारे में विनिश्चय करेगा कि उक्त सूचना या अभिलेख या उसके भाग का प्रकटन किया जाए या नहीं और अपने विनिश्चय की सूचना लिखित में पर व्यक्ति को देगा ।

(4) उपधारा (3) के अधीन दी गई सूचना में यह कथन भी सम्मिलित होगा कि वह पर व्यक्ति, जिसे सूचना दी गई है, धारा 19 के अधीन उक्त विनिश्चय के विरुद्ध अपील करने का हकदार है ।

अध्याय 3

केन्द्रीय सूचना आयोग

केन्द्रीय सूचना आयोग का गठन ।

12. (1) केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा, केन्द्रीय सूचना आयोग के नाम से ज्ञात एक निकाय का गठन करेगी, जो ऐसी शक्तियों का प्रयोग और ऐसे कृत्यों का पालन करेगा, जो उसे इस अधिनियम के अधीन सौंपे जाएं ।

(2) केन्द्रीय सूचना आयोग निम्नलिखित से मिलकर बनेगा—

(क) केन्द्रीय सूचना आयुक्त ; और

(ख) दस से अनधिक उतनी संख्या में केन्द्रीय सूचना आयुक्त, जितने आवश्यक समझे जाएं ।

(3) मुख्य सूचना आयुक्त और सूचना आयुक्तों की नियुक्ति राष्ट्रपति द्वारा निम्नलिखित से मिलकर बनी समिति की सिफारिश पर की जाएगी—

(i) प्रधानमंत्री, जो समिति का अध्यक्ष होगा ;

(ii) लोकसभा में विपक्ष का नेता ; और

(iii) प्रधानमंत्री द्वारा नामनिर्दिष्ट संघ मंत्रिमण्डल का एक मंत्री ।

स्पष्टीकरण—शंकाओं के निवारण के लिए यह घोषित किया जाता है कि जहां लोक सभा में विपक्ष के नेता को उस रूप में मान्यता नहीं दी गई है, वहां लोक सभा में सरकार के विरोधी दलक सबसे बड़े समूह के नेता को विपक्ष का नेता समझा जाएगा ।

18

जाएगी :

परन्तु यह कि जहां उस तारीख के बारे में, जिससे बीस वर्ष की उक्त अवधि को संगणित किया जाता है, कोई प्रश्न उद्भूत होता है, वहां इस अधिनियम में उसके लिए उपबंधित प्रायिक अपीलों के अधीन रहते हुए केन्द्रीय सरकार का विनिश्चय अंतिम होगा ।

कतिपय मामलों में पहुंच के लिए अस्वीकृति के आधार ।

9. धारा 8 के उपबन्धों पर प्रतिकूल प्रभाव डाले बिना, यथास्थिति, कोई केन्द्रीय लोक सूचना अधिकारी या कोई राज्य लोक सूचना अधिकारी सूचना के किसी अनुरोध को वहां अस्वीकार कर सकेगा जहां पहुंच उपलब्ध कराने के लिए ऐसा अनुरोध राज्य से भिन्न किसी व्यक्ति के अस्तित्वयुक्त प्रतिलिप्यधिकार का उल्लंघन अन्तर्वलित करेगा ।

पृथक्करणीयता ।

10. (1) जहां सूचना तक पहुंच के अनुरोध को इस आधार पर अस्वीकार किया जाता है कि वह ऐसी सूचना के संबंध में है जो प्रकट किए जाने से छूट प्राप्त है वहां इस अधिनियम में किसी बात के होते हुए भी, पहुंच अभिलेख के उस भाग तक उपलब्ध कराई जा सकेगी जिसमें कोई ऐसी सूचना अन्तर्विष्ट नहीं है, जो इस अधिनियम के अधीन प्रकट किए जाने से छूट प्राप्त है और जो किसी ऐसे भाग से, जिसमें छूट प्राप्त सूचना अन्तर्विष्ट है, युक्तियुक्त रूप से पृथक् की जा सकती है ।

(2) जहां उपधारा (1) के अधीन अभिलेख के किसी भाग तक पहुंच अनुदत्त की जाती है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी निम्नलिखित सूचना देते हुए, आवेदक को एक सूचना देगा कि--

(क) अनुरोध किए गए अभिलेख का केवल एक भाग ही, उस अभिलेख से उस सूचना को जो प्रकटन से छूट प्राप्त है पृथक् करने के पश्चात्, उपलब्ध कराया जा रहा है ;

(ख) विनिश्चय के लिए कारण, जिनके अंतर्गत तथ्य के किसी महत्वपूर्ण प्रश्न पर उस सामग्री के प्रति, जिस पर वे निष्कर्ष आधारित थे, निर्देश करते हुए कोई निष्कर्ष भी हैं ;

(ग) विनिश्चय करने वाले व्यक्ति का नाम और पदनाम ;

(घ) उसके द्वारा संगणित फीस के ब्यौरे और फीस की वह रकम जिसकी आवेदक से निक्षेप करने की अपेक्षा की जाती है ; और

(ङ) सूचना के भाग को प्रकट न किए जाने के संबंध में विनिश्चय के पुनर्विलोकन के बारे में उसके अधिकार, प्रभारित फीस की रकम या उपलब्ध कराया गया पहुंच का प्ररूप, जिसके अन्तर्गत, यथास्थिति, धारा 19 की उपधारा (1) के अधीन विनिर्दिष्ट वरिष्ठ अधिकारी या केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी की विशिष्टियां, समय-सीमा, प्रक्रिया और कोई अन्य पहुंच का प्ररूप भी है ।

तृतीय व्यक्ति सूचना ।

11. (1) जहां, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का, इस अधिनियम के अधीन किए गए अनुरोध पर कोई ऐसी सूचना या अभिलेख या उसके किसी भाग को प्रकट करने का आशय है, जो किसी पर व्यक्ति से संबंधित है या उसके द्वारा इसका प्रदाय किया गया है और उस पर व्यक्ति द्वारा उसे गोपनीय माना गया है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध प्राप्त होने से पांच दिन के भीतर, ऐसे पर व्यक्ति को अनुरोध की और इस तथ्य की लिखित रूप में सूचना देगा कि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का उक्त सूचना या अभिलेख या उसके किसी

17

अभिव्यक्त रूप से निषिद्ध किया गया है या जिसके प्रकटन से न्यायालय का अवमान होता है;

(ग) सूचना, जिसके प्रकटन से संसद् या किसी राज्य के विधान-मंडल के विशेषाधिकार का भंग कारित होगा ;

(घ) सूचना, जिसमें वाणिज्यिक विश्वास, व्यापार गोपनीयता या बौद्धिक संपदा सम्मिलित है, जिसके प्रकटन से किसी पर व्यक्ति की प्रतियोगी स्थिति को नुकसान होता है, जब तक कि सक्षम प्राधिकारी का यह समाधान नहीं हो जाता है कि ऐसी सूचना के प्रकटन से विस्तृत लोक हित का समर्थन होता है ;

(ङ) किसी व्यक्ति को उसकी वैश्वासिक नातेदारी में उपलब्ध सूचना, जब तक कि सक्षम प्राधिकारी का यह समाधान नहीं हो जाता है कि ऐसी सूचना के प्रकटन से विस्तृत लोक हित का समर्थन होता है ;

(च) किसी विदेशी सरकार से विश्वास में प्राप्त सूचना ;

(छ) सूचना जिसकी प्रकट करना किसी व्यक्ति के जीवन या शारीरिक सुरक्षा को खतरे में डालेगा या जो विधि प्रवर्तन या सुरक्षा प्रयोजनों के लिए विश्वास में दी गई किसी सूचना या सहायता के स्रोत की पहचान करेगा ;

(ज) सूचना, जिससे अपराधियों के अन्वेषण, पकड़े जाने या अभियोजन की क्रिया में अड़चन पड़ेगी ;

(झ) मंत्रिमंडल के कागजपत्र, जिसमें मंत्रिपरिषद्, सचिवों और अन्य अधिकारियों के विचार विमर्श के अभिलेख सम्मिलित हैं :

परन्तु यह कि मंत्रिपरिषद् के विनिश्चय, उनके कारण तथा वह सामग्री जिसके आधार पर विनिश्चय किए गए थे, विनिश्चय किए जाने और विषय के पूरा या समाप्त होने के पश्चात् जनता को उपलब्ध कराए जाएंगे :

परन्तु यह और कि वे विषय जो इस धारा में विनिर्दिष्ट छूटों के अंतर्गत आते हैं, प्रकट नहीं किए जाएंगे ;

(ञ) सूचना, जो व्यक्तिगत सूचना से संबंधित है, जिसका प्रकटन किसी लोक क्रियाकलाप या हित से संबंध नहीं रखता है या जिससे व्यष्टि की एकांतता पर अनावश्यक अतिक्रमण होगा, जब तक कि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी या अपील प्राधिकारी का यह समाधान नहीं हो जाता है कि ऐसी सूचना का प्रकटन विस्तृत लोक हित में न्यायोचित है :

परन्तु ऐसी सूचना के लिए, जिसको, यथास्थिति, संसद् या किसी विधान-मंडल को देने से इंकार नहीं किया जा सकता है, किसी व्यक्ति को इंकार नहीं किया जा सकेगा ।

(2) शासकीय गुप्त बात अधिनियम, 1923 में, उपधारा (1) के अनुसार अनुज्ञेय किसी छूट के किसी बात के होते हुए भी, किसी लोक प्राधिकारी को सूचना तक पहुंच अनुज्ञात की जा सकेगी, यदि सूचना के प्रकटन में लोक हित, संरक्षित हितों के नुकसान से अधिक है । 1923 का 19

(3) उपधारा (1) के खण्ड (क), खंड (ग) और खण्ड (झ) के उपबंधों के अधीन रहते हुए, किसी ऐसी घटना, वृत्तांत या विषय से संबंधित कोई सूचना, जो उस तारीख से, जिसको धारा 6 के अधीन कोई अनुरोध किया जाता है, बीस वर्ष पूर्व घटित हुई थी या हुआ था, उस धारा के अधीन अनुरोध करने वाले किसी व्यक्ति को उपलब्ध कराई

16

(ख) प्रभारित फीस की रकम या उपलब्ध कराई गई पहुंच के प्ररूप के बारे में, जिसके अंतर्गत अपील प्राधिकारी की विशिष्टियां, समय-सीमा, प्रक्रिया और कोई अन्य प्ररूप भी है, विनिश्चय करने का पुनर्विलोकन करने के संबंध में उसके अधिकार से संबंधित सूचना देते हुए, कोई संसूचना भेजेगा ।

(4) जहां, इस अधिनियम के अधीन अभिलेख या उसके किसी भाग तक पहुंच अपेक्षित है और ऐसा व्यक्ति, जिसको पहुंच उपलब्ध कराई जानी है, संवेदनात्मक रूप से निःशक्त है, वहां यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी सूचना तक पहुंच को समर्थ बनाने के लिए सहायता उपलब्ध कराएगा जिसमें निरीक्षण के लिए ऐसी सहायता कराना भी सम्मिलित है, जो समुचित हो ।

(5) जहां, सूचना तक पहुंच मुद्रित या किसी इलैक्ट्रानिक रूपविधान में उपलब्ध कराई जानी है, वहां आवेदक, उपधारा (6) के अधीन रहते हुए, ऐसी फीस का संदाय करेगा, जो विहित की जाए :

परन्तु धारा 6 की उपधारा (1) और धारा 7 की उपधारा (1) और उपधारा (5) के अधीन विहित फीस युक्तियुक्त होगी और ऐसे व्यक्तियों से, जो गरीबी की रेखा के नीचे हैं, जैसा समुचित सरकार द्वारा अवधारित किया जाए, कोई फीस प्रभारित नहीं की जाएगी ।

(6) उपधारा (5) में किसी बात के होते हुए भी, जहां कोई लोक प्राधिकारी उपधारा (1) में विनिर्दिष्ट समय-सीमा का अनुपालन करने में असफल रहता है, वहां सूचना के लिए अनुरोध करने वाले व्यक्ति को प्रभार के बिना सूचना उपलब्ध कराई जाएगी ।

(7) उपधारा (1) के अधीन कोई विनिश्चय करने से पूर्व, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी धारा 11 के अधीन पर व्यक्ति द्वारा किए गए अभ्यावेदन को ध्यान में रखेगा ।

(8) जहां, किसी अनुरोध को उपधारा (1) के अधीन अस्वीकृत किया गया है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध करने वाले व्यक्ति को,--

(i) ऐसी अस्वीकृति के लिए कारण ;

(ii) वह अवधि, जिसके भीतर ऐसी अस्वीकृति के विरुद्ध कोई अपील की जा सकेगी ; और

(iii) अपील प्राधिकारी की विशिष्टियां,

संसूचित करेगा ।

(9) किसी सूचना को साधारणतया उसी प्ररूप में उपलब्ध कराया जाएगा, जिसमें उसे मांगा गया है, जब तक कि वह लोक प्राधिकारी के स्रोतों को अननुपाती रूप से विचलित न करता हो या प्रश्नगत अभिलेख की सुरक्षा या संरक्षण के प्रतिकूल न हो ।

सूचना के प्रकट किए जाने से छूट ।

8. (1) इस अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, व्यक्ति को निम्नलिखित सूचना देने की बाध्यता नहीं होगी--

(क) सूचना, जिसके प्रकटन से भारत की प्रभुता और अखण्डता, राज्य की सुरक्षा, रणनीति, वैज्ञानिक या आर्थिक हित, विदेश से संबंध पर प्रतिकूल प्रभाव पड़ता हो या किसी अपराध को करने का उद्दीपन होता हो;

(ख) सूचना, जिसके प्रकाशन को किसी न्यायालय या अधिकरण द्वारा

15

परंतु जहां ऐसा अनुरोध लिखित में नहीं किया जा सकता है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध करने वाले व्यक्ति को सभी युक्तियुक्त सहायता मौखिक रूप से देगा, जिससे कि उसे लेखबद्ध किया जा सके ।

(2) सूचना के लिए अनुरोध करने वाले आवेदक से सूचना का अनुरोध करने के लिए किसी कारण को या किसी अन्य व्यक्तिगत ब्यौरे को, सिवाय उसके जो उससे संपर्क करने के लिए आवश्यक हों, देने की अपेक्षा नहीं की जाएगी ।

(3) जहां, कोई आवेदन किसी लोक प्राधिकारी को किसी ऐसी सूचना के लिए अनुरोध करते हुए किया जाता है,--

(i) जो किसी अन्य लोक प्राधिकारी द्वारा धारित है ; या

(ii) जिसकी विषय-वस्तु किसी अन्य लोक प्राधिकारी के कृत्यों से अधिक निकट रूप से संबंधित है,

वहां, वह लोक प्राधिकारी, जिसको ऐसा आवेदन किया जाता है, ऐसे आवेदन या उसके ऐसे भाग को, जो समुचित हो, उस अन्य लोक प्राधिकारी को अंतरित करेगा और ऐसे अंतरण के बारे में आवेदक को तुरंत सूचना देगा :

परंतु यह कि इस उपधारा के अनुसरण में किसी आवेदन का अंतरण यथासाध्य शीघ्रता से किया जाएगा, किंतु किसी भी दशा में आवेदन की प्राप्ति की तारीख से पांच दिनों के पश्चात् नहीं किया जाएगा ।

अनुरोध का निपटान ।

7. (1) धारा 5 की उपधारा (2) के परंतुक या धारा 6 की उपधारा (3) के परंतुक के अधीन रहते हुए, धारा 6 के अधीन अनुरोध के प्राप्त होने पर यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी, यथासंभवशीघ्रता से, और किसी भी दशा में अनुरोध की प्राप्ति के तीस दिन के भीतर ऐसी फीस के संदाय पर, जो विहित की जाए, या तो सूचना उपलब्ध कराएगा या धारा 8 और धारा 9 में विनिर्दिष्ट कारणों में से किसी कारण से अनुरोध को अस्वीकार करेगा :

परंतु जहां मांगी गई जानकारी का संबंध किसी व्यक्ति के जीवन या स्वतंत्रता से है, वहां वह अनुरोध प्राप्त होने के अड़तालीस घंटे के भीतर उपलब्ध कराई जाएगी ।

(2) यदि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी उपधारा (1) के अधीन विनिर्दिष्ट अवधि के भीतर सूचना के लिए अनुरोध पर विनिश्चय करने में असफल रहता है तो, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी के बारे में यह समझा जाएगा कि उसने अनुरोध को नामंजूर कर दिया है ।

(3) जहां, सूचना उपलब्ध कराने की लागत के रूप में किसी और फीस के संदाय पर सूचना उपलब्ध कराने का विनिश्चय किया जाता है, वहां यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध करने वाले व्यक्ति को,--

(a) उसके द्वारा यथाअवधारित सूचना उपलब्ध कराने की लागत के रूप में और फीस के ब्यौरे, जिनके साथ उपधारा (1) के अधीन विहित फीस के अनुसार रकम निकालने के लिए की गई संगणनाएं होंगी, देते हुए उससे उस फीस को जमा करने का अनुरोध करते हुए कोई संसूचना भेजेगा और उक्त संसूचना के प्रेषण और फीस के संदाय के बीच मध्यवर्ती अवधि को उस धारा में निर्दिष्ट तीस दिन की अवधि की संगणना करने के प्रयोजन के लिए अपवर्जित किया जाएगा ;

सूचना पट्टी, समाचारपत्रों, लोक उद्घोषणाओं, मीडिया प्रसारणों, इंटरनेट या किसी अन्य माध्यम से, जिसमें किसी लोक प्राधिकारी के कार्यालयों का निरीक्षण सम्मिलित है, जनता को सूचना की जानकारी देना या संसूचित कराना अभिप्रेत है ।

लोक सूचना अधिकारियों का पदाभिहित ।

5. (1) प्रत्येक लोक प्राधिकारी, इस अधिनियम के अधिनियमन के सौ दिन के भीतर सभी प्रशासनिक एककों या उसके अधीन कार्यालयों में, यथास्थिति, केन्द्रीय लोक सूचना अधिकारियों या राज्य सूचना अधिकारियों के रूप में उतने अधिकारियों को अभिहित करेगा, जितने इस अधिनियम के अधीन सूचना के लिए अनुरोध करने वाले व्यक्तियों को सूचना प्रदान करने के लिए आवश्यक हों ।

(2) उपधारा (1) के उपबंधों पर प्रतिकूल प्रभाव डाले बिना, प्रत्येक लोक प्राधिकारी, इस अधिनियम के अधिनियमन के सौ दिन के भीतर किसी अधिकारी को प्रत्येक उपमंडल स्तर या अन्य उप जिला स्तर पर, यथास्थिति, केंद्रीय सहायक लोक सूचना अधिकारी या किसी राज्य सहायक लोक सूचना अधिकारी के रूप में इस अधिनियम के अधीन सूचना के लिए आवेदन या अपील प्राप्त करने और उसे तत्काल, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी या धारा 19 की उपधारा (1) के अधीन विनिर्दिष्ट वरिष्ठ अधिकारी या केंद्रीय सूचना आयोग अथवा राज्य सूचना आयोग को भेजने के लिए, पदाभिहित करेगा :

परंतु यह कि जहां सूचना या अपील के लिए कोई आवेदन यथास्थिति, किसी केन्द्रीय सहायक लोक सूचना अधिकारी या किसी राज्य सहायक लोक सूचना अधिकारी को दिया जाता है, वहां धारा 7 की उपधारा (1) के अधीन विनिर्दिष्ट उत्तर के लिए अवधि की संगणना करने में पांच दिन की अवधि जोड़ दी जाएगी ।

(3) यथास्थिति, प्रत्येक, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी, सूचना की मांग करने वाले व्यक्तियों के अनुरोधों पर कार्रवाई करेगा और ऐसी सूचना की मांग करने वाले व्यक्तियों को युक्तियुक्त सहायता प्रदान करेगा ।

(4) यथास्थिति, केन्द्रीय लोक सूचना अधिकारी, ऐसे किसी अन्य अधिकारी की सहायता की मांग कर सकेगा, जिसे वह अपने कृत्यों के समुचित निर्वहन के लिए आवश्यक समझे ।

(5) कोई अधिकारी, जिसकी उपधारा (4) के अधीन सहायता चाही गई है, उसकी सहायता चाहने वाले यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को सभी सहायता प्रदान करेगा और इस अधिनियम के उपबंधों के किसी उल्लंघन के प्रयोजनों के लिए ऐसे अन्य अधिकारी को, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी समझा जाएगा ।

सूचना अभिप्राप्त करने के लिए अनुरोध ।

6. (1) कोई व्यक्ति, जो इस अधिनियम के अधीन कोई सूचना अभिप्राप्त करना चाहता है, लिखित में या इलैक्ट्रानिक युक्ति के माध्यम से अंग्रेजी या हिन्दी में या उस क्षेत्र की जिसमें आवेदन किया जा रहा है, राजभाषा में ऐसी फीस के साथ, जो विहित की जाए,—

(क) संबंधित लोक प्राधिकरण के यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी ;

(ख) यथास्थिति, केन्द्रीय सहायक लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी,

को, उसके द्वारा मांगी गई सूचना की विशिष्टियां विनिर्दिष्ट करते हुए अनुरोध करेगा ।

13

(x) अपने प्रत्येक अधिकारी और कर्मचारी द्वारा प्राप्त मासिक पारिश्रमिक, जिसके अन्तर्गत प्रतिकर की प्रणाली भी है जो उसके विनियमों में यथाउपबंधित हो ;

(xi) सभी योजनाओं, प्रस्तावित व्ययों और किए गए संवितरणों पर रिपोर्टों की विशिष्टियां उपदर्शित करते हुए अपने प्रत्येक अभिकरण को आबंटित बजट ;

(xii) सहायिकी कार्यक्रमों के निष्पादन की रीति जिसमें आबंटित राशि और ऐसे कार्यक्रमों के फायदाग्राहियों के ब्यौरे सम्मिलित हैं ;

(xiii) अपने द्वारा अनुदत्त रियायतों, अनुज्ञापत्रों या प्राधिकारों के प्राप्तिकर्ताओं की विशिष्टियां ;

(xiv) किसी इलैक्ट्रानिक रूप में सूचना के संबंध में ब्यौरे जो उसको उपलब्ध हों या उसके द्वारा धारित हों ;

(xv) सूचना अभिप्राप्त करने के लिए नागरिकों को उपलब्ध सुविधाओं की विशिष्टियां, जिनमें किसी पुस्तकालय या वाचन कक्ष के, यदि लोक उपयोग के लिए अनुरक्षित है तो, कार्यकरण घंटे सम्मिलित हैं ;

(xvi) लोक सूचना अधिकारियों के नाम, पदनाम और अन्य विशिष्टियां ;

(xvii) ऐसी अन्य सूचना, जो विहित की जाए,

प्रकाशित करेगा और तत्पश्चात् इन प्रकाशनों को प्रत्येक वर्ष में अद्यतन करेगा ;

(ग) महत्वपूर्ण नीतियों की विरचना करते समय या ऐसे विनिश्चयों की घोषणा करते समय, जो जनता को प्रभावित करते हों, सभी सुसंगत तथ्यों को प्रकाशित करेगा ;

(घ) प्रभावित व्यक्तियों को अपने प्रशासनिक या न्यायिककल्प विनिश्चयों के लिए कारण उपलब्ध कराएगा ;

(2) प्रत्येक लोक अधिकारी का निरंतर यह प्रयास होगा कि वह उपधारा (1) के खंड (ख) की अपेक्षाओं के अनुसार, स्वप्रेरणा से, जनता को नियमित अन्तरालों पर संसूचना के विभिन्न साधनों के माध्यम से, जिनके अन्तर्गत इंटरनेट भी है, इतनी अधिक सूचना उपलब्ध कराने के लिए उपाय करे जिससे कि जनता को सूचना प्राप्त करने के लिए इस अधिनियम का कम से कम अवलंब लेना पड़े ।

(3) उपधारा (1) के प्रयोजन के लिए, प्रत्येक सूचना को विस्तृत रूप से और ऐसे प्ररूप और रीति में प्रसारित किया जाएगा, जो जनता के लिए सहज रूप से पहुंच योग्य हो ।

(4) सभी सामग्री को, लागत प्रभावशीलता, स्थानीय भाषा और उस क्षेत्र में संसूचना की आम प्रचलित पद्धति को ध्यान में रखते हुए, प्रसारित किया जाएगा तथा सूचना, सामग्रिक केन्द्रीय लोक सूचना अधिकारी या राज्य सूचना अधिकारी के पास इलैक्ट्रानिक रूप में सहज रीति तक निःशुल्क या माध्यम की ऐसी लागत पर या ऐसी मुद्रण लागत रीति पर, जो विहित की जाए, सहज रूप से पहुंच योग्य होनी चाहिए ।

स्पष्टीकरण—उपधारा (3) और उपधारा (4) के प्रयोजनों के लिए, "प्रसारित" से

12

राज्य लोक सूचना अधिकारी अभिप्रेत है और इसके अंतर्गत धारा 5 की उपधारा (2) के अधीन उस रूप में पदाभिहित राज्य सहायक लोक सूचना अधिकारी भी है ;

(ढ) "पर व्यक्ति" से सूचना के लिए अनुरोध करने वाले नागरिक से भिन्न कोई व्यक्ति अभिप्रेत है, और इसके अंतर्गत कोई लोक प्राधिकारी भी है ।

अध्याय 2

सूचना का अधिकार और लोक प्राधिकारियों की बाध्यताएं

सूचना का अधिकार ।

3. इस अधिनियम के उपबन्धों के अधीन रहते हुए, सभी नागरिकों को सूचना का अधिकार होगा ।

लोक प्राधिकारियों की बाध्यताएं ।

4. (1) प्रत्येक लोक प्राधिकारी--

(क) अपने सभी अभिलेखों को सम्यक् रूप से सूचीपत्रित और अनुक्रमणिकाबद्ध ऐसी रीति और रूप में रखेगा, जो इस अधिनियम के अधीन सूचना के अधिकार को सुकर बनाता है और सुनिश्चित करेगा कि ऐसे सभी अभिलेख, जो कंप्यूटरीकृत किए जाने के लिए समुचित है, युक्तियुक्त समय के भीतर और संसाधनों की उपलब्धता के अधीन रहते हुए, कंप्यूटरीकृत और विभिन्न प्रणालियों पर संपूर्ण देश में नेटवर्क के माध्यम से संबद्ध हैं जिससे कि ऐसे अभिलेख तक पहुंच को सुकर बनाया जा सके ;

(ख) इस अधिनियम के अधिनियमन से एक सौ बीस दिन के भीतर--

(i) अपने संगठन की विशिष्टियां, कृत्य और कर्तव्य ;

(ii) अपने अधिकारियों और कर्मचारियों की शक्तियां और कर्तव्य ;

(iii) विनिश्चय करने की प्रक्रिया में पालन की जाने वाली प्रक्रिया जिसमें पर्यवेक्षण और उत्तरदायित्व के माध्यम सम्मिलित हैं ;

(iv) अपने कृत्यों के निर्वहन के लिए स्वयं द्वारा स्थापित मापमान ;

(v) अपने द्वारा या अपने नियंत्रणाधीन धारित या अपने कर्मचारियों द्वारा अपने कृत्यों के निर्वहन के लिए प्रयोग किए गए नियम, विनियम, अनुदेश, निर्देशिका और अभिलेख ;

(vi) ऐसे दस्तावेजों के, जो उसके द्वारा धारित या उसके नियंत्रणाधीन हैं, प्रवर्गों का विवरण ;

(vii) किसी व्यवस्था की विशिष्टियां, जो उसकी नीति की संरचना या उसके कार्यान्वयन के संबंध में जनता के सदस्यों से परामर्श के लिए या उनके द्वारा अभ्यावेदन के लिए विद्यमान हैं ;

(viii) ऐसे बोर्डों, परिषदों, समितियों और अन्य निकायों के, जिनमें दो या अधिक व्यक्ति हैं, जिनका उसके भागरूप में या इस बारे में सलाह देने के प्रयोजन के लिए गठन किया गया है और इस बारे में कि क्या उन बोर्डों, परिषदों, समितियों और अन्य निकायों की बैठकें जनता के लिए खुली होंगी या ऐसी बैठकों के कार्यवृत्त तक जनता की पहुंच होगी, विवरण ;

(ix) अपने अधिकारियों और कर्मचारियों की निर्देशिका ;

(क) संविधान द्वारा या उसके अधीन ;

(ख) संसद् द्वारा बनाई गई किसी अन्य विधि द्वारा ;

(ग) राज्य विधान-मंडल द्वारा बनाई गई किसी अन्य विधि द्वारा ;

(घ) समुचित सरकार द्वारा जारी की गई अधिसूचना या किए गए आदेश द्वारा स्थापित या गठित कोई प्राधिकारी या निकाय या स्वायत्त सरकारी संस्था अभिप्रेत है,

और इसके अन्तर्गत,—

(i) कोई ऐसा निकाय है जो केन्द्रीय सरकार के स्वामित्वाधीन, नियंत्रणाधीन या उसके द्वारा प्रत्यक्ष या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा वित्तपोषित है ;

(ii) कोई ऐसा गैर-सरकारी संगठन है जो समुचित सरकार द्वारा प्रत्यक्ष या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा वित्तपोषित है ।

(झ) "अभिलेख" में निम्नलिखित सम्मिलित हैं—

(क) कोई दस्तावेज, पाण्डुलिपि और फाइल ;

(ख) किसी दस्तावेज की कोई माइक्रोफिल्म, माइक्रोफिश और प्रतिकृति प्रति ;

(ग) ऐसी माइक्रोफिल्म में सन्निविष्ट प्रतिबिम्ब या प्रतिबिम्बों का पुनरुत्पादन (चाहे वर्धित रूप में हो या न हो) ; और

(घ) किसी कम्प्यूटर द्वारा या किसी अन्य युक्ति द्वारा उत्पादित कोई अन्य सामग्री ;

(ञ) "सूचना का अधिकार" से इस अधिनियम के अधीन पहुंच योग्य सूचना का, जो किसी लोक प्राधिकारी द्वारा या उसके नियंत्रणाधीन धारित है, अधिकार अभिप्रेत है और जिसमें निम्नलिखित का अधिकार सम्मिलित है—

(i) कृति, दस्तावेजों, अभिलेखों का निरीक्षण ;

(ii) दस्तावेजों या अभिलेखों के टिप्पण, उद्धरण या प्रमाणित प्रतिलिपि लेना ;

(iii) सामग्री के प्रमाणित नमूने लेना ;

(iv) डिस्केट, फ्लापी, टेप, वीडियो कैसेट के रूप में या किसी अन्य इलैक्ट्रानिक रीति में या प्रिंटआउट के माध्यम से सूचना को, जहां ऐसी सूचना किसी कम्प्यूटर या किसी अन्य युक्ति में भण्डारित है, अभिप्राप्त करना ;

(ट) "राज्य सूचना आयोग" से धारा 15 की उपधारा (1) के अधीन गठित राज्य सूचना आयोग अभिप्रेत है ;

(ठ) "राज्य मुख्य सूचना आयुक्त" और "राज्य सूचना आयुक्त" से धारा 15 की उपधारा (3) के अधीन नियुक्त राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्त अभिप्रेत है ;

(ड) "राज्य लोक सूचना अधिकारी" से उपधारा (1) के अधीन यथाभिहित

सूचना का अधिकार अधिनियम, 2005

(2005 का अधिनियम संख्यांक 22)

[15 जून, 2005]

प्रत्येक लोक प्राधिकारी के कार्यकरण में पारदर्शिता और उत्तरदायित्व के संवर्धन के लिए, लोक प्राधिकारियों के नियंत्रणाधीन सूचना तक पहुंच सुनिश्चित करने के लिए नागरिकों के सूचना के अधिकार की व्यावहारिक शासन पद्धति स्थापित करने, एक केन्द्रीय सूचना आयोग तथा राज्य सूचना आयोग का गठन करने और उनसे संबंधित या उनसे आनुषंगिक विषयों का उपबंध करने के लिए अधिनियम

भारत के संविधान ने लोकतंत्रात्मक गणराज्य की स्थापना की है ;

और लोकतंत्र शिक्षित नागरिक वर्ग तथा ऐसी सूचना की पारदर्शिता की अपेक्षा करता है, जो उसके कार्यकरण तथा भ्रष्टाचार को रोकने के लिए भी और सरकारों तथा उनके परिकरणों को शासन के प्रति उत्तरदायी बनाने के लिए अनिवार्य है ;

और वास्तविक व्यवहार में सूचना के प्रकटन से संभवतः अन्य लोक हितों, जिनके अंतर्गत सरकारों के दक्ष प्रचालन, सीमित राज्य वित्तीय संसाधनों के अधिकतम उपयोग और संवेदनशील सूचना की गोपनीयता को बनाए रखना भी है, के साथ विरोध हो सकता है ;

और लोकतंत्रात्मक आदर्श की प्रभुता को बनाए रखते हुए इन विरोधी हितों के बीच सामंजस्य बनाना आवश्यक है ;

अतः, अब यह समीचीन है कि ऐसे नागरिकों को, कतिपय सूचना देने के लिए, जो उसे पाने के इच्छुक हैं, उपबंध किया जाए ;

भारत गणराज्य के छप्पनवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

अध्याय 1

प्रारम्भिक

संक्षिप्त नाम, विस्तार और प्रारंभ ।

1. (1) इस अधिनियम का संक्षिप्त नाम सूचना का अधिकार अधिनियम, 2005 है ।

(2) इसका विस्तार जम्मू-काश्मीर राज्य के सिवाय सम्पूर्ण भारत पर है ।

(3) धारा 4 की उपधारा (1), धारा 5 की उपधारा (1) और उपधारा (2), धारा 12, धारा 13, धारा 15, धारा 16, धारा 24, धारा 27 और धारा 28 के उपबंध तुरंत प्रभावी होंगे और इस अधिनियम के शेष उपबंध इसके अधिनियमन के एक सौ बीसवें दिन को प्रवृत्त होंगे ।

परिभाषाएं ।

2. इस अधिनियम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,--

(क) "समुचित सरकार" से किसी ऐसे लोक प्राधिकरण के संबंध में जो --

(i) केन्द्रीय सरकार या संघ राज्यक्षेत्र द्वारा स्थापित, गठित, उसके स्वामित्वाधीन, नियंत्रणाधीन या उसके द्वारा प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा पूर्णतया वित्तपोषित किया जाता है, केन्द्रीय सरकार अभिप्रेत है ;

(ii) राज्य सरकार द्वारा स्थापित, गठित उसके स्वामित्वाधीन, नियंत्रणाधीन या उसके द्वारा प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा पूर्णतया वित्तपोषित किया जाता है, राज्य सरकार अभिप्रेत है ;

(ख) "केन्द्रीय सूचना आयोग" से धारा 12 की उपधारा (1) के अधीन गठित केन्द्रीय सूचना आयोग अभिप्रेत है ;

(ग) "केन्द्रीय लोक सूचना अधिकारी" से उपधारा (1) के अधीन पदाभिहित केन्द्रीय लोक सूचना अधिकारी अभिप्रेत है और इसके अंतर्गत धारा 5 की उपधारा (2) के अधीन इस प्रकार पदाभिहित कोई केन्द्रीय सहायक लोक सूचना अधिकारी भी है ;

(घ) "मुख्य सूचना आयुक्त" और "सूचना आयुक्त" से धारा 12 की उपधारा (3) के अधीन नियुक्त मुख्य सूचना आयुक्त और सूचना आयुक्त अभिप्रेत है ;

(ङ) "सक्षम प्राधिकारी" से अभिप्रेत है--

(i) लोक सभा या किसी राज्य की विधान सभा की या किसी ऐसे संघ राज्यक्षेत्र की, जिसमें ऐसी सभा है, दशा में अध्यक्ष और राज्य सभा या किसी राज्य की विधान परिषद् की दशा में सभापति ;

(ii) उच्चतम न्यायालय की दशा में भारत का मुख्य न्यायमूर्ति ;

(iii) किसी उच्च न्यायालय की दशा में उच्च न्यायालय का मुख्य न्यायमूर्ति ;

(iv) संविधान द्वारा या उसके अधीन स्थापित या गठित अन्य प्राधिकरणों की दशा में, यथास्थिति, राष्ट्रपति या राज्यपाल ;

(v) संविधान के अनुच्छेद 239 के अधीन नियुक्त प्रशासक ;

(च) "सूचना" से किसी इलैक्ट्रानिक रूप में धारित अभिलेख, दस्तावेज, ज्ञापन, ई-मेल, मत, सलाह, प्रेस विज्ञप्ति, परिपत्र, आदेश, लागबुक, संविदा, रिपोर्ट, कागजपत्र, नमूने, माडल, आंकड़ों संबंधी सामग्री और किसी प्राइवेट निकाय से संबंधित ऐसी सूचना सहित, जिस तक तत्समय प्रवृत्त किसी अन्य विधि के अधीन किसी लोक प्राधिकारी की पहुंच हो सकती है, किसी रूप में कोई सामग्री, अभिप्रेत है;

(छ) "विहित" से, यथास्थिति, समुचित सरकार या सक्षम प्राधिकारी द्वारा अधिनियम के अधीन बनाए गए नियमों द्वारा विहित अभिप्रेत है ;

(ज) "लोक प्राधिकारी" से,--

8

अस्वीकार करना न्यायोचित था, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी पर, जिसने अनुरोध से इंकार किया था, होगा ।

(6) उपधारा (1) या उपधारा (2) के अधीन किसी अपील का निपटान, लेखबद्ध किए जाने वाले कारणों से, अपील की प्राप्ति के तीस दिन के भीतर या ऐसी विस्तारित अवधि के भीतर, जो उसके फाइल किए जाने की तारीख से कुल पैंतालीस दिन से अधिक न हो, किया जाएगा ।

(7) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग का विनिश्चय आबद्धकर होगा ।

(8) अपने विनिश्चय में, यथास्थिति, केन्द्रीय लोक सूचना आयोग या राज्य सूचना आयोग को निम्नलिखित की शक्ति है--

(क) लोक प्राधिकरण से ऐसे उपाय करने की अपेक्षा करना, जो इस अधिनियम के उपबंधों का अनुपालन सुनिश्चित करने के लिए आवश्यक हो, जिनके अंतर्गत निम्नलिखित भी हैं :--

(i) सूचना तक पहुंच उपलब्ध कराना, यदि विशिष्ट प्ररूप में ऐसा अनुरोध किया गया है ;

(ii) यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को नियुक्त करना ;

(iii) कतिपय सूचना या सूचना के प्रवर्गों को प्रकाशित करना ;

(iv) अभिलेखों के अनुरक्षण, प्रबंध और विनाश से संबंधित अपनी पद्धतियों में आवश्यक परिवर्तन करना ;

(v) अपने अधिकारियों के लिए सूचना के अधिकार के संबंध में प्रशिक्षण के उपबंध को बढ़ाना ;

(vi) धारा 4 की उपधारा (1) के खंड (ख) के अनुसरण में अपनी एक वार्षिक रिपोर्ट उपलब्ध कराना ;

(ख) लोक प्राधिकारी से शिकायतकर्ता को, उसके द्वारा सहन की गई किसी हानि या अन्य नुकसान के लिए प्रतिपूरित करने की अपेक्षा करना ;

(ग) इस अधिनियम के अधीन उपबंधित शास्तियों में से कोई शास्ति अधिरोपित करना ;

(घ) आवेदन को नामंजूर करना ।

(9) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग शिकायतकर्ता और लोक प्राधिकारी को, अपने विनिश्चय की, जिसके अंतर्गत अपील का कोई अधिकार भी है, सूचना देगा ।

(10) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग, अपील का विनिश्चय ऐसी प्रक्रिया के अनुसार करेगा, जो विहित की जाए ।

शास्ति ।

20. (1) जहां किसी शिकायत या अपील का विनिश्चय करते समय, यथास्थिति, केंद्रीय सूचना आयोग या राज्य सूचना आयोग की यह राय है कि, यथास्थिति, केंद्रीय लोक

27

6. निजी सचिव, मुख्य सचिव, उत्तरांचल शासन।
7. समस्त प्रमुख सचिव/सचिव, उत्तरांचल शासन।
8. आयुक्त गढ़वाल/कुमाऊँ मण्डल, उत्तरांचल।
9. समस्त विभागाध्यक्ष, उत्तरांचल शासन।
10. प्रदेश के समस्त सार्वजनिक निगम/उपक्रम/स्वायत्तशासी संस्थायें/परिषद
11. समस्त जिलाधिकारी, उत्तरांचल।
12. समस्त वरिष्ठ कोषाधिकारी, उत्तरांचल।
13. सचिवालय के समस्त अनुभाग।
14. निदेशक, एन0आई0सी0, सचिवालय परिसर।
15. उपनिदेशक, राजकीय मुद्रणालय, रूड़की को इस अनुरोध के साथ प्रेषित कि कृपया इस अधिसूचना को राजकीय गजट असाधारण के विधायी परिशिष्ट, भाग-4, खण्ड-ख में दिनांक 29 मार्च, 2006 में प्रकाशित कर 200 प्रतियां शासन को उपलब्ध कराने का कष्ट करें।
16. राज्य समन्वयक, सूचना प्रकोष्ठ, सचिवालय।
17. महानिदेशक, सूचना एवं लोक सम्पर्क निदेशालय को इस अनुरोध के साथ कि कृपया इस सन्दर्भ में प्रेस विज्ञप्ति जारी करने का कष्ट करें।
18. गार्ड फाईल।

आज्ञा से,

(सन्तोष बड़ोनी)
अनुसचिव।

अधिनियम की धारा 7 की उपधारा (5) के अधीन सूचना कादये जाने हेतु लोक प्राधिकारी के लिए लोकाधिकारी के नाम देय निम्न दरों के अनुरूप फीस उचित रसीद के प्रति नकद या डिमांड ड्राफ्ट या बैंकर्स चेक के माध्यम से भुगतान किया जाना होगा।

(क) डिस्केट अथवा फ्लॉपी पर सूचना दिये जाने हेतु रू. पचास प्रति फ्लॉपी/डिस्केट और

(ख) किसी मुद्रित प्रकाश के दशा में उसका निर्धारित मूल्य या ऐसे प्रकाशन से उद्धरणों की फोटो प्रति के प्रति पृष्ठ के लिये दो रूपये

डी.के.कोटिया
सचिव

परिशिष्ट - IV

Annexure – XVII

उत्तरांचल शासन
सूचना अनुभाग
संख्या : 266 / XXII / 2005–9(31)
सचिवालय, देहरादून
दिनांक : 13 अक्टूबर, 2005

अधिसूचना।

सूचना का अधिकार अधिनियम 2005 (अधिनियम संख्या 22 / 2005) की धारा 27 की उपधारा –(2) के खण्ड ख तथा ग के अधीन प्रदत्त शक्तियों को प्रयोग करते हुये निम्नलिखित नियम बनाते हैं अर्थात :

संक्षिप्त नाम एवं प्रारम्भ :

1. इन नियमों का संक्षिप्त नाम सूचना का अधिकार (फीस एवं लागत का विनियमन) नियम,2005 है।

2. ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

3. परिभाषायें :– इन नियमों में जब तक की संदर्भ से अन्यथा अपेक्षित न हो

(क) "अधिनियम" से सूचना का अधिकार अधिनियम 2005 अभिप्रेत है ।
(ख) धारा से अधिनियम की धारा अभिप्रेत है,
(ग) उन शब्दों और पदों के जो इसमें प्रयुक्त है और परिभाषित नही है किन्तु सूचना का अधिकार अधिनियम 2005 में परिभाषित है, वही अर्थ होंगे जो उस अधिनियम में है

4. अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना मांगे जाने हेतु आवेदन पत्र के साथ लोक प्राधिकारी के वित्त / लेखाअधिकारी के नाम देय रू. दस की फीस उचित रसीद के प्रति नकद या डिमान्ड ड्राफ्ट या बैंकर्स चेक के माध्यम से भुगतान किया जायेगा।

5. धारा 7 की उपधारा (1) के अधीन सूचना दिये जाने हेतु लोक प्राधिकारी के वित्त / लेखा अधिकारी के नाम देय निम्न दरों के अनुरूप फीस उचित रसीद के प्रति नकद या डिमान्ड ड्राफ्ट या बैंकर्स चेक के माध्यम से भुगतान किया जाना होगा।

(क) ए–3 या ए–4 आकार के पृष्ठ (छाया प्रति या तैयार सूचना) हेतु रू. दो प्रति पृष्ठ और इससे बड़े आकार के पृष्ठ हेतु वास्तविक लागत
(ख) अभिलेखों के निरीक्षण हेतु प्रथम घण्टा हेतु कोई फीस देय नहीं होगी, उसके उपरान्त प्रत्येक पन्द्रह मिन्ट (अथवा उसके भाग) हेतु रू. पांच की फीस का भुगतान किया जाना होगा।
(ग) प्रदेशों एवं नमूनों की वास्तविक लागत का भुगतान किया जाना होगा।

44

संलग्नक 10
अनुरोधकर्ता को सूचना देने सम्बन्धी प्रपत्र

कार्यालय का नाम व पता

पावती संख्या_____ दिनांक_____

श्री/श्रीमती_____
_____
_____
_____

कृपया अधोहस्ताक्षरी को सम्बोधित अपने सूचना के अनुरोध संख्या_____दिनांक_____ का संदर्भ ग्रहण करें।

1. आपके द्वारा चाही गई सूचना का विवरण संलग्न है।
2. निम्न लिखित अतिरिक्त सूचनायें संलग्न की जा रही है।

(1)

(2)

(3)

3. इस आदेश के अन्तर्गत दी गई जानकारी से यदि असंतुष्ट हो तो, आदेश प्राप्ति की तिथि से 30 दिनों के अन्दर विभाग के अपील अधिकारी जिनका पता निम्नवत है, अपील दायर कर सकते है।

अपील अधिकारी का पता

_____
_____
_____
_____

भवदीय

संलग्नक उपर्युक्त के अनुसार सूचना का विवरण।

लोक सूचना अधिकारी
कार्यालय की मुहर

43

संलग्नक 8

कार्यालय का नाम व पता

सूचना का अनुरोध प्राप्ति पत्र

पावती संख्या_____ दिनांक_____

श्री / श्रीमती_____

निवासी_____

_____

_____

से सूचना का अधिकार अधिनियम, 2005 की धारा 6 क अन्तर्गत सूचना का अनुरोध पत्र रू0_____ आवेदन शुल्क के साथ प्राप्त किया।

अनुरोधकर्ता गरीबी रेखा से निम्न आय वर्ग का है अतः आवेदन शुल्क देय नही है।

संलग्नक : शुल्क रसीद,

लोक सूचना अधिकारी
कार्यालय मुहर

संलग्नक 9

अनुरोध को अस्वीकार करने की सूचना प्रपत्र

कार्यालय का नाम व पता

पावती संख्या_____ दिनांक_____

_____

_____

_____

कृपया अपने दिनांक_____के सूचना के अनुरोध पत्र का संदर्भ ग्रहण करें।

आपके अनुरोध को निम्नलिखित कारणों से अस्वीकृत किया गया है।

1._____

2._____

3._____

इस आदेश के विरूद्ध यदि आप चाहें तो विभाग के उच्च अधिकारी व अपील अधिकारी, जिनका पता नीचे दिया गया है, से इस पत्र की प्राप्ति की तिथि के 30 दिनों के अन्दर –अन्दर अपनी अपील कर सकते हैं।

अपील अधिकारी का पता

_____

_____

_____

_____

भवदीय

लोक सूचना अधिकारी
कार्यालय की मुहर

42

संलग्नक 5

अतिरिक्त शुल्क के लिए सूचना का प्रपत्र

कार्यालय का नाम व पता

पत्रांक संख्या_____ दिनांक_____

विषय अतिरिक्त शुल्क जमा करने के सम्बन्ध में

श्री/श्रीमती_____

_____

_____

कृपया अपने दिनांक_____के सूचना के अनुरोध पत्र का संदर्भ ग्रहण करें। आपके द्वारा मांगी गई सूचना सामग्री को एकत्रित करने और इच्छित रूप में उपलब्ध कराने पर सरकार द्वारा निम्नलिखित निर्धारित दरों के आधार पर रू0_____अतिरिक्त शुल्क देय होता है।

अतिरिक्त शुल्क का विवरण

क्रमांक	सामग्री या व्यय की मद	दर	कुल धनराशि

अतः उक्त धनराशि को यथाशीघ्र बैंक ड्राफ्ट या बैंकर्स चैक जो विभाग के लेखा/वित्त अधिकारी के नाम बना हो प्रेषित करें/अथवा कार्यालय में नकद जमा करें/करवा दें।

मांगी गई सूचना को उपलब्ध कराने सम्बन्धी कार्यवाही, उक्त अतिरिक्त शुल्क जमा करने के बाद ही प्रारम्भ होगी। इस पत्र की तिथि से अतिरिक्त शुल्क प्राप्त होने की तिथि तक का समय सूचना उपलब्ध कराने के लिए निर्धारित 30 दिनों में नहीं गिना जायेगा।

हस्ताक्षर

लोक सूचना अधिकारी
कार्यालय मुहर

41

सहायक लोक सूचना अधिकारी द्वारा सूचना के अनुरोध को अग्रेषित करने का प्रपत्र

कार्यालय का नाम व पता

पत्रांक: _____ दिनांक_____

प्रेषक :

_____
_____
_____

सेवा में,
लोक सूचना अधिकारी

_____
_____

अनुरोधकर्ता का नाम_____

आवेदक का पता_____

सं0बी0पी0एल0/ए0पी0एल0_____

अनुरोध प्राप्ति की तिथि_____

अग्रेषण की तिथि_____

मांगी गई सूचना का विषय_____
_____

सम्बन्धित विभाग/अनुभाग का नाम_____

सूचना शुल्क की मात्रा रू0_____

अन्य विवरण (यदि कोई हो)_____

संलग्नक: अनुरोध पत्र की मूल प्रति

सहायक लोक सूचना अधिकारी
कार्यालय मुहर

40

संलग्नक 1

सहायक लोक सूचना अधिकारी के स्तर पर सूचना के अनुरोधों के पंजीकरण का प्रस्तावित प्रारूप

क्र० सं०	अनुरोध प्राप्ति तिथि	अनुरोधकर्ता का नाम	पत्राचार का पूर्ण पता	दूरभाष संख्या (यदि हो)	मांगी गई सूचना का विवरण	संबन्धित विभाग/ अनुभाग का नाम	आवेदन शूल्क का भुगतान (रू0)	लोक सूचना अधिकारी को आग्रेषण की तिथि
1.	2.	3.	4.	5.	6.	7.	8.	9.

संलग्नक 2

लोक सूचना अधिकारी द्वारा सूचना के अनुरोधों के पंजीकरण का प्रस्तावित प्रारूप

क्र० सं०	अनुरोध पत्र प्राप्ति की तिथि	अनुरोधकर्ता का नाम	पत्राचार का पता	दूरभाष संख्या	मांगी गई सूचना का विवरण	आवेदन शुल्क रू0	अतिरिक्त शुल्क रू0
1.	2.	3.	4.	5.	6.	7.	8.

कुल शुल्क रू0	अनुरोध अस्वीकार करने पर उसका कारण	अतिरिक्त शुल्क की सूचना की तिथि	अतिरिक्त शुल्क प्राप्ति की तिथि	तीसरे पक्ष को सूचित करने कीतिथि(यदि आवश्यक समझाजाय)	तीसरे पक्ष से उत्तर प्राप्ति की तिथि	अनुरोध पर अंतिम आदेश	आदेश निर्गत करने की तिथि
9.	10.	11.	12.	13.	14.	15.	16.

संलग्नक 3

विभागीय स्तर पर अपील के अनुरोधों के पंजीकरण का प्रस्तावित प्रारूप

क्र० सं०	अपीलार्थी द्वारा अनुरोध पत्र प्राप्ति तिथि	विभाग/ अनु भाग का नाम	अपील से सम्बन्धित तथ्यों का संक्षिप्त विवरण	लो०सू०अ०० के आदेश का संक्षिप्त विवरण	अपील स्वीकृत/ अस्वीकृत	विभागीयअपील अधिकारी क आदेश की तिथि	अपील कर्ता को आदेश पत्रनिर्गत करने कीतिथि
1.	2.	3.	4.	5.	6.	7.	8.

39

विभाग की रोकड़ बही (cash book) में इस अधिनियम के अंतर्गत शुल्क जमा करने की प्रक्रिया को और सरलीकृत किये जाने की कार्यवाही की जा रही है।

2. सूचना के अनुरोधों पर कार्यवाही:

सूचना का अनुरोध प्राप्त होने के बाद मार्गदर्शिका में दी गयी प्रक्रिया के अनुसार उस पर आगे की कार्यवाही सुनिश्चित कर यथा स्थिति 30, 35, या 45 दिनों के अन्दर अनुरोधकर्ता को वांछित सूचना उपलब्ध करा दी जानी है। इस प्रक्रिया के विभिन्न चरणों में सम्भावित पत्राचार को समरूप बनाने के लिए निम्नलिखित प्रपत्र निर्धारित कर संलग्न किये जा रहे हैं।

प्रपत्र-4 सहायक लोक सूचना अधिकारी द्वारा सूचना के अनुरोध के अग्रेषण का प्रपत्र
प्रपत्र-5 सूचना के अनुरोधों का पावति प्रपत्र का
प्रपत्र-6 अतिरिक्त शुल्क के लिए सूचना का प्रपत्र
प्रपत्र-7 तीसरे पक्षधर को सूचना का प्रपत्र
प्रपत्र-8 सूचना के अनुरोध को दूसरे प्राधिकारी को हस्तान्तरण के लिए प्रपत्र
प्रपत्र-9 अनुरोधको अस्वीकार करने की सूचना का प्रपत्र
प्रपत्र-10 अनुरोधकर्ता को सूचना प्रेषित करने सम्बन्धी प्रपत्र

उक्त समस्त पत्राचार लोक सूचना में इन प्रपत्रों का ही प्रयोग किया जाना चाहिए। इस सम्बन्ध में लोक सूचना अधिकारी यदि आवश्यक समझे तो विभाग के वरिष्ट अधिकारियों से मार्गदर्शन प्राप्त कर सकते है। यह ध्यान रखा जाय कि किसी भी स्थिति में सूचना के अधिकार अधिनियम के अन्तर्गत अनुरोधकर्ताओं को सूचना उपलब्ध कराने में कोई गतिरोध उत्पन्न न हो। सभी विभागाध्यक्षों/लोक प्राधिकारियों से अपेक्षा की जाती है कि वे सूचना के लिए आवेदन पत्र प्राप्त करनेव सूचना देने व उसके पंजीकरण आदि की उपरोक्त प्रक्रिया को यदि आवश्यक हुआ तो, विभागीय विशिष्टताओं/व्यवहारिकता के अनुरूप संशोधित कर उपयोग करेगें, जिसमें सूचना देने की प्रक्रिया में कोई भ्रम विभागीय अधिकारियों में न रहे साथ ही अनुरोधकर्ताओं को भी निश्चित प्रक्रिया व उसका ज्ञान होने में कम से कम कठिनाई हो।

भवदीय

(एम0 रामचन्द्रन)
मुख्य सचिव

संख्या 146(1)/द्य0/XXXI(13)G--/2006--तददिनांक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :

1. कमिश्नर, गढ़वाल/कुमांयू, उत्तरांचल
2. समस्त अपर सचिव, उत्तरांचल शासन
3. समस्त विभागाध्यक्ष/लोक प्राधिकारी,उत्तरांचल शासन।
4. समस्त जिलाधिकारी, उत्तरांचल
5. स्टाफ आफिसर--मुख्य सचिव।
6. निदेशक, सूचना एवं लोक सम्पर्क विभाग,उत्तरांचल, देहरादून।
7. राज्य समन्वयक सूचना का अधिकार प्रकोष्ठ।
8. गार्ड फाइल।

आज्ञा से,
(राजीव गुप्ता)
प्रमुख सचिव।

38

2. अनुरोधपत्रों के पंजीकरण का प्रारूपः

सूचना के अनुरोधों का विधिवत् पंजीकरण किया जाना आवश्यक है। इसके आधार पर ही सूचना के अधिकार सम्बन्धी कार्य कलापों की प्रगति रिपोर्ट लोक प्राधिकारी, प्रशासकीय विभाग एवं राज्य स्तर पर तैयार की जा सकेगी। इसके लिए प्रदेश के सभी विभागों एवं लोक प्राधिकरणों में सूचना के अनुरोधों के पंजीकरण की समान व्यवस्था लागू करने की आवश्यकता है। इस उद्देश्य से अनुरोधों के पंजीकरण के लिए तीन प्रारूप संलग्न किये जा रहे हैं (संलग्नक 1,2,3) प्रथम प्रारूप सहायक लोक सूचना अधिकारी स्तर पर पंजीकरण के लिए दूसरा प्रारूप लोक सूचना पंजीकरण के लिए विहित है। सभी विभागाध्यक्षों व लोक प्राधिकारियों को चाहिए कि सूचना के अनुरोधों के पंजीकरण के लिए विभाग/लोक प्राधिकरण स्तर पर विहित प्रारूपों के अनुसार "सूचना का अनुरोध पंजीकरण पंजिका" व "सूचना के लिए अपील किया जाना चाहिए ताकि स्वतः प्रगति रिपोर्ट तैयार हो सकें एवं अधिनियम की व्यवस्था के अनुरूप राज्य सूचना आयोग को प्रगति विवरणप भेजा जा सके।

रजिस्टर के बाद प्रत्येक सप्ताह/सुविधानुसार उस धनराशि को विभागीय राजस्व लेखाशीर्षक के अधीन राजकोष में जमा करेंगे।

3. अनुरोधपत्रों के पंजीकरण की व्यवस्थाः

अनुभवों से यह भी ज्ञात हुआ है कि कुछ कार्यालयों में लोक सूचना अधिकारी की अनुपस्थिति में सूचना के अनुरोधों को प्राप्त करने के लिए कोई अधिकारी या कर्मचारी उपलब्ध नही होता है या उपस्थित व्यक्ति अनुरोध पत्र लेने से मना कर देता है। इसलिए यह सुनिश्चित किया जाना चाहिए कि सूचना का अधिकार सुविधा कक्ष में हर समय कोई न कोई अधिकारी अथवा कर्मचारी सूचना के अनुरोधों को प्राप्त करने के लिए उपस्थित रहें। अधिनियम के प्राविधानों के अनुसार सूचना का अनुरोध पत्र सहायक लोक सूचना अधिकारी अथवा लोक सूचना अधिकारी द्वारा प्राप्त किया जाना है। तथापि जहाँ पर कार्यालयाध्यक्ष या वरिष्ठ अधिकारी लोक सूचना अधिकारी नामित है, वहाँ वे अपनी सहायता के लिए किसी दूसरे अधिकारी/कर्मचारी या समस्त अधिकारी को सूचना के अनुरोध पत्र को प्राप्त करने व उसके पंजीकरण की जिम्मेदारी दे सकते है। यह सुनिश्चित करना लोक सूचना अधिकारी/सहायक लोक सूचना अधिकारी का दायित्व होगा कि उनकी अनुपस्थिति में भी सूचना के अनुरोध पत्रों को प्राप्त व पंजीकृत किया जाय। इस दिशा में समुचित व्यवस्था करने लोक सूचना अधिकारी अपने स्तर पर ही ऐसी शिकायतों को दूर कर दें ताकि किसी को भी सूचना के अनुरोध पत्रों के प्राप्त न किये जाने की शिकायत किसी अन्य स्तर पर करने की आवश्यकता ना पड़े तथा सुगमता से आवेदन पत्र आगन्तुकों द्वारा जमा कराये जा सकें।

4. सूचना शुल्क लेखांकन की प्रकियाः

सूचना के अनुरोध पत्रों के साथ 10/–रू0 आवेदन शुल्क प्राप्त किया जाना है। गरीबी रेखा के नीचे के अनुरोधकर्ताओं से कोई शुल्क नही दिया जाना है। मार्गदर्शिका में दिये गये निर्देशों के अनुसार आवेदन शुल्क नकद, बैंक ड्राफ्ट या बैंकर्स चैक के माध्यम से ही दिया जा सकता है इस विषय पर वित्त विभाग द्वारा कार्यालय ज्ञाप सं0 1/XXVII(7)2005 दिनांक 14 अक्टूबर 2005 द्वारा शुल्क प्राप्त करने और उसके लेखांकन की विस्तृत प्रकिया सुझाई गयी है। फिर भी इस सम्बन्ध में यह स्पष्ट किया गया है कि सूचना के अनुरोधकर्ता द्वारा नकद अथवा विभाग/लोक प्राधिकरण के लेखा अधिकारी के नाम का बैंक ड्राफ्ट या बैंकर्स चैक प्रस्तुत कर शुल्क दिया जा सकता है। शुल्क प्राप्त होने पर लोक सूचना अधिकारी द्वारा ट्रेजरी फार्म 385 पर शुल्क प्राप्ति की रसीद निर्गत की जानी है। इसके लिए सभी लोक सूचना अधिकारियों को चाहिए कि अपने जनपद की ट्रेजरी से उक्त प्रपत्र की रसीद बुक प्राप्त करे ले। और विभागीय और विभागीय आहरण वितरण अधिकारी की ओर से शुल्क प्राप्ति रसीद निर्गत करें।

यही प्रक्रिया अतिरिक्त शुल्क को प्राप्त करने के लिए अपनाई जायेगी। शुल्क से प्राप्त धनराशि लोक सूचना अधिकारी या सहायक लोक सूचना अधिकारी विभागीय आहरण वितरक अधिकारी को उपलब्ध करायेंगे जो कि

37

परिशिष्ट - III

Annexure – LIII

संख्या 146/सु0/XXXI(3)G–/2006

प्रेषक,

एस0रामचन्द्रन,
मुख्य सचिव,
उत्तरांचल शासन।

सेवा में,

समस्त प्रमुख सचिव/सचिव,
उत्तरांचल शासन।
कार्मिक प्रशासन अनुभाग

दिनांक 22 मार्च 2006

विषय : सूचना के अनुरोधों पर समुचित कार्यवाही हेतु प्रकिया सम्बन्धी दिशा निर्देश।

सूचना का अधिकार अधिनियम 12 अक्टूबर, 2005 से प्रभावी हो गया है। शासन स्तर पर इसके क्रियान्वयन के लिए व्यापक तैयारियाँ पहले ही की जा चुकी है। विभागों व अन्य लोक प्राधिकरणों में अधिनियम के प्रावधानों के अनुसार लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी और विभागीय अपील अधिकारीयों का नामांकन हो चुका है। सभी स्तरों पर अधिकारियों का अधिनियम के प्राविधानों की जानकारी देने के लिए कार्यशालाएं आयोजित की गयी है। इसके अतिरिक्त अधिकारियों की सुविधा के लिए शासन सूचना का अधिकार अधिनियम 2005–मार्गदर्शिका का भी प्रकाशन किया गया है जिसकी प्रतियाँ सभी विभागों को प्रेषित कर दी गयी है।

इन तैयारियों को दृष्टिगत रखते हुए लोक प्राधिकारियों द्वारा सूचना के अनुरोधों का निस्तारण सुगमता से किये जाने की अपेक्षा की गयी है, लेकिन प्रारम्भिक अनुभवों से प्राप्त जानकारी के अनुसार अधिनियम के अन्तर्गत सूचना उपलब्ध कराने में कुछ कठिनाइयाँ आ रही है जिनका मुख्य कारण प्रकिया की अस्पष्टता व विभाग एवं लोक अधिकारी स्तर पर इस सम्बंन्ध में समुचित व्यवस्था का नहीं होना माना जा रहा है। इसलिए यह आवश्यक समझा गया कि सूचना के अनुरोधों पर व्यवस्थित, तत्काल व सुगम कार्यवाही करने की कार्यविधि सम्बन्धी निर्देश जारी किये जाँए जिससे इस सम्बन्ध में किसी भी तरह की अनिश्चितता न बनी रहे और सूचना के अधिकार अधिनियम के प्रावधानों के अनुरूप निम्न बिन्दुओं पर कार्यवाही सुनिश्चित कर प्रकिया से सम्बन्धी अस्पष्टता दूर हो सके। इस सन्दर्भ में कृपया अपने अधीन लोक प्राधिकारी इकाइयों एवं लोक सूचना अधिकारियों व सहायक लोक सूचना अधिकारियों के स्तर पर निम्नानुसार कार्यवाही सुनिश्चित करें।

सूचना के अनुरोधकर्ताओं के लिए सुविधा कक्ष की स्थापना:

अधिकांश मामलों सूचना के इच्छुक व्यक्तियों से वार्ता कर दूर की जा सकती है। सम्भव है कि बातचीत के बाद सूचना के औपचारिक अनुरोध की आवश्यकता ही न पड़े। इसके लिए प्रत्येक कार्यालय में जहाँ भी लोक सूचना अधिकारी या सहायक लोक सूचना अधिकारी नामांकित है, सूचना के अनुरोधकर्ताओं की सुविधा के लिए सूचना का अधिकार नाम का एक पृथक मार्गदशक या सुविधा कक्ष (Facilitation Counter) की स्थापना की जानी आवश्यक है। जिन कार्यालयों में स्वागत कक्ष पहले से ही स्थापित हैं उनमें इन्हीं स्वागत कक्षों में सूचना का अधिकार सबन्धी जानकारी देने की भी व्यवस्था की जानी चाहिए। इसके लिए स्वागत कक्ष में एक हिन्दी में चाहते है ? तदनुसार सूचना के अनुरोध का आवेदन तैयार करवा कर वांछित सूचना या अभिलेख के कारण कोई भी व्यक्ति अनावश्यक सूचनाओं के लिये अनुरोध न करे। स्वागत कक्ष के अतिरिक्त, पुस्तकालय, वाचनालय, प्रतीक्षा कक्ष या कार्यालय में उपलब्ध कामन स्पेस (common space) को भी सुविधा कक्ष के रूप मे विकसित किया जा सकता है। इनमें विभागीय सूचनाओं से संबधित 17 मैनुवलस, विभाग का वार्षिक प्रतिवेदन, कार्यपूर्ति दिग्दर्शिका व आम जनता के उपयोग की अन्य सूचनायें भी रखी जा सकती है।

34

Annex – II

नगर निगम, देहरादून

[सूचना का अधिकार अधिनियम, 2005 की धारा–4(1)(ख)(xvi)]

मैनुअल – सोलह

लोक सूचना अधिकारियों के नाम, पदनाम और अन्य विशिष्टियां

उत्तरांचल शासन, शहरी विकास विभाग के कार्यालय ज्ञाप सं0–2334/V–श0वि0–05–145(सा0)/05 देहरादून, दिनांक 31 अगस्त, 2005 के द्वारा सूचना का अधिकार अधिनियम, 2005 के अधीन नगर निगम, देहरादून के लिए लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी व अपीलेट अधिकारी निम्नानुसार नियुक्त किये गये हैं :–

लोक प्राधिकारी	लोक सूचना अधिकारी	सहायक लोक सूचना अधिकारी	अपीलेट अधिकारी
नगर निगम, देहरादून	मुख्य नगर अधिकारी, नगर निगम, देहरादून दूरभाष सं0–2657884, 2714074, 9997033175	उप नगर अधिकारी नगर निगम, देहरादून दूरभाष सं0–2655515, 9411108899	निदेशक, शहरी विकास, उत्तरांचल, देहरादून।

शासन के उपरोक्त कार्यालय ज्ञाप सं0–2334/V– श0वि0–05–145(सा0)/05 देहरादून, दिनांक 31 अगस्त, 2005 की प्रति मैनुअल के साथ संलग्न है।

*****

14. असम राइफल्स ।

15. विशेष सेवा ब्यूरो ।

16. विशेष शाखा (सीआईडी), अंदमान और निकोबार ।

17. अपराध शाखा-सीआईडी-सीबी, दादरा और नागर हवेली ।

18. विशेष शाखा, लक्षद्वीप पुलिस ।

टी0 के0 विश्वनाथन,
सचिव, भारत सरकार ।

MGIPMRND—3308 GI/05—28-10-2005.

पहली अनुसूची

[धारा 13(3) और धारा 16(3) देखिए]

मुख्य सूचना आयुक्त, सूचना आयुक्त, राज्य मुख्य सूचना आयुक्त, राज्य सूचना आयुक्त द्वारा ली जाने वाली शपथ या किए जाने वाले प्रतिज्ञान का प्ररूप

"मैं, जो _____

मुख्य सूचना आयुक्त/सूचना आयुक्त/राज्य मुख्य सूचना आयुक्त/राज्य सूचना आयुक्त नियुक्त हुआ हूं, ईश्वर की शपथ लेता हूं कि मैं विधि द्वारा स्थापित भारत सत्यनिष्ठा से प्रतिज्ञान करता हूं

के संविधान के प्रति सच्ची श्रद्धा और निष्ठा रखूंगा, मैं भारत की प्रभुता और अखंडता अक्षुण्ण रखूंगा तथा मैं सम्यक् प्रकार से और श्रद्धापूर्वक तथा अपनी पूरी योग्यता, ज्ञान और विवेक से अपने पद के कर्तव्यों का भय या पक्षपात, अनुराग या द्वेष के बिना पालन करूंगा तथा मैं संविधान और विधियों की मर्यादा बनाए रखूंगा।"।

दूसरी अनुसूची

(धारा 24 देखिए)

केन्द्रीय सरकार द्वारा स्थापित आसूचना और सुरक्षा संगठन

1. आसूचना ब्यूरो ।
2. मंत्रिमंडल सचिवालय के अनुसंधान और विश्लेषण खंड ।
3. राजस्व आसूचना निदेशालय ।
4. केन्द्रीय आर्थिक आसूचना ब्यूरो ।
5. प्रवर्तन निदेशालय ।
6. स्वापक नियंत्रण ब्यूरो ।
7. वैमानिक अनुसंधान केन्द्र ।
8. विशेष सीमान्त बल ।
9. सीमा सुरक्षा बल ।
10. केन्द्रीय आरक्षित पुलिस बल ।
11. भारत-तिब्बत सीमा बल ।
12. केन्द्रीय औद्योगिक सुरक्षा बल ।
13. राष्ट्रीय सुरक्षा गार्ड ।

निबंधन और शर्तें ;

(ङ) धारा 19 की उपधारा (10) के अधीन अपीलों का विनिश्चय करते समय, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग द्वारा अपनाई जाने वाली प्रक्रिया ;

(च) कोई अन्य विषय, जो विहित किए जाने के लिए अपेक्षित हो या विहित किया जाए ।

नियम बनाने की सक्षम प्राधिकारी की शक्ति ।

28. (1) सक्षम प्राधिकारी, इस अधिनियम के उपबंधों को कार्यान्वित करने के लिए, राजपत्र में अधिसूचना द्वारा, नियम बना सकेगा ।

(2) विशिष्टतया और पूर्वगामी शक्ति की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियम निम्नलिखित सभी या किसी विषय के लिए उपबंध कर सकेंगे, अर्थात् :–

(i) धारा 4 की उपधारा (4) के अधीन प्रसारित की जाने वाली सामग्रियों के माध्यम की लागत या प्रिन्ट लागत मूल्य ;

(ii) धारा 6 की उपधारा (1) के अधीन संदेय फीस ;

(iii) धारा 7 की उपधारा (1) के अधीन संदेय फीस ; और

(iv) कोई अन्य विषय, जो विहित किए जाने के लिए अपेक्षित हो या विहित किया जाए ।

नियमों का रखा जाना ।

29. (1) इस अधिनियम के अधीन केन्द्रीय सरकार द्वारा बनाया गया प्रत्येक नियम, बनाए जाने के पश्चात् यथाशीघ्र संसद् के प्रत्येक सदन के समक्ष, जब वह ऐसी कुल तीस दिन की अवधि के लिए सत्र में हो, जो एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकती है, रखा जाएगा और यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के ठीक बाद के सत्र के अवसान के पूर्व दोनों सदन उस नियम में कोई परिवर्तन करने के लिए सहमत हो जाएं या दोनों सदन इस बात से सहमत हो जाएं कि ऐसा नियम नहीं बनाया जाना चाहिए तो ऐसा नियम तत्पश्चात्, यथास्थिति, केवल ऐसे उपांतरित रूप में ही प्रभावी होगा या उसका कोई प्रभाव नहीं होगा । तथापि, उस नियम के ऐसे उपांतरित या निष्प्रभाव होने से उसके अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

(2) इस अधिनियम के अधीन किसी राज्य सरकार द्वारा बनाया गया प्रत्येक नियम अधिसूचित किए जाने के पश्चात् यथाशीघ्र राज्य विधान-मंडल के समक्ष रखा जाएगा ।

कठिनाइयों को दूर करने की शक्ति ।

30. (1) यदि इस अधिनियम के उपबंधों को प्रभावी करने में कोई कठिनाई उत्पन्न होती है तो केन्द्रीय सरकार, राजपत्र में प्रकाशित आदेश द्वारा ऐसे उपबंध बना सकेगी, जो इस अधिनियम के उपबंधों से असंगत न हों, जो उसे कठिनाई को दूर करने लिए आवश्यक और समीचीन प्रतीत होते हों :

परन्तु कोई ऐसा आदेश इस अधिनियम के प्रारंभ से दो वर्ष की अवधि की समाप्ति के पश्चात् नहीं किया जाएगा ।

(2) इस धारा के अधीन किया गया प्रत्येक आदेश, किए जाने के पश्चात् यथाशीघ्र संसद् के प्रत्येक सदन के समक्ष रखा जाएगा ।

निरसन ।

31. सूचना स्वातंत्र्य अधिनियम, 2002 इसके द्वारा निरसित किया जाता है ।

में विनिर्दिष्ट किसी अधिकार का प्रयोग करना चाहता है ।

(3) समुचित सरकार, यदि आवश्यक हो तो, उपधारा (2) में निर्दिष्ट मार्गदर्शी सिद्धांतों को नियमित अंतरालों पर अद्यतन और प्रकाशित करेगी, जिनमें विशिष्टतया और उपधारा (2) की व्यापकता पर प्रतिकूल प्रभाव डाले बिना निम्नलिखित सम्मिलित होगा–

(क) इस अधिनियम के उद्देश्य ;

(ख) धारा 5 की उपधारा (1) के अधीन नियुक्त प्रत्येक लोक प्राधिकरण के, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का डाक और गली का पता, फोन और फैक्स नंबर और यदि उपलब्ध हो तो उसका इलैक्ट्रोनिक डाक पता ;

(ग) वह रीति और प्ररूप, जिसमें, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी से किसी सूचना तक पहुंच का अनुरोध किया जाएगा ;

(घ) इस अधिनियम के अधीन लोक प्राधिकरण के, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी से उपलब्ध सहायता और उसके कर्तव्य ;

(ङ) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग से उपलब्ध सहायता ;

(च) इस अधिनियम द्वारा प्रदत्त या अधिरोपित किसी अधिकार या कर्तव्य के संबंध में कोई कार्य करने या करने में असफल रहने के बारे में विधि में उपलब्ध सभी उपचार, जिनके अंतर्गत आयोग को अपील फाइल करने की रीति भी है ;

(छ) धारा 4 के अनुसार अभिलेखों के प्रवर्गों के स्वैच्छिक प्रकटन के लिए उपबंध करने वाले उपबंध ;

(ज) किसी सूचना तक पहुंच के लिए अनुरोधों के संबंध में संदत्त की जाने वाली फीसों से संबंधित सूचनाएं ; और

(झ) इस अधिनियम के अनुसार किसी सूचना तक पहुंच प्राप्त करने के संबंध में बनाए गए या जारी किए गए कोई अतिरिक्त विनियम या परिपत्र ।

(4) समुचित सरकार को, यदि आवश्यक हो, नियमित अंतरालों पर मार्गदर्शी सिद्धांतों को अद्यतन और प्रकाशित करना चाहिए ।

नियम बनाने की समुचित सरकार की शक्ति ।

27. (1) समुचित सरकार, इस अधिनियम के उपबंधों को कार्यान्वित करने के लिए, राजपत्र में अधिसूचना द्वारा, नियम बना सकेगी ।

(2) विशिष्टतया और पूर्वगामी शक्ति की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियम निम्नलिखित सभी या किसी विषय के लिए उपबंध कर सकेंगे, अर्थात् :–

(क) धारा 4 की उपधारा (4) के अधीन प्रसारित की जाने वाली सामग्रियों के माध्यम की लागत या प्रिन्ट लागत मूल्य ;

(ख) धारा 6 की उपधारा (1) के अधीन संदेय फीस ;

(ग) धारा 7 की उपधारा (1) और उपधारा (5) के अधीन संदेय फीस ;

(घ) धारा 13 की उपधारा (6) और धारा 16 की उपधारा (6) के अधीन अधिकारियों और अन्य कर्मचारियों को संदेय वेतन और भत्ते तथा उनकी सेवा के

सूचना आयोग को निर्दिष्ट की गई अपीलों की संख्या, अपीलों की प्रकृति और अपीलों के निष्कर्ष ;

(घ) इस अधिनियम के प्रशासन के संबंध में किसी अधिकारी के विरुद्ध की गई अनुशासनिक कार्रवाई की विशिष्टियां ;

(ङ) इस अधिनियम के अधीन प्रत्येक लोक प्राधिकारी द्वारा एकत्रित की गई प्रभारों की रकम ;

(च) कोई ऐसे तथ्य, जो इस अधिनियम की भावना और आशय को प्रशासित और कार्यान्वित करने के लिए लोक प्राधिकारियों के किसी प्रयास को उपदर्शित करते हैं ;

(छ) सुधार के लिए सिफारिशें, जिनके अंतर्गत इस अधिनियम या अन्य विधान या सामान्य विधि के विकास, समुन्नति, आधुनिकीकरण, सुधार या संशोधन के लिए विशिष्ट लोक प्राधिकारियों के संबंध में सिफारिशें या सूचना तक पहुंच के अधिकार को प्रवर्तनशील बनाने से सुसंगत कोई अन्य विषय भी हैं ।

(4) यथास्थिति, केन्द्रीय सरकार या राज्य सरकार प्रत्येक वर्ष के अंत के पश्चात्, यथासाध्यशीघ्रता से, उपधारा (1) में निर्दिष्ट, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग की रिपोर्ट की एक प्रति संसद् के प्रत्येक सदन के समक्ष या जहां राज्य विधान-मंडल के दो सदन हैं वहां प्रत्येक सदन के समक्ष और जहां राज्य विधान-मंडल का एक सदन है वहां उस सदन के समक्ष रखवाएगी ।

(5) यदि केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को ऐसा प्रतीत होता है कि इस अधिनियम के अधीन अपने कृत्यों का प्रयोग करने के संबंध में किसी लोक प्राधिकारी की पद्धति इस अधिनियम के उपबंधों या भावना के अनुरूप नहीं है तो वह प्राधिकारी को ऐसे उपाय विनिर्दिष्ट करते हुए, जो उसकी राय में ऐसी अनुरूपता को बढ़ाने के लिए किए जाने चाहिएं, सिफारिश कर सकेगा ।

समुचित सरकार द्वारा कार्यक्रम तैयार किया जाना ।

26. (1) केन्द्रीय सरकार वित्तीय और अन्य संसाधनों की उपलब्धता की सीमा तक—

(क) जनता को, विशेष रूप से, उपेक्षित समुदायों की इस बारे में समझ को, वृद्धि करने के लिए कि इस अधिनियम के अधीन अनुध्यात अधिकारों का प्रयोग कैसे किया जाए शैक्षिक कार्यक्रम बना सकेगी और आयोजित कर सकेगी ;

(ख) लोक प्राधिकारियों को, खंड (क) में निर्दिष्ट कार्यक्रमों को बनाने और उनके आयोजन में भाग लेने और ऐसे कार्यक्रमों का स्वयं जिम्मा लेने के लिए प्रोत्साहित कर सकेगी ;

(ग) लोक प्राधिकारियों द्वारा उनके क्रियाकलापों के बारे में सही जानकारी का समय से और प्रभावी रूप में प्रसारित किए जाने को बढ़ावा दे सकेगी ;

(घ) लोक प्राधिकरणों के, यथास्थिति, केन्द्रीय लोक सूचना अधिकारियों या राज्य सूचना अधिकारियों को प्रशिक्षित कर सकेगी और लोक प्राधिकरणों द्वारा स्वयं के उपयोग के लिए सुसंगत प्रशिक्षण सामग्रियों का उत्पादन कर सकेगी ।

(2) समुचित सरकार, इस अधिनियम के प्रारंभ से अठारह मास के भीतर, अपनी राजभाषा में, सहज व्यापक रूप और रीति से ऐसी सूचना वाली एक मार्गदर्शिका संकलित करेगी, जिसकी ऐसे किसी व्यक्ति द्वारा युक्तियुक्त रूप में अपेक्षा की जाए, जो अधिनियम

30

इस उपधारा के अधीन अपवर्जित नहीं की जाएगी :

परन्तु यह और कि यदि मांगी गई सूचना मानवाधिकारों के अतिक्रमण के अभिकथनों से संबंधित है तो सूचना केन्द्रीय सूचना आयोग के अनुमोदन के पश्चात् ही दी जाएगी और धारा 7 में किसी बात के होते हुए भी, ऐसी सूचना अनुरोध की प्राप्ति के पैंतालीस दिन के भीतर दी जाएगी ।

(2) केन्द्रीय सरकार, राजपत्र में किसी अधिसूचना द्वारा, अनुसूची का उस सरकार द्वारा स्थापित किसी अन्य आसूचना या सुरक्षा संगठन को उसमें सम्मिलित करके या उसमें पहले से विनिर्दिष्ट किसी संगठन का उससे लोप करके, संशोधन कर सकेगी और ऐसी अधिसूचना के प्रकाशन पर ऐसे संगठन को अनुसूची में, यथास्थिति, सम्मिलित किया गया या उसका उससे लोप किया गया समझा जाएगा ।

(3) उपधारा (2) के अधीन जारी की गई प्रत्येक अधिसूचना, संसद् के प्रत्येक सदन के समक्ष रखी जाएगी ।

(4) इस अधिनियम की कोई बात ऐसे आसूचना और सुरक्षा संगठनों को लागू नहीं होगी, जो राज्य सरकार द्वारा स्थापित ऐसे संगठन हैं, जिन्हें यह सरकार समय-समय पर राजपत्र में अधिसूचना द्वारा, विनिर्दिष्ट करे :

परन्तु भ्रष्टाचार और मानव अधिकारों के अतिक्रमण के अभिकथनों से संबंधित सूचना इस उपधारा के अधीन अपवर्जित नहीं की जाएगी :

परन्तु यह और कि यदि मांगी गई सूचना मानव अधिकारों के अतिक्रमण अभिकथनों से संबंधित है तो सूचना राज्य सूचना आयोग के अनुमोदन के पश्चात् ही दी जाएगी और धारा 7 में किसी बात के होते हुए भी, ऐसी सूचना अनुरोध की प्राप्ति के पैंतालीस दिनों के भीतर दी जाएगी ।

(5) उपधारा (4) के अधीन जारी की गई प्रत्येक अधिसूचना राज्य विधान-मंडल के समक्ष रखी जाएगी ।

मानीटर करना और रिपोर्ट करना ।

25. (1) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग, प्रत्येक वर्ष के अंत के पश्चात्, यथासाध्यशीघ्रता से उस वर्ष के दौरान इस अधिनियम के उपबंधों के कार्यान्वयन के संबंध में एक रिपोर्ट तैयार करेगा और उसकी एक प्रति समुचित सरकार को भेजेगा ।

(2) प्रत्येक मंत्रालय या विभाग, अपनी अधिकारिता के भीतर लोक प्राधिकारियों के संबंध में, ऐसी सूचना एकत्रित करेगा और उसे, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को उपलब्ध कराएगा, जो इस धारा के अधीन रिपोर्ट तैयार करने के लिए अपेक्षित है और इस धारा के प्रयोजनों के लिए, उस सूचना को देने तथा अभिलेख रखने से संबंधित अपेक्षाओं का पालन करेगा ।

(3) प्रत्येक रिपोर्ट में, उस वर्ष के संबंध में, जिससे रिपोर्ट संबंधित है निम्नलिखित के बारे में कथन होगा,--

(क) प्रत्येक लोक प्राधिकारी से किए गए अनुरोधों की संख्या ;

(ख) ऐसे विनिश्चयों की संख्या, जहां आवेदक अनुरोधों के अनुसरण में दस्तावेजों तक पहुंच के लिए हकदार नहीं थे, इस अधिनियम के वे उपबंध, जिनके अधीन ये विनिश्चय किए गए थे और ऐसे मामलों की संख्या, जब ऐसे उपबंधों का अवलंब लिया गया था ;

(ग) पुनर्विलोकन के लिए यथास्थिति, केन्द्रीय लोक सूचना आयोग या राज्य

29

सूचना अधिकारी या राज्य लोक सूचना अधिकारी ने, किसी युक्तियुक्त कारण के बिना सूचना के लिए कोई आवेदन प्राप्त करने से इंकार किया है या धारा 7 की उपधारा (1) के अधीन सूचना के लिए विनिर्दिष्ट समय की भीतर सूचना नहीं दी है या असद्भावपूर्वक सूचना के लिए अनुरोध से इंकार किया है या जानबूझकर गलत, अपूर्ण या भ्रामक सूचना दी है या उस सूचना को नष्ट कर दिया है, जो अनुरोध का विषय थी या किसी रीति से सूचना देने में बाधा डाली है, तो वह ऐसे प्रत्येक दिन के लिए, जब तक आवेदन प्राप्त किया जाता है या सूचना दी जाती है, दो सौ पचास रुपए की शास्ति अधिरोपित करेगा, तथापि, ऐसी शास्ति की कुल रकम पच्चीस हजार रुपए से अधिक नहीं होगी :

परंतु, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को, उस पर कोई शास्ति अधिरोपित किए जाने के पूर्व, सुनवाई का युक्तियुक्त अवसर दिया जाएगा :

परंतु यह और कि यह साबित करने का भार कि उसने युक्तियुक्त रूप से और तत्परतापूर्वक कार्य किया है, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी पर होगा ।

(2) जहां किसी शिकायत या अपील का विनिश्चय करते समय, यथास्थिति, केंद्रीय सूचना आयोग या राज्य सूचना आयोग की यह राय है कि, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी, किसी युक्तियुक्त कारण के बिना और लगातार सूचना के लिए कोई आवेदन प्राप्त करने में असफल रहा है या उसने धारा 7 की उपधारा (1) के अधीन विनिर्दिष्ट समय की भीतर सूचना नहीं दी है या असद्भावपूर्वक सूचना के लिए अनुरोध से इंकार किया है या जानबूझकर गलत, अपूर्ण या भ्रामक सूचना दी है या ऐसी सूचना को नष्ट कर दिया है, जो अनुरोध का विषय थी या किसी रीति से सूचना देने में बाधा डाली है वहां यह, यथास्थिति, ऐसे केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी के विरुद्ध उसी लागू सेवा नियमों के अधीन अनुशासनिक कार्रवाई के लिए सिफारिश करेगा ।

अध्याय 6

प्रकीर्ण

सद्भावपूर्वक की गई कार्रवाई के लिए संरक्षण ।

21. कोई वाद, अभियोजन या अन्य विधिक कार्यवाही किसी भी ऐसी बात के बारे में, जो इस अधिनियम या उसके अधीन बनाए गए किसी नियम के अधीन सद्भावपूर्वक की गई है या की जाने के लिए आशयित है, किसी व्यक्ति के विरुद्ध न होगी ।

अधिनियम का अध्यारोही प्रभाव होगा ।

22. इस अधिनियम के उपबंध, शासकीय गुप्त बात अधिनियम, 1923 और तत्समय प्रवृत्त किसी अन्य विधि में या इस अधिनियम से अन्यथा किसी विधि के आधार पर प्रभाव रखने वाली किसी लिखत में उससे असंगत किसी बात के होते हुए भी, प्रभावी होंगे ।

न्यायालयों की अधिकारिता का अपवर्जन ।

23. कोई न्यायालय, इस अधिनियम के अधीन किए गए किसी आदेश के संबंध में कोई वाद, आवेदन या अन्य कार्यवाही ग्रहण नहीं करेगा और ऐसे किसी आदेश को, इस अधिनियम के अधीन किसी अपील के रूप में के सिवाए किसी रूप में प्रश्नगत नहीं किया जाएगा ।

अधिनियम का कतिपय संगठनों को लागू न होना ।

24. (1) इस अधिनियम में अंतर्विष्ट कोई बात, केन्द्रीय सरकार द्वारा स्थापित आसूचना और सुरक्षा संगठनों को, जो दूसरी अनुसूची में विनिर्दिष्ट है या ऐसे संगठनों द्वारा उस सरकार को दी गई किसी सूचना को लागू नहीं होगी :

28

राज्य सरकार और सहायक अधिकारी के अतिक्रमण में अधिकारी के संरक्षण में

उत्तरांचल शासन
सामान्य प्रशासन विभाग
संख्या-।ट/XXXI (13)G – 2(2)/2006
देहरादून : दिनांक :31 मार्च, 2006

अधिसूचना

राज्यपाल, सूचना का अधिकार अधिनियम, 2005 (2005 का 22) की धारा 27 की उपधारा (2) के खण्ड (ख) तथा (ग) के अधीन प्रदत्त शक्ति का प्रयोग करके शासन की अधिसूचना दिनांक 13 अक्टूबर, 2005 को निम्नवत् संशोधन करने की सहर्ष स्वीकृति प्रदान करते हैं, अर्थात :–

विद्यमान प्रावधान	संशोधित प्रावधान
प्रस्तर–2, अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना चाहे जाने हेतु आवेदन पत्र के साथ लोक प्राधिकारी के वित्त/लेखा अधिकारी के नाम देय रू0 10.00 की फीस, उचित रसीद के प्रति नगद या डिमाण्ड ड्राफ्ट, बैंकर्स चैक के माध्यम से भुगतान किया जाएगा।	प्रस्तर–2, अधिनियम की धारा 6 की उपधारा (1) के अधीन सूचना माँगे जाने हेतु आवेदन पत्र के साथ लोक प्राधिकारी के अधीन विभिन्न लोक सूचना अधिकारी, सहायक लोक सूचना अधिकारी या लोक प्राधिकारी के वित्त/लेखा अधिकारी के नाम देय रू0 10.00 (रू0 दस मात्र) की फीस उचित रसीद के प्रति नगद, डिमाण्ड ड्राफ्ट, बैंकर्स चैक, भारतीय पोस्टल ऑर्डर, ट्रेजरी चालान या नॉन ज्यूडिशियल स्टाम्प पेपर के माध्यम से भुगतान किया जाएगा।

(राजीव गुप्ता)
प्रमुख सचिव।

पृष्ठांकनसंख्या-।ट/XXXI (13)G – 2(2)/2006 तद्दिनांकित।

प्रतिलिपि :– निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
1. सचिव, महामहिम श्री राज्यपाल, उत्तरांचल।
2. सचिव, विधानसभा, विधान भवन, देहरादून।
3. निजी सचिव, मा0 मुख्यमंत्री जी, उत्तरांचल शासन।
4. महालेखाकार, लेखा एवं हकदारी, सहारनपुर रोड, देहरादून, उत्तरांचल।
5. रजिस्ट्रार, मा0 उच्च न्यायालय, नैनीताल।

46

B—Regarding death

1. Date and time of death.
2. Name of deceased and name of father, husband or guardian.
3. Sex
4. Caste and profession
5. Age
6. Cause of death attested by a medical practitioner in case when a medical practioner is in attendance.
7. Name of mohalla, No house according to door plate.
8. Place of cremation or burial.
9. Name of medical practitioner who attended deceased during the last illness.
10. Name of reporter.
11. Signature of recording officer with date.
12. Signature or thumb impression of reporter, his address and relationship to the deceased: provided that if the deceased be a pardah-nasin woman, the entry of her name shall not be necessary: in such cases it will be sufficient to enter the relation which she bears to the head of her family.

3. The report shall be made at such a place and to such a person as the Board shall proclaim by beat of drum or public notice for the recording of such events within the local area concerned.

4. The sweeper of each mohalla shall report births and deaths in his mohalla personall within three days of occurrence to the circle sanitary inspector or to the officer directly responsible for conservancy work where no sanitary inspector is employed.

N.B. In places where reports by mohalla sweepers are not possible the duties of the sweeper should be imposed on the conservancy jamadar.

5. Every Registar shall, as far as possible, ascertain and register with as little delay as possible the particulars required to be registered inclusive of every birth and death which has not been reported.

6. Any person who performs the funeral ceremonies of a person dying within the local area shall, whenever required, furnish to the Registrar such information as he possesses regarding the particulars required for registration.

7. Any person bringing a corpse for burial or cremation shall, if so required by an order of the executive authority, sign at the burial or cremation ground, as the case may be, a declaration in the from prescribed by that authority stating the cause of death and the name of the medical attendant if any, who attended on the deceased within the 72 hours immediately preceding his death.

8. (1) When any case of ommission to register a birth or death is discovered by, or brought to the notice of, the Registrar, he shall after ascertaing on such enquiry as he may deem fit, the date and other particulars relatining to the birth or death, as the case may be, register the same or cause the same be registered provided that no registration shall be made under this sub-rule after the expiry of one year from the birth or death.

(2) A birth or death not registered within one year after its occurrence shall be registered only under the orders of a magistrate (not below the rank of Magistrate of the second class) having the jurisdiction over the local area No. order under this sub-rule shall be unless the Magistrate is satisfied on obtaining a report from the Executive authority concerned or after making such enquiry as he may consider necessary the birth or death took place on the date alleged and that it has been registered.

(3) Every entry made in the register under sub-rule (1) or sub-rule (2) shall be initialled and dated by the Registrar.

9. (1) An authenticated extract from the register will be issued by the Registrar free of charge at the time of reporting.

(2) On application duplicate copies of these could be on payment of the prescribed fee.

(3) Any person may :—

(i) at all reasonable time on payment of the prescribed fee of 50 paise search any register of births and deaths in the presence of the Registrar or :—

(ii) apply in writing for a search to be made in such

not of masonry, to be covered with galvanized iron or zinc sheeting or tin or other impermeable material.

(g) He shall cause the bakery to be open to the inspection of the Chairman Health Officer, or any other member or officer duly authorized in this behalf.

(h) He shall not himself dwell or sleep or suffer any other person to dwell or sleep in the bakery.

(i) He shall not suffer any animal to be kept in the bakery.

(j) He shall not suffer and "hookah" or other appliance for smoking, or any bedding or soiled cloths, or other articles not required for purposes of the bakery to be kept in the bakery.

(k) He shall cause kneading table, troughs and all utensils used in the bakery to be thoroughly scrubbed & washed with water daily.

(l) He shall not use or suffer to be used in the preparation of confectionery any unwholesome materials

(m) He shall cause all dough and other materials used in preparing the products of the bakery and all products of the bakery to be kept in clean receptables and to be cleanly covered to the satisfaction of the Health Officer.

(n) He shall cause all the inside walls and the ceiling of the bakery, whether plastered or not, and all passages to be lime-washed at least once in every three months.

(o) He shall not cause or suffer any person other than employees or a member or official of the board to enter the bakery.

(p) He shall not employ in the bakery any person suffering from any contagious or infectious disease or allow any such person to sell confectionery on his behalf.

(q) He shall not carry or cause to be carried confectionery for sale or delivery to a customer except in tins or other suitable metal boxes provided with properly fitted covers

PENALTY

In exercise of the power conferred by section 299 (1) of the Act the board directs that any breach of byelaws 2 and 3 shall be punishable with fine, which may extend to Rs. 500/-, and when the breach is a continuing breach, with a further fine which may extend to Rs. 5/-for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the Registration of Births and Deaths Dehra Municipality

The head of every family resident in or on a visit to the Dehra Dun Municipality, the head of any University, College Hostel, Orphange or of such similar institutions and the keeper or person incharge of every Hostel, Lodging house Dharamshala, Sarai, Medical practitioners of western, indigenous or any other system of medicine, nurse, midwife or dai assisting at birth shall within five days of the occurrence of any birth or death within the limits of their charge or-practice (as the case may be) reports the same personally or by an agent or in writing in accordance with the provisions the following byelaws. If any birth (including still birth) or death occurs in a Hospital or Jail, it shall be the duty of the Medical Officer-in-charge of the Hospital or the Superintendent of the Jail, as the case may be, to report the occurrence to the Registrar within three days.

NOTE—In this and all following byelaws "births" shall include "still births" which shall be entered in red.

2. The report shall contain the following particulars :

A—Regarding Birth

1. Date and time of birth.
2. Name of child.
3. Whether still-born.
4. Name of father or mother.
5. Sex.
6. Caste.
7. Profession of patients.
8. Name of mohalla, No. of house according to door plate.
9. Name of reporter.
10. Name of dai, midwife or doctor who attended the birth.
11. Age of the mother at the time of birth.
12. No. of pregnancy.
13. Signature of recording officer with date; provided that when the birth of a child is registered without name it shall be the duty of the head of the family to report the name of the child to the Registrar within eight months.

All manufacturers of aerated water using saccharine as sweetening agent must state on the lable of the bottles containing the sweet aerated water or syrups, the mineral water contains saccharine as the sweetening agent.

(U. P. Gazette dated 12-5-34 part III page 173)

(q) He shall not allow water used in the factory to be carried in "Mashkas" or otherwise than in metal vessels.

(r) He shal cause all bottles to be filled direct from the tap in the storage water cistern and shall not suffer any dippers to be used for filling the bottles.

(s) He shall cause the brushes used for scrubbing the interior of dirty bottles themselves to be be cleaned in a solution of permaganate of potash of strength of 6 grains to a gallon of water and shall cause the bottles after the preliminary soaking and cleaning in one tank, to be finally washed out in or from a second tank, which shall contain a tap water solution of permanganate of the strength of half a grain to the gallon. When the permanganate in the second tank has turned brown, he shall cause it to be renewed.

(t) He shall cause the three tanks to be well cleaned and rinsed out once a week with permanganated water of the strength of half a grain to a gallon.

(u) He shall not suffer any rubber rings to be used in the bottles unless they are in good order and shall cause any ring which has deterioated to be destroyed.

(v) He shall cause tables bearing the address of the factory and the name of the owner or manager to be affixed to each bottle.

(w) He shall not employ on the premises a person suffering from any cantagious or infectious disease.

PENALTY

In exercise of the power conferred by section 299 (1) of the Act the board directs that any breach of any of the provisions of the above byelaws shall be punishable with fine, which may extend to Rs. 500/- and when the breach is continuing breach, with a further fine which may extend to Rs 5 for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Bye-laws for the Regulation and Control of Bakeries in the Dehra Dun Municipality

(G.O. No 4217-XI-45 H, Dated 23rd October 1916)
Under section 298 (2), F, (d)

1. "Bakery" means a building in which European confectionery is prepared for sale.

Confectionery includes all sorts of breads, biscuits, sweetmeats or the like.

2. No person shall establish a bakery or cause a bakery to be establish within 100 feet of any cow-house, stable public latrine, open sewage, cesspit or public dustbin.

3. Every owner or occupier of a bakery shall compely with the following conditions :—

(a) He shall not maintain a privy on the premises, unless it is separated from the bakery by an open passage at least 6 feet wide and is situated more than 20 feet from the bakery window and has no direct communication with the bakery.

(b) He shall cause any drains or drain pipes or sewers for carrying off sullage or sewage matter which run under or near the bakery to be constructed to the satisfaction of the Health Officer.

(c) He shall not cause or suffer any room adjacent to the bakery to be used as a living or sleeping room, unless it be separated from the bakery by a substantial wall, and unless it contains a window opening directly on a passage or space open to the sky not less than 8 feet wide.

(d) He shall provide the bakery with a window or windows with an aperture for the passage of light of one-tenth of the floor area and capable of being opened, and shall cover the windows with wire guaze of such a mesh as well keep out flies and (if considered necessary by the Health Officer) shall cause the bakery to have self-closing doors with panels partly of wood partly fitted in with galvanized gauze netting.

(e) He shall cause a good impermeable floor to be provided over the whole area of the bakery.

(f) He shall cause the kneading tables or troughs, if

Byelaws for controlling the manufacture and sale of Aerated Water in the Dehra Municipality

G O. No. 480/XI-46 H dated 20th October 1916)
Under section 298 [2] F [d]

1. No person shall establish the business of an aerated water factory within 100 feet of any cow-house, stable, public latrine, cesspit or public dustbin.

2. Every owner or occupier of an aerated water factory shall comply with the following conditions.

(a) He shall not maintain a privy on the premises unless it is separated from the factory by an open passage at least 6 feet wide and is situated more than 20 feet from the factory windows and has no direct communication with the factory.

(b) He shall not cause or suffer any room adjacent to the factory to be used as a living or sleeping room unless it separated from the factory by a substantial wall, and unless it contains a window opening directly into a passage or space open to the sky not less than 8 feet wide.

(c) He shall cause any drains, pipes or sewers for carrying of sullage and sewage matter which run under the factory to be constructed to the satisfaction of the health officer.

(d) Where drains communicating with municipal drains cannot be constructed he shall cause a separate receptable to be kept for the reception of all foul water, and the contents thereof to be removed daily to such place as the health officer may direct.

(e) He shall provide that the premises shall have a window or windows with an area for the passage of light of at least one-tenth of the floor area of each room, and that each window shall be capable of being opened and shall be covered by wire gauze of such a mesh as will keep out flies, and (if considered necessary by the health officer) he shall provide for the premises self closing doors partly of wood and partly of gauze netting of a similar mesh to that covering the windows.

(f) He shall cause the floors, drains and the walls, to a height of 6 feet, to have a smooth, non-absorbent surface.

(g) He shall cause the water used in the manufacture of aerated water to be drawn from the municipal filtered supply or, such a supply is not available, from a well of a type approved by the health officer.

(h) When a filtered water supply is available he shall provide a standpipe and tap within the factory.

(i) He shall provide within the factory three tanks or receptacles—

(i) one, a special covered cistern to contain water to be used in aeration, which he shall connect directly to the supply tap or pump, and shall so locate as to be free from sources of contamination, but to admit of being readily cleansed

(ii) one for washing and disinfecting the bottles and brushes and

(iii) one for finally washing out bottles before refilling.

(j) He shall cause the premises to be open to the inspection of the chairman, health officer or any other member or officer duly authorised in this behalf.

(k) He shall not himself dwell or sleep or suffer any other person to dwell or sleep in the factory.

(l) He shall not suffer any animal to be kept in the factory.

(m) He shall not suffer any "hookah" or other appliance for smyking or any bedding or soiled cloths, or other articles not required for the purpose of the factory, to be kept in the factory.

(n) He shall cause the utmost cleanliness to be observed in the various processes of manufacture, and the premises and appliances to be kept in a thoroughly clean and sanitary condition.

(o) He shall cause all the inside walls, above the height of 6 feet, and all the ceilings of roofs of the factory, whether plastered or not, and all passages to be lime washed at least once in every three months.

(p) He shall not use or suffer to be used in the manufacture of aerated water, sugar acid and essence or flavouring agents which are not of good quality.

He should use syrup made of canesugar only in all aerated water for general use by the public.

73

(i) Conveyance kept by shops for bonafide sale purposes
(ii) Children go-carts and perambulators.
(iii) Vehicales employed by schools for carrying pupils to schools.
(iv) Vehicles supplied by the municipality to its servants or kept for municipal work.
(v) Any vehical which any person in Military service, required to keep under any regulation of the service to which he belongs. (Notification No. 352 dated 1-11-27) (1927 Gazette page 344).
(vi) Vehicles not in or meant for actual use.
(vii) All vehicles which are kept by police engaged on road traffic duties. This amendment will take effect from 1st August 1930. (Gazette dated 12-7-30 page 275)

This rates will be :— (1928 Gazette page 388)

1. Carriages, 62 paise per wheel per month.
2. (a) Hackney Carriages plying for hire :

		Rs.	Paise	
(i) 1st class	——	2	25	per month
(ii) II class	——	1	50	,, ,,
(iii) III class	——	1	00	,, ,,
(iv) IV class	——	0	50	,, ,,

(No. 3998 dated 15-6-40
Sanctioned in letter No. 1576 dated 2.8.46

NOTE—(1) These rates will take the place of Licence fees
NOTE—(2) In calculating the fees the periods of less than 15 days will ignored and periods of 15 days or more during a calender month, will be treated as a full month.

(b) Licences shall expire on 30th September, or 31st march.

CHAPTER V

Bylaws

Bye-laws for appointment of Agents to represent the owners of houses

1. Every owner of a building or land situated with in the municipality who does not reside within the municipality or who is therefrom or has can so absent for more than three months shall, if so required to do by the Executive Officer appoint in the manner hereinafter set forth a person ordinarily resident within the municipality to be his agent for all the purposes of the United Provinces Municipalities Act, 1916, or any rule or by-law made thereunder.

2. Every owner who is bound bye-law 1 to appoint an agent shall intimate to the Executive Officer in writing the name of such agent, and when such agent, shall have intimated to the Executive Officer in writing his willingness to serve, the owner shall be deemed to have complied with the preceding bye-law.

3. The board may serve notice or bills, upon, or demand payment of its dues from such agent instead of upon or from him or her principal and the principal shall thereupon become liable as if notice or bill has been serve upon or the demand made from him or her personally.

PENALTY

In exercise of the power conferred by section 299 (1) of the Act, the board hereby directs that an owner of a building or land failing to appoint an agent in the manner required by by-laws 1 and 2 shall be punishable with fine which may extend to Rs 50/- and when the breach is a continuing breach, with a further fine which may extend to Rs 3/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

CHAPTER IV

VEHICLE TAX

RULES FOR THE ASSESSMENT AND COLLECTION OF THE TAX ON VEHICLES IN THE DEHRA MUNICIPALITY

(G.O No. 809-XI—14 Dated 22nd April 1918)

1. The tax shall be payable half-yearly in advance on the 1st day of April, and 1st October on account of the half-yearly beginning on these dates provided that any person so desirous may pay any instalment in-advance of the prescribed date.

Provided also that persons coming into possession of a vehicle within the Dehra Municipality in the middle of half yearly period at a monthly rate calculated in accordance with rule 6. (1923 Gazette page 174)

2. Every person who becomes possessed of a vehicle liable to the tax shall within 15 days of the date of the beginning of such possession, apply to the Executive Officer for a licence. The application, shall state the number and description of vehicles and the period for which a licence is required. If the tax is not received along with the application, the Executive Officer shall cause a bill to be prepared and presented to the applicant, and shall recover the tax in the manner provided by chapter VI of the Act.

3. A person to whom a licence has been granted shall on or before the date on which the period of the licence expires, make a fresh application for a new licence in the manner provided in rule 2.

If no application is received as provided in the rule, owner will for the purpose of these rules be presumed to be still in possession of the vehicle and the owner will be liable to pay the tax upto the date on which the notice to the contrary is received Municipal Office. (No. 1264 dated 28-12-40.)

4. A person who has transferred a taxed vehicle shall, within 15 days of the date of transfer, give notice in writing of the fact to the Executive Officer giving the name and address of the person to whom the said vehicle has been

transferred, and shall then be entitled to a refund of a sum equal to the difference between the tax paid and the tax due to the date on which the notice was given.

5. Where owing to the absence from the Municipality of a person owning a taxed vehicle, that vehicle is not used for any period in excess of one month or where a taxed vehicle is removed from the Municipality or stoped from use for such period, the tax for that period shall be refundended provided that no refund shall be given unless notice in writing of the intended absence or removal or stoppage has been given to the Executive Officer and that no refund shall take effect for any period previous to the day of the delivery of such notice.

Until the receipt of the such notice in the Municipal Office, the original possessor shall be deemed for the purpose of these rules to be still in possession of such vehicle.

(No.1274 dated 28-12-40)

6. For the purpose of calculation the tax due under rule 2 or the refund payable under rules 4 and 5 fractions of a months in excess of 15 days shall be considered as a full month and fractions of a month less than 15 days shall be disregarded.

8. The word "Private" shall be printed on every private tonga licenced under these rules with number and a fee of Paise 25 shall be payable by the person who takes a licence as painting charges.

(No. 2665 dated 5-4-41.)

Penalty

In exercise of the power conferred by section 299 (1) of the Act, the Local Government hereby directs that any breach of the provisions of rules 2, 3, 4, and 7 shall be punishable with fine which may extand to Rs. 500/-

Description of the Tax

(G.O No 2238-XXIII-27-17-18 dated 2nd July 1918)

A tax on vehicles and other conveyances mentioned below plying for hire or kept within the Municipality to be levied at the rates herein after shown :

(1) Four-wheeled and two-wheeled conveyances, and

(2) Bullock-carts, thelas and hand-carts, subject to the following exemptions :—

(2) Any such transferee shall, if called upon to do so by the Executive Officer, produce the instrument of transfer (if any) or a copy thereof obtained under the India Registration Act, 1877.

7. For the purpose of obtaining a partial remission or refund of the tax under section 151 (2) of the Act, (the owner of a building composed of separate tenements may request the Board, at the time of the assessment of the building to enter in the assessment list, in addition to the annual value of the whole building) a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for 90 or more consecutive days, such portions of the tax on the whole building shall be remitted or refunded as would have been remitted or refunded under section 151 (1) of the Act, if the tenement has been separately assessed

Penalty

In exercise of the power conferred by section 299 (1) of the Act, the Commissioner, Meerut Division, hereby directs that the breach of any provision of rules 5 and 6 above shall be punishable with fine which may extend to Rs 500/-.

Notification No. 4790/XXIII-148 (36-37) dated 22nd July 1937 published in U.P. Gazette Part III, dated 31st July, 1937, Page 349).

Description of the Tax

A tax shall be levied on buildings and lands situated with in the limits of the Dehra Municipality at the rate of 5 per-cent of the annual value (Sanctioned vide Notification No. 7769-8/XI-6-242-71 dated March 21, 1972 published in Gazette of 25.3.72).

List of Exemptions

Provided that—

(a) All places of worship, building and lands devoted solely to religious or charitable purposes.

(b) Hospitals and dispensaries in so far as they are not used for residential purposes court houses, schools, colleges and grave-yards.

(c) Municipal buildings in so far as they are not used for residential purposes by Municipal employees, will be exempt from payment of the tax.

(d) No tax wi l be charged on building of which the rent in upto Rs. 30/-. G. O. No. 7314 B/11-9-86-12 (2) 86 dated 12-12-88

(e) Rate of House Fare inevaled from 10% to 12½% from 1-10-90 vide G O. No. 132/21-6 13c/89-90 published in the U.P. Gazette dt 13-10-1990 Bhag 3 Khand 'k'.

CHAPTER V

HOUSE TAX

Rules for the assessment & collection of House tax on buildings and lands in the Dehra Dun Municipality, with reference to section 153, 140 (i) (a), 151 (2) and 129 (a) of the Municipality Act 1916.

[No. 4790 dated 37-7-1937]

---

1. (a) "Annual Value" in the case of Railway Stations, Government buildings, hotels, colleges, schools, hospitals, factories, and other such buildings, means 5 percent of the sum obtained by adding the estimated percent cost of erecting the building to the estimated value of land appurtenant thereto.

(b) With reference to sub-section (b) of section 140 of the Act, the gross annual rent of a building, with which any furniture machinery is provided as part of the rent of the building, shall be determined by making deductions from the annual rental value given below.

(1) **For Furniture**

(i) For buildings rented at or which may be expected to be rented at Rs 600/- annually or Rs 50/- per month less 5 percent of the actual or estimated annual or monthly rental.

(ii) For buildings rented at over Rs. 600/-annually or over Rs. 50/- per month less 10 percent of the actual or estimated annual or monthly rental.

(2) **For Machinery—**

Less 20 percent of the actual or estimated annual or monthly rental value.

NOTE- 1. The above deduction on account of furniture or machinery shall be allowed for rented buildings only, if any such articles are actually provided by the owners of the buildings as a part of the buildings and the actual rent for the buildings.

NOTE-2 The above gross annual or monthly rent shall apply to the assessment of buildings for the conservancy tax purposes also.

2— "Land" means ground without any tenements that are assessable under these rules. "Building" includedes the compound (if any) thereof and where there are several building in the common compound.

3— The tax shall be payable in two equal instalments in advance on the 1st April and 1st October, for the half year commencing respectively on these dates, provided that any person so desirous may pay either instalment in advance of the date fixed for the same.

4. (1) Any person may at any time apply to have his name entered as owner in the assessment list of any building or land and unless there sufficient reason to refuse such application (which refusal shall be recorded in writing), his name shall be so entered in the assessment list.

(2) When doubt exists as to who is entitled tobe entered as owner in the assessment list of any building or land, the Board or the Committee or officer to whom powers have been delegated under section 143 (3) of the Act, shall determine who is entitled to be entered such, and this decision shall remain in force till set aside by the order of a competent court.

5. (1) If the proprietory rights in any building or land assessed to, or subject to the payment of this tax are transferred, the person who transfers his rights, and the person to whom they are transferred shall within three months after the execution of the instrument of transfer, or after its registration, if it is registered, or after delivery is effected if no instrument is executed, give notice of such transfer in writing to the Executive Officer for the Board.

(2) If the owner of any building or land assessed to or subject to the payment of this tax dies, the person succeeding as heir or otherwise, to his rights, in the property shall similarly give notice of his succession to such rights within three months from the date thereof.

6. (1) The notice to be given under the last preceding rule shall state clearly and correctly all the particulers mentioned in the said rule.

(5 Seats General (1 seat Schedule class.)	of Viceroy Road with Rajas Road uto north west point of ward No. 3 on he east, thence in southerly direction alng the Municipal boundary upto the eastrn bank in northerly direction upto the Kaoli Road Octroi post, thence in easterly dinction along Kaonli Road upto its junctn with Saharanpur Road thence in northely direction along the Jhanda Road upto ts junction with Ramlila Bazar Road to Raja Road via Hanuman Chowk and Kalika Mandir upto the junction of Rajas Roa Viceroy Road.
5. Khurbura Ward No. 5 (7 Seats General)	Area surrounded by Ward No. 4 in the Suuth from the junction of Viceroy Roac and Rajas Road in the westerly direction upto the extreme end of Mpl. limit on the Kaonli Road, thence along the Municipal boundary in northerly direction via, Ballupur, Nimbuwala, Loharwala, Chandbagh upto Bindal Bridge on Chakrata Road, thence from Chakrata Road to Mannuganj Road (Machhli Bazar Road) thence along Machhli Bazar Road in easterly direction upto the junction of Viceroy Road and New Road near Distt. Board office via Paltan Bazar Road in front of Mission School, Paltan Bazar Mosque, Lala Ugra Sen's house Dispensary Road and Tehsil thence along the Viceroy Road in southerly direction upto its junction with Rajas Road.
6. Chukhuwala Ward No. 6 (7 Seats General)	Area surrounded by the southern boundary of Ward No. 1 in the north, ward No. 2 No. 2 and a portion of ward No. 3 in the East, ward No. 5 in the south, and the Municipal boundary along the Bindal River in the West.

NOTE : Please see amendments.

Qualifications of Electors for the Dehra Municipality

Notification No. 474/XI-R.B.—1

(Gazatte dated 20.1.23 page 62)

The following persons shall, if not subject to a disqualification specified in sub-section (3) of Section 14 of the Act, be entitled to be enrolled as electors, namaly : –

1. A person shall not be deemed an elector for any purposes of this act or any rules under this act unless he is enrolled as an elector.

2. Every person who has completed the age of 21 years and has ordinarily resided in the Municipality for a period of 6 months next before such date as may be prescribed shall if not subject to any disqualifications mentioned in sub section (3) be enrolled as an elector.

3. (a) Every person who, having for a period of not less than twelve months next preceding the 30th day of September preceding the election in question resided in the municipality, is on the said date,

Schedule XI

Name of Municipalities

(See Rule 11 (b) and 28 (b))

1. Deoband.	2. Kairana
3. Baraut	4. Rishikesh
5. Sikandra Rao	6. Atrauli
7. Jalesar	8. Chandpur
9. Soron	10. Fatehpur Sikri
11. Sikohabad	12. Kosi
13. Sahaswan	14. Tilhar
15. Bisalpur	16. Dhampur
17. Nagina	18. Kannauj
19. Fatehpur	20. Bindki
21. Mau	22. Konch
23. Orai	24. Kalpi
25. Hamirpur	26. Kashipur
27. Khairabad	28. Sandila
29. Gola Gorakhnath	30. Tanda
31. Balrampur	32. Gonda
33. Sultanpur	34. Bela Pratapgarh
35. Mau Azamgarh District	36. Dibai
37. Pilkhua	38. Mewana
39. Shamli	40. Aonla
41. Hasanpur	42. Auraiya
43. Kaimganj	44. Basti
45. Deoria	46. Gaura Barhaj
47. Mahoba	48. Rath
49. Pihani	50. Bilgram
51. Chunar	

Desciption of the Boundaries and Allocation of seatsto each Ward published in Notification No. 1'23ME/ XI Dated 16 2 50 with necessary Amendments.

Schedule.

Sl.	Name of Ward	Boundary of the Ward.
1.	Rajpur Ward No. 1 (4Seats General)	Area beyond Rajpur Road Toll Barrier upto Toll Barrier Mussoorie (old) vide Gazette Notification No. 9873 dated April 14, 1949.
2.	Laranpur Ward No: 2 (6Seats General)	Area surrounded by Rajpur Road from Toll Barrier upto its junction with New Survey Road and thence along New Survey Road via Rajpur Road upto Rispana thence along the existing boundary in Rispana River upto the point where it touches the Southern boundary of Ward (1) and thence along the Southern boundary of Ward No. 1 upto Rajpur Road Toll Barrier
3.	Dalanwala Ward No. 3 (4 Seats General) (1 Seat Schedule class) (1 Seat Muslim)	Area surrounded by the Southern boundary of Ward No. 2 in the North from the junction of New Survey Road with Rajpur Road in southerly direction and Vicaroy Road thence along Viceroy Road upto its junction with Sharmada Tyagi Road along the Sharmada Tyagi Road upto the point where it touches the Canal and thence along the canal after the point where it touches the railway line: thence along the railway line in south easterly direction upto Municipal boundary upto the western bank of Rispana River and thence along the Municipal boundary right upto Southern side of Rajpur Road.
4.	Jhanda Ward No. 4	Area surrounded by the Western side of ward No. 3 starting from the junction

INSTRUCTIONS

1. Each elector shall vote by placing or causing to be placed, a cross (× or +) opposite the name or names of the candidate or candidates whom he prefers. He shall not give more than one vote to any candidate.
2. The ballot paper shall be invalid if the cross (× or +) is placed opposite the names of more than one candidate.
3. If the cross (× or +) is so placed as to render it doubtful to which candidate such cross is intended to apply, the vote shall be invalid.

NOTE : These instructions shall be printed at the back of the bottom of the foil, i. e. the outer portion of the ballot paper.

Schedule VIII

Form of Ballot Paper for Election of Municipal Board President

(See Rule 43)

Counterfoil of Ballot Paper.	**Ballot Paper.**
Municipality of	Municipality of .....
Book no	Book no .....
Serial no	Serial no .....
Ward	Ward .....
Election held on 19	Election held on ..... 19 ..
No. of elector on the electoral roll	

Serial number	Name and description of candidate for election	Column for mark of voter.
1	A	
2	B	
3	C	
4	D	

INSTRUCTIONS

1. Each elector shall vote by placing or causing to be placed, a cross (× or +) opposite the Name of the candidate whom he prefers He shall not give more than one vote to any candidate.

2. Yhe ballot paper shall be invalid if the cross (× or +) is placed opposite the names of more than one candidate.
3. If the cross (× or +) is so placed as to render it doubtful to which candidate such cross is intended to apply, the vote shall be invalid.

NOTE : These instruction shall be printed at the back of the bottom of the foil, i.e. the outer portion of the ballot paper.

Schedule IX

Form of the Identification Slip to be signed by the Elector

(See Rule 51)

Serial number.	Number on Electoral roll	Name of voter	Signature of voter if literate, or thumb impression of voter if illiterate	Signature of identifying witness
1	2	3	4	5

Schedule X

List of Challenged Votes

(See Rule 60)

Serial number	Number on electoral roll and name of the ward.	Name of elector	Signature of elector or thumb impression if illiterate and address	Name of identifier, if any	Name and Address challenger	Order of the Presiding Officer in each case
1	2	3	4	5	6	7

Schedule IV

Nomination Paper for Presidentship

(See Rule 28 (a))

Municipality of .....

Name of the candidate. .....

Father's name. .....

Age. .....

Address. .....

Ward on the electoral roll of which the candidate is registered as an elector. .....

Number of the candidate in the electoral roll of the wand in which he is registered as an elector .....

Name of proposer, ...

Number of the proposer on the electoral roll and the name of the ward in which he is registered as an elector, ...

Signature or thumb-impressien of the proposer. .....

Name of the seconder. .....

Number of the seconderon the electoral roll and the name of the ward in whic registered as an elector. .....

Signature of the seconder. .....

.....

Signature of the District Magistrate

Schedule V

Declaration to be Made by a Candidate for Presidentship

(See Rule 28 (c))

I hereby declare that—

(1) I agree to this nomination and

(2) I am qualified to be candidate for Presidentship section 43 of the Act.

.....

Date ..... Signature of the candidate

NOTE :—This schedule is to be attached with Schedule IV for nomination paper for Presidentship.

69

Schedule VI

Form for List of Nomination Presidentship

(See Rule 33 (2))

Municipality of.....

List of persons nominated for election as President of the Municipal Board.

Name.	Number of the candidate on the electoral roll	Description	Abode	Occupation
1				
2				
3				
4				
5				

Schedule VII

Form of Ballot Paper for Election of Members of Municipal Board

(See Rule 43)

Counterfoil of Ballot Paper. **Ballot Paper.**

Municipality of..... Municipality of.....

Book no..... Book no .....

Serial no..... Serial no.....

Ward ..... Election of members (for the .....

Election held on ...19 ..... Ward, for the.....

No. of elector on the electoral roll ... .. . seats) held on ..19

Serial numbers	Name and description of candidate of election	Column for mark of voter.
1	A.....	
2	B.....	
3	C.....	
4	D.....	
5	E.....	

Schedule I

(See Rule II)

Nomination Paper for Membership

Name of the Ward for which the candidate is nominated. _____

Name of candidate. _____

Father's name. _____

Age. _____

Address. _____

Class (state whether 'Muslim' or 'General' or 'Schedule castes' In case of Schedule castes' state caste also) _____

Ward on the electoral roll of which the candidate is registered as an elector. _____

Number of the candidate in the electoral roll of the ward in which he is registered as an elector. _____

Name of proposer in the electoral roll of the ward. _____

Whether the proposer has subscribed to other nomination papers previously as proposer or seconder if so, state number of such nomination papers. _____

Signature or thumb-impression of the proposer. _____

Name of the seconder. _____

Whether the seconder has subscribed to other nomination papers previously as proposed or seconded if so state number of such nomination papers _____

Number of the seconder in the electoral roll of the ward. _____

Signature of thumb-impression of the seconder. _____

Schedule II

Declaration to be made by a Candidate for membership

(See Rule II (c))

I hereby declare the :—

(1) I agree to this nomination ;

(2) I am qualified to be a candidate ; and

(3) I am not subject to any disqualification mentioned in section 16 (2) of the Act.

_____

Signature of the candidate.

Date _____

NOTE :—Declaration in this form should be attached with Schedule I for nomination paper for membership

Schedule III

(See Rule 18)

Form for List of Nomination for membership

Municipality of _____

List of persons nominated for election as members from _____ Ward

(a) For seats of the general class.

Name.	Number of the candidate on electoral roll	Description.	Abode	Occupation
1	2	3	4	5

(b) For seats of the Scheduled castes

Name.	Number of the candidate on electoral roll.	Description	Abode	Occupation
1	2	3	4	5

(c) For seats of the Muslim class

Name.	Number of the candidate on electoral roll	Description	Abode	Occupation

day when the nominations were declared.

95. (1) The District Magistrate shall retain for one year the packets and return forwarded to him by the Returning Officer under rule 74, and shall then unless there appear to him to be reasons for retaining them for a further period, cause them to be destroyed.

(2) While in the custody of the District Magistrate the packets of ballot papers (whether counted, rejected or tendered) and of the counterfoils thereof, shall not be opened, and their contents not be inspected or produced, except under the order of the Election Tribunal having jurisdiction in respect of the election concerned to be granted only by it on its being satisfied by affidavit or otherwise that the inspection, or production of the ballot papers or counterfoils is necessary for the purpose of a petition questioning an election or return, or for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers and any such order may be made subject to such conditions as to persons, time place and mode of opening, inspection or production as the Tribunal may think expedient.

(3) All other documents in such custody shall be open to public inspection at such time and under such conditions and on payment of such fees subject to such regulations as may be prescribed in this behalf by the District Magistrate.

96. Penalty : Every person who :—

(1) marks or alters any poll, list or other documents in contravention of these rule, or

(2) attests the signature or thumb-impression of an elector although he is not able to identify the elector, or

(3) wilfully makes a false answer to a question put to him under rule 44, or

(4) obstructs or in any way interferes with a Returning Officer or a Presiding Officer or a polling Officer in the performance of his duties under these rules, or

(5) being entrusted with any duties in connection with an election without due authority divulges or wilfully allows to be divulged any information

as to the candidate for whom a vote is given in any particular ballot paper, or

(6) defaces, injures or removes any copy, notice or other document fixed up under the these rules at the municipal office or elsewhere, or

(7) being required by these rules to do any act or take any proceedings, neglects or refuses to do or take it, or

(1) being a servant of the Board commits a breach of rule 91, shall be punishable with fine which may extend to rupees five hundred.

NOTE :—The offences of personation, of undue influence and of bribery at any election are punishable under sections 171 (c) and 171 (f) of the Indian Penal Code as amended by the Indian Election Offences and Enquiries Act, XXXIX of 1920.

97. If any difficulty arises as to the holding of any election under these rules, Government may by order do any thing not inconsistent with these rules or any provision of the Act which appears to it to be necessary for the proper holding of the election.

99. Notwithstanding anything contained in these rules, in cases of emergency or other sufficient cause, Government may, at any time by general or special order, direct all proceedings relating to nominations or elections in any municipality shall be postponed to or held on any between such dates as may be specified,

(c) If more than two duly qualified candidates are proposed and seconded, the names of the two candidates who obtain the greatest number of votes shall again be put to the vote and the candidate who then obtains the greater number of votes shall be deemed to be elected.

(d) Every member who desires to vote shall write the name of the candidate for whom he wishes to vote upon a blank voting paper and shall also sign his own name there on, and the voting papers shall form part of the minute of the proceedings.

(e) In case of equality of votes, the Chairman shall decide the question by drawing lots.

84. If at 4 p.m. on the date of a meeting held under these rules a President has not been elected, the meeting shall stand adjourned.

85. If a meeting is adjourned under rule 84, the adjourned meeting shall be held at 2 p.m. at the office of the Board on the seventh day after the adjournment and the procedure shall be the same as at the previous meeting.

86. If at 4 p.m. on the date of an adjourned meeting held under rule 85, a President has not been elected, the Chairman of the meeting shall send the minutes of the meeting and of the adjourned meeting to the District Magistrate, who shall send them to the Provincial Government.

NOTE:—In case of a failure on the part of the Board to elect a President, the Vice President shall carry on the duties of the President for the remaining term according to section 55, of the Act.

87. If a question arises as to whether a person was duly elected President under rules 79 to 86, the decision of Government on the question shall be final.

Part VII

GENERAL

88. No person shall obstruct or in any way interfare with the Returning Officer or the Presiding Officer or the Polling Officer in the performance of his duties under these rules.

89. No person who is entrusted with any duties in connection with a municipal election shall divulge, or wilfully allow to divulged, any information as to the candidate for whom any vote is given in any particular ballot paper.

90. No person shall deface, injure, disturb or remove any copy, notice or other document fixed up under these rules at the municipal office or elsewhere.

91. A servant of the Board shall not by canvassing or otherwise interfare or in any use his influence in an election but may vote in election if qualified to do so, in which case he shall, so far as possible, avoid giving any indication of the candidate for whom his vote is to be cast.

92. If an election petition is presented within the time prescribed under section 20 of the Act, against a member or against a President under section 43-B of the Act, the Commissioner may of his own motion set aside the election of any person as a member or President who is proved to have been disqualified under section 16 (2) or 43 (1) (4), as the case may be :

Provided that the Commissioner before making any order under this rule shall afford such person an opportunity of making any statement which he may desire to make.

Provided further that any person whose election has been set aside by an order of the Commissioner under this rule shall have the right of appealing to Government within one month from the date of the order.

93. The District Magistrate shall preserve a complete copy of the electoral roll of each ward, the lists of claims and objections and all papers and files relating thereto. Such papers shall be open to inspection on such conditions and certified copies may be given on payment of such fees as have been prescribed by Government under the rules for the election of members to the United Provinces Legislative Assembly. The District Magistrate shall keep all such papers until a fresh electoral has been prepared

94. The District Magistrate shall keep the nomination papers of candidates, withdrawals of candidature and all other papers relating to nomination, for a period of four years and shall then destrory them. These papers shall not be open to inspection by, nor shall copies be given to any person other then a person entitled to be present on the

and all the packets relating to the election to the District Magistrate.

75. **Decision in case of equality of votes** —Where an equality of votes is found to exist between any candidates (for membership or Presidentship) and the addition of one vote would entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the District Magistrate and in such manner as he may determine.

76. A member elected from more than one ward shall by a notice in writing to the Returning Officer given within seven days from the date of the result of the election of all such wards, signify the ward in which he wishes to retain his seat. On receipt of such notice, all the seats in other wards from which he was elected, shall be deemed to have become vacant, and the District Magistrate shall forthwith direct the Returning Officer to take step for election to such seat or seats in the ward concerned so far as may be in the manner precriced for the ordinary election.

77. When a vacancy occurs by reason of the death of a member or President of the Board, the President in case of the former and Vice President in the case of the latter shall immediately inform the District Magistrate of the vacancy.

78. **Election for casual vacancy of member**-When a vacancy occurs under rule 76, or by reason of the death or resignation or removal of an elected member, or by the avoidance of his election or any increase in the number of elected members effected under sections 9 and 10, the District Magistrate immediately after the expiry of the period mentioned in rule 76 on receiving the information under rule 77, or after the notification of removal in the Government Gazette, or under-section 25 and 26 of the Act on direction by the Court, as the case may be, shall by public notice, call upon the ward to elect a person for the purpose of filling the vacancy, and shall unless the Board has under section 13 of the Act directed that the seat or seats be left unfilled until the next ordinary election fix a date, for the election in consulation with the Board within one month of the occurrence of the vacancy, or in the case of vacancies occurring

between the 30th of September and 1st of June in the Municipalities of Mussoorie and Naini Tal. between 1st of May and 30th June next following and in other cases between 15th September and 15th October next following :

Provided that if from any cause the election be not held on the date so fixed, the Board shall fix another date for election. The election shall be conducted in the same manner as an ordinary election.

79. Election for casual vacancy of President—If a casual vacancy occurs in the office of the President owing to death resignation otherwise than that made in the manner prescribed in rules mnde with reference to section 43-A of the Act or removal, a fresh election shall be held in the manner prescribed for the election of the President in these rules.

Provided that if the remaining period of the term of the President is less than one year the Board shall proceed to elect a President in the manner prescribed in the following rules.

80. A meeting of the Board of which no previous notice shall be required to be given shall be held at the office of the Board at 2 p.m. on a date which the Prescribed Authority shall, after the occurrence of the vacancy, appoint by notification in the official Gazette.

Note :—For the definition of "Prescribed Authority" see section 2 (17) (ii) of the Act.

81. A stipendary Civil Judicial Officer previously appointed by the Prescribed Authority in this behalf shall act as Chairman of the meeting but he shall not have a right of vote.

82. The quorum necessar for the transaction of business at such a meeting shall be one half of the total number of existing members of the Board.

83. The following procedure shall be observed at the meeting.

(a) If only one duly qualified candidate is proposed and seconded he shall be deemed to be elected.

(b) If two but not more than two duly qualified candidates are proposed and seconded, the candidate who obtain the greater number of votes shall be deemed to be elected.

(b) endorse on the rejected ballot papers the ground of rejection and

(c) court or cause to be counted the valid votes given to each candidate.

If the counting of votes be not completed by 6 p.m. on the day appointed, the Returning Officer may adjourn the proceedings until the following day at 10 a.m. and in such case, shall place all the documents relating to the election under his own seal of the candidates or their agents, if any are present and desire to affix their seals and shall otherwise take proper precautions for the security of the documents. The returning Officer may, in like manner, adjourn the proceeding from day to day until of the votes has been completed.

68 When a ballot box is opened for the purpose of counting of votes a ballot paper shall be rejected if :—

(a) it has not the official mark on both sides, back, and front,

(b) more than one mark for any candidate is recorded thereon, or marks are made against the names of more candidates than there are vacancies to be filled.

(c) no mark is made against the name of any candidate.

(d) for any reason, it is not certain for which candidates (or candidate) the elector intended to vote.

(e) the ballot paper bears any marks by which an elector can be identified,

The decision of the Returning Officer as to validity of the ballot paper shall be final, subject only to reversal on an election petition claiming the seat for membership of the presidentship, as the case may be.

69. The Returning Officer shall not open the sealed packets of the tendered ballot papers or the marked copies of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the Presiding Officers under rule 64 by comparing it with the numbers of counted votes and rejected ballot papers, the unused or spoilt ballot papers in his possession and the tendered vote lists. He shall then re-close and re seal each packet which has opened by him and shall record on each packet a description of its contents, the name of the ward and the date of the

election to which it refers.

70. The Returning Officer shall than prepare and certify separately for each ward and for each class of seats (if any) a return setting forth :—

1. the result of the verification under the preceding rule.
2. the names of the candidates for whom valid votes were given.
3. the number of valid votes, given for each candidate.
4. the name of candidate or candidates elected.
5. the number of votes rejected.
6. the number of tendered votes given, and
7. the number of challenged votes

and shall permit any candidate or his representative to take a copy or abstract from the return.

71. **Counting of votes for Presidentship** :—The Returning Officer shall appoint a date, as soon as may be practicable after the receipt of all the returns by him, for the counting of the total number of votes cast for the candidate for presidentship in all wards and shall give notice thereof in writing to the candidates or their agents. The date fixed shall be different from that fixed under rule 65.

72 The procedure prescribed in rule 68 to 69 shall apply mutatis mutandis to the counting of votes cast for the President.

73. After the counting is finished, the Returning Officer shall prepare and certify a return setting forth :—

(1) the names of candidates for whom valid votes were given.

(2) the number of valid votes cast for each candidate wardwise.

(3) the total number of votes given for each candidate.

(4) the name of the candidate elected.

(5) the number of votes rejected.

(6) the number of tendered votes given, and

(7) the number of challenged votes,

and shall permit any candidate or his representative to take a copy or abstract from the return.

74. Upon completion of the counting, the Returning Officer shall seal up in separate packets the counted and rejected ballot papers and shall forward the returns prepared under the preceding rule (for both members and President)

for whom such person desires to vote and also with the name of the voter and his number on the electoral roll and shall be set aside in a separate packet, and shall not be counted by the Returning Officer. The Signature or thumb-impression (as the case may be), of the elector shall not be made in the list prescribed by rule 51, but shall be made in a separate list maintained in a similar form, which shall bear the heading "tendered votes list".

62. A Presiding Officer, Polling Officer, Polling Agent Clerk, Police Officer or any other public servant on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer to be entitled to vote at the election in connection with which he is employed, be allowed to record his votes at the polling station where he is employed in the following manner.

(1) The Presiding Officer shall issue ballot papers to such an elector in the same manner as to any other elector The elector shall then sign at the back of the certificate to show that he has received the ballot papers and record on the back of the ballot papers for members the name (or names) of the candidate (or candidates) for whom he intends to vote. On the ballot paper for the President, he shall put a cross against the name of the candidate for whom he intend to vote.

(2) The names of the polling station at which such an elector would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot papers together with his number in the electoral roll of the ward in which that polling station is situated. The Returning Officer shall also send together with his certificate the list of names of candidates for membership for the General, Schedule castes and Muslim seats.

(3) Such ballot papers together with the certificate shall be placed in an envelope by the certificate-holder and forthwith sealed by the Presiding Officer and returned to the Returning Officer who has granted tee certificate, who shall then cause such vote or votes to be included among the other votes for the candidate or candidates designated by the elector.

63. The Presiding Officer, as soon as practicable after the close of the poll, shall, in the presence of any candidates

or polling agents who may be present, make up into separate packets and seal with his own seal of such candidates or agents may desire to affix their seals :

1. each ballot box in use at the station, up-opend but with the key attached.
2. the counterfoils of the ballot papers
3. the unused ballot papers,
4. the spoilt ballot papers.
5. the tendered ballot papers.
6. the tendered votes list,
7. the elector's identification slip.
8. the marked copy or copies of the electoral roll and
9. the list of challenged votes.

64. The Presiding Officer shall deliver the packets to the Returning Officer together with a statement showing the number of ballot papers received at the polling station, the number of unused, spoilt and tendered ballot papers and the number of persons who have voted.

65. **Countingof votes for membership** :— The Returning Officer shall appoint a date for counting of votes cast for members as soon as may be practicable after the close of the votes and shall give notice thereof in writing to the candidates or their agents.

66. No person shall be allowed to be present at the counting of votes except the Returning Officer and such persons as the District Magistrate may apoint to assist him in the counting of votes, and the candidafes and one agent of each candidate authorized by him in writing in this behalf No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose connected with the election.

67. On the day and at the time appointed for the counting of votes the Returning Officer shall :

(a) In the presence of the candidates or their election agents or representatives as may be present, open the ballot boxes of each ward one after the othe and take out the ballot papers and separate them according to the class to which they relate From amongst these separated papers he shall separate those which he deems to be valid from those which he rejects under rule 68.

be supplied with a ballot paper if he refuses to answer one of the questions, or if he answers the first question in the negative and the second question in the affirmative.

55. Every elec or shall have as many votes as there are seats in the ward but shall not give more than one vote to any candidate. He shall also be entitled to cast one vote for the election of President.

56. The elector, on receiving the ballot papers, shall, unless he elects to proceed under sub-rule (2) forthwith proceed to the place set apart for the purpose and there mark in each ballot paper which he receives for members one cross each against the name or names of candidates for whom he intends to vote, and in the ballot paper which he receives for the President a cross against the candidate for whom he intends to vote. He shall then fold the ballot papers so as to conceal the vote and shall put, so folded up the ballot papers for the members in the ballot box for receiving votes for the members and the ballot papers for the President in the blue box reserved for receiving votes for the President.

(2) If the voter is illiterate or by reason of infirmity is unable to vote in the manner prescribed under sub-rule (1) or desires that the Polling Officer should mark the ballot papers for him, the Polling Officer shall, at his request, and in the view of the candidates or their agents, mark the ballot papers according to the direction of the elector and shall cause the ballot papers so marked to be placed in the proper ballot boxes.

57. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot papers into the ballot boxes.

58. If the elector before placing a ballot paper in the ballot box inadvertenly marks the paper or otherwise deals with it, so that it cannot be used as a valid ballot paper, he may return it to the Polling Officer who, if he is satisfied that the ballot paper was inadvertently spoil, may give the elec or another ballot paper and shall mark the spoilt ballot paper and its counte foil as cancelled.

59. The Polling Officer shall not hand a ballot paper to an elector except during the hours appointed for the polling. But if an elector has received a ballot paper during the appointed hours but has not recorded his vote, he shall be

allowed reasonable opportunity for doing so after the closing hour

60. If any polling agent or any person whom the Presiding Officer considers suitable declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the Presiding Officer may require such person to enter in the list of challenged votes (which shall be in the form given in Schedule X) his name and address of if he is unable to write, to affix his thumb-impression there to and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in rule 54 answers the questions in the recuired manner, he shall be allowed to vote after he has beed informed of the penalty for personation. The Presiding Officer shall make note of the circumstances and of his decision on the list of challenged votes :

Provided that if the Presiding Officer consider that there are grounds for believing that the challenger has declared, without sufficient ground, that a person has committee the offence of personation, he may require such challenger to deposit a sum of Rs. 20, and if the challenger fails to make the deposit forthwith, it shall not be necessary to follow procedure prescribed in this rule. If a deposit is made under this provison, and if at any subsequent proceedings it is found that the offence of personation was not committed by such person, or if when called upon to do so by the Returning Officer, the challenger fails to prove that the offence was committed by such person, the deposit shall be forfeited to the Board. If the deposit is not forfeited under this rule, it shall be returned to the challenger under the orders of the Returning Officer.

61. Tendered votes—If a person representing himself to be a particular elector named on the electoral roll applied for a ballot paper after another person has voted as such elector, the applicant shall after duly answering such questions as the Presiding Officer may ask, be entitled to a ballot paper in the same manner as any other voter, but the ballot paper (in these rules called a rendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the Presiding Officer and endorsed by him with the name of the candidate

area, the District Magistrate shall cause the electoral roll of the ward to be divided into portions corresponding to the several polling areas.

(2) Where at any polling station one or more polling Officer's are appointed in addition to the Presiding Officer, the Returning Officer shall so divide the electoral rolls of the polling area between the Polling Officers as to provide most conveniently for the recording of votes by the electors registered on the rolls.

48. The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted shall regulate the number of electors to be admitted at one time shall exclude all other persons except the Polling Officers, the police and other persons on duty, the candidates and as many polling agents of each candidate as there are polling Officers, and such other persons as the Presiding Officer may from time to time admit for the purpose of identifying electors provided that no polling agent shall be admitted who does not produce written authority from his candidate to set in that capacity:

NOTE :—The written authority given to rhe polling agent as required by the rule need not be on stamped paper It should be in the form prescribed below :—

* I hereby declare that I have appointed (name) ———— to be my polling agent.

——————————————
(Signature of candidate(

*A candidate may appoint; himself as his Polling Agent

49 VOTING—Votes shall be given in person at the polling station and no votes shall be received by proxy.

50, Every elector desirous of recording his votes shall attend for the purpose on such date as may be appointed in this behalf. No person shall be admitted to vote at any polling station other than a polling station allotted to the ward in which he has been registered as an elector. No person shall be admitted to vote except between such periods of time as may be appointed for the polling.

51. The name of every electof presenting himself to vote and his number on the electoral roll be entered on a slip in Form as in Schedule IX attached to these rules, and such

elector shall thereafter, if he literate, sign his name in the column provided for that purpose, or if he is illiterate, fix his thumb impression there to.

Every signature or thumb impression so made shall be attested by any candidate or his agent, who may be able to recognise the elector or by any other person who may be admitted by the Presiding Officer for the purpose of identifying electors. No person shall attest such signature or thumb-impression if he is not able to identify the elector. No person shall be entitled to vote unless his signature or thumb-impression has been duly attested. For the purpose of identification of a woman the husband or other near relative may accompany her to the polling station. Such person shall not however, be permitted to go inside the polling compartment. Such slips shall be consecutively numbered.

52. The Presiding Officer may interpret an entry in the roll so as to overlook merely clerical or printing error, but shall record his reasons for doing so and the interpretation he has adopted.

53. The elector shall then present the slip mentioned in rule 51 to the Presiding Officer or Polling Officer concerned, who after satisfying himself that the slip has been duly signed or impressed and attested, shall give to the elector outerfoils of ballot papers for the election of members and President for which election is to take place and shall at the same time note on the corresponding counterfoil the number of the elector in the electoral roll and shall make a mark against the entry of the elector's name in the electoral roll to denote that the elector has received the ballot papers. This mark shall not indicate the number on the ballot paper which the elector has received.

54. At any time before a ballot papere is delivered to an elector under the above rule, the Polling Officer or his assistant or any clerk appointed to check the voters by reference to the electoral roll may, of his own accord, and shall, if so required by a candidate or his agent, put to the elector either or both of the following questions :

(a) Does the following entry refer to you (reading the whole of the entry from the roll).

(b) Have you already voted at the present election in this or any other ward ?

The elector shall duly answer the questions and shall not

10. Disqualification for corrupt practices—The tribunal may declare any candidate found to have committed any corrupt practice under the preceeding,
for any period not exceeding five years, for being elected as a member or President of the Board or for being appointed or retained in any office or place in the gift, disposal, pay or service of the Boards.

Provided that a disqualification under this rule may be removed by an order of the State Government in this behalf.

Part VI
Conduct of Election for Presidentship and Membership

43. (i) The District Magistrate after consulation with the Board shall provide one or more suitable buildings or boothe (hereinafter termed the polling station) for each area in which a poll will take place.

(ii) The boxes (hereinafter called ballot boxes) for the casting of votes for the members and the President shall be of different colours. The ballot box for the President shall be coloured blue.

(iii) Votes shall be given by ballot on paper called the ballot paper which shall be in the form as in schedule nos. VII and VIII.

(iv) Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked Immediately before the commencement of the poll, the Presiding Officer appointed under rule 44 shall allow such persons as may be admitted to the polling station to examine the boxes so that they may see that they are empty and he shall then lock the boxes add place seals upon them in such manner as to prevent their being opened without breaking the seals, and shall keep them locked and sealed and place them in his view, or in view of a Polling Officer appointed under rules 44 for receipt of ballot papers.

44. The District Magistrate shall appoint as many Polling Officers and Polling clerks as may be required for the recording of votes under these rules and shall from among the

Polling Officer s appoint one Officer as President Officer to preside over the election at each polling station.

If before or at the time of the election any Polling Officer refuses to act or becomes incapable of acting as such, the District Magistrate shall appoint another fit person to act in his stead.

45. The District Magistrate shall supply the Presiding Officer with a sufficient number of ballot papers in forms as in schedules VII and VIII, copies of the electoral roll of the ward, lists of the nominations in Forms as in schedules III and IV and with other such papers, ballot boxes & material as may be necessary for the proper conduct of the election.

46. (a) The ballot papers for the members shall be white or badami & shall be printed in black ink. The ballot paper for President shall be of blue colour. If blue paper is not available, may be white or brown but shall then be printed in red ink. The distinction between the ballot papers for the election of members to the three classes General, Schedule castes and Muslims shall be as given below :

(i) General seats—There shall be no distinctive sign on the ballot paper.

(ii) Scheduled casts seats—The words "Scheduled castes seat" shall be printed in brackets after the ward "Member" in the heading of the ballot paper and the sign of double arrows pointing upward (↑↑) which shall be about one inch high and proportionate in with shall be printed at the right hand top corner of the foil and counter foil.

(iii) Muslim seats—The wards "Muslim seat" shall be printed in brackets after the ward "Member" in the heading of the ballot paper and a circle (O) of about an inch in diameter with a point in the centre shall be printed at the right hand top corner of the foil and counterfoil.

(b) Before supplying the ballot papers to the Presiding Officers, the District Magistrate, shall cause the names of duly nominated candidates to be entered on them in alphabetical order and have them marked on both sides (back & front) with the official mark in the presence of some responsible Officer. The Municipal Board election seal shall be used for making the official marks on ballot papers.

(c) When any ballot box becomes full another box of the same colour shall be immediately provided in its place.

47. (1) Where a ward includes more than one polling

(3) Except in so far as it may be inconsistent or otherwise provided in the Act or any rule made thereunder the procedure provided in the Code of Civil Procedure, 1908 in regard to shall, in so far as it can be made applicable be followed in the hearing of election petitions;

Provided that :—

(a) any two or more election petitions relating to the election of the same person may be heard together.

(b) the tribunal shall record in full the evidence produced in the case of each election petition.

(c) the tribunal may, at any stage of the proceedings, require the petitioner to give further security for the payment of the costs incurred or likely to be incurred by any respondent.

(c) the tribunal may, at any stage of the proceeding requir the petitioner to give further security for the payment of the costs incurred or likely to be incurred by any respondent.

(d) for the perpose of deciding any issue, the tribunal shall be required to order production of or to receive only so much evidence oral or documentary as it considers necessary.

(e) On appeal or revision shall lie on a question of fact or law against any decision of the tribunal.

(f) the trubinal may review its decision on any point on application of any person considering himself aggrieved there, by being made within fifteen days from the date of decision.

7. **Lowers of Election Tribunal** :—The election tribunal shall have the same powers and privileges as a judge of a Civil court and may for the purpose of serving any notice or issuing any process or doing any other similar act be entitled to employ, with the consent of the District Magistrate, any peon or other Officer or clerk attached to the court of the District Magistrate.

(2) An order for costs passed by the election tribunal may be sent by it for execution to the Collector of the District within which the municipal, the election of the President of which is questioned, is situated, and the order so sent shall be executed by the Collector in the same manner as if it were an order passed by the Collector in proceedings under the United Provinces Tenancy Act, 1939.

8. **Election not to be invalid**. The court shall not declare the election of any person invalid on the ground of corrupt practices where it finds that:—

(a) the corrupt practices mentioned in petition were committed contrary to the orders, and without the sanction or connivance of the candidate or his election agent.

(b) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election.

(c) the corrupt practices mentioned in petition were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election and

(d) in all other respects the election was free from any corrupt practice on the part of candidate or any of his agents:

9. **Finding of Election Tribunal**:—(1) If the tribunal after making such inquiry as it deems fit finds, in respect of any person whose election is called in question by apetitions, that his election was valid, it shall dismiss the petition as against such person and may award costs at its discretion.

(2) If the tribunal finds that the election of any person was invalid it shall either:—

(a) declare a casual vacancy to have been created, or

(b) declare another candidate to have been duly elected whichever course appears, in the particular circumstances of the case, to be more appropriate, and in either case may award costs at its discretion.

(3) In the event of the tribunal declaring a casual vacancy to have been created it shall direct the collector to take proceeding for filling the vacancp;

(4) Not with-standing anythings contained in the preceding, rule if the tribunal is in the course of hearning an election petition of the opinion that the evidence discloses that corrupt practices have prevailed at the election proceedings in question to such an extent as to render it adviseable to set aside the whole proceedings, it shall pass an order to this effect and shall direct the Collector to take messures for holdings fresh election proceedings.

Explanation—The expression "the election proceedings in question" and "the whole proceecings" shall include all proceedings in respect of election of President of a Municipal Board (inclusive of nomination and declaration of Election).

date fixed by him and may also, if necessary, fix a fresh date for the poll, if any, in accordance so far as possible with rule 6. When fresh nomination have been called for but no candidate has been duly nomination on or before the date fixed in this behalf, the Returning Officer shall notify that there shall be no election of the President of the Board. At the same time he shall report through the District Magistrate the Government that no nomination has been received.

Rules regarding ElectionPetitions against Presidentof a Municipal Board

(Vide Notification No. 1003 /A.E /XI-11-49dated 20-6-50)

Published in U.P. Gazette dated 24-6-50

1. (1) These rules may be called the Election Petition (President of Municipal Board) Rules, 1949.

(2) They shall come into force at once.

2. In these rules unless there is anyting repugnant in the subject or context 'Act' means the United Provinces Municipalities Act, 1916.

3. **Powers to question election by petition :** (1) The election of any person as a President of a Board may be questioned by election petition on the ground.

(a) that such person committed durina or in respect of the election proceedings a corupt practice as demed in section 28 of the Act, or

(b) thet such person was declared to be elected by reason of the improper rejection or admission of one or more votes or for any other reason was not duly elected by a majority of lawful votes, or

(c) the election of any person as President under the provisions of Section 43 of the Act.

(2) The election of any person as President of a Board shall not be questioned,

(a) on the ground that the name of any person qualified to vote has been omitted from or the name of any person not qualified to vote has been inserted in the electoral roll or rolls or

(b) on the ground of non-compliance with any provision

of the Act or any rule or of any mistake in the forms required thereby or of any error, irregularity or want of formality on the part of the Officer or Officers charged with carrying out the purpoens of the Act, or any rule, unless such non-compliance, mistake, error, irregularity, or want of formality has materially affected the result of the election.

4. Form and presentation of petition—(1) The petition shall be presented in the State Govt. or to such other person as the State Govt. may authorise in this behalf, with in fifteen days from the day on which the result of the election is announced by the Returning Officer and shall specify the ground or grounds on which the election of the respondent is questioned and shall briefly describe the circumstances which may justify the election, being questioned on such ground or grounds. The petition shall be accompanined by a Govt. Treasury receipt showing that an amount of Rs. 500/- has been deposited by the petitioner as security.

(2) The petition may be presented jointly by ten or more electors entitled to vote in any ward of the Municipality or by a candidate for Presidentship whose nomination paper has been rejected or who has been defeated at the poll. It may be delivered to or left with any officer empowered by the Secretary to Govt. Municipal Department to receive such petitions.

(3) The person whose election is questioned, and where the petition claims that any other candidate shall be declared elected in plabe of such person, every unsuccessful candidate who has polled more votes than such person, shall be made a respondent to the petition.

5. Rights of candidates whose election questioned:—Every person whose election is questioned may defend his election on any ground on which it may be open to him legally to do so and give evidence to prove that any person in respect of whom a claim is made that such person be declared in his place or in priority to him, should not be declared so elected in the same manner as if he had presented a petition against the election of such person.

6. Procedure :—(1) On a petition referred to in rule 4 being presented the State Govt. shall without considering the merits of the questions raised, refer it for decision to a tribunal consisting of one or more judicial officers not below the rank of a District Judge.

reasons for doing so. He shall then order the return of the deposit to the person by whom it was made. In case an objection is made, the elector concerned may be allowed to rebut it not later than the day after the date of hearing, and the Returning Officer shall record his decision ont his date.

32. On an application being made to him or on his own motion the District Magistrate may at any time within three days after the order has been passed revise an order passed by the Returning Officer under rules 30 and 31.

NOTE :—Applications made to the District Magistrate under this rule are exempt from court fees.

33. (1) As soon as may be after a nomination paper has been accepted, the Returning Officer shall send notice of the nomination to the parson nominated and inscribe such parson's name in a list of nomination for presidentship which shall be fixed at the place prescribed by rule 8 of the United Provinces Municipal Board (Preparation and Revision of Electoral rolls. Rules, 1949 ,for the publication of the electoral rolls.

(2) The list of nominations shall be in the form shown in schedule VI.

34. Five days before the election, the Returning Officer shall prepare, for each ward a list as in schedule VI except that it shall contain the names of candidates for election whose nominations are valid and who have not withdrawn from their candidature.

35. The list shall be posted at the place prescribed by rule 8 of the United Provinces Municipal Board (Preparation and Revision of Electoral Rolls) Rules 1949 for the publication of the electoral rolls, The Returning Officer shall also cause the list to be fixed up at the polling station or stations of each ward of the Municipality.

36. If a candidate who has been duly nominated dies before the date appointed for taking of a poll, the Returning Officer shall call for fresh nominations as if for a new election and may also, if necessary, fix a fresh date for the poll; if any, in accordance so far as possible, with rule 5 provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time. The Returning Officer shall order the deposit made under rule 28 (b) to be returned to the legal representative of the candidate or

otherwise to person by whom it was made.

Provided that when the contingency contemplated in the rule occurs at the time of general election the election of members shall also be postponed and held along with the election of the President on the fresh date fixed by the Returning Officer under the rule.

37. A candidate may, by notice in writing delivered to the Returning Officer, with-draw his candidature at any time later than ten days next before the first date fixed for the poll under rule 5. The deposit made under rule 28 (b) shall be returened nuder the orders of the Returning Officer to the person by whom it was made if the candidate withdraws in this manner.

38. If a candidate withdraws his candidature otherwise than under rule 37 the deposit made for his nomination shall be forfeited to the Board.

Provided that in any case where the withdrawal made up to 4 p m on the day preceding the date fixed for the actual poll will result in an unopposed return of the President, the deposit made shall not be forfeited and shall be returned to the person by whom it was made.

39. If a candidate is not elected and the number of votes polled by him does not exceed one-fourth of the total number of votes polled, the deposit shall be forfeited to the Board. For the purpose of this rule the number of votes polled shall be deemed to be the number of ballot papers other than spoiled ballot paper and tendered ballot papers.

40. A deposit which has not been returned to the candidate or forfeited under the preceding rules shall be returned to the candidate or to the person by whom it was made, as soon as may be, after the publication of the result of the election in the official gazette.

41. If no more than one candidate is duly nominated for the presidentship of the Board, or if before the date fixed for the poll not more than one duly nominated candidate remains who has not withdrawn his candidature he shall be deemed to be elected and shall be so declared by the Returning Officer and in such case, there shall be no poll for presidentship.

42. If no candidate is duly duly nominated, the Returning Officer shall call for fresh nominations to be made upon a

93

(ii) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be elected.

(iii) If the number of such candidates is less than the number of vacancies all such candidates shall be declared to be elected and the Returning Officer shall call for fresh nominations for the remaining vacancies to be made upon a date fixed by him and may also, if necessary, fix a fresh date for the poll (if any) in accordance so far as possible with rule 5 and 6.

(iv) If during the poll a candidate withdraws his candidature and the number of candidates who have not withdrawn their candidature is not greater than the number of vacancies, the poll shall be stopped and the candidates who have not withdrawn their candidature shall be declared to be elected.

Part v

Nomination of Candidates for Presidentship

28. An elector who is entitled to seek election as president under section 43 of the Act and desires to be nominated as a candidate shall on such dates as may be fixed by the District Magistrate.

(a) deliver or cause to be delivered to the Returning Officer a nomination paper completed as in schedule IV attached to these rules. The paper shall be signed or subscribed by the candidate himself and by two electors of the Municipality as proposer and seconder. The names of the proposers and the seconders may be enrolled in the electoral roll of one or defferent wards of the municipality. The proposer or seconder who is illiterate, shall affix his thumb-impression to the nomination paper.

(b) enclose with the nomination paper a Government treasury receipt (chalan) showing that a deposit of Rs. 250, or in the case of municipalities, mentioned in schedule XI of Rs. 150, has been made by him in the treasury,

(c) also enclose in writing with nomination paper a declaration on the form as in schedule V attached to these rules subscribed by him and stating that :

(i) he agrees to his nomination and,

(ii) he is qualified to be candidate for presidentship under section 43 of the Act.

29. On such date and such time as the Returning Officer may appoint for scrutiny of nomination papers which should as far as possible be the same date as may be fixed by him under rule 13, the candidate, their election agents, the proposer and seconder of each candidate but no other person may appear before the Returning Officer,

30. The Returning Officer shall, in the presence of such persons mentioned in the preceding rule as attend, proceed to pass orders on the nomination papers received by him under rule 28. If after such summary inquiry and after-taking such evidence as he may think necessary, as to the identity of the proposer and the seconder and the candidate, or as to the authenticity of the candidate's declaration, the Returning Officer is satisfied that :

(a) the candidate is a member or a person qualified to be elected as a member of the Board.

(b) he is not a whole time salaried servant of the Crown and not a member or servant of a district board.

(c) he has attained the age of 30 years.

(d) the proposer and seconder are electors of the Municipality, and

(e) the treasury chalan showing that the deposit prescribed under rule 28 (b) has been made is enclosed with the nomination paper, he shall declare the elector to be duly nominated as a candidate for the presidentship of the Board.

NOTE :—A Government pleader or an Assistant Government pleader, an Honorary Magistrate, an Honorary Munsif shall, but a Government Treasurer shall not be deemed to be a whole-time salaried servant of the Crown within this meaning of this rule.

31. If the Returning Officer is not satisfied as to the identity of the proposer or of the seconder or of the candidate's, declaration, or if the candidate, does not fulfil the qualification, mentioned in clauses (a) to (c) of the preceding rule, or if the proposer & the seconder are not electors, of the Municipality, or if the treasury chalan is not enclosed with the nomination paper, the Returning Officer shall reject the nomination paper and shall briefly record his

Provided that if the elector or his proposer and seconder so demand, the Returning Officer shall before finally rejecting the nomination paper adjourn the proceeding to the next day or the day after to enable the elector or his proposer and the seconder to rebut the objection raised against the nomination. On the date so fixed, the Returning Officer shall finally record his decision.

17. The Returning Officer shall not reject any nomination paper on the ground of a slight technical defect such as the wrong spelling of a name and interpret an entry in the electoral roll so as to overlook merely clerial or printing errors, but shall record his reason for doing so and the interpretation he has adopted.

18. (1) As soon as may be after a nomination paper has been accepted, the Returning Officer shall send notice of the nomination to the person nominated and inscribe such person's name in a list of nominations which shall be fixed at the place prescribed by rule 8 of the United Provinces Municipal Board (Preparation and Electoral Rolls) Rules, 1949 for the publication of the electoral rolls.

(2) The list of nominations shall be in the form shown in schedule III.

19. On an application being made to him or on his own motion the District Magistrate may at any time within three days after order has been passed reviso an order passed by the Returning Officer under Rules 14 and 16 and shall record his reasons for doing so.

NOTE :—Applications made to the District Magistrate under this rule are exempt from Court fees.

20. Five days before the day for the election, the Returning Officer shall prepare for each ward or class (if any) a list alphabetically arranged of the candidates for election whose nominations are valid and who have not withdrawn their candidature. The list shall be in the form of schedule prescribed by rule 18 (2) except that there shall be a heading describing the ward of class (if any).

21. The list shall be posted at the place prescribed by rule 8 of the United Provinces Municipal Board (Preparation and Revision of Electoral Rolls) Rules 1949, for the publication of the electoral rolls. The Returning Officer shall also

cause the list to be fixed up at the polling station or stations of the ward.

22. If a candidate who has been nominated dies before the date appointed for taking of a poll the Returning Officer shall order the deposit made rule 11 to be returned to his legal representative or to the person by whom it was made.

23. A candidate may, by notice in writing delivered to the Returning Officer withdraw his candidature at any time not later than ten days next before the first date fixed for the poll under rule 5. The Returning Officer shall order the deposit made under rule 11 teto be rned toruperson by the whom it was made if the candidate withdrawn in the above manner.

(ii) A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal or to be renominated as a candidate for the same election.

24. If a candidate withdraws his candidature otherwise than under rule 23 the deposit made for his nomination shall be forfeited to the Board.

Provided that in any case where the withdrawal made upto 4 p m. on that day preceding the date fixed for the actual poll will result in an unopposed return of a member, the deposit made shall not be forfeitsd and shall be returned to the person by whom it was mand.

25. If a candidate is not elected and the number of votes polled by him does not exceed that fraction of the total number of votes polled which is obtained by dividing one-eight of the total number of votes polled by the number of seats for which the election is being held the deposit shall be forfeited to the Board. For the purpose of this rule the number of ballot papers shall be deemed to be the number of ballot papers other than spoiled ballot papers and tendered ballot papers.

26. A deposit which has not been returned to the candidates or forfeited under the preceding rules shall be returned under orders of the Returning Officer to the person by whom it was made, as soon as may be after the publication of the election in the Gazette.

27. (i) If the number of candidates who are entered in the list referred to in rule 20 and who have not withdrawn their candidature before the time fixed for the poll exceeds the number of the vacancies, a poll shall be taken on the day for the election in the manner herein after provided.

shall on any of the two consecutive dates which shall be fixed by the District Magistrate, within the period after the date on which the electoral roll becomes final under rule 11 of the United Provinces Municipal Board (Preparation and Revision of Electoral Rolls) Rules 1949, and up to the date fixed by the Returning Officer under rule 13;

(a) deliver or cause to be delivered to the Returning Officer a nomination paper completed as in schedule I attached to these rules. The paper shall be signed or subscribed by the candidate himself and by two electors as proposer and seconder, whose names are entered in the eletoral roll of the ward in which the candidate seeks election. A proposer or seconder, who is illiterate, shall affix his thumb-impression to the nomination paper.

(b) enclose with the nomination paper a Government treasury receipt (challan) showing that a deposit of rupees one hundred, or in the case of a candidate belonging to the schedule castes or rupees twenty-five has been made by him in the treasury;

Provided that in the case of municipalities mentioned in schedule XI, such security deposit shall be Rs. 50, or in the case of a candidate belonging to the schedule castes. Rs 10;

(c) also enclose in writing with the nomination paper a declaration in the form as in schedule II attached to these rules subscribed by him stating that :

(1) he has agreed to his nomination;

(2) he is qualified to be a candidate, and

(3) he is not subject to any dispualification mentioned in section 16 (2) of the Act.

12. (1) No elector shall subscribe as proposer or seconder to more nomination papers than there are seats to be filled in the ward.

(2) Where a person subscribed whether as proposer or seconder to a larger number of nomination papers than there are seats to be filled all such papers shall be rejected.

13. The Returning Officer shall fix a date, time and place for the scrutiny of nominations which shall not be less than twelve days before the date fixed for a poll (if any) The scrutiny shall be held at a place within the limits of the municipality concerned and at that time the candidates, their

election agents, the proposer and seconder of each candidate, but no other person may attend.

Provided that if the scrutiny is not finshed on the date fixed the Returning Officer shall continue it on the next following day or two days as may be necessary.

14. The Returning Officer shall, in the presence of the persons mentioned in the preceping rule as attend, proceed to pass orders on the nomination papers received under rule 11. If after such summary inquiry and after taking such evidence as he may think necessary as to the identity of the proposer, seconder and the candidate if they attend or as to the authenticity of the candidate's declaration, the Returning Officer is satisfied that the name of the candidate is entered in the electoral roll of a ward, that he assents to be nominated that he does not suffer from any of the disqualifications mentioned in section 16 (2) of the Act and thet his proposer and seconder are entered in the roll of the ward in which the candidate is to be nominated, and treasury challan showing that the deposit prescribed under rule 11 has been made is enclosed with the nomination paper, he shall declare the elector to be duly nominated as a candidate for the ward.

15. In the case of a Muslim or Scheduled Castes candidate who, wants to be nominated for a seat reserved in a ward for a Muslim or a member of the Scheduled Castes, the Returning Officer shall also satisfy himself that the candidate belongs to the class for which the seat is reserved. It shall not be necessary for the this proposer and seconder to belong to the candidate's class.

16. If the Returning Officer is not satisfied as to the identity of the proposer or of the seconder, or of the candidate or as to the authenticity of the candidate's declaration, or if the name of the candidate is not entered in the electoral roll or if the ward in the which the candidate is to be nominated or if the treasury chalan as required under rule 11 is not enclosed with the nomination paper, or if the person suffers from any disqualification mentioned in section 16 (2) of the Act, the Returning Officer shall reject the nomination paper and shall briefly record his reasons for doing so. He shall then order the deposit to the person by whom it was made.

election of the President shall be held simultaneously with the election of the members.

(b) If the election of President is held separately from that of the members the provisions of these rules shall apply to the election of President alone.

5. The time of the ordinary election of both members and President shall be fixed by the District Magistrate in consultation with the Municipal Board on such day or days between dates as may be specified. The Board shall immediately forward a copy of its resolution on the subject District Magistrate.

6. The hours during which, and the place where, if there be a poll, the votes of the electors will be taken shall be determined by the District Magistrate in consultation with the Board.

7. Fifteen days at least before the day for election, the Executive Officer or the Secretary, or in the case of a new municipality the Returning Officer shall prepare and sign a notice thereof stating—

(a) the number of persons to be elected to represent each class in a ward.

(b) the place, time and dates of the nomination of the candidates for membership and Presidentship of the Board.

Note:—Dates shall be those fixed under rules 11 and 28.

(c) the hours during which, and the place where, if there be a poll, the votes of electors of each ward will be taken :—

and shall publish the notice in the same manner as is prescribed by rule 8 of the United Provinces Municipal Board (Preparation and Revision [of Electoral Rolls) Rules 1949.

Part IV

Nomination of Candidates for Membership

With reference to Section 29 (d)

8. (a) In every municipality the Executive Officer or the Secretary shall compile, within 10 days of the date specified in this behalf, from the assessment registers (if any) or other record maintained in the Municipal office, a list of persons

who are in arrears in the payment of any tax or other dues to an amount of one year's demand previous to the said date to which section 166 applies. Each entry in this list shall contain a reference to the item in the register or record on which it is based. The list shall be published by the Board in the manner prescribed in rule 8 of the United Provinces Municipal Board (Preparation and Revision of Electoral Rolls) Rules, 1949, and proclamation shall be made by beat of drums that the list has been prepared and so published, and that it can also be inspected at the municipal office during office hours.

(b) Within 5 days of the publication of the list the Executive Officer or the Secretary shall also send a notice by post to each person who is in arrears and call upon him to pay them within 15 days of the receipt by him of the notice. The names of such persons who have paid the dues within this period shall be struck off from the list and the list shall then be furnished to the Returning Officer immediately along with the register and records on which the enteries made in it are based. The Returning Officer shall cause the entries in the list to be compared with these in the register or records.

Provided that any person entered in the electoral roll who desires to be nominated as a candidate for membership or Presidentship and whose name is recorded in the list of persons in arrears as furnished to the Returning Officer shall not be deemed to be in arrears under sub-section (g) of section 16 of the Act if he pays up his arrears up to the dates prescribed under rule 11 and 28 submits with his nomination paper a certificate of clearance of arrears signed by the Executive Officer or the Secretary of the Board.

Provided further that in the case of the first general elections to be held in the Municipalities of Naini Tal and Mussoorie under these rules, the procedure prescribed in sub-rules (a) and (b) of this rule shall be governed by the instructions issued by Government.

9. A candidate shall be entitled to seek election from one or more than one ward in the municipality.

10. No person shall be nominated whose name is not entered in the electoral roll.

11. An elector who desires to be nominated as a candidate

19

2. At least fifteen days notice of such a meeting shall be given to the members and communicated to them in the manner prescribed by rules; if any, the notice shall also be published in a local Hindi newspaper for the information of the general public. A copy of the notice shall also be affixed at the Board's Office and other prominent places in the Municipality and its wards.

3. Subject to the provisions of section 9 of the Act and the next below proviso, the Board shall by a resolution supported by a majority of members for the time being co-opt, in addition to the prescribed numbers, of women members, any person of either sex belonging to special interests, namely Industries, Trade, labour, Education, Railways, Medicine, Military, Ex-servicemen, Displaced persons (Refugees), who in the opinion of the Board possesses special qualifications for serving on the Board.

Provided that a person who is disqualified for being elected as a members or who was defeated at the preceding general election or who is a dismissed servant of Government or of a local body or a pardhanshin women shall not be eligible for co-option.

Provided further that, if in the opinion of the State Government the special circumstances of any municipality require that any other particular interest within its limits must be represented on its board, they may, by order, direct that the Board shall co-opt a representative of that interest from amongst two or more persons selected by that interest, Provided always that this power shall be exercised to any one municipality in respect of one interest only.

Municipal Elections Rules
The United Provinces Municipal Board (Conduct of Elections) 1948

(Notification No. 1116-A-E/XI dated 7. 10. 49)

Part I

PRELIMINARY

1. Short title—These rules may be called the United Provinces Municipal Board (Conduct of Elections) Rules, 1949.

2. Definitions—In these rules, unless the subject or contekt otherwise requires—

(a) "resident" means a person who ordinarily lives in the municipality or maintains a dwelling house therein ready for occupation in which he occassionally dwells;

(b) "Returning Officer" means a Returning Officer appointed under rule 5 (1) of the United Provinces Municipal Board (Preparation and Revision of Electoral Rolls) Rules, 1949.

(c) "Schedule" means a schedule to these rules;

(d) "Specified" means specified by an order made by the Provincial Government under these rules.

(e) "the Act" means the United Provinces Municipalities Act 1916, as amended from time to time,

3. Expenditure to be borne by the Board–All expenditure incurred in connection with the operation of these rules in a municipality shall, except as otherwise directed by the Provincial Government be borne by the Board.

Part II

Returning Officer

3A. (1) The Returning Officer shall perform all or any of the duties of the Returning Officer under these rules.

(2) The District Magistrate may appoint such other Officer as may be necessary to perform all or any of the functions of the Returning Officer under the control, supervision and directions of the Returning Officer.

(3) The Returning Officer shall continue in office and exercise his powers till the appointment of another Returning Officer for the next general elections.

Part III

Time and Place of Election

With reference to section 29 (e)

4. (a) In a general election, unless Government have otherwise directed under section 43 (2) of the Act the

Boundaries of the Area excluded from the Municipal Limits of Dehra Dun.

NORTH :—Starting from the junction of the Bindal Rao and the Mussoorie Road along the southern edge of the Mussoorie Road upto its junction with Kaulagarh.

WEST :—From this point in a Southerly direction along Kalagad (or Naloti as it later on becomes) upto its junction with Bindal Rao.

SOUTH & EAST :—From this point along the eastern bank of Bindal Rao in a northerly direction upto its junction with Mussoorie Road.

Notification No. 8203/XI-A-1102-46 dated June 20, 1953 Published in U.P. Gazette June 27, 1953. (File No. II-I,8 of 1945-46)

The Boundaries of the Civil Station are Defined as Follows :

(Gazette dated 1, 2, 36, Page 52)

Starting from the Saw Mill at the south end of the Eastern Canal Road.

(a) Westward :—The boundary will run north west along Hardwar Road and Rajas Road, to the Kutchery compound then up part of Kutchery Road, up Dufferin Road, turning westward along the Road which runs south of St. Thomas Parish School and meets the Kutchery Road, thence to junction of Cross and Rampurmandi Road, to the Post Office north-Eastern boundary then along Chukhuwala Road on the North of the Post Office to the eastern boundary of mauza Chukhuwala along this boundary to Nashvilla Road, West along Nashvilla Road to the Bindal Khala, thence northward along the boundary of the Municipality. (Excluding portion included in village abadi area vide page)

(b) Eastward from the Saw Mill north-east along the boundary of the Municipality to the Rajpur Road then westward to the Survey Office, north ward along the Eastern Canal Road to reservoir No. 7 eastward as far as first road leading North.

Northward to the corner near Lieut. Gray's house.

Eastward round the boundaries of compounds of Nos. 2, 3 and 4 (Ashton Cottage) Old Survey Road to the Rispana river.

Northward along the boundary of the Municipality.

The following shall be included in the Civil Station.

Dilaram Bazar, Jawahir Mistri Bazar, and a portion of Faltulines.

09

(Dehra Dun Board declared City Board vide Notification No. 2381-1/XI-648-48 dated 1st Nov 48)

CHAPTER II

Constitution of the Board

G.O. No. 2262-XI-372 E dated 20th July, 1918.

Rule 1 :—The Municipality of the Dehra shall be exempted from the operation of the provisions of sub-section (3) of Section 11 of the Act requiring that no more than 2 members shall be assigned by rule to any class for which special representation among the elected members is provided on other than religious grounds.

The Board shall consist of :—

(a) The president.

(b) All the elected members which for Dehra Dun, will be 30.

(c) All co-opted members which in the case of Dehra Dun will be 6.

Provided that one half of the number shall be women and the other half shall be persons belonging to special interests as may be prescribed by the Provincial Government remaining unrepresented in the board after the general election.

Provided also that no person who is not an elector in the Municipality or is otherwise disqualified under sub section (2) of section 16 to be elected a member, or, who being a candidate for election to the Board at the last general election was defeated, shall be co-opted under this sub-section.

Provided further that when ever, not later than 30 days from the date of co-option, the question is raised whether a person has been validly & duly co-opted, it shall be referred to the Provincial Government whose decision shall be final.

Rules regarding co-option of members to Municipal Board.

(Notification No. 725-ME/XI dated 5-5-1950)

1. After the election of the members and the President of the Board is over, the President shall as soon as possible, call a meeting of the Board for co-option of members under section 9 of the U.P. Municipalities Act, 1916, as amended by U.P. Municipalities (Amendment Act, 1948).

Eastern Canal Road, Hardwar Road, thence north along this canal as far as the Dharampur branch Canal; thence along the Dharampur Branch Canal in a south-easterly direction to west side of the acqueduct over the Rispana Rao.

EAST :—Thence up along the western bank of the Rispana to the starting point Northern boundary (Municipal Pillar No. 1).

(Published in UP Gazette part III dated 25-3-44)

Boundary Extended vide Notification No. 6967(1)/ XI-A-1-62-46 dated 14 September 1949

Schedule

Area lying towards the north of the Municipality as follows.

(a) On the north—From a point on the west bank of Rispana to a bearing of 277-E upto a distance of 1,760 feet in the westerly direction upto the southern edge of the Rajpur Road where it bifurcates into the Mussoorie Road and the Barlowganj Road. Thence along the southern edge of the Mussoorie Road until it meets the old Mussoorie Road, and thence along the southern edge of the Old Mussoorie Road upto the toll barrier gate. From there in a westerly direction at a bearing of 270-E upto a distance of 705 feet to a point situated on the eastern bank of Kalagad.

(b) On the West—By eastern bank of Kalagad and thereafter the Nalota Nadi, where it meets the northern boundary of the Cantonment at Cantonment boundary pillar No. 12 Thence eastward along the Cantonment boundary passing through Cantonment boundary pillars No 12, 11, 10.

(c) On the South—By the existing western boundary of the Municipality from the Cantonment boundary pillar No. 3 upto Municipal boundary pillar No. 2, and thence eastward along the northern boundary of the Municipality upto Municipal boundary pillar No. 1

(d) On the east—By the western bank of the Rispana Rao from the Municipal boundary pillar No. 1, along the eastern bank of the Rispana Rao upto the pillar at the

starting point.

Boundary Extended vide Notification No. 8222/XI-A-1102-46 dated 19 November 1949

Schedule

1. Area lying on the south of the Municipality.

(a) On the north-west—By the existing southern Municipal boundary from the western side of the aqueduct over the Rispana Rao, upto a point at a distance of 800 feet west of the Hardwar Road

(b) On the south—By a line drawn from the point mentioned above, parallel to and at a distance of 800 feet west of the Hardwar Road upto a point at a distance of 924 feet along the western bank of the Rispana Rao, measured from the southern edge of crossing of the Hardwar Road and Rispana Rao.

(c) On the east—By the western bank of the Rispana Rao.

2. Area lying on the western side of the Municipality.

(a) On the north—By the existing Cantonment boundary from the junction with the existing Rampurmandi Road and Bindal upto western bank of the Kanwali Branch Canal and passing through Cantonment boundary pillars Nos. 144 145, 139.

(b) On the west—By the Kaulagarh Branch Canal from its junction with the existing Cantonment boundary in the north to its junction in the south with the north-west road intersecting the Kaulagarh Tea Estate, thence south east along this intersecting road to the most northerly point at a corner of that section of the Kaulagarh Tea Estate which lies to the south of this intersecting road; thence south-west along the north west boundary of the said portion of the boundary of the Kaulagarh Tea Estate to its junction with the boundary of the Forest Research Institute; thence from the junction last mentioned southeast along the boundary of the Kaulagarh Tea Estate to the Kaonli Branch Canal; thence along the Kaonli Branch Canal to the Kaonli Road.

(c) On the south :—By the Kaonli Road,

(d) On the east :—By the existing Municipal Boundary from the Kaonli Road upto Rampurmandi Road upto the point where it meets the Cantonment Boundary.

116. Arrest or Search of Mpl Employee 401
117. Inspection of Oil Mills 402
118. Resolutio No. 244 dated 1-8-41 402
119. Rates of Water from one meter for domestic and industrial industrial purposes 403
403
120. Projection Byelaws 403
121. Settlement of Audit Objections 403
122. Plans for Mpl Works 403
123. Transport Contracts 403
124. Planting and felling of Trees 404
125. Rates of Mandi 404
126. Building Byelaws 404
127. Toll Tax on Blankets 404
128. Toll Tax on Packing Cases 405
129. Toll Tax on pipiya 405
130. Temporary Posts 405
131. Resolution No. 34 dated 26-5-49 405
132. Resolution No 67 of 17-9-49 405
133. Resolution No. 7 Spl of 28-7-50 405
134 Resolution No. 25 of 4-10-50 406
135 Resolution No 56 dated 15-11-50 406
136 Resolution No. 131 dated 20-12-49 406
137. Resolution No. 25 of 10-12-46 406
138. Resolution No 28 of 20-12-49 406
139 Resolution No 7 of 22-7-48 ४०७
१४०. बोर्ड प्रस्ताव न. ३८ तारीख ७-३-७२ ४०७
१४१. बोड प्रस्ताव सं. ११ स्पे. तारीख ४-१०-७२ ४०७
१४२. बोर्ड प्रस्ताव सं. ३६ दिनांक २-६-५८ ४०८
१४३. प्रस्ताव सं. १७ स्पे तारीख २६-६-५८ ४०८
१४४. प्रस्ताव सं. ५ तारीख २०-६-५८ ४०६
१४५. बोर्ड प्रास्ताव स. २८ दिनांक १६-५-७१ ४०६
१४६. सीवेज तथा सनेज के नियम ४०६
१४७. प्रदर्शनी अथवा नाटयशाला के उपनियम ४१५
१४८. भवन प्रयोग सम्बन्धी उपनियम ४१७
१४६. सुभाषपार्क के नियन्त्रण उपनियम 419
150. Byelaws for Prohibiting of killing of beautiful 420
151. Byelaws for Disposal of dead bodies ४२०
१५२. सब्जी एंव फलों के व्यापार तथा विक्रय उपनियम ४२२
१५३. ध्वनि विस्तारक यन्त्र के प्रयोग सम्बन्धी उपनियम 427
154 Byelaws for registration of Contractors 429-431
155. Amendments & Corripendum

CHAPTER I

BOUNDARIES OF THE Dehra Municipality

Revised vide Notification No. 2752 (2)/XI-448 42
Dated 18 March 1944

Schedule

REVISED BOUNDARIES OF THE DEHRA DUN MUNICIPALITY

NORTH :—From Municipal boundary pillar No. 1 on the West bank of Rispana Rao at a bearing of 315 to Body Guard Lines Pillar No. 10 on the South West corner of the Body Guard Lines boundary, thence contiguous with the Southern boundary of the Body Guard Lines at a bearing of 328 to Municipal Pillar No. 2 on the east bank of the Bindal Rao.

WEST :—Thence down stream along the eastern bank of the Rao upto the southern parapet of Rampurmandi Road bridge thence towards down stream along eastern bank of Bindal Khala upto its junction with Bindal Rao, thence down stream along eastern bank of Bindal Rao to the iron bridge on the Dehra Dun Saharanpur Road,

SOUTH :—Thence south along eastern side of Saharanpur Road to its junction with Village "Dehra-Khas' boundary, thence towards South and south-easterly direction along with the boundary of village "Dehra-Khas' to the Khala thence towards north and easterly direction contiguous with the khala and boundary of village Dehra-Khas, bnt upto the intersection point of the line from Railway outer Signal in a south-east easterly direction towards Municipal Pillar No. 3 thence along the same line towards east to Municipal Pillar No. 3 south-east of the race course, at which pillar the magnetic bearing of the temple on the race cource is 24 and distance 400 yards and magnetic bearing to the outer signal is 298; thence in an easterly direction to the centre of the east parapet of the culvert at the junction of the

36.	Hire rates of roller etc. from contractors	386
37.	Hire charges for boring apparatus	387
38.	Rent for private wards at the I. D. Hospital	387
39.	Charge for Cholera & Typhoid vaccine	387
40.	Supply of Umbrellas to Ward Attendant and Chaukidar of the I. D. Hospital	387
41.	Special T. A. to Water Works Staff.	387
42.	Exemption from water charges and conservancy tax security to the Municipal Staff	388
43.	Uniforms to waterworks Staff	388
44.	Rates for supply of pucca Manure	388
45.	Uniforms to Godown Mistris	388
46.	Treatment of Diptheria at the I. D. Hospital	388
47.	Concession to marriage towards the tax on buildings	389
48.	Power of Education Committee under Sec. 73	389
49.	Exemption from meter rent for 3 days	389
50	Rate of Baldi water	389
51.	Exemption of Mussoorie and Jharipani students goods from toll tax	389
52.	Authhorising members of Toll Committee to inspect goods and to collect receipts	390
53.	Fixing selling price of meter domes	390
54.	Inspectin of hackney carriage yards premises etc	390
55.	Giving of umbrellas to Waterworks Staff	390
56.	Interpreting the area built upon	390
57.	Uniforms for Ward Attendant & Chaukidar I. D. H.	390
58.	Defending of Suits against the Board	391
59.	Objecions from Building Contractors	391
60.	Uniforms for Road Gangman and Asphalt Gangmen	392
61.	Water tap Repairs	392
62.	Capacity of Munure Carts	392
63.	Dehra Dun Board declared A class Board	392
64.	Articles unfit for human consumption	392
65.	Hire charges of Level and Staves	393
66.	Import of property for Trials	393
67.	Lease Charges	393
68.	Uniform to Sweepers	393
69.	Resolution No 17 dated 1-12-48	394
70.	Resolution No. 4 Spl dated 13-12-48	394
71.	Resolution No 28 dated 10-1-49	394
72.	Resolution No. 34 dated 24-3-49	394
73.	Resolution No 33 Spl. dated 10-7-48	394

74.	Resolution No. 26 dated 17-7-48	394
75.	Resolution No. 7 dated 18-9-48	394
76.	Resolution No. 2 dated 30-10-48	394
77.	Resolution NO. 574 dated 4-10-47	395
78.	Resolution No. 540 dated 27-9-47	395
79.	Resolution No. 254 dated 14-6-47	395
80	Resolution No. 9 dated 29-5-48	395
81.	Resolution No 547 dated 30-11-46	395
82.	Resolution No. 546 dated 30-11-46	395
83.	Resolution No 782 dated 3-3-47	396
84.	Resolution No. 732 dated 3-3-47	396
85.	Resolution No. 1084 dated 13-3-48	396
86.	Resolution No. 230 dated 18-7-42	396
87.	Resolution No 245 dated 18-7-42	396
88.	Resolution No. 502 dated 18-12-42	396
89.	Resolution No. 641 dated 13-2-43	397
90.	Resolution No. 194 dated 27-6-42	397
91.	Resolution No. 195 dated 27-6-42	397
92.	Resolution No. 170 dated 15-6-43	397
93.	Resolution No. 908 dated 21-1-45	397
94.	Resolution No. 594 dated 20-10-44	397
95.	Resolution No. 488 dated 29-4-44	398
96.	Resolution No. 388 dated 19-8-44	398
97.	Resolution No. 7 dated 5-5-49	398
98.	Resolution No. 7 dated 10-9-49	398
99.	Resolution No. 47 dated 29-10-49	398
100.	Resolution No. 3 dated 10-12-49	398
101.	Resolution No. 92 dated 14-1-50	399
102.	Resolution No. 689/Spl dated 8-12-41	399
103.	Resolution No 909 dated 31-1-42	399
104.	Resolution No. 268 dated 24-4-42	399
105.	Resolution No. 105 dated 30-5-42	399
106.	Resolution No. 428 dated 6-8-41	400
107.	Rates for Hand Road Roller.	400
108.	Cycle Allowance to Gaon Mohurrirs	400
109.	Meat or Mutton Shops on main road house	400
110.	Previous sanction of the Govt	401
111.	Licences for Sale of Fish and Mutton	401
112.	Overall for Mpl Motor Workshop Workers	401
113.	Exemptins for Articles imported for Govt use	401
114.	Approach to Govt. by Mpl Employees	402
115.	Preference for National Movement Workers	402

Boards's Important Resolutions

1. Fines for cattle impounded by courts 378
2. Intimation regarding use of water for constructions 378
3. Forbidding corporal punishment to students 379
4. Fees for disposal of bodies of dead animals 379
5. Feeding time and proclamation fee of pounds 379
6. Submission of encumbrance certificates 380
7. Conservancy Tax for removal of rubbish also 380
8. Fixing intervals for supply of uniforms to staff 380
9. Prosecution by Police Sub-Inspectors under Sec 248 380
10. Fixing period of furnishing Statement of tax due 380
11. Fixing time for passing of night soil carts 380
12. Collection of slaughter house coupons by S. Is 381
13. Exemption for conservancy tax 381
14. Supply of rain coats to out-door officials after 3 years 381
15. Responsibility for mistake involving loss 381
16. Qualification of Toll Meharrirs 382
17. Wages of removing unclaimed carcasses 382
18. Cost of bait for poisoning dogs 382
19. Comparative Capacity of rubbish carts 382
20. Authorizing S. Is to seize unwholesome articles (under Sec 244 (1) of the Act) 383
21. Authorizing M. O. H. to exercise powers of prosecution 383
22. Fixing rate of Munadies 383
23. Realisation of acution money 383
24. Authorizing M O.H. to reduce or relax laboratory test fees 383
25. Exemption to outdoor Municipal staff from vehicle tax 384
26. Rates of hire charges for latrines etc. 384
27. Uniforms to Peons 384
28. Removal of hedge cuttings by rubbish contractors 384
29. Factory working gown to Mistri and his assistant 384
30. Construction on public street 385
31. Charges for catching rabid dogs & uniforms to Jallads 385
32. Supply of uniforms to Jamadars 385
33. Charges of testing minor water fittings 385
34. Sunday to be observed holiday by road gangmen 386
35. Supply of umbrellas and uniforms to paid apprentice Jamadars 386

85

66. Byelaws for establishment & maintenance of a Maternity centre 277

CHAPTER XVII

Vaccination Act No. XIII of 1880

67. Rules under section 19 of Act XIII of 1880 (Vaccination Act) for the Dehra Dun Municipality 279
68. Hackney Carriage Act XIV of 1879 288
69. Rules for the regulation and control of Hackney Carriages plying for hire within the limits of the Dehra Dun Municipality 288
70. Schedule of Rates for Hackney Carriages plying hire 292
71. Schedule of Rates of Fares 294
72. Prevention of Cruelty to Animals Act XI of 1890 300
73. Rules under the United Provinces Prevention of Adulteration Act 301
74. Penalty for Selling Articles of Food without a Licence 303
75. Byelaws for Sale of Skimmed or Separated Milk 303
76. Byelaws for disposal of Dead bodies of Animals 305

CHAPTER XVIII

Regulation

77. Regulations made by Boards under section 297 (I) of the Act 306
78 Time of Meetings 306
79. Manner of convening Meetings and of giving notice thereof 306
80. Conduct of Proceedings and the Adjournments of Meetings 307
81. Asking of Questions 309
82. Establishment of Committees 310

Duties of Committees

83. I The duties of the "Committee of Finance" 315
84. II. The duties of the 'Committee of Public Works' 316
85. III. The duties of the Committee of Public Health 317
86. IV. The duties of the Education Committee 318

87. V The duties of the Committee for Terminal Tax and Toll 319
88. VI. Duties of the Office & Staff Committee 320
89 VII. Duties of the Water Works Commite 321
90. VIII. Duties of the Hackney Carriage Committee 322
91. IX Powers and Duties of the Assessment Committee 323
92. X. The Powers of the Buiding Committee 323
93. Delegation of Powers 324
94. Absentee and other Allowances 324
95. Security from employees 325
96. Designation of servants 325
97. Security Bond 326

Schedule

98. Leave and leave Allowaces 328
99. Retention and Retirement of Fmployees 328
100. The Munagement of Provident Funds 334
101. The Municipal Board Provident fund 354
102. Remission of Municipal dues and distress fee 355
103. Dismissal Procedure 356
104. Service Books 356
105. Regulations under section 297 (i) (g) & (h) conferring certain powers on the Executive Officer 357
106. Procedure for amendment of the assessment list under Sec 147 of the Act 358
107 Rules for the registration of Contrators for Public Works in the Dehra Dun Municipality 358
108 Rules for Municipal Crant in Aid to Private Institutions within Municipal limits 360

CHAPTER XIX

General Orders and Resolutions

1. Public Notice under section 282 (1) 362
2. Rules for Regulating the use of night soil and stable rubbish as manure within the Dehra Municipality 362
3. Prosecdure subsequer to framing proposals of the Act 362
4. Prosecutions under See 34 of the Police Act by Municipal Officials 363
5. Miscellaneous 363
6. Conditions of sanction for Travelling Shows under section 268 of the Munipalities Act, 1916

31. Byelaws for the Regulation and Control of Factories and Workshop 137

32. Byelaws for the Control, Regulation and Inspection Places for Manufacture, Preparation Storage and Sale of Ice Candy and Sharbat 140

33. Byelaws Prohibiting the Residence of Public Prostitutes and keeping of Brothels 145

34. Byelaws for Control of Subhash Park at Rajpur Road

CHAPTER XIV

35. Byelaws Governing the Storage of Petroleum within the Dehra Municipality 149

36. Byelaws for proper control of the sale of Meat and Fish in the limits of the Dehra Dun Municipality 151

37. Byelaws for the prevention of Mosquito Breeding in the Dehra Dun Municipality under section 298 1 (b) 155

38. Byelaws regarding Prevention of Maiaria and other Inspect Nuisance 157

39. Byelaws for Midwives and Dais in the Dehra Dun Municipality framed under section 298 (2) (i) 159

40. Byelaws fixing Fees for Temporary Occupation of Street, etc, in the Dehra Dun Municipality 162

41. Temporary Occupation of Streets or Lands 164

42. Byelaws for the control of Pavilion and Pleasure Ground under section 298 J (a) and (c) of the Municipulities Act, 1916 166

43. Projection Byelaws for the Dehra Municipality framed under heading E, sub-head (c) and heading J, sub-head (d) of section 298 Municipaiities Act, 1916 170

44. Rules 62 of the Indian Electricity Rules, 1922 172

45. Byelaws for the proper regulation of Sanitation and Conservancy Arrangement within the Dehra Dun Municipalitp under section 298 (2) 1 (d) of the Municipalities Act, 1916 175

46. Byelaws for the regulation and inspection of Slaughter-house in the Dehra Municipality 177

47. Byelaws for the regulation and inspection of places for the manufacture or sale of Sweetmeats & Meats 188

48. Byelaws for control on Power driven Kolhus an oil crushers 190

49. Byelaws reg. disposal of Dead Bodies of Animals 194

50. Byelaws reg. Prevention of Malaria and other Insect Nuisace 195

CHAPTER XV

51. Building Byelaws 197

CHAPTER XVI

52. Byelaws for Herding of Swine within the Dehra Municipality 247

53. Byelaws for the regulation of Traffic of Motor Cars and Lorries plying on hire within Dehra Dun Municiyality 248

54. Byelaws for the Control and regulation of Traffic withic the Dehra Dun Municipalitp 249

55. Byelaws for the Regulation & Convenience of Traffic 253

56. Byelaws to safeguard the public from being infected with Tubercle in the Dehra Dun Municipality 257

57. Byelaws under section 298 H (m) of the Municipalities Act relating to the lopping or felling of Trees within the Dehra Municipality 259

58. Byelaws prohibiting the Beating of Drums, etc in the Civil Station in the Dehra Municipality 260

59. Byelaws Prescibing the Standard Weights to be used within limits of the Dehra Municipality and providing for the inspection of the same 261

60. Byelaws for the regulation of Dairies for the Dehra Dun Municipality under section 298 (b) heading F. (b) and I, sub-heads (a) and (b) 262

61. Byelaws for the regulation and control of Laud Speaker 268

62. Rules for the prevention of contamination of Sources of Water-supply of the Dehra Dun Municipality 272

63. Boelaws for the use of Jugmandar Dass Municipal Memorial Hall by the Public framed under section 298 (2) J (b) of the United Provinces Municipaiities Act, 1916 272

64. Byelaws for Control of Municipal Board ground 274

65. Byelaws regulating the condition of work of Customary Sweepers 276

5. Byelaws for the Registration of Births and Deaths in Dehra Municipality 61

6. Byelaws for the Regulation of the storing of Bones, Hides, Horns or Skins and for tanning, framed of the Municipal Act. 65

7. Byelaws for the Regulation of Bullock carts, Thelas and Hand Carts in the Dehra Municipality 69

8 Byelaws regarding Burial and Burning Ground of the Dehra Dun Municipality 75

9. Byelaws for Burning or Baking Bricks, Tiles, Pottery or Lime within the limits of Dehra Dun Municipality 78

10. Byelaws for the Regulation and control or Butter, Ghee and Fat in the Dehra Dun Municipality 79

11. Byelaws for Registration of Cattles Sales in Dehra Dun Municipality 81

12. Byelaws fixing special Route by which Carcasses of slaughtered cattle should be brought into Dehra Municipality 87

CHAPTER XI

13. Rules for Assessment and Collection of Theater Tax with in Municipality Limits 88

CHAPTER XII

14. Byelaws regarding Drains connect with Municipal Sewer Line 92

15. Byelaws regulating the control and occuyation of land within Municipal Office Compound by petition-writers under section 298 J (2) (b) of the Municipalities Act, 1916 102

16. Byelaws regulating the Inspection and the giving of Copies of Municipal Record and Documents in the Municipality 103

CHAPTER XIII

17. Byelaws for the Protection of Crown and

Municipal Property in Dehra Dun Municipality framed under secion 298 (2) List II (c) of Municipalities Act 1916 105

18. Rules for the Cultivation of high Crops and use of manure in the Dehra Municipality under section 282 of the Municipalities Act, 1916 110

19. Byelaws for the regulation and control of Dhabas Nanbais Shops and eating houses in the Dehra Manicipality 111

20. Byelaws requiring the Licensing of Dogs 112

21. Byelaws for the Control and Licence of Draughtsmen framed by the Dehra Dun Municipal Board under section 298 (2) A (d) of the Municipalities Act and sanctioned 114

22. Byelaws to Control the construction of New Factory Buildings and the Alteration or of Adaptation of Existing ones under Section 298 Heading B 116

23. Byelaws regulating the Manufacture or Prepation for sale Flour and providing for the Inspection and proper Regulation of Flour Mills in the Dehra Dun Municipality framed under Section 298 F (d) of the Municipalities Act1 916 119

24. Byelaws for regulating the storing of Hay, Straw etc. 123

25. Byelaws to control and regulate the Height of compound Hedges, boundary walls or fences 125

26. Byelaws for the control of Hotels, Lodging Houses framed under section 288 (2) I (e) and (f) of the Municipalities Act 1916 126

27. Byelaws for the Prevention and Spread of Infecious Diseases 130

28. Byelaws regulating the flying of Kites, throwing of Langar, playing of Football or any other game in the vicinity of Electric Aerial Mains, Telegraph or Telephone Wires in the Dehra Dun Municipality 132

29. Byelows regulating the Digging up of Holes for Excavating Lime stone in the Rispana River Bed, framed under Sec. 298 (1) (a) of the Municipalities Act 1916 133

30. Byelows for regulation and installation of Petrol Pump on public roads 134

Schedule III

13. Form for List of Nominations for Membership 39
(a) For seats of the general class 39
(b) For seats of the scheduled castes 39
(c) For seats of the Muslim class 39

Schedule IV

14. Nomination of Paper for Presidentship 40

Schedule V

15. Declaration to be made by a Candidate for Presidentship 40

Schedule VI

16. Form for List of Nomination for Presidentship 41

Schedule VII

17. Form of Ballot Paper for Election of Members of Municipal Board 41-42

Schedule VIII

18. Form of Ballot Paper for Election of Municipal Board President 42-43

Schedule IX

19 Form of the Identification slip to be signed by the Elector 43

Schedule X

20. List of Challenged Votes 43

Schedule XI

21 Names of Municipalities 44
22. Description of the boundaries and Allocation of seats to each ward Published in notification No. 1723 ME/XI dated 16-2-50 with necessary Amendments 45-46
23. Qualification of Electors for the Dehra Municipality 47

CHAPTER III

TAXATION

CHAPTER V

House Tax

4. Rules or the assessment and collection of House Tax on Buildings and lands in the Dehra Dun Municipality 48—50
5. Description o th[illegible] Tax 50—51

CHAPTER IV

Vehicle Tax

6 Rules or the Assessment and Collection of the Tax on Vehicles in the Dehra Municipality 52—53
7. Description o the Tax 53—54

CHAPTER V

BYELAWS

1. Byelaws or Appointment of Agents to represent the owners o houses 55
2. Byelaws for controlling the Manufacture and sale of Aerated Water in Dehra municipality 56
3. Byelaws or the Regulation and Control of Bakeries in the Dehra Municipality 59
4. Byelaws or the Regulation fo Traffic (Bicycle) in the Dehra Municipality 61

CONTENTS

CHAPTER I

BOUNDARIES

1. Boundaries of the Dehra Municipality 1—3
2. Boundaries of the Civil Area Station 4—5

CHAPTER II

CONSTITUTION OF THE BOARD

1. Constitution of the Board 5—6
2. Municipal Elections Rules 6—47

PART I

3. Preliminary 6

PART II

4. Returning Officer 7

PART III

5. Time and Place of Election 7

PART IV

6. Nomination of Candidates for Membership 8—14

PART V

7 Nomination of Candidates for Presidentship 13—18
8. Rules Regarding Election Petitions against President of a Municipal Board 18—22

PART VI

9 Conduct of Election for Presidentship and Membership 22—34

PART VII

10. General 34—37

Schedule I

11. Nomination Paper for Membership 39

Schedule II

12 Declaration to be made by a Candidate for Membership

Published by :
S.S. RAWAT
Executive Officer,
City Board, Dehra Dun.

Edition 1993

Printed by :
PAYAL PRINTERS
54, Kanwali Road, D. Dun

PREFACE

The book of Bye-laws was last published in the year 1951. Since then a number of Bye-laws have been amended or modified and an entirely new set of Bye-laws dealing with new subjects have come into force. There was thus an urgent necessity of publishing a new edition containing all the new amendments and New Bye-laws. Attempts have been made to make new Edition as upto date as possible. Rules and Regulations are also being published and will be available shortly.

The work has required a heavy labour. I was assisted in this task by Sri Tarachand, Head Clerk, who has really taken very heavy pains in helping to brings out this Volume. I am thankful to all others who have helped from time to time in giving suggestions etc.

All possible attempts have been made to make the compilation complete and upto-date but any information about errors or commissions will be thankfully received. A corrigenda has also been added at the end of the book.

D.N. Saluja
President,
City Board, Dehra Dun.

S.S. Rawat
Executive Officer,
City Board, Dehra Dun.

BYE-LAWS

OF THE

DEHRADUN MUNICIPALITY

(Corrected upto 1993)

1993

Revised and Enlarged

Published by
B.B. RAWAT
Executive Of
City Board, I

55

अंकन संख्या /XXII/2005, तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1- सचिव, महामहिम श्री राज्यपाल, उत्तरांचल।
2- सचिव, विधानसभा, विधान भवन, देहरादून।
3- निजी सचिव, मा० मुख्यमंत्री जी, उत्तरांचल शासन।
4- महालेखाकार, लेखा एवं हकदारी, सहारनपुर रोड़, देहरादून, उत्तरांचल।
5- महानिबन्धक, मा० उच्च न्यायालय, नैनीताल।
6- निजी सचिव, मुख्य सचिव, उत्तरांचल शासन।
7- समस्त प्रमुख सचिव/सचिव, उत्तरांचल शासन।
8- समस्त विभागाध्यक्ष, उत्तरांचल शासन।
9- आयुक्त, गढ़वाल/कुमाऊँ मण्डल, उत्तरांचल।
10- प्रदेश के समस्त सार्वजनिक निगम/उपक्रम/स्वायत्तशासी संस्थायें/परिषद।
11- समस्त जिलाधिकारी, उत्तरांचल।
12- समस्त वरिष्ठ कोषाधिकारी, उत्तरांचल।
13- सचिवालय के समस्त अनुभाग।
14- निदेशक, एन०आई०सी०, सचिवालय परिसर।
15- उपनिदेशक, राजकीय मुद्रणालय, रूड़की को इस अनुरोध के साथ प्रेषित कि कृपया इस अधिसूचना को राजकीय गजट असाधारण के विधायी परिशिष्ट, भाग-4, खण्ड-ख में दिनांक नवम्बर, 2005 में प्रकाशित कर 200 प्रतियां शासन को उपलब्ध कराने का कष्ट करें।
16- महानिदेशक, सूचना एवं लोक सम्पर्क निदेशालय, 12 ई०सी० रोड़, देहरादून को इस अनुरोध के साथ प्रेषित की कृपया इस संबंध में एक प्रेस विज्ञप्ति जारी कराने का कष्ट करें।
17- सचिव, राज्य सूचना आयोग, देहरादून।
18- गार्ड फाईल।

आज्ञा से,

9/11/05

(संतोष बडोनी)
अनुसचिव

53

6- अपील के निर्णय की प्रक्रिया :- आयोग:-

(i) सम्बन्धित या हितबद्ध व्यक्ति से शपथ या शपथपत्र पर मौखिक या लिखित साक्ष्य सुनेगा;
(ii) दस्तावेजों, लोक अभिलेखों या उनकी प्रतिलिपियों का परिशीलन या निरीक्षण कर सकेगा;
(iii) अधिकृत अधिकारी द्वारा अंग्रेत्तर विवरण या तथ्यों की जांच कर सकेगा;
(iv) राज्य लोक सूचना अधिकारी, राज्य सहायक लोक सूचना अधिकारी या ऐसा वरिष्ठ अधिकारी जो प्रथम अपील निर्णित करता हो या ऐसा व्यक्ति जिसके विरूद्ध शिकायत की गयी हो जैसी स्थिति हो, को सुन सकेगा;
(v) तीसरे पक्ष को सुनेगा; और
(vi) किसी तीसरे पक्ष या राज्य सहायक लोक सूचना अधिकारी, राज्य लोक सूचना अधिकारी या ऐसे वरिष्ठ अधिकारी जिसने प्रथम अपील सुनी हो या ऐसा व्यक्ति जिसके विरुद्ध शिकायत हो से शपथ पत्र पर साक्ष्य ले सकेगा।

7- आयोग द्वारा नोटिस तामील किया जाना :- आयोग द्वारा जारी नोटिस निम्न में से किसी भी प्रकार से तामील किया जा सकेगा :-

(i) स्वयं पक्षकार के माध्यम से;
(ii) तामील कर्ता के माध्यम से दस्ती ;
(iii) पावती के साथ पंजीकृत डाक द्वारा; या
(iv) कार्यालयाध्यक्ष या विभागाध्यक्ष के माध्यम से

8- अपीलार्थी या परिवादी की व्यक्तिगत उपस्थिति:- (1) अपीलार्थी या परिवादी जैसी भी स्थिति हो, को सुनवाई के लिए पूर्ण सात दिवसों के पूर्व सूचित किया जायेगा।
(2) अपीलार्थी या परिवादी जैसी भी स्थिति हो, आयोग विवेकानुसार अपील या परिवाद की सुनवाई के समय व्यक्तिगत रूप से या अधिकृत प्रतिनिधि के माध्यम से उपस्थित रह सकेगा या उपस्थित न होने का विकल्प ले सकेगा।
(3) जहाँ आयोग का यह समाधान हो जाय कि ऐसी परिस्थितियां है, जिनके कारण अपीलार्थी या परिवादी, जैसी भी स्थिति हो, को आयोग की सुनवाई में उपस्थित होने से रोका गया है, तब, आयोग अपीलार्थी या परिवादी, जैसी भी स्थिति हो, को अंतिम निर्णय लेने से पूर्व सुनवाई का अवसर देगा, या जैसा उचित समझे सम्यक कार्यवाही कर सकेगा।
(4) अपीलार्थी या परिवादी, जैसी स्थिति हो, आवेदन की प्रक्रिया में अपना पक्ष रखने में किसी भी व्यक्ति का सहयोग ले सकेगा और सम्बन्धित व्यक्ति का अधिवक्ता होना आवश्यक नही होगा।

9- आयोग के आदेश :- आयोग के आदेश खुले में सुनाये जायेंगे और आयोग द्वारा इस निमित्त प्राधिकृत अधिकारी या निबन्धक द्वारा लिखित में अभिप्रमाणित किये जायेंगे ।

(डी0 के0 कोटिया)
सचिव

52 62

परिशिष्ट -VII

उत्तरांचल शासन
सूचना अनुभाग
संख्या-305 /XXII/2005-9(33)2005
सचिवालय, देहरादून,
दिनांक 13 दिसम्बर, 2005

अधिसूचना
नियम

सूचना का अधिकार अधिनियम, 2005 (अधिनियम संख्या 22, वर्ष 2005) की धारा 27 की उपधारा (2) के खण्ड (ङ) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए श्री राज्यपाल निम्नलिखित नियम बनाते हैं:-

राज्य सूचना आयोग (अपील प्रकिया) नियम, 2005

संक्षिप्त नाम एवं प्रारम्भ :-

(1) इन नियमों का संक्षिप्त नाम राज्य सूचना आयोग (अपील प्रक्रिया) नियम, 2005 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगें।

2- परिभाषायें :- इन नियमों में जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो :-
(क) "अधिनियम" से सूचना का अधिकार अधिनियम, 2005 अभिप्रेत है,
(ख) "धारा" से अधिनियम की धारा अभिप्रेत है,
(ग) "आयोग" से राज्य सूचना आयोग अभिप्रेत है,
(घ) उन शब्दों और पदों के, जो इसमें प्रयुक्त हैं, और परिभाषित नहीं हैं, किन्तु सूचना का अधिकार अधिनियम, 2005 में परिभाषित हैं, वही अर्थ होंगे जो उस अधिनियम में हैं।

3- अपील की विषयवस्तु :- आयोग को प्रस्तुत की जाने वाली अपील में सूचना की निम्नलिखित विषयवस्तु होगी, अर्थात्-

(i) अपीलार्थी का नाम व पता;
(ii) राज्य लोक सूचना अधिकारी का नाम व पता, जिसके निर्णय के विरूद्ध अपील की गयी है;
(iii) आदेशों के विवरण संख्या सहित यदि कोई हो, जिसके विरूद्ध अपील की गयी है;
(iv) अपील के मुख्य संक्षिप्त तथ्य;
(v) यदि अपील इन्कार समझी गयी हो तो ऐसे आवेदन पत्रों का विवरण, संख्या सहित तारीख राज्य लोक सूचना अधिकारी का नाम और पता जिसको आवेदन पत्र प्रस्तुत किया गया था;
(vi) ईप्सित अनुतोष या प्रार्थना;
(vii) ईप्सित अनुतोष या प्रार्थना के आधार;
(viii) अपीलार्थी द्वारा सत्यापन, और
(ix) अन्य कोई सूचना जिसें आयोग अपील के निर्णय के लिए आवश्यक समझे।

4- अपील के साथ प्रस्तुत किये जाने वाले दस्तावेज :- आयोग को की जाने वाली प्रत्येक अपील में निम्नलिखित दस्तावेज प्रस्तुत करने होंगें; अर्थात्-

(i) उन आदेश व दस्तावेजों की स्वप्रमाणित प्रतियां जिनके विरूद्ध अपील प्रस्तुत की जा रही है,
(ii) अपीलार्थी द्वारा अपील में निर्दिष्ट और सम्बन्धित दस्तावेजों की प्रतिलिपि जिनका अपील में आधार लिया गया है; और
(iii) अपील में निर्दिष्ट दस्तावेजों की [illegible]

51

3. लोक प्राधिकारी के रूप में तथा विभागीय प्रमुख सचिव/सचिव के रूप में आयोग आपसे अपेक्षा करता है कि आप सूचना का अधिकार अधिनियम के अध्याय 2 में धारा 3 से धारा 10 तक जो प्रावधान तथा बाध्यतायें दी गई हैं उनका स्वयं अपने स्तर पर गहनता से परीक्षण करें तथा फील्ड में भी इनके क्रियान्वयन के लिये समुचित व्यवस्था की गई है. इसके लिये स्वयं तथा विभाग के वरिष्ठ अधिकारी स्तर पर पुष्टिकरण भी करा लें.

4. अनुरोध है कि इस पत्र मे उठाये गये बिन्दुओं तथा दिये गये सुझावों का आप अपने स्तर पर परीक्षण करा कर आयोग को शीघ्रातिशीघ्र उत्तर प्रेषित करने का कष्ट करें तथा संबंधित अधिकारियों से अपेक्षा करें कि वे अधिनियम की धारा 4(1)(ख) में वर्णित सभी अभिलखों की हार्ड एवं सॉफ्ट प्रति का एक सैट आयोग के अभिलेख केन्द्र को उपलब्ध कराये जाने की व्यवस्था भी सुनिश्चित करें.

5. कृपया पत्र की प्राप्ति स्वीकार करें.

भवदीय

(आर. एस. टोलिया)
मुख्य सूचना आयुक्त

50

4. आपका ध्यान विशेष रूप से इस ओर आकर्षित करना है कि अधिनियम के अनुसार धारा 4(1)(ख) के उपरोक्त अभिलेखों को 12/10/2005 तक पूर्ण कर लिया जाना था. अतः जिन विभागों में यह अभिलेख अब तक पूर्ण न किये गये हों उन्हें सर्वोच्च प्राथमिकता के आधार पर पूर्ण करते हुये इस पत्र के उत्तर में उनकी प्रगति भी आयोग को अवगत करा दी जायेगी।

5. उत्तरांचल सूचना आयोग के द्वारा अभिलेखीकरण के कार्य को भी सर्वोच्च वरीयता के आधार पर लिया गया है तथा इसके अभिलेख केन्द्र (Library and Documentation Center) द्वारा प्रत्येक विभाग के लोक प्राधिकारी द्वारा अधिनियम की धारा 4(1) की बाध्यता के अंतर्गत तैयार किये गये अभिलेखों को हार्ड एवं सॉफ्ट प्रति के रूप में सुरक्षित रखा जाना है. अतः अनुरोध है कि अपने विभाग से संबंधित सभी अभिलेखों की एक प्रति आयोग के अभिलेख केन्द्र के लिये उपलब्ध कराने का कष्ट करें.

6. स्वैच्छिक रूप से प्रकट की जाने वाली सूचना (Pro-Active Disclosure) तथा स्वतः रूप से (Suo-Motto) सूचना प्रकटीकरण ही इस अधिनियम की मुख्य भावना है. अतः आयोग के द्वारा वार्षिक रूप से विभाग तथा विभाग द्वारा घोषित लोक प्राधिकारियों का मूल्यांकन करते समय मुख्य रूप से विभागीय Pro-Active Disclosure तथा Suo- Motto Disclosure की प्रगति को ही प्रमुखता दी जायेगी. अतः अनुरोध है कि अधिनियम की धारा 4(1) की बाध्यता को समय से पूर्ण करने तथा विभागीय कार्य पद्धति के अंतर्गत ऐसी सूचना के स्वतः प्रकटीकरण की ओर आप स्वयं ध्यान दें तथा इसमें विशेष रूचि लेने का कष्ट करें.

7. आयोग को यह जानने में प्रसन्नता होगी कि आपके द्वारा लोक प्राधिकारी के रूप में Pro-Active Disclosures तथा Sub- Motto Disclosures के संबंध में अब तक क्या कार्य किये गये हैं तथा इस दशा में अन्य कौन से क्षेत्र, गतिविधियां एवं पद्धतियां लाई जानी प्रस्तावित हैं. इन विवरणों का आयोग की वार्षिक रिपोर्ट में अनिवार्य रूप से उपयोग किया जाना प्रस्तावित है तथा इसके लिये वार्षिक रिपोर्ट में एक स्वतंत्र अध्याय भी चिन्हित किया गया है.

8. सूचना का अधिकार अधिनियम के उपबंधों तथा भावना के अनुरूप कार्यवाही को तब तक समुचित रूप दिया जाना संभव नही है जब तक प्रत्येक विभाग तथा लोक प्राधिकारी के स्तर पर अभिलेखों एवं पत्रावलियों के निरीक्षण की समुचित व्यवस्था उपलब्ध नहीं कराई जाती. इस संबंध में आपका विशेष ध्यान अधिनियम की धारा 2(ञ)(i) की ओर किया जाता है जिसमें सूचना के अधिकार अधिनियम के अंतर्गत कृति, दस्तावेजों तथा अभिलेखों का निरीक्षण, दस्तावेजों या अभिलेखों के टिप्पण, उद्धरण या प्रमाणित प्रतिलिपि देना तथा सामग्री के प्रमाणित नमूने लेने सम्मिलित किया गया है. आयोग यह जानने को इच्छुक है कि आपके विभाग के अंतर्गत विभिन्न लोक प्राधिकारियों के स्तर पर अभिलेखों के निरीक्षण, प्रमाणित प्रतियों तथा नमूने देने के लिये क्या व्यवस्था की गई है तथा यह सुनिश्चित किया गया है अथवा नहीं कि किसी भी प्रार्थी को उपरोक्त सुविधायें अधिनियम के प्राविधानों के अंतर्गत सुगमता से प्राप्त हो रही हैं.

9. आयोग उपरोक्त निरीक्षणों तथा प्रमाणित प्रतियां देने की जो वास्तविक व्यवस्था विभाग के स्तर पर उपलब्ध कराई गयी है उसकी जानकारी लेने का इच्छुक है जिससे इस संबंध में जो व्यवस्था की गई है उसका समुचित प्रचार प्रसार किया जा सके तथा दूसरी ओर यदि उक्त व्यवस्था करने में कोई कठिनाई हो रही हो तो उसके लिये राज्य सरकार को आवश्यक सुझाव एवं निर्देश दिये जा सकें.

49

4. [illegible] सूचना आयोग के द्वारा यह सूचना एकत्रित की जा रही है कि प्रत्येक विभाग के अंतर्गत लोक प्राधिकारियों द्वारा इस अधिनियम की धारा 4(1) के अन्तर्गत निर्धारित अभिलेखों को तैयार कर लिया है अथवा नही और यदि तैयार कर लिया है तो वह किस रूप में सुरक्षित रखे गये हैं और यदि उनका कम्प्यूटरीकरण कर लिया गया है तब उन्हें राज्य की या विभागीय वैबसाईट में सम्मिलित किया गया है अथवा नहीं ? कृपया अवगत कराने का कष्ट करें कि आपके विभाग से सम्बंधित लोक प्राधिकारियों द्वारा सूचना के स्वैच्छिक रूप से प्रकट करने के उत्तरदायित्व के सापेक्ष निम्न अभिलेखों मे से कितने अभिलेखों को विभागीय स्तर पर यह सूचना प्रेषण करने की तिथि तक पूर्ण कर लिया गया है तथा कितने अभिलेखों को पूर्ण किया जाना अवशेष है तथा इन अपूर्ण अभिलेखों को कब तक पूर्ण कर लिया जायेगा ?

5. विभाग के द्वारा जिन अभिलेखों के संबंध में सूचना, जैसा अधिनियम की धारा 4(1)(ख) में दिया गया है, आयोग को प्रेषित की जानी है वे निम्नलिखित हैं :

(i) संगठन की विशिष्टियाँ, कृत्य और कर्तव्य
(ii) अधिकारियों और कर्मचारियों की शक्तियाँ और कर्तव्य
(iii) लोक प्राधिकारी अथवा उसके कर्मियों द्वारा अपने कृत्यों के निर्वहन के लिये धारित तथा प्रयोग किये जाने वाले नियम, विनियम, अनुदेश, निर्देशिका और अभिलेख की सूचना
(iv) नीति बनाने या उसके कार्यान्वयन के सम्बन्ध में जनता के सदस्यों से परामर्श के लिये या उनके प्रतिनिधित्व के लिये विद्यमान व्यवस्था के सम्बन्ध में सूचना
(v) दस्तावेजों, जो लोक प्राधिकारी द्वारा धारित या उसके नियंत्रणाधीन है, श्रेणियों (Categories) के अनुसार विवरण
(vi) बोर्डों, परिषदों, समितियों और अन्य निकायों का विवरण, साथ ही विवरण कि क्या उन बोर्डों, परिषदों, समितियों और अन्य निकायों की बैठ कें जनता के लिये खुली होंगी या बैठकों के कार्यवृत्त तक जनता की पंहुच होगी,
(vii) लोक सूचना अधिकारियों के नाम, पदनाम और अन्य विशिष्टियाँ,
(viii) निर्णय करने की प्रकिया (पर्यवेक्षण एव उत्तरदायित्व के स्तर सहित),
(ix) अधिकारियों और कर्मचारियों की निर्देशिका,
(x) अपने प्रत्येक अधिकारी और कर्मचारी द्वारा प्राप्त मासिक पारश्रमिक और उसके निर्धारण की पद्धति,
(xi) प्रत्येक अभिकरण (Agency) को आबंटित बजट (सभी योजनाओं, व्यय प्रस्तावों तथा धन विरण की सूचना सहित),
(xii) अनुदान/राज सहायता कार्यक्रमों [नइेपकल च्तवहतंउउमे) के कियान्वयन की रीति, जिसमें आबंटित राशि और ऐसे कार्यक्रमों के लाभार्थियों के ब्यौरे सम्मिलित है,
(xiii) रयायतों, अनुज्ञा पत्रों तथ प्राधिकारों के प्राप्तिकर्ताओं के सम्बन्ध में विवरण,
(xiv) कृत्यों के निर्वहन के लिये स्थापित मानक/नियम,
(xv) किसी इलेक्ट्रॉनिक रूप में उपलब्ध सूचना के सम्बन्ध में ब्यौरे,
(xvi) सूचना प्राप्त करने के लिये नागरिकों को उपलब्ध सुविधाओं का विवरण, किसी पुस्तकालय या वाचनालय की यदि लोक उपयोग के लिये व्यवस्था की गई हो, तो उसका भी विवरण,
(xvii) ऐसी अन्य सूचना जो विहित की जाये,

परिशिष्ट VI

Annexure – XXVIII

महत्वपूर्ण / तत्काल

उत्तरांचल सूचना आयोग
सैक्टर 1, सी–10 डिफैंस कालोनी, देहरादून

संख्या : 65 / उ.सू.आ. / मु.सू.आ. / 2005

दिनांक : 06 दिसम्बर 2005

प्रेषक,

मुख्य सूचना आयुक्त
उत्तरांचल सूचना आयोग

सेवा में,

मानक सूची – 1 के अनुसार

विषय : उत्तरांचल सूचना आयोग द्वारा राज्य सरकार के माध्यम से विधान सभा को प्रस्तुत की जाने वाली वार्षिक रिपोर्ट – लोक प्राधिकारियों के द्वारा सूचना के स्वैच्छिक रूप से प्रकट करने के उपबंध की प्रगति तथा विभागीय जानकारी का स्वतः (Suo- Motto) प्रकटीकरण.

महोदय / महोदया,

उत्तरांचल सूचना आयोग द्वारा सूचना का अधिकार अधिनियम की धारा 25(1), जो इस अधिनियम की निगरानी तथा रिपोर्ट के आंकड़ों से संबंधित है, के ऊपर राज्य सरकार के समस्त विभागों द्वारा, लोक प्राधिकारी के रूप में आयोग की वार्षिक रिपोर्ट के लिये माह की प्रगति रिपोर्ट, उक्त पत्र में निर्धारित बिन्दुओं के अनुसार, को अगले माह की 10 तारीख तक आयोग को प्रेषित करने के लिये अनुरोध किया गया है, का कृपया संदर्भ करें. आशा है कि लोक प्राधिकारी के रूप में प्रत्येक विभाग द्वारा अपने द्वारा तैनात सभी लोक सूचना अधिकारियों से इस संबंध में आवश्यक सूचना प्राप्त की जा रही होगी. आयोग द्वारा इनकी विभागवार तथा लोक सूचना अधिकारीवार विवरण को माहवार प्रगति के रूप में संकलित कर उसका अपनी वार्षिक रिपोर्ट में उपयोग किया जाना प्रस्तावित है.

2. आपका ध्यान सूचना का अधिकार अधिनियम की धारा 25(5) तथा धारा 4 की ओर आकर्षित करना है जिसमें सभी लोक प्राधिकारियों द्वारा सूचना को स्वैच्छिक रूप से प्रकट (Pro-Active Disclosure) करने का प्राविधान है. अधिनियम की धारा 1(3) के अनुसार प्रत्येक लोक प्राधिकारी को अधिनियम की धारा 4(1) के अंतर्गत कुछ अभिलेखों को अधिनियम के बजट नोटिफिकेशन के 120 दिन के अन्दर अर्थात 12 / 10 / 2005 तक पूर्ण कर लेना अपेक्षित था, जिससे इस अधिनियम के अंतर्गत सूचना का अधिकार जन–सामान्य को आसानी से सुलभ हो सके.

3. राज्य सरकार का प्रत्येक विभाग तथा निदेशालय लोक प्राधिकारियों के रूप में कार्यरत हैं तथा प्रत्येक विभाग से अपेक्षित है कि वह विभाग के आकार तथा कार्यों की प्रगति के अनुसार लोक प्राधिकारी इकाईयों को स्वयं चिन्हित करेगा.

47

6. निजी सचिव, मुख्य सचिव, उत्तरांचल शासन।
7. समस्त प्रमुख सचिव/सचिव, उत्तरांचल शासन।
8. आयुक्त गढ़वाल/कुमाऊँ मण्डल, उत्तरांचल।
9. समस्त विभागाध्यक्ष, उत्तरांचल शासन।
10. प्रदेश के समस्त सार्वजनिक निगम/उपक्रम/स्वायत्तशासी संस्थायें/परिषद
11. समस्त जिलाधिकारी, उत्तरांचल।
12. समस्त वरिष्ठ कोषाधिकारी, उत्तरांचल।
13. सचिवालय के समस्त अनुभाग।
14. निदेशक, एन0आई0सी0, सचिवालय परिसर।
15. उपनिदेशक, राजकीय मुद्रणालय, रूड़की को इस अनुरोध के साथ प्रेषित कि कृपया इस अधिसूचना को राजकीय गजट असाधारण के विशेष परिशिष्ट, भाग-4, खण्ड-ख में दिनांक 23 मार्च, 2006 में प्रकाशित कर 200 प्रतियां शासन को उपलब्ध कराने का कष्ट करें।
16. राज्य समन्वयक, सूचना प्रकोष्ठ, सचिवालय।
17. महानिदेशक, सूचना एवं लोक सम्पर्क निदेशालय को इस अनुरोध के साथ कि कृपया इस सन्दर्भ में प्रेस विज्ञप्ति जारी करने का कष्ट करें।
18. गार्ड फाईल।

आज्ञा से,

(सन्तोष बडोनी)
अनुसचिव।

register by the Registrar on payment of a fee Re. -/ for each entry specified in the application.

10. (1) Any clerical error in the registers of births or deaths or any error in the cause of death in the register of deaths found by the Registrar shall be corrected by him.

Provided that no entry shall be corrected more than a year after it is made except with the previous sanction of the District Magistrate of the district.

(2) Any other error in the said registers shall be corrected under the orders of a Magistrate (not below the rank of a Magistrate of the second class) having jurisdiction over the local area. Any orders under this sub-rule shall not be passed unless the Magistrate is satisfied, on obtaining a report from the Executive authority concerned or after making such enquiry as he may consider necessary that the original entry is inaccurate.

(3) [a] All corrections under sub-rules (1) and (2) shall be made by drawing a line through the original entry (but not so as to render it illegible) or by writing the new entry above it.

(b) Corrections made under sub-rules (1) and (2) shall be initialled and dated by the Registrar.

PENALTY

In exercise of the powers conferred by section 290 (1) of the United Provinces Municipalities Act, the board hereby directs that any person bound by byelaws Nos. 1, 2 and 4 above to report the occurrence of any birth and death or any person bound by byelaws Nos. 6 and 7 above to give the required information and failing to do the same shall be liable to a fine of Rs. 500/-

(Published in U.P. Gazette dated 1-8-42 vide notification No. 4835/XXIII—24 (5) 39-40 dated 22-7-1942)

Byelaws for the Regulation of the storing of Bones Hides, Horns or Skins and for tanning, framed under section 298 (a) (1) (II) & (III) of the Municipalities Act, 1916

(Gazette dated 8-9-30 Pages 376-377 (11-1-7 of 29-30)

These byelaws are in supersession and cancel all previous byelaws on the subject.

1. No person shall use any place within Municipal limits for tanning, washing, or curing hides or skins unless he has been granted a licence in the behalf, by the Licensing Officer or otherwise, then in accordance with the terms and conditions of a licence so granted.

2. No licence granted for storing bones, hides, horns or skins within the limits of the Municipality excepting the places specially licensed for the purpose.

3. Every licence granted under these byelaws shall contain the condition that the licensed shall connect with the sewer or the Municipal drain all the drains of factory or place of business intended for the discharge of foul water or tanning refuse, or in default of a Municipal drain to connect with a circular cesspool or a cesspool containing an iron bucket of at least 1½ cft. capacity made of brick-in-cement mortar and plastered with cement raised 6 inches above the ground level to protect against flooding during the rains and provided with metal cover to keep out rain water and no licensed shall allow any foul water refuse of the factory or place of business to be discharged into the canal channel or into any reservoirs of water intended for bathing or drinking.

3. (a) No licence will be issued for premises within 300 yards of a dwelling house.

(No. 5393 dated 7-9-40)

NOTE—This byelaw will not apply to the existing business premises, so long as they are not provided with suitable sites by the Board on payment.

4. Every licence under these byelaws shall be for the period ending on March 31 next following and any application for the renewal of or the grant of a licence must be made 30 days before the termination of the last expiring licence.

Notification No. 1985 dated 26-4-21 (U.P. Gazette dated 30-4-21 Part III Page 197.)

5 Military motor cars and lorries are prohibited from passing through bazar and lanes in the city for training purposes

Bullock carts carrying timber, fuel, lime, stone, bajri, coal, etc. are prohibited from using the bazar portion of the Rajpur Road (except to or from the bazar itself)

6. No person shall take, propel or allow a hand cart used for display of articles meant for sale on the Rajpur Road i e, from Saharanpur Road Motor stand to Bhagwan Dass Bank, Chauk Bazar, Anaj Mandi Road and Jhanda Mohalla between the hours of 9 A.M. to 6 P.M during winter and 8 A.M. to 7.30 P.M. in Summer (October to March is winter and April to September is summer)

6. (a) No person shall play cars, lorries or other vehicles Cycle, Motor Cycle, Tonga, Bullock Carts, and hand thelas) in Paltan Bazar from the Punjab-National Bank to the Kotwali and vice versa, During Winter from (Oct. to March) to 8 P.M. During Summer from (April to Sept.)4 PM to 10 PM Added Notification No. 1903/23-26/58-59 dated 23-3-1960 March 19 1952.

Note :—In these byelaws the expression "Hand Cart" inc'udes any vehicle or conveyance propelled or capable of being propelled either entirely by hand or animal (Gazette dated 21-2-31 pages 85-86)

7. No lorries shall be allowed on the following roads* **excepting when a lorry has to unload goods on the shops situating on these roads:-**

(No. 5065 dated 6-8-1938. *No. 3555 dated 23-8-41)

(1) Anajmandi and Ramlila Bazar Road from the shop of Lala Gulzari Lal to the shop of Pandit Nirander Dev Vaid and thence the Jhanda Bazar up to the crossing of Kaunvli Road and Jhanda Road.

(2) Chowk Bazar Road from the office of Lala Jhandoo Mal and Sons up to Hanuman Temple.

(3) Pipalmandi Bazar Road, Kachery Road, Mansinghwala Road, D.A.V. College Road, Karanpur Bazar, and Inder Road.

गुरुद्वारा रोड तथा डाक्खाना क्षेत्र में वह सब सड़कें जो रायपुर रोड के दक्षिण, ई०सी० रोड के पूर्व, मोहनी रोड के उत्तर तथा लक्ष्मी रोड के पश्चिम में स्थित है। यद्यपि मकान बनाने के समय या अन्य किसी काम में भारी वाहन उन सड़कों के निवासी अपने मकानों में आवश्यकता पड़ने पर लाना चाहें तो उन्हें पहले अधिशासी अधिकारी से लिखित आज्ञा ले लेना होगा।

Added vide Notification No. 3440 dated 29-7-60 Gazette dated 6-8-60 Part III

7. (a) Traffic of motor lorries and trucks is prohibited in the peepal Mandi lane from Main Bazar upto its junction near L. Anand Singh's house. (Notification No. 9253/XXIII-42-43).

8. (a) In the main Bazar from Mission School to Kotwali (Tehsili School.) there shall be one way vehicular traffic only. Such traffic will come from the Mission School side in the north to the Kotwali (Tehsili School) in the south.

(b) Vehicles coming from the south i.e. Railway Station side will be allowed in the main bazar up to the Kotwali (Tehsili School) only and if they want to proceed to any place situated on the portion of main bazar to which the byelaw (a) above applies or to any place north of the Mission School, they will proceed via portion of Mannuganj Road between the main bazar, Moti Bazar and Bazar Road and then via Moti Bazar Road or direct from old Kotwali via the Dispensary Road.

(c) "No vehicular traffic shall be permitted between the Clock Tower and the junction of Subzimandi Road with Paltan Bazar. Vehicles may enter that junction from Sabzi Mandi Road and shall follow the route along Moti Bazar, Mannuganj Chowk, then passing in front of Kotwali and coming to the Dispensary Road from the junction of Mannuganj and Moti Bazar Road the vehicles may also take the routes, along Moti Bazar, Hanuman Chowk, Pipalmandi and from thence to either Raja Road or towards Saharanpur Motor Stand which meet with Arhat Bazar-Saharahpur Road. It shall also be permissible for the vehicles along Gaoghat Darshani Gate Road and from thence to the crossing of Mannuganj and Moti Bazar-Kabari Bazar Road. Traffic against the routes shall not be permitted".

Provided that the above shall not apply to any marriage procession or procession of any other kind.

noted in paragraph 10 above and should not have blinding lights.

(a) When turning to his left every driver of a vehicle shall drive as close as may be possible to the left of the road. When turning to his right every driver of a vehicle shall drive through a wide curve and should not have blinding lights.

(b) When making a turn from a side road to a main road every driver of a vehicle excepting bullock-carts shall slow down sound his horn or bell in time beforehand, as the case may be, and, if necessary, stop until the main road is sufficiently clear to enable him to make the turning without danger and inconvience to the traffic travelling on the main road and should not have blinding lights.

(c) When making a turn to the right from a main road into a side road every driver of a vehicle shall slow down, draw towards the middle of the road, and if, necessary, stop until the main road is sufficiently clear to his right to enable him to make the turn without danger or inconvenience to other traffic and should not have blinding lights.

(d) When two roads meet and it is doubtful which of the two is the main road, every driver of a vehicle shall exercise particular caution and shall give way to any traffic which is approaching from his right.

(e) When about to emerge from a private drive or road into any public place the driver of every vehicle excepting bullock-carts and parambulators shall slow down, sound his horn or bell beforehand in time and lamps with bright light should be screened as the case may be, and, if necessary, stop until the public road or place is sufficiently clear to enable him to drive into it without danger or inconvenience to and traffic.

Note :—The definition "vehicle" includes cycles, and any other vehicle excepting motor vehicles which are covered by the Motor Vehicle Act.

PENALTY

In excercise of the power conferred by section 299 (1) of the Municipalities Act,1916,the Board hereby directs that any breach of these byelaws shall be punishable with a fine extending up to Rs. 500/-

---

Byelaws for the Regulation and Convenience of Traffic

Under section 28 H: (b) m)

(G O No 4093 Dated 12th October 1916)

1. Every musician shall cease playing in any street within Municipal limits when directed to do so on the approach of a horse man or of any conveyance drawn by animals.

(b) No person or persons shall beat drums or play bands or music of any kind while taking advertisements, Placards, boards etc. on public roads, advertising a cinema, theatre, carnival, circus or other shows

(No. 270 dated 18-10-41)

2 No person shall train,or cause to be trained,or break in or cause to be broken in, any animal in any public place within Municipal limits, except at such places as may be sanctioned by the Board.

3. The taking of elephants along the Rajpur Road,Subhas (Lytton) Road Eastern Canal Road and Nehru (Curzon) Road in Dalanwala and on the Chakrata Road as far as the toll barrier is prohibited expect with the special permission of the Chairman or Vice Chairman and it is further ordered that all elephants when taken along other roads shall be provided with a bell.

4. Motors,Tongas and other vehicles drawn by horses plying from the Railway Station to Rajpur or to some intermediate point (except the bazar itself) and vice versa are prohibited from using the bazar portion of the Rajpur Road, as Lines Road has been specially widened for such traffic (G.O. No. 1345dated5-3-19)

(i) Rampurmandi road from Allahabad Bank up to its junction with (Dandipore) Tilak road.

(ii) Tilak road (Dandipore) from its junction with Rampur mandi road up to Jhanda road.

(iii) Jhanda road from its junction with Tilak Road (Dandipore) up to its junction with Kaunvli and Delhi Mussoorie road.

(iv) Delhi-Mussoorie road from its junction with Jhanda and Kaunvli road up to its junction with Rampur Mandi road near Allahabad Bank.

Also Karanpur Bazar road.

2 No person shall take part in nor shall any person promote organize, manage or abet, in any public place, any competition, race or display of vehicle without the previous sanction of the competent authority

3. All persons driving or propelling any vehicle shall obey all directions given whether by signal or otherwise by a Police officer stationed at any place for the purpose of controlling traffic, and shall further stop when required to do so by any Police officer in uniform.

4. Any person driving or propelling any vehicle shall if called on to do so, supply information to the best of his ability regarding the vehicle and any person connected with it when required to do so, by any magistrate or Police officer (a) or persons authorized by these byelaws.

5. Any vehicle that is plying for hire will when not engaged by any hirer be parked at places set apart by the local authorities for this purpose.

6. No person shall drive or propel a vehicle at night in any public place, unless it is provided with appropriate lights but the lights should be screened and should not be blinding to others

7. Every person driving or propelling a vehicle excepting bullock-carts and perambulators in a public place shall have fixed to the vehicle a bell or a horn for the purpose of giving warning to others when necessary and sound it in time beforehand.

8. Every person driving or propelling a vehicle shall drive or propel the vehicle so as to allow traffic proceeding in the

opposite direction to himself to pass on the right hand side. He shall also pass on the right of any vehicle that he is overtaking

9. Every person driving or propelling a vehicle shall slow down and drive on the extreme left-hand side of the road when approaching a cross-road, road junction or a corner in a road, and shall drive on the extreme left-hand side of the road, when either owing to a hill or to a curve in the said road, or to any other cause his vision to his front is limited to such a distance that on the appearance of another vehicle travelling in the opposite direction to himself there would be danger of collision.

10. When about to turn to the right or to drive to right-hand side of the road in order to pass another vehicle, or for any other purpose, every driver of a vehicle, shall extend his right arm in a horizontal position outside of and to the right of such vehicle with the plam of the hand turned to his front, when about to stop, slow down or turn to the left he shall extend his right arm with the palm downwards, outside of and to the right of the vehicle and shall move the arm so extended with the wrist loose, up and down several times in such a manner that it can be seen by the driver of any vehicle which may be behind him.

11 When approaching a Police Officer on duty directing traffic at cross roads, every driver of a vehicle shall indicate the direction in which he intends to proceed in the following manner.

(a) When intending to proceed straight ahead, by raising the hand towards the shoulder with the plam of the hand at right angles with his body.

(b) When intending to turn to the right, by raising the right hand and arm to the full extent, level with the shoulder and horizontal to the ground

(c) When intending to turn to the left, by raising the right hand towards the shoulder across the body.

12 When about to turn in any direction, every driver of a vehicle shall slow down and make the appropriate signal as

8. No person suffering from eny infections or contagions disease shall be allowed to partake in the business.

(No. 4854 dated 10-8-40.)

9. All waste in the piggery should be suitably disposed of to the satisfaction of Licensing Officer.

PENALTY

In exercise of the power conferred by section 299 (1) of theMunicipalities Act. 1916, the Board hereby direct that a breach of any of the above byelaws be punishable with fine which may extend to Rs 500/- and when the breach is a continuing one, with a further fine which may extend to Rs. 5/-

---

Byelaws for the regulation of Traffic of Motor Cars and Lorries plying on within Dehra Dun Municipality.

(Notification No. 238 dated 19-10-40)

1. No motorcar or lorry plying for hire shall halt, wait or run in search of passengers or goods at any public street or place or use it as a terminus other than the motor stands fixed for purpose by the Municipal Board by public notice:

2. No person shall use the motor stands provided by the Board without prior payment of the fees as under :

Rs. 24 per year per lorry or truck or

Rs. 3 per month per year per lorry or truck or

Rs. 0-4 per day per lorry or truck upto seven days which charges will be made at the monthly rate.

The rates for motor care carrying upto seven passengers shall be as follows :-

Rs 12 year per motor car or

Rs. 1-8 per month per motor car or

Rs. 0-2 per day per motor car upro seven days after which charges will be made at the monthly rate.

Motors cars carrying more then seven passengers shall be charged at the rate of motor lorries precribed above In case of transfer of ownership, the same fee will suffice and thenew

owner will not have to pay again but shall have to get the transfer entered in the Municipality nor the tax will be refunded.

3. The permit for using the stand shall be readily produced for inspection when required by the Chairman or the Executive Officer or members of the Board or any person authorized by the Executive Officer.

4 The motor stand shall not be used for any purpose except those enumerated under rule 1 provided that Executive Officer may permit their use otherwise temporarily as a special case on payment which shall not be less than the fee proposed in rule 2 above.

5 No person shall use the motor stand for a private motor vehicle without obtaining previous permission of the Executive Officer and without payment of fees which shall not be less than amount fixed for similar motor vehicle plying on hire.

(Notification 777 dated 5-12-45)

Penalty

In exercise of the powers conferred by section 299 (1) of the Act. the Board hereby directs that any breach of the provision of the above byelaws shall be punishable with a fine which may extend to Rs. 500/- and when the breach is a continuing one, with a further fine which may extend to Rs. 5/- for every day after the first conviction during which the offender is found to have persisted in the offence

---

Byelaws for the Control and regulation of Traffic within the Dehradun Municipality

(No. 1463 dated 18-1-41)

1. No person shall drive or propel any vehicle or attempt to drive or propel any vehicle in any public place while under the influence of alcohol or of any drug to such an extent as to render him incapable of having proper control of the vehicle.

(a) No person shall drive a motor vehicle for the purpose of learning to drive on the following roads and the area surrounded by them :

193

money. But such a compounding money shall not be less than Rs. 10 00.

NOTE—If the case be in the Court,the case shall not be withdrawn so long as the above mentioned conditions are not fulfilled. The application for withdrawal shall be submitted to the Magistrate after affixing necessary court fees stamp.

(vi) Notices issued under sections 186 or 211 or 186/211 shall not be withdrawn as long as the offender does not remove the offending structures and deposits in the Municipal treasury building water charges at double the rates and compounding fees.

(vii) For any construction, reconstructions or material, alteration, if any, water is consumed without obtaining prior approval of the Board the offender shall be prosecuted according to the Dehra Dun City Board's Water Supply Rules. If the offender so wishes in writing, he can get his case compounded by paying double the water charges

77. If any person wishes to obrain copy or copies of any plans or any decision of the Board,he can do so by depositing the prescribed fees in the office of the Board but under no circumstances cooies of inpection reports of the Inspecting staff shall be issued.

78. If any person wishes to inspect any building file he can do so, after depositing the prescribed fees in advance in the Board's office. But under no circumstances a verbation copy of the file shall be permitted to be made. If the President/Executive Officer consider it advisable in the Board's interest, they can refuse the inspection of that file or any paper of that file.

CHAPTER XVI

Byelaws for Herding of within the Dehra Municipality.

Under Section 298 (1) (a) & h (m)

(G.O. No. 2079/XXIII 6(4) dated 7-5-23

1923 Gazette page 455)

1. No person shall keep swine within Municipal limits, unless a licence has been granted for the same.

2. Licence granted under these byelaws shall be subject to the following conditions:—

(a) No person shall keep swine otherwise than in a sty constructed inside an enclesure the walls of which are not less than 6 feet in height The sty and piggery premises always be kept neat and clean.

(b) Pigs shall be fed on wholesome diet and shall not be allowed to stay outside the stay premises at any time of the day and night, dut the owner or his attendant can take the swine out for airing feeding purposes outside the Municipal limits.

(No 4854 dated 10-8-40)

3. Every licence granted under these byelaws shall be for the period ending the 31st March next following and any application for the renewal of a licence must be made at least one month before the expiration of the existing licence

4. A fee of one rupee shall be charged for every licence granted under these byelaws.

5. Every application for a licence under these byelaws shall contain full particulars of the situation and bounds of the place for which the licence is required.

6. The licensing Officer may cancel or suspend a licence if the licensee breaks any of the conditions imposed under the Byelaws No. 2.

7. "No construction of any enclosure or sty for keeping pigs shall be allowed within 150 feet from the burial or burning ground."

(c) The persons that deposit less than Rs 21.00 may use water from the public stand-posts.

(d) Rebate shall be given to the consumer if water consumed from the domestic connection and if the consumer obtains prior sanction in writing from the E.O.

(e) The building water charges shall be payable prior to the obtaining of permit.

(f) In the event of the use of water without obtaining permit or the use of water without permission in the construction of such repair work that is measurable, the offender may be prosecuted and if the case is got compound the President of the Board shall fix the amount of compounding fees and shall also order to recover double water charges.

(g) In the event of water connection being given, water meter shall be given at the responsibility of the consumer and no rent shall be charged for the meter, if more water is used than the amount paid after calculating the cost of water consumed at Rs 2 00 per thousand gallons, extra charges shall be made at Rs 2.00 per thousand gallons.

Explanation

A person deposited Rs. 21.00 as building water charges at Rs. 3 00 per hundred square feet for 700 square feet of plinth area for the ground floor, and Rs 10.00 for first floor at Rs 2 50 per hundred square feet for 400 square feet of plinth area, and also Rs 7.50 for the masonary of compound wall at Re. 0 50 np. per hundred cubic feet of masonary and Rs. 1 50 for the cementing on walls at Re. 0.25 np. per hundred square feet cement pointing. Thus he deposited Rs. 40.00 in total as building water charges, Board installed its meter to consumption of water If during the full construction period the meter reading was 20,000 gallons, the Board have no objection But if the meter reading came to 22,000 gallons, then an extra bill of Rs 4.00 shall be submitted In case the reading be less than 20 000 gallons no refund woule be given.

(h) If there be any difficulty in realising the above mentioned amount the same shall be recoveree under chapter VI of the Act.

76. PENALTY.—(i) Any contravention of these byelaws and in the event of execution of any work contrary to these, the offender shall be prosecuted under section 185 of this Act.

(ii) If permission to construct had been given subject to certain condition of provisions, the Board may, after giving a written notice, cancel the permit given under byelaws 18, but before doing so the Board shall give reasonable opportunity to explain.

(iii) If any construction had been sanctioned as store, garage etc. and the same be converted into a living room or it may not have been constructed as sanctioned and the same may be used as sleeping room or sitting room or living room, the offender, be he may the owner, or occupier, shall be prosecuted in a court of law and he may be punished with fine which may extend to Rs. 500. In case the offence is a continuing one the offender may be punished with fine of Rs. 5 00 per day from the date the offence continues.

(iv) If any person be making construction which is unauthorised or which may be contrary to the sanction or which may be in contravention of some restrictions of this Act, or some other Act dependent upon this Act an action will be taken without delay under section 186 of this Act, and if there be any encroachment upon any street then action under section 211 will be taken.

(v) If any person applies to the Board that he be not prosecuted or puts in an application to withdraw the case from a court of law the case may be compounded under the provisions of section 315 if the applicant ; if he :

(a) Submits plans in accordance with these byelaws or submits revised plans;

Note— The Board shall consider these plans without delay and decide the same within one month.

(b) Removes constructions against byelaws or dismantles them;

(c) Pays building water charges as descibed under byelaw (75) of these byelaws at double the rate and;

(d) pays to the Board at 1 to 2½ per cent of the value of the unauthorised calculated at the schedule of rathe current in the State Public Works Department as compounding

The following are the Boundaries of this area :

EAST—From Telephone Exchange to Clock Tower, thence up to Eucalyptus Road via Rajpur Road, from Eucalyptus Road up to Lytton Road, thence via Lansdowne Road up to the crossing of Telephone Exchange, again from Eucalyptus Road upto Waterworks along Rajpur-Mussoorie Road, from Waterworks up to Eastern Canal Road.

WEST—From the shops of Messrs Madhoram and Sons up to new Cantonment Road, upto a depth of approximately 75 feet towards west from the Rajpur-Mussoorie Road.

73. CITY AREA—(a) City area shall be divided in to residential and bazar area Bazar area shall be the same as it is at present. In this area first and extra floors may be used for the construction of residential rooms and all byelaws that are applicable to resfdential rooms shall be applicable to these.

(b) In the residential area no portion of the building shall be used in the form of a shop but if in front of such a building there is a road 25 feet wide or more than a shop may be permitted to be constructed therein.

(c) In the City Area no industry like saw mill, factory workshop etc shall be permitted. Such industries shall be permitted in snch area which shall, by a byelaw be declared as industrial areas.

(d) No shop shall be permitted at a place the total site area of which is less than 500 square feet and frontage of which is less than 20 feet.

(e) No part of any building or a building shall be used or transferred or constructed as Godown, eating place, milkbar dairy, logding house, workshop, public place, factory, godown for any combustible matter, meat shop, fish shop, bakery, halwai shop, cattle shed, etc if previous permission has not been obtained for such a use and if it be contrary to any byelaws applicable to sunh a use

(f) No shop shall be placed within a radius of 25 feet of a public latrine, pail depot or dust-bin.

(g) No shop or part of a shop shall be placed on a sullage drain.

74. CERTIFICATE OF COMPLETION—No building shall be occupied or used as long as a permit has not been obtained from the executive office of the City Board to the effect that such building has been completed in accordance with the provision of the building byelaws or any provisions of this Act.

FORM

I certify that building no. Mahalla/Street/Road the owner of which is Sri/Smt_ _ _ _ _ _ _ _ _ resident of_ _ _ _ _ _ _ _ has been constructed by him/her according to the sanctioned plans and Sri/Smt _ _ _ _ _ _ _ _ _ is fully authorised to occupy and use the said building.

Executive Officer,
City Board, Dehra Dun.

Dated : Dehra Dun.

75. WATER CONSUMED IN BUILDING CONSTRUCTION Under water Supply Rules nos 6 (a) (b) and 13 published by notification no. 2529/XI dated July 19, 1955 or by rules published by other notification, the water charges for water used in building construction shall be as follows :

(a) (i) Altogether new constructions or reconstructions ground-floor at Rs. 3.00 per cent sqr. feet of the area of plinth,

(ii) First floor or under ground floors or extra floor at Rs. 2.50 per cent square feet of the plinth area of every floor.

(b) For Petty works i.e. the construction of wall, addition and altefation etc.

(i) Masonary of every sort, concrete of every sort 0.50 np. per hundred cubic feet.

(ii) Plaster, pointing of every sort 0.25 np. per hundred square feet.

ROVIDED :

(a) Permission to use canal or rain water shall not be given

(b) The persons who deposit Rs 25.00 or more than Rs. 25.00 as building water charges shall be given a water construction during the period of construction.

(c) Dilaram Bazar,

NORTH—Bungalow Invernial

EAST—From Court Royal upto Old Survey Road

SOUTH—Water Works,

NORTH—Rajpur Road.

(d) Salawala-Hathibarkala :

NORTH—The Central Government Property and Bungaldws of Survey of India Hathibarkala.

EAST—Bindal Nala joins Bindal Khala in Salawala village on New Cantoment Road,

SOUTH—New Canthonsent Road upto the South-eastern end of Survey office

WEST—Offices of the Survey of India.

(e) ARAGHAR :

NORTH—Property of Central Government which was called Governor General's Stables.

EAST—From the eastern edge of the above-mentioned property paralled to Eastern Canal upto Dharampur Branch Canal,

SOUTH—Dharampur Branch Canal,

WEST—Hardwar Road,

(f) BENI BAZAR :

NORTH—The portion of Old Survey Road which starts from E.C. Road and joins Bengali Library Road,

EAST—Bengali Library Road.

SOUTH—From Bengali Library Road, the portion of D.A.V. College Road up to Lytton Road, thence the western end of D.A.V. College Road towards north upto that portion of Lytton Road which joins Eucalyptus Road, Old Survey Road and E.C. Road,

(g) Chukhuwala, Nashvilla Road and Bakralwala :

EAST—The existing area of civil Lines shops as mentioned in byelaws 72 which is situated on the west of Rajpur Road from Rampurmandi Road up to the road leading to Mission Girls School, and whose boundary is approximately the canal,

SOUTH—From the junction of Rajpur Road and Rampurmandi road towards west up to Garhwali Press,

WEST—Three Rom Chukhuwala Cattle Pond from the lane situated on its north west via Onkar Road upto the bridge situated thereon, thence in the northerly direction along Khala upto Nashvilla Road thence along Nashvilla Road towards west up to the bridge on Bindal Nala,

NORTH—Thence towards north along Bindal Nala upto Mission Girl's School Compound, hence upto Rajpur Road and thence upto Khala on the Road going to Rajpur Road.

(h) Dobhalwala :

NORTH—From the right bank of Bindal Khala up to Kavi Kalidas Road :

EAST—Thence along the eastern edge of Kavi Kalidas Road, up to the south-western corner of house no. 3 thence upto the western corner of house no. 3 New Cantonment Road, thence along its southern boundary up to the south-western corner, thence due south along Khala up to the eastern compound of no. 19 Kavi Kalidas Road, thence along the east of that compound upto that point where it meets the first lane that goes to Dobhalwala villagethence through this village lane to Kavi Kalidas road and thence to its with Nashvilla Road with the Harijan Basti on both side of it, thence towards west along Bindal Nadi upto the junction the Bindal Nadi and Bindal Khala.

SOUTH—Thence towards north up to the bridge situated on Nashvilla Road,

EAST—Thence along Bindal Khala up to the New Cantonment Road.

72. BAZAR OR SHOP AREA ON RAJPUR ROAD—The special byelaws of this area are as below :

(a) For the construction of shop or shops, the minimum area shall not be less than 1,500 square feet.

(b) Fifty per cent area shall be covered and 50 per cent shall remain open.

(c) The construction shall be made at a distance of 15 feet from the road in front or from the road on its side.

(d) Two or more floors shall be permitted over the shops but the total height shall not be permitted to be more than 40 feet.

and Rajpur Road in Dilaram Bazar, thence towards south along New Cantonment Road up to Bindal River.

WEST—Along the bank of Bindal Nadi and along Municipal boundary towards south below Dobhalwala village approximately at a point where Nashvilla Road ends in the Nadi, up to the northern side of the Balmiki Basti, thence towards east up to Nashvilla Road thence along Nashvilla Road up to the bridge of Bindal Khala and thence towards east and thence upto Rai Bahadur Ugra Sen Road.

(c) Rajpur Road Area :

SOUTH—From the junction of Rampur Mandi Road and up to Garhwali Press

WEST-Thence from Chukhuwala Cattle Pound and from the road going on its west upto the Khala situated on Omkar Road and thence along Khala upto Nashvilla Road thence through village abadis of Dobhalwala, Hathibarkala and Salawala upto the temple in Dilaram Bazar near Canal thence upto the junction of Rajpur Road with the road leading in a westernly direction towards Hathibarkala Estate up to the Hathibarkala Estate.

NORTH—From Hathibarkala Estate viz, the road from Hathibarkala Estate to Rajpur Road, thence from Old Body Guard Toll Barrier in an eastern direction upto Rispana Rao.

EAST—Thence south on the west of the Harijan Basti up to a point which touches the north-easternly corner of Kanya Gurukul, thence along the eastern boundary of Kanya Gurukul up to the Sahasdhara Road Thence along the western boundary of Sewak Ashram roughly upto the junction with the junction of Mansinghwala Road and Bengali Library Road. Thence to D.A.V. College Road up to Lytton Road, thence north via Lytton Road upto its junction with Old Survey Road.

(d) Mahadevi Kanya Pathshala area :

SOUTH—From the junction of Hardwar Road Lytton Road upto the junction of Hardwar Road and Kutchery Road.

WEST—Thence towards north along Kutchery Road upto its junction with Gandhi Road thence along Rajpur Road upto Rai Bahadur Ugra Sen Road.

NORTH—Thence along Rai Bahadur Ugra Sen Road upto its junction with Lytton Road.

EAST—Thence along Lytton Road upto its junction with Hardwar Road.

71. Civil Village Abadis, their extent and boundaries—

The following shall be Civil Village Abadis in the above mentioned Civil Lines area :

(a) Naya Gaon :

NORTH—Mohini Road.

EAST—Western boundary of House No. 26, Mohini Road as continued up to Balbir Avenue Road.

WEST—Krishna Road as continued up to Balbir Avenue Road.

SOUTH—Balbir Avenue Road

NORTH—Board has by its resolution no. 49 special, dated January 20, 1962 extended the following area in this village abadi whose sanction has been obtained from the Government by notification no._____ dated _____

NORTH—From the west of Krishna Road up to a distance of 161 feet Mohini Road

EAST—Krishna Road.

WEST—Line that is vertically at a distance of 161 feet from Krishna Road.

SOUTH—Line that is parallel to Mohni Road from the end point of Krishna Road.

(b) Faltu Line :

Starting from the beginning of Cross Road in an easterly direction up to its junction with Lytton Road, thence up to water reservoir situated on Lytton Road, thence a little beyound up to a lane on the west of Lytton Road, thence via the lane upto its junction with New Road, thence along the western boundary of Mahadevi Kanya Pathshala up to Kalalowali Road, thence along eastern and southern boundaries of Kutchery upto the junction Hardwar Road and Kutchery Road, thence via Kutchery Road upto Cross Road at the crossing of Telephone Exchange.

back and on the two sides shall be as per table given under byelaw 43.

(ii) In addition to the main building, an annexe or out houses shall be permitted to be constructed only

(i) If the yards in front, at back and on sides shall be in conformity with the table under byelaw 43

(ii) If the annexe shall be set at a distance of not less than 30 feet from the main building.

(iii) If the out houses be not at a distance less than 20 feet from the main building or annexe. The garages or kitchen may, however, be constructed either adjacent to or at a distance of 10 feet from the main building or annexe,

(iv) Only one extra floor shall be permitted over the ground floor of out houses and this construction shall only be used by domestic servants.

(v) The existing annexes or out houses that exist with the sanction of the Board according to the existing byelaws, may be remodelled in accordance with the revised byelaws provided the yards in front, at back and on sides are as per table under byelaw 43.

EXPLANATIONS—If the area of any plot is 40,500 square feet and any person wishes to sub-divide it into two plots of 20,250 square feet each, the new construction or reconstruction would be possible to be done. But if a building exists in it, then construction in two plots of 18,000 and 22,500 square feet each shall be permitted only if the yards in front, at back and on sides are in conformity with the table under byelaw 43,

(c) No other type of building exocept residential or public building shall be permitted in this area.

(d) No dirty or sullage water shall be allowed to be drained on the roads or in the road-side drains. If however, there be a drain for sullage water, the sullage may be connected with that with the approval of the Board.

120

(e) No out houses shall be permitted to be constructed in front of the main building although garage or porch may be constructed at the prescribed distance.

59. **Civil Lines Village Abadi**—In the Village Abadi area the following shall be special byelaws :

(a) No building shall be permitted in this area on a site which is less than 1,000 square feet.

(b) Nor more than half the site area shall be permitted to be covered.

(c) All constructions shall be made after leaving a space of 5 feet from the boundary.

(d) No sullage shall be drained on the road or in the road-side drain if, however, there be a drain for sullage water the sullage may be connected with that with the approval of the Board.

70 **The Extent and Limits of the Civil Lines Area**—

(a) Dalanwala Area

SOUTH—Starting from the junction of Eastern Canal Road, Hardwar Road and Balbir Avenue Road, along the eastern side of Hardwar Road upto Dharampur Branch Canal thence along Dharampur Branch Canal up to the western bank of Rispana Nadi;

EAST—Thence in a northerly direction along Municipal Boundary up to Raipur Road;

NORTH—Thence towards west along Raipur Road up to Rai Bahadur Ugra Sen Road, thence along Rai Bahadur Ugra Sen Road upto its junction with Lytton Road;

WEST—Thence towards south along the eastern edge of Lytton Road up to Hardwar Road thence along Hardwar Road up to the junction of Eastern Canal Road and Balbir Avenue Road.

(b) Gentral area :

SOUTH—From the junction of Raipur Road and Rai Bahadur Ugra Sen Road towards east along Rai Bahadur Ugra Sen Road up to its junction with Eastern Canal Road.

EAST—Thence along Eastern Canal Road and along Old Survey Road up to Sahasdhara Road.

NORTH—Thence from the junction of Sahasdhara Road and Old Survey Road up the junction of Sahasdhare Road

(a) Have one living room as per specification given in byelaw 48.

(b) Have one vernadah in front which shall not be less than 6 feet width. The floor of verandah shall be of burnt bricks or cement concrete or tiles and its slope shall be in front, so that the water washing may flow fully into the drain in front.

(c) On one side of the verandah would be a space for cooking which will have a fixed masonary chimney or flue made of sheets for the smoke to get out.

(d) For every four such residential houses there will be one bath and one latrine according to the provision of these byelaws.

(e) For every eight or less such residential houses a tap shall be provided for the purposes of drinking water.

63. MEZANNINE FLOOR—Such a floor can be constructed on any room if—

(a) it be confirmity with a residence rooms viz, there is a flow of air and light in it and its floor area is not less than 80 square feet.

(b) and it is constructed in such a manner that there is no obstruction to the flow of air or light in the rooms above or below.

(c) Such floors shall not be used as kitchen.

64. UNDER GROUND FLOOR—No residential room shall be constructed in such a floor if there be no windows opening direct into the air per these byelaws

65. CORRIDOR OR GALLERY—No gallery shall be less than 4 feet wide in any residential house.

66. PANTRY—In building where a pantry shall be provided with the kitchen :

(a) The floor area of pantry shall be less than 40 sq feet

(b) It shall have a sloping sink which shall be connected to a drain through pipe.

(c) Its floor shall be of cement concrete and the walls shall be plastered in cement upto a heigh of 3 feet.

67. KITCHEN—Every such room which shall be utilised as kitchen shall have the following specifications :

(a) Its floor area and its height shall be according to the provision of these byelaws.

(b) It shall have an arrangements for the egress of smoks by means of a chimney or such like mecnanism.

(c) If there be no arrangement for a sink in pantry then there will be an arrangement for a sink to wash utensils, etc. and the sink shall be connected directly outside with the drain.

68. **The following shall be the byelaws specially Civil lines :**

(a) In this area no buinding can be constructed on the bassis of the existing byelaws if :

(b) The total site area is less than 4000-5000 sqr. feet or 5 bighas.

(ii) Themain bulding in the site is at a distance less than 100 feet from any other main building.

(iii) The distance from a main road is less than 40 feet.

(iv) The out houses are set at a distance less than 15 feet from the boundary

(v) The covered area is more than one fourth of the total site area.

(vi) The out houses are at a distance less than 30 feet from the main building

PROVIDED THAT IN THIS AREA—(i) An annexe in the form of cottage may be constructed at a distance of 60 feet from its own main building provided the Board has objection to it.

(ii) Hotels, industrial buildings, offices, educational institutions etc. may be permitted to be constructed but in such cases the total covered area shall not exceed one-third.

(b) The following revised byelaws shall be applicable in this area :

(i) Construction Shall not be permitted in any plot the total site srea of which is less than 18,001 square feet, and the yards in front at

of ½ inch to a foot and it shall slope towards drain which is described hereafter:

(xvi) The walls of every latrine shall be of first class burnt bricks.

(xvii) Every served privy shall be provided with a movable receptacle or receptacles for excreta, the capacity of which shall not be less than two cubic feet and the same shall be placed in the seat of the latrine in such a manner that it may be easily removed from outside and then refixed again.

(xviii) EVER-CLEAN LATRINES—For such latrine all byelaws that are applicable in the case of served privies shall be applicable. The receptacle and seats, however, shall be of the pattern of the patent. No permission shall be given provide such latrines within 10 feet of living rooms or kitchen, etc.

58 WATER CLOSET—Such latrine whether they are connected with septic tank or cewer line, can be constructed quite in proximity of any room. In the construction of such latrines all those provision shall be applicable as are required in the case of served privies.

59. SEPTIC TANK SYSTEM—(a) Septic tanks shall be connected in a manner that the full excreta of the connected house is fully therein.

(b) Septic Tanks shall be provided for the treatment of human excreta. It would not be used for the treatment of any other sullage.

(c) The capacity of the tanks hall be as below :

(i) For the use of ten persons one seat, 400 gallons or 3,000 litres.

(ii) For twenty persons, two seats. 600 gallons, or 4,000 litres.

(iii) For thirty persons, three seats and 600 gallons or 5.000 litres.

(iv) For more than three seats. 175 gallons or 1·500 litres per seat.

60. DRAINS—(i) To every kitchen, bath, urinal or latrines or such a room from which sullage water is discharged out, a drain shall be provided.

(ii) Every such drain shall be connected with the sewer line or with a drain constructed by the Board.

(iii) If the sewer or municipal drain be not existing within 100 feet of such an area, then the owner shall connect this drain to a soakage pit constructed in his compound or courtyard ;

(a) The soakage pit shall be of at least 4"X4"X10" deep size and it shall be filled with bricks or brickbats loosely.

(b) The sullage shall be d,scharged from the drain up to the centre of the soakage pit, by a semi-circular tin pipe which shall be of at least 6 inches diameter and which shall be approximately 8 feet long and which shall be provided with holes all through.

(c) The walls of the soakage pit shall be of sound burnt bricks and it shall be at least nine inches higher than ground level and it shall be covered by a cement slab or a wooden plank.

(d) The soakage pit shall not be placed within ten feet of a residential or sitting room and a kitchen.

(e) The soakage pit shall be constructed in a manner rain water may not enter into it.

Heading (h) (iii)

61. OUT HOUSES OR OUT BUILDING—These buildings or houses are in the from of separate building situated in a compound and are used by domestic servants Their bath-rooms, latrine and stables, motor garages, cattle-sheds, etc. are also included in these.

62 Servants quarters are those out heuses that are meant for the residence of servant and are either attached to the main building or situated separately in a portion of the compound ;

(i) Demestic servants are only those servants who serve as cooks, cleaners of utensils, drawers of water, sweepers, drivers, cleaners and gowalas, syces, etc.

(ii) Houses meant for domestic servants shall—

of bricks, iron or cement. In no part of the town roofs or walls of grass, poola, etc. or any material that is liable to catch fire shall be permitted to be constructed. The floors of every building shall be made of bricks, tiles or cement concrete.

(b) No building shall be permitted to be constructed near the electric wires. For this byelaw the provisions of Indian Electricity Act shall be applicable.

(c) No building shall be permitted to be constructed or reconstructed within five feet of the sewer line or water pipe line.

(d) Permission to construct on existing foundations shall be given only when no byelaw is contravened.

Heading (h) (ii)

57. BYELAWS REGARDING LATRINES—(i) Every person who constructs or reconstructs a building within 100 feet of the sewer line tee latrine or latrines of that buildings shall be connected to the sewer.

(ii) In every building that shall be constructed or reconstructed at least one latrine shall be provided against two living rooms. If the latrines be of flush type, then one flush type latrine may be provided against three living rooms.

(iii) Where there be no sewer line served privies shall be provided.

(iv) Sandas or drop latrines shall under no circumstances be permitted in any part of the town.

(v) Served privy shall not be permitted within 10 feet of any residential room, sitting room, verandah, kitchen or dining room. Such rooms may either be of the owner of the building or those of the neighbour. In like manner such rooms shall not be allowed to be constructed within 10 feet of the neighbour's privy.

(vi) No other room other than latrine or bath shall be permitted to be constructed over and under a served privy. But if the situation be such that no place be available to construct a latrine anywhere else, then the construction of the latrine any where else, then the construction of the can be permitted with the concurrence of the Medical Officer

of Health on condition that the owner shall provide 3" thick cement concrete in the floor of the latrine. But in no case the latrine shall be permitted over the kitchen. The sullage of such latrine shall, however, be drained down by means of a cast-iron pipe and connected to the nearest Municipal drain by a surface drain.

(vii) A served privy shall not be less than 3 feet X 4 feet or 12 square feet in area. In addition to the door, there would be one ventilator of atleast 3 square feet in area just below the roof and it shall open directly into the open air. Just below the door there would be a spece of 4 inches for the open air to get in.

(viii) The floor of every such latrine shall be of at least $1\frac{1}{2}$" thick cement concrete and its walls shall have cement plaster or tiles up to a height of 2 feet from floor level.

(ix) Every such latrine shall be at least 8 feet high from floor to roof. If the roof be of tin sheets, the average height shall be not less than 8 feet.

(x) Every such latrine shall have roof.

(xi) No served privy shall be permitted to be opened directly on the public street. Any such privy shall be constructed at a distance of five feet from the edge of the street.

(xii) Every served privy shall be placed in such a position as to admit of all filth being removed therefrom and from the premises in which such privy may be situated without being carried through any room which is being used as a residential room.

(xiii) Every served privy shall be at a height of at least $1\frac{1}{2}$ ft from the centre of the adjoining room or the surrounding grounds and if the same be situated inside the courtyard, then it shall be at least six inches higher than the floor of the courtyard

(xiv) The floor of every latrine whether it be served privy or water closet shall be of tiles, slates or cement concrete and its thickness shall not be less than one half inch.

(xv) The slope of every latrine shall be in the proportion

the time of earthquake viz: the building shall be earthquake proof.

(iv) The height of the proposed construction shall not be more than the width of the road plus 2½ ft.

(v) The building material to be used in the proposed building and proposed walls, roofs, pillars etc, are in accordance with the Engineering principles and that complete details of all those have been submitted along with the application.

(vi) The proposed constructions shall be carried out under the direct supervision of an Engineer qualified from the Roorkee Vniversity or from other ecognised institution. The letter of acceptance and guarantee from the said Engineer should be submitted along with the application.

(vii) During construction the owner at the time of filling foundations and roofing every floor shall from time to time obtain certificate from the Municipal Engineer that he (the Municipal Engineer) has seen all the building material and the construction work and that he is satisfied with the same.

(viii) Full details of the means of approach to extra floors or extra height shall also be shown in the plans in order to see if the means to approach are adequate and there is no danger of falling out or to life.

52. RESTRICTIONS ABOUT ELECTRIC WIRES—Under Indian Electricity rules as amended from time to time the construction of varandah, shed, balcony, etc., or any alteration in a building shall be carried out at the following distances from the overhead wires:

Nature of wires	Lengthwise	Vertically
	Feet	Feet
High tension aerial line	10	15
Low tension aerial line	6	10

53. BYELAWS REGARDING PLINTH—(a) The plinth of any proposed building shall not be less than 1½ feet high from the centre of the adjoining road

(b) If the adjoining road be undeveloped or katcha, the height of the plinth shall be 2 feet.

(c) If the road be at a distance then it would be 2 feet from the surrounding ground.

(d) The courtyard shall be set at a height of one foot from the centre of the adjoining road

(e) The plinth of motor garage, stable, gowshala or godown can be six inches neigher then the centre of the road or from the adjoining ground.

54. COVERED AREA—The covered area of every building shall be governed by the following:

(a) The covered area in the bazar or market shall not be more than 75 percent of the total area. In the case of market it would be obligatory to leave out streets not less than 10 feet wide so that the tial may be parked there and it be convenient to load and unload goods as also at the time of any fire, the fire-brigade may be easily moved

(b) In industrial area the covered area shall be lest than 50 per cent of the total site area.

(c) For other areas please refer to byelaw 44. In the case of quarters or connected units of buildings the open area of each unit shall be as per the Table given there in. It would not be permissible to leave the open area at one or more sports or at one side only and in some cases there be none at all.

55. SIZE AND NUMBER OF ROOMS—(a) In every building there shall be at least one room and one varandah or two rooms together with one kitchen ane latrine.

(b) In a fully developed area, if reconstructions is being carried out and there be no suitable site for a latrine and there be a public latrine in the area, the conditions of providing a latrine may be waived But in newly developed areas this condition can not be waived.

Heading (g) (i)

56. (a) The walls of every building shall be made of burnt bricks or cement blocks and the roofs shall be of tin sheets or cement concrete or arches made of

Heading (h) (viii)

48. AREA OF ROOMS—(a) Rooms for residence, sitting dining or running a shop shall not be less than 8 feet in width and their total area shall not be less than 80 square feet and the width of the kitchen shall not be less than 6' and the area be not less than 48 sq. feet.

(b) The area of latrine and bath shall not be less than 20 feet and the width shall not be less than 4 feet.

(c) The size of garage can be according to the necessity but if the garage shall be used as a residential room, or if the driver or the cleaner shall also reside in that, then all the byelaws that are applicable to a residential room shall apply.

49. ARRANGEMENT FOR LIGHT AND AIR—(i) In every living, sitting, dining or cooking room, barred windows, ventilators and doors shall be provided for light and air weich shall open directly outside or in the verandah. The dimensions of doors, barred windows and windows shall be inclusive of the frame. The area of all these shall not be less than 1/4th of the total floor aera. But after leaving the total area of doors the area of windows and vantilators shall be 1/8th of the floor area. In every room at least two ventilators shall be provided in such a manner that they will be at least two feet below the lower surface of the roof so that outer air may enter in the room without obstruction. The area of these ventilators shall be atleast 4 percent of the floor area.

(ii) This is imperative that in the residential room there should be an arrangement of windows in wall opposite to each other so tdat there be cross ventilators but if this be not possible in opposite wall then the windows shall be provided in the walls.

(iii) In bath rooms and latrines the area of windows and ventilators shall be 10 per cent of the floor area and these shall be placed in the wall which shall open directly en a road or lane or courtyard or directly towards the sky.

(iv) Although there is no necessity for air and light arrangement in godown, store or back room like that in residential rooms, but it some arrangement is made, it would be good. If however the Board has reasons to believe that an applicant has shown a certain rooms as store, godowns, etc. for the only reason that the room could not be sanctioned as

a living room due to the restrictions of some byelaws the Board shall reject that room after recording reasons in writing or it may sanction the same with necessary conditions.

(v) UNDERGROUND ROOMS & CELLORS-If the rooms of underground floor shall be used for residential purposes. then windows shall be provided in the outer walls for the air and light and the area of those shall not be less then 2½ per cent of the floor area.

(vi) STAIR CASE—In every stair-case complete arrangement shall be provided for air and light. In the stairs of every floor not less than 10 per cent of open area shall be provided.

50. COMPOUND WALL-The height of compound wall shall not be more than 5 feet from ground level of the adjoining foot-path, if any. At the turnings in the interest of traffic, the height shall be only 4 feet up to a distance of 30 feet on each of the sides in thickly populated area and up to a distance of 75 feet in thickly populated areas The east to west wings of the compound wall shall be provided with weep holes of the size of 4½ inch at every ten feet for the proper draining of rain water.

In the plans of compound walls, the site-plan, longitudinal section and gate, etc., and the means of access over the drain shall be shown. The width of adjoining roads at every 20 feet shall also be shown.

Heading (h) (vi)

51. NUMBER OF FLOORS—No building shall be constructed with more then 2½ floors or more than 30 feet in height in the residential or in the Bazar or Market. If more floors are proposed or if more area height is necessary, the Board shall give a special permission keeping in view the following points :

(a) Certificates of some duly qualified Civil Engineer certifying that.

(i) The site and land on which the construction is to be made is fully sound,

(ii) The proposed foundation is suitable for extra floors and for centre height and that it can bear the full road of the building.

(iii) The proposed construction is not liable to fall at

(xi) It would be obligatory to leave an abchack between two buildings which according to the above table shall not be less then three feet or four feet.

(xii) Such a spase left as open shall be used as abchack only and not as street viz. in this space there will open windows, ventilators, opening for rain water or the sullage water from kitchen, bath, latrine, etc and in this no door shall be opened and no door in front or at the back shall be provided to close it. The abchack shall be continuous and there will be no obstruction anywhere.

(xiii) In serial nos. 3, 4, 5, 6, the owner shall have authority to construct his compound wall and he will have full right to use the yards left by him but on this space on constructions shall be permitted.

Heading (g)

45. For the construction of buildings like temples, Masjids, Church, Gurudwara or such other religious place and Dharamshala in which idol is installed the following restoction shall be observed :

(i) Space not less than 30 feet in front and on the other three sides not less than 15 feet shall be left open;

(ii) If the side be situated on one or more roads, then the constructions shall be made at a distance of 30 feet from every road;

(iii) If there be any other religious place of any other religions within a radius of 500 feet, no other religious place shall be permitted to be constructed within that radius.

Heading (h) (iii)

46. HEIGHT BYELAWS-[i] The front yard which is defined under byelaw 44 shall compulsorily be kept open in all two floored buildings which extra floors of buildings have more than two floors shall further be set-back by four feet in such a manner that no part of it shall out the other end of the road at less than an angle of 45°.

But if any building is set at two or more roads having different widths, then for the purposes of this byelaw, the front of that building shall be taken to be at the road with the greatest width. The height of the building shall depend on the width of the road and this height can be kept upto a depth of 44 ft. towards the lane but that lane shall not be less than 12 feet wide. If that lane be less then 12 feet, then the owner shall have to construct his building at a distance of 6 feet from the centre of the lane and in this manner if any land is left by the owner the same shall vest in the Board.

(ii) In ground floor projection shall be permitted for access to the building from over the drain. No projection shall be permitted to project on road or drain or at the boundary of any plot beyond 9 inches upto a height of 14 feet either in the form of Chabutra, Chhajja or Cornice, or down pipe for rain water, or pipe for sullage water or some board etc. for advertisement, for down pipes for rain water however, permission shall be accorded according to law.

47. HEIGHT OF ROOMS—(a) The height of living, sitting, dining, cooking and shop rooms shall not be less than 10 feet from floor to roof bottom at any place and corner of the room.

(b) Height of bath, latrine, garage, store and varandah shall under no circumstances be less than 8 feet.

(c) The height of rooms in first floor or extra floors shall not be less than 8 feet.

(d) Average height of front roof either on one side or both shall in no case be less than ten feet in the ground floor and eight feet in the first or extra floors.

(e) If a building be constructed at the edge of a street, then the height of a building from ground shall not be less than the width of the road plus 2½ feet. If, however, the building is set back then the distance of set back shall be added to the above.

(f) If the building be proposed at such a place where in that area building of more than one floor are already constructed, then the total height of the building shall be double the width of the road plus 2½ feet plus double the distance of set back, if any.

44. The following restrictions shall be observed with regard to the building constructions :—

Sl. No.	Total site area	Open area/yards			Minimum open area
		Front	Back	Sides	
1	2	3	4	5	6
		feet	feet	feet	
1	500— 1000 sqr. ft.	4	1½	1½	one third of total site area
2	1001— 4500 ,,	4	2	2	,, ,, ,,
3	4501—10000 ,,	15	7½	7½	one half of the total site area
4	10001—12000 ,,	15	10	10	,, ,, ,,
5	12001—18000 ,,	20	15	15	60% of ,, ,,
6	18001—above ,,	25	15	20	,, ,, ,,

Note :—(i) The building may be semi-detached or single, the side yard shall be in accordance with the Table given above.

(ii) The above table shall be applicable in only the undeveloped areas. In the existing developed areas, it shall be applicable in only the open plots.

(iii) In the existing developed areas the proposed constructions or reconstructions which may be situated on a road of whatever width will be permitted after giving a set back of 4 feet. On this space of 4 ft. only a chabutra will be permitted and above only a balcony which will not be supported below. No construction of any description shall be permitted on the chabutra or balcony although 4' high purdah wall may be permitted.

(iv) If any additions or alterations would be proposed in rooms abutting any road, lane or street, such additions or alterations shall be permitted after giving a set-back of 4 feet.

(v) The exigency of 4 feet set back shall not be relaxed on the pleas of the constructions being on old foundations or the same being in line with the existing building line.

(vi) If the constructions be placed along a park at any other public place, the set back shall be 5ft.

(iv A) If any river, nallah, khala, or a big drain to the sullage water or a gool of canal, be situated behind, in front of any side of a building than at least a space of five feet shall be left open in the whole length of the plot so that the staff of the Board or the Department concerned, may not be handicapped in carrying out any repairs etc. of that river etc. On this space no construction or purdah wall or balcony etc. shall be permitted to be mad.

(vii) If there be more then one road along any plot than the open space from all roads shall be as given in the above Table below the column 'Front

Explanations—

There is a plot of 1000 square feet. There is a road in front and another on the side. In this condition building construction shall be set back by four feet from both the roads.

Likewise if the area of a plot is 20,000 square feet and it has roads on three sides. In this case on all the three sides, the construction shall be made with a set back of twenty five feet from the roads on the three sides. This provision is necessary for the reason that the building line should remain straight.

(viii) In serial number 1 and 2 of the Table the sideyards and backyards shall be constructed in cement concrete at the cost of the party that constructs the building and for the draining of rain and sullage water shall construct drains too according to the circumstances of the situation.

(ix) In serial numbers 1 and 2 no compound wall shall be permitted to be constructed on sides and at the back. If there be any compound wall in existence it shall be ordered to be dismantled or a space of 3 feet or four feet shall be required to be left for making the constructions.

(x) If there be a construction or any purdah wall, or compound wall of any neighour be in existence, the construction shall be permitted at a distance of atleast three feet from the existing constructions.

(f) The sizes of door, windows, and ventilators shall be written on the sheet of plans.

(g) The plans shall be prepared by a recognised Draftsman according to the byelaws under section 298 (2)-A—Buildings, otherwise, the same would not be admitted.

38. If a wall is proposed then its internal diameter and the thickness of masonry shall be shown in the plans. In the site-plan the distance of any adjoining latrine shall be shown and the same shall not be lese than 50 feet.

39. (a) If the building is proposed to be constructed in the vicinity of one or more Govt. properties, one set of all the plans shall be submitted for forwarding the same to that or those Govt. Departments.

The Board's office shall forward one set each to Government department concerned with the directions that the department shall forward its objections within 15 days of receipt of the plan or if the department has to demand any further information, it may do so. If the department concerned fails to reply within 15 days, it will be deemed that the department has no objection concerning the proposed constructions.

(b) If it be necessary to forward plans to the Collector of the District under Roadside Land Control Act, than the applicant shall send two extra sets of plans.

(c) If the applicant shall submit any plans under the scheme of any layout or Low Income Housing Scheme, etc. then the applicant shall submit extra sets of plans.

(d) If the constructions are proposed on Nazul or Board s land that may have been given on lease or rent. Then an extra set shall also be submitted for keeping the same on the relative file.

40. In the case of addition or alterations, the plans and notice shall be as above and the existing constructions shall be shown in the site-plan in green and the proposed demolitions shall be shown in yellow.

41. For repairs only, there would be no necessity for plans, but information will have to be given to the Board in

order that the Board may determine as to whether the work that is proposed to be done falls in the category of repairs or not. In the case of re-roofing, re-flooring and reconstructions of any delapidated wall, written notice shall be necessary, so that the Board may be able to recover building water charges in such constructions.

Heading (d)

42. Building Plans may be prepared by the Board on payment of the following fees :

(a) **Site-Plan in duplicate**—Plans of whichever site are to be prepared, @0.15 NP per square feet for the total site area. But in no case the fees of site-plan shall excied Rs. 5.00. Extra copy Re. 1.00 each.

(b) **Plans**—Plans in duplicate for one floor @ Rs. 2.00per square feet of the total area of the building. Extra copy Rs 5.00 each.

(c) (i) Plans in duplicate of building with two floors @ Rs 3 00 per square feet.

(ii) For every extra floor @ Re. 1.00 per square feet of the area of construction.

(d) No extra charges shall be made for the key plan or longitudinal section etc.

Heading (f)

43. (a) No building shall be constructed or re-constructed at a site of which the frontage of which is less than 20 feet or the depth of which is less than 25 feet.

(b) No building shall be allowed to be constructed on a lane, the width of which is less than 15 feet but if the applicant proposes to make his constructions after leaving a space ($7\frac{1}{2}$ plus 4) on his side from the centre of the road, he will be permitted to construct provided there be no other defect in the plans.

(c) No building shall be permitted within 50 feet of the public latrines or group latrines or pail depots or graveyards or shamshan.

(v) If there no road within 40 feet, the existing nearest road.

(vi) North point.

(vii) Total site area, covered area, open area and plinth area.

(viii) The approach like culvert etc. from public road to the building or to all other building that the applicant wishes to contruct.

(ix) The distance and situation of the building or buildings from the boundary of the applicant.

(x) In the case of addition or alteration all existing constructions in the plot and proposed constructions - The proposed constructions shall be shown in red.

(xi) Drainage or sewer arrangement.

(xii) And other such descriptions that the Board may fix from time to time and notify under section 298-300.

34. **Building plans**—These plans shall be prepared in a scale of 8 feet to 1 inch and following details shall be shown therein :

(i) the measurements and the names of all the proposed rooms,

(ii) The use and the exact purpose of every room viz; bed room, sitting room, dining, room, latrine, kitchen, bath, stores, etc.

(iii) If there be basement, or first floor etc. then the separate plans of every floor.

(iv) If there be Purdah wall or courtyard wall or compound wall, the same shall be shown in the plans.

(v) Arrangement for drainage and sewerage and down pipes.

(vi) The names of the doors and windows and ventilators and other openings and their dimensions.

(vii) North Point.

(viii) Colour Key.

35 **Longitudinal Section**—One or more longitudinal sections of every proposed building be shown :

(i) Depth of the foundations below ground.

(ii) Height of the plinth, above ground level.

(iii) Height of the courtyard from the adjoing land.

(iv) The situation of latrine or latrines, their height from floor to roof and the situation of ventilators, windows etc.

(v) The situation and hight of compound wall and Purdah wall.

(vi) Drains, lanes, open land and underground floor, first floor, etc.

((vii) The details of foundation and roof concreting and masonry to determine the safety of the building.

(viii) The section of the means of access, like culvert, etc. from road to the building.

(b) Longitudinal section of the latrine, or latrines to know if the arrangement for cleaning is adequate.

(c) One or more longitndinal sections if compound wall only is proposed to be constructed.

(d) In the case of addition or alteration one or more longitudinal sections of the existing and the proposed constructions.

36. FRONT ELEVATIONS : To show :

(i) how the building looks in front.

(ii) what would be the height of the building in front.

37. (a) All plans described in byelaws 32, 33, 34, 35, 36 shall as far as possible be clear and shall be submitted in Board's office on separate sheets in blue-print or tracing cloth.

(b) At the head of every plan, the nature of building whether it is residential house or shop or Industrial building name of owner and the descriptions of the site shall be given.

(c) Under every plan, the owner or his agent and the Draftsman, shall affix their dated signatures.

(d) In every plan if any mistake has been corrected then the owner or his agent and the Draftsman shall initial the same.

(e) The plans if found dim or words, figures or lines given therein be indistinct, the plans shall not be admitted.

23. If the owner contravenes in any manner the sanction, the Board shall cancel the permit after giving the necessary notice to the owner by post under postal-certificate or by a peon or may get the same pasted in the front portion of his house and may take any proceeding that may be necessary according to the law. Such a construction shall not be permitted further till the owner obtains sanction for the same according to law.

24. Whenever the Board knows that any wrong facts have been given in the application and the plans or any facts have been wrongly described, more specially with regard to the adjoining road or roads, the boards may cancel the permit and inform the owner by notice in writing and may take any proceedings against the owner that may be permissible under the law.

25. The Board shall inform the applicant about the decision within 30 days of the receipt of every application. But if the Board does not decide an application even after the lapse of 30 days, the applicant shall be free to serve a notice to the Board under the provision of section 180 (3) but while serving such a notice the applicant shall keep in view the provisions of section 180 (4).

26. Any constructed, reconstructed, or materially altered building shall not be occupied in fully or in part **as long as a certificate is not obtained from the Board that the said building is according to the requirement of byelaws and fit for occupation.**

27. Without prejudice it is the duty of the Board to follow these byelaws and to take legal action against every person, who contravenes these byelaws of acts against any order or directions issued by the Board.

28. If any person acts without orders or in contravention of these byelaws or contravenes any order or directions, the Board may take action under section 185 or 186 of the Act or under the provisions of any other Act.

Heading 'F'

22. The construction, reconstruction or addition or alteration or a building shall be pucca and the building material shall be of high quality and ordinarily shall be in accordance with the prescribed specifications of the U.P. Public

Works Department. **In no case, grass, Poola or the like combustible material shall be allowed to be used within the limits of Municiplity.**

30. **No construction shall be sanctioned or permitted to constructed on the plea of it being temporary**

Heading 'G'

31. Along with the notice of intention to construct, reconstruct, or to make material alternation of a building or to make or enlarge a well; plans will be submitted according to the byelaws given below in three sets.

32. KEY PLAN-Along with the notice **there will be three key plans.** There will be no scale for these plans, but it will be drawn in such a manner that it will be easy to reach the site of construction with its help. In this plan any important road or building shall be prominantly shown together with a few other adjoining house and their numbers.

33. SITE PLAN-The site plan shall be prepared according to the size of the site as a **scale of rangining from 100 feet to an inch to 10 feet to an inch** and the following details shall be shown in it :

(i) Limits of the site and their lengths and the description of the land surrounding it viz whether the land is open or there is a building and the names and addresses of their owners. If there is a building then the distance of the wall or the compound wall of the property.

(ii) The names of the road or roads, whether the same are private or public or municipal, **the width of the road at every ten feet**. If the road private then all properties situated on the road & the is names of their owners, whether the road is kutcha or developed by metal or bricks or cement, drains, on the sides or both sides and their full description, shall be shown and given on the plan.

(iii) If there be trees on the plot or the road, their description. If there will be a proposal to cut any tree it shall be shown in yellow colour.

(iv) The descriptions of all roads, buildings and properties situated on all sides within a distance of 40 feet from the site.

FORM

BUILDING PERMIT

No._____ Dated _____

The permission is accorded under byelaws framed under section 298 of the Municipalities Act only, and it must not be constructed as affecting, in any way, the right of the Government or of the Board or of any other local authority or any private person of firm to the land upon which permission has been sought to build or to any easement connected therewith. The permission is granted subject to this condition.

Permission is granted to _____ son of _____ Caste_____ Mohalla _____ to erect or re-erect make additions and alterations to building in Mohalla _____ at the sites shown in the plans submitted with his application, dated _____ as in accordance with the plans and specifications filed as corrected by the Executive Officer, Building Committee, of which the duplicates are herewith returned subject to the following conditions.

Dehra Dun.
Dated the

Executive Officer,
Municipal Board,
Dehra Dun.

Note—(a) This permit is available for one year only.

If the building is not constructed in accordance with the orders the Committee or Executive Officer may require it to be demolished or altered in such manner as considered fit. The whole of the expenditure on this account must be borne by the permit-holder. If any building be erected or re-erected without obtaining the Board's permission the person responsible may be prosecuted.

(b) The permit should be shown to all officials of the Board authorised by the Committee or Executive Officer to inspect buildings in course of erection.

19. Before issuing the permit the cost of water that may be consumed in the constructions and any other money like compounding fees, double water charges, etc shall be recovered and the sewer connection fees and road cutting charges, if any, shall also be recovered in advance.

20. (1) The Board may sanction or reject the application and plans if necessary may sanction the same conditionally in accordance to the provisions as laid down in Section 180 (1) (a) and (b).

In the event of the plans being rejected the Board shall record the reasons for doing so that and shall also name the byelaw due to the contraventions of which the plans have been rejected according to section 180 (2)

21. The permit holder shall inform the Board about the construction work at the following stages :

(a) At the beginning of the work or at the time of lying the building.

(b) After the filling of the foundation or at the time of completion of plinth;

(c) at the completion of the work.

Every inspection which is held under byelaw 21 (a) and (b) shall be carried out within two days from the date of receipt of the information. The inspection shall be carried out by the Municipal Engineer or under his orders by the overseer. **The purpose of inspection shall be to verify as to whether the site is according to the site plan and also to see if the front, back or side yards have been left out correctly or not.**

The inspection as required under byelaw 21 (c) shall be carried out within 15 days of the receipt of written information. This inspection shall be to ascertain as to whether the constructions are not contrary to the sanctioned plans.

22 **Constructions Contrary to plans:**-Whenever the Board comes to know that the Building construction progressing contrary to the plans or contrary to any byelaw or byelaws or contrary to any section of this Act, the Board cantstop the construction by informing the owner in writing and the work shall be held up till the construction is set right :

Provided if during the construction period it be necessary to construct contrary to the sanctioned plan, it would be necessary to obtain prior approval. For that purpose revised plans shall be submitted under the provisions of section 179 and for such plans all byelaws that are applicable to the main plans, shall be applicable. In such plans, the sanctioned constructions shall be shown in green and the proposed ones in red.

accordance with these byelaws. If the plans shall be found incorrect or the information shall be deficient, the office of the Board shall not be bound to give any notice to correct plans. The plans shall not be deemed to be valid under the provisions of the Section 179 (1) and the applicant shall be informed in writing that the notice sent by him under section 178 cannot be entertained for reasons given in the letter.

12. After receiving the abovementioned information, the applicant may, within one week received back, his plans in pursuance of a written application and may file fresh plans under section 178.

13. No changes shall be permitted in the plans and if the plans are not taken back by the applicant, the same shall be placed before the sanctioning authority who shall pass orders in accordance with the provisions of section 180 (1).

(a) The Water Works Engineer shall give his report with regard to the water mains as to whether due to the proposed constructions the water mains are goins to be affected or not.

(b) The Board's decision shall ordinarily be based on the report of the Water Works Engineer, the Municipal Engineer and Medical Officer of Health.

If the Board takes a decision contrary to the report or reports of any or all the Officers, then the Board shall clearly record in the resolution as to why and due to what reasons a decision has been taken against their opinion.

14. Municipal Engineer shall report as to whether the plans are correct or not, and shall also report with regard to the byelaws and other matters **like roads, Nazul, and Board's own lands after** obtaining reports from the related department and shall also certify that—

(i) no harm would acrue to the Board's road or property by the proposed construction, or

(ii) the proposed construction is on Nazul and Nazul rules are not infringed, or

(iii) the proposed construction are on Board's own land or property given on rent and for that the applicant has obtained written approved from the Executive Officer & that no conditions of the rent deed are infringed thereby, or

(iv) the proposed constructions are to make in a part of the lay-out and the plans are in accordance with the provisions of the sanctioned lay-out, or

(v) the proposed constructions are not contrary to the provisions of sections 203 and 204 or no new private street is being laid.

The Municipal Engineer shall also be responsible to see that the plans are finally sanctioned or rejected within 30 days of their receipt as is mandatory under Section 180 In case of delay he will inform the sanctioning authority in writing. In the event of the period of 30 days having elapsed, if any applicant serves a notice to the Board under section 180 (3) the Municipal Engineer shall without delay send a suitable reply in writing by post under postal certificate.

15. The Medical Officer of Health shall report on all points with regard to **health and check, abchack, latrine, urinal, drain, the disposal of sullage water, sewerage, sullage drain etc.** and the arrangements of ventilation in rooms and shall give suggestions for construction that may be sanitary, healthy.

16. After the reports of all officers have been received in writing, the Building Section without delay, place the application for Board's approval before the Board and obtain its decision hereon.

17. The Building Section shall intimate the decision of Board to the applicant without delay and shall direct him to obtain the permit.

18. Building Permit—(i) The permit shall be on the form given below.

18. **B** (ii) The permission for building construction shall not be valid till the permit on the following form is not obtained by him, This permit shall be issued by the Board or by the Committee duly authorised by it or by any other person duly authorised by it and after the plans have been sanctioned the applicant shall deposit the cost of the water at the rates prescribed by byelaws in the Board's treasury.

6. PLAN ADMISSION FEES—For obtaining sanction for building construction, every applicant shall pay fees in the Board's treasury for every information at the following rates which fees the Board is empowered to charge under section 294 of the Act :

(a) Every residential building or shop ground floor Rs. 5.00
(b) In one set of plans for every residential unit in addition to one—Rs. 5.00.
(c) In addition to ground floor for under ground floor and or for every extra floor—Rs. 5.00.

EXPLANATION—

If in any plot quarters are proposed to be constructed then for every quarter proposed to be constructed fee of Rs. 5.00 shall be payable. If in any plot more than one house are proposed to be constructed then fees shall be payable for every house. In like manner if in addition to the ground floor two more floors are proposed to be constructed, then Rs. 15.00 shall be payable as fees

If any construction has not been commenced within a year of its sanction, the renewal of permit shall be done without the payment of any extra fees. If however, the renewal is applied after the lapse of one year of the original sanction, the applicant shall forward in the Board's office the notice as prescribed above along with the sanctioned plans & permit & the Board shall consider the plans in the same manner as if the same were fresh plans & the aforementioned fees shall be payable at the prescribed rates :

Provided that—

(i) The applicant shall see that the previously sanctioned plans are not contrary to the current byelaws. In such a case the applicant shall have to submit notice, etc. under the provions of section 178.
(ii) No person shall have a right to question and say that his plans had been santioned by the Board previously.

7. For plans for Projection, etc. and sewer connections too the fees shall be payable as laid down above.

8. BUILDING REGISTER—All applications received during the year shall be entered in a register serially in the following manner :

Serial No.
Date of receipt of application.
Name of owner.
Address of owner.
Address of site.
Fees as received.
Date of sanction or rejection with number of resolution.
Water charges.
Date of permit.
Any other necessary details like compounding fees, of result of appeals, etc.

The above mentioned building register shall be a permanent record of the Board and it shall be maintained like other permanent record by the Executive Officer.

9 Reports of Water Works Engineer, Municipal Engineer, Municipal Medical Officer of Health shall be obtained with in 15 days of the receipt of every application and its entry in the Building Register.

10. After the entry of every application notice shall be forwarded by the Board by post under postal certificate on the prescribed form to all neighbours as indicate on the plans, inviting written objections if they have any within one week of the receipt of notice.

FORM (POST CARD SIZE)
Building Notice :

Dehra Dun Municipal No.

Notice has been given by-Sir _____resident of _____ for construction/reconstruction/addition or alteration in house no _____

Plans etc. are in the office _____You Sir_____ are hereby sent this letter no _____dated_____ if you have any objection, then you, within one week of the receipt of this letter, may file your objection in the Board's office

Executive Officer
City Board, Dehra Dun

11 It would be the responsibility of the applicant to file correct plans, all information given in the plans shall be in

"From the iron bridge on Saharanpur Road along Municipal boundary and the western bank of Bindal Rao upto the southern edge of Kaonli Road."

By notification No. 8203/XI-A—1102-46 dated June 20, 1953, the following are as deleted from the Municipal limits-

NORTH—Starting from the junction of Bindal Rao and Mussoorie Road upto the junction of Kalagad along the southern edge of Mussoorie Road.

WEST—From this point in a southerly direction along Kalagad (or Nalota as in its course below) upto its junction with Bindal Rao

EAST & SOUTH—From this point along the eastern bank of Bindal Rao in a northerly direction upto its junction with Mussoorie Road.

Heading 'C'

3. NOTICE :—

The notice shall be given in writing to the Executive Officer of the Board on the form prescribed by the Board from time to time.

4. DRAFT OF FORM :—

(1) Name of applicant.
(2) Address of applicant.
(3) Details of construction/reconstruction/addition or alterations.
(4) Site of construction.
  (a) Name of street.
  (b) House no. or Plot no.
(5) Whether the applicant is the real owner of the house/plot.
(6) If the applicant is an agent, whether he is submitting the power of attorney on behalf of the owner.
(7) Name, qualifications and address of the draftsman.
(8) Licence number if he is a licensed draftsman of the Board.
(9) Total site area of the plot.
  Proposed covered area.
  Proposed open area.
  Existing covered area.
  Existing open area.
  Proposed total covered area.
  Proposed total open area.

(10) Estimate of water consumption in the construction.
(11) List of Plans.
(12) Signatures of owners.
(13) Signatures of draftsman.
(14) Amount of Plan submission fees as determined by the area Overseer.
(15) Certificate of fees deposit.

5. Along with the notice to erect or re-erect a building or to make a material alteration in a building or to make or enlarge a well, **plans in a triplicate as is described in the succeeding byelaws**, shall be submitted. Out of these one set shall remain in the Board's record. One shall be given to the applicant after disposal thereof and one shall be sent to the Tax Section for determining the tax.

Provided :

(i) In the case of Government buildings and Railway buildings the Government Buildings Act, (Act, IX of 1899) shall be applicable. But the notice of every such construction shall be given in advance in the Board's office, irrespective of the fact if the building belongs to the State Government or the Central Government or the Railways. If there be any legal objection to the Board, the Board shall forward the same to the State Government & shall also send a copy of the objection to the Department concerned.

(ii) The provisions of these byelaws shall as far as possible be followed by all departments except the Defence Department of the Central Government.

(iii) All Government Departments shall provide the following information with their plans :
  (a) The width etc. of the road, if any.
  (b) Building lines.
  (c) Height of building.
  (d) Use of the building.

(iv) No plans fees shall be payable for all Government buildings but the cost of water used shall be payable in accordance with the rates prescribed in these byelaws.

115

culvert at the junction of the Eastern Canal Road, Hardwar Road, thence north along this canal as far as the Dharampur Branch Canal; thence along the Dharampur Branch Canal in a south-easterly direction to west side of the acqueduct over the Rispana Rao.

East—Thence up along the western bank of the Rispana to the starting point northern boundary (Municipal pillar no. 1).

(Published in U P. Gazette Part III dated March, 25, 1944)
Boundary extended vide notification no. 6967 (1) XI-A-02-46 dated September 14, 1949.

Schedule.

Area lying towards the north of the Municipality bounded as follows :

(a) On the North—From a point on the west bank of Rispana to a bearing of 277°-E-upto a distance of 1,760 feet in the westerly direction upto the southern edge of the Rajpur Road where it bifurcatss in to the Muasoorie Road and the Barlowgunj Road. Thence along the southern edge of the Mussoorie Road until it meets the old Mussoorie Road and thence along the Southern edge of old Mussoorie Road upto the Toll Barrier gate. From there in a westerly direction at a bearing of 270° E-upto a distance of 705 feet to a point situated on the eastern band of Kalagad.

(b) On the West :—By eastern bank of Kalagad and thereafter the Nalota Nadi, where it meets the northern boundary of the Cantonment at Cantonment boundary pillar No 12 Thence eastward along the Cantonment boundary passing through Cantonment boundary pillars nos 12, 11 10.

(c) On the South :—By the existing western boundary of the Municipality from the Cantonment boundary pillar No 3 upto Municipal boundary pillar No 2 and thence eastward along the northern boundary of the Municipality upto Municipal boundary pillar No 1.

(d) On the East :—By the western bank of the Rispana Rao from the Municipal Boundary pillar No. 1 along the eastern bank of the Rispana Rao upto the pillar at the starting point.

Boundary Extended vide Notification no. 8222/XI-A-1102-46 dated November 19, 1949.

Schedule

1. Area lying on the south of the Municipality.

(a) On the North-West—By the existing southern Municipal Boundary from the western side of the aqueduct over the Rispana Rao, upto a point at a distance of 800 feet west of the Hardwar Road.

(b) On the South—By a line drawn from the point mentioned above, parallel to and at a distance of 800 feet of the Hardwat Road, upto a point at a distance of 924 feet along the western bank of the Rispana Rao, measured from the southern edge of crossing of the Hardwar Road, and Rispana Rao.

(c) On the East—By the western bank of the Rispana Rao.

2. Area lying on the western side of the Municipality—

(a) On the north—By the existing Cantonment Boundary from the junction with the existing Rampurmandi Road and Bindal, upto western bank of the Kaonli Branch Canal and passing through Cantonment boundary pillars nos. 141, 145, 139.

(b) On the west—By the Kaulagarh Branch Canal from its junction with the existing Cantonment boundary in the north to its junction in south with the north-west road intersecting the Kaulagarh Tea Estate; thence south-east along this inthersecting road to the most northerly point at a corner of that section of the Kaulagarh Tea Estate which lies to the south of this intersecting road; thence south-west along the north west boundary of the said portion of the boundary of the Kaulagarh Tea Estate to its junction with the boundary of the Forest Research Institute; thence from the junction last mentioned south-east along the boundary of the Kaulagarh Tea Estate to the Kaonli Branch Canal; thence along the Kaonli Branch Canal to the Kaonli Road.

(c) On the South—By the Kaonli Road.

(d) On the East—By the existing Municipal Boundary from the Kaonli Road upto the Rampurmandi Road upto the point where it meets the Cantonment boundary.

The Boundary extended by Board's Resolution No. 56, (Special), dated September 12, 1959, which has been approved by notification no. , dated

(32) Inter Floor is the floor between two successive floors and which is constructed in a room on its half portion.

(33) Plot means a portion of land on which a building or other accessory buildings can be constructed.

(34) Existing developed area means the area which has been developed for residential or industrial purposes within the municipal limits and which provides roads, water supply, light, sewer and all other amenities.

(35) Undeveloped area which is wholly or partly undeveloped and open and which is reserved for sub-division under some towns planning or development, schemes. Such as scheme may either be formulated by the Board or may be go approved from the Govt. or another person.

(36) Reserved area means an area which is declared as such under section 3 of the U.P. Regulation of Buildings Operation Act, 1958.

(37) Roadside controlled land means the reserved land in front of a road which is declared reserved under section 5 of the Road and Side Land Control Act of 1945.

(38) Sanction means the sanction of plans by the President of the Board or by the Executive Officer or the Engineer or Overseer or such authority, which is authorised by the competent authority of the Board.

Building byelaws under section 298 (2) List-A-Building

The Board is empowered to frame byelaws under section 298 List-A-Building of the Municipalities Act, 1916, as amended from time and which in these byelaws shall be called this Act the same section empowers the Board to frame such by elaws according to which such information and plans may be demanded which are necessary to come along with the applications under section 178.

Section 179 (1) provides that where byelaws have been made, no notice shall be considered to be valid until the information, if any required by such byelaws has been furnished to the satisfaction of the Board.

With reference to the undermentioned byelaws, the general public of Dehra Dun City is notified under section 301 (2) that the City Board, Dehra Dun, has framed byelaws under section 298 (2) List-L-A Building with regard to the

construction of buildings. These byelaws shall be applicable soon after receipt of sanction by the Government of Uttar Pradesh.

After approval of these byelaws by the Government all byelaws inforce previous to these together with all amendments as made from time to time and which are printed on pages 216 to 286 to the book of Byelaws shall be considered as having been cancelled.

Heading (a)

(1) The Board hereby directs that it would be mandatory to give notice of the intention to construct a building anywhere within the limits of Dehra Dun City Board.

(2) **Limits of the City Board**—Vide notification no. 2752 (2)/XI—446-42, dated March 18, 1944.

Schedule

BOUNDARIES OF THE DEHRA DUN MUNICIPALITY

North—From Municipal boundary pillar no. 1 on the west bank of Rispana Rao at a bearing of 515° to Body Guard Lines pillar no 10 on the south-west corner of the Body Guard Lines boundary, thence contiguous with the southern boundary of the Body Guard Lines at a bearing of 328° to Municipal pillar No. 2 on the east bank of the Bindal Rao.

West—Thence down stream along the eastern bank of the Road upto the southern parapet of Rampurmandi Road bridge, thence towards downstream along eastern bank of Bindal Khala upto its junction with Bindal Rao thence down stream along eastern bank of Bindal Rao to the iron bridge on the Dehra Dun-Saharanpur Road.

South—Thence south along eastern side of Saharanpur Road to its junction with village 'Dehra Khas' boundary, thence towards south and south-easterly direction along with the boundary of village 'Dehra Khas' to the Khala, thence towards north and easterly direction contiguous with the Khala and boundary of village Dehra Khas but upto the intersection point of the line from Railway outer signal in a south-easterly direction towards Municipal pillar No. 13, thence along the same line towards east to Municipal pillar No. 3 south-east of the Racecourse at which pillar the temple on the Racecourse is 24° and distance 400 yards and magnetic bearing to the outer signal is 298° thence in an easterly direction to the centre of the east parapet of the

(12) FOUNDATIONS - means the depth from ground level where the plinth of a building is laid.

(13) TO LAY FOUNDATIONS - means to fill ballast in lime or cement or to construct with bricks or stones upto ground floor or below ground floor.

(14) PLINTH - means the structure which is above the foundation or below the ground floor.

(15) CELLOR - means the floor below the building which is wholly or partly below the ground level.

GROUND FLOOR - means a building which is situated on the surface of the earth.

FIRST FLOOR - means a building situated just above the ground floor and the approach to which is by stairs.

Similarly, second, third, etc. floors shall be considered.

(16) LIVING ROOM - means a room used by one or more persons for studies, residence, sleeping, eating, and/or sitting. It would also include verandah but cellor, barsati and store shall not be included in this definition.

(17) OPEN AREA - means an area which is open to the sky but does not include chhajja, balcony.

(18) COVERING AREA - means the lower area which is constructed over by room just above the plinth.

(19) OWNER OF A BUILDING OR OWNER- means a person which is the owner of the land or of an already constructed building. This definition shall include an agent duly appointed by the owner of the building or by some competent court.

(20) OCCUPIER- means a person, who resides in or lives in a building or land after paying rent or with the concurrence of the owner without paying rent, but does not include any guest or lodger. The owner residing in his own house or using the house for any other purpose shall also be defined as occupier.

[2] YARD - means that the space which is left open :

(a) Front Yard—The open space in front.
(b) Back Yard—The open space at the back
(c) Side Yard—The open spaces on sides.
(d) Central Yard—The courtyard in a building.

(21) BUILDING HEIGHT - means the vertical distance measured, in the case of flat roofs from the average level of the centre line of the adjoining street to the highest point of

the building adjacant to the street wall, and in the case of pitched roofs, upto the point where the external surface of the outer wall intersects the finished surface of the sloping roof and in the case of gables facing the road, the mid-point between the eaves level and ridge. The architectural features serving no other function except that of decoration shall be excluded for the purpose of taking heights. If the building does not about a street, the height shall be measured above the average level of the ground around and contiguous to the building.

(23) STREET - means any Govt. road, Municipal 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 drains or gutters and the land upto the defined boundary of any abutting property not withstanding the projection over such land of any varandah or other superstructure.

(24) ALLEY – means a public thoroughfare which affords only a secondary means of access to abutting property.

(25) BARSATI, SAIBAN OR PENT HOUSE - means a covered space which is open at one side for the passage of air and which is constructed on a terraced roof and used for shelter during rains.

(26) BALCONY - means a horizontal projection including handrail or balustrade, to serve as a passage or a sitting out-place.

(27) ANTIA OR MUMTY (STAIR COVER) means a cabin-like structure with a covering roof over a stair case and its landing built to enclose the stairs for the purposes of providing protection from weather and not used for human habitation.

(28(CEILING HEIGHTS - means the vertical distance between the floor and the ceiling.

(29) CHAJJA - means a sloping or horizontal projection to provide protection from sun and rain.

(30) CHIMNEY - means a upright shaft containing and encasing one or more flues and it has an arrangement for its covering.

(31) FLUE - means a confined space providing for the conveyance to the outer air of contaminated air produced by the burning of gases fuels.

(8) REPAIRS - means white washing, colours washing, painting etc.

(ii) The roof leaks in rainy season

(iii) Reflooring damaged floor.

(iv) To provide doors, windows, ventilation in internal but not in external walls and not to close the same.

(v) To construct any internal wall that may be falling down, but not the external wall.

(vi) Plastering and pointing.

9) BUILDING RESIDENTIAL (a) means a building used or adopt to be used wholly or principally for human habitation.

(b) SHOP - means a building where articles of food and of personal domestic and household use and consumption like paper, books, furniture etc. are purchased and sold, but this definition does not include factory, workshop press, office and other rooms pertaining to office in which during the hours of office employees work for fixed hours. It does not include also hotels, restaurant, dairies, laundries, soda-water factories, trunk factories, ice factories and schools etc.

(c) WAREHOUSE - mean a building, the whole or a substaintial part of which is used or intended to be used for the storage of goods, like grains, tobacco, tea etc. but does not include the small room of the residential building which is used for the storage of goods meant for the sale in the shop or extra goods of the house. Such a building is usually situated separately from the living room and shops.

(d) INDUSTRIAL - means a building which is wholly or permanently used as a Factory, Laundry, Pharmaceutical Works and other such Industrial purposes in which electricity or steam or diesel or powerline or kerosene is utilised and are governed by the Indian Factory Act, 1944.

(e) OFFICE - means any building ordinarily used for the control of any industry or for other works. Such a building shall include rooms for keeping record and residence of chowkidar and garage for motors cycle shed.

(f) DAIRIES means a building where milk or milk preparations, like cream, butter or ghee, prepared from cream are manufactured, purchased or sold, but the place where

packed butter, ghee or imported ghee etc. is purchased or sold would not be called a dairy.

(g) CATTLE SHED OR STABLE - means any building used or constructed for keeping cows, buffaloes, bullocks, she-buffaloes or horses, etc.

(h) HERDING PLACE OF SWINE - means a place meant for keeping or residence etc. of swine.

(i) LODGING HOUSE OR HOTEL -means a building used as a boarding place for more that five persons by day or night at daily or monthly rent and where there may also be an arrangement for serving of food to the visitors.

(j) RESTAURANT - means a building where tea, coffee and every type of food is served, but where there is no arrangement of accomodation This also includes, Tea-house Coffee-house Bar, etc.

(k) WORKSHOP - mean such a building where ten or less than ten persons are employed in any industry.

(l) COMPOUND WALL & PARDAH - wall means an enclosure or wall which is constructed to enclose fully any compound, but the wall constructed to enclose a courtyard only, would be called a Pardah wall.

(m) BAKERY - means a building where bread, cake, biscuits, rusks, etc and sweet prepared in foreign fashion are manufactured

(n) AERATED WATER OR SODAWATER FACTORY means a building where bottles for Soda water, Lemonade etc. are filled and sold.

(10) PUBLIC BUILDING - means a building used or constructed or erected to be used either ordinarily or occasionally as a Church, Chapel, Temple, Mosque, or other place of public bathroom, public urinal, public latrine, public workshop or as a hospital, Dharamshala, College, school, theatre cinema, public concern room, public hall or lecture rooms, public exhibition room, public place of assembly or for any other public purpose.

(11) BAZAR or MARKET - means a place or area reserved or licensed by the Board for the erection of a group of shops and/or stalls. In such area the ground floor shall be used for shop or stall only, but, the first or second, etc., floors can be constructed and used for residential place.

3. To note the orders of the District Magistrate of the Board or any other Higher Court or any Civil Court and to amend Building Byelaws in accordance with those decision and the same to be forwarded to the Board.

4. The Building Committee shall have powers to here appeals received within 10 days of the passing of orders by the Executive Officer on the plans submitted for obtaining permission for sewer connections or to make projections on any street or to make water connection in any house.

Building Byelaws

The powers that the City Board, Dehra Dun, has to frame byelaws under section 298 (2)-A-Building of the U.P. Municipalities Act, and the same section authorises the Board to obtain information for the sanction of building constructions as provided under section 178 to 186 and 294 and to obtain plans for the same. In section 179 (1) it is provided that the framing of byelaws is mandatory to obtain information etc. in connection with building constructions and as such the City Board, Dehra Dun publishes the following byelaws :

DEFINITIONS-For the purposes of these byelaws certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and vice verso.

The use of the word "shall" is mandatory and not directory.

Words of the masculine gender shall include the corresponding words of the feminine gender.

BUILDING - means any roofed structure for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth, walls, chimneys, drainage works fixed platforms, verandah, balcony, cornic or projection, part of a building or anything affixed thereto or any wall enclosing or intended to enclose any land or space.

(2) ACCESSORY (ANNEXE) means a subordinate building or a portion of the main building the use of which is incidental to that of the dominant use of the building or the premises.

(3) BUILDING LINE - means the line upto which the plinth of the building on a street or an extension of a street or on a future street may lawfully extend and includes the lines prescribed if any scheme.

(4) BUILDING LINE PERMISSIBLE - means a line parallel to the front line of the plot at a distance of the minimum width of the front set-back.

(5) CONSTRUCTION - means constructing a building for the first time or to reconstruct existing building after demolishing an old building or part of it or to construct a compound wall or a wall or a protection wall or a pushta to save land from flow of river, nala, etc.

(6) RE-CONSTRUCTION - means to construct a fresh building or a part of a building after demolishing it on the old foundations.

(7) MATERIAL ALTERNATIONS-means an alteration if-

(i) it affects or is likely to effect prejudically the stability or safety of the building or the condition of the building in respect of drainage, vantilation, sanitation of hygiene ; or

(ii) it increases or diminishes the height of, area covered by or cubical capacity of the building or reduces the cubical capacity of any room in the building below the minimum prescribed in any byelaw; or

(iii) it converts into a place for human habitation a building or part of a building originally constructed for other purpose; or

(iv) conversion of a building or any part thereof for human habitation or of one dwelling house into more than one dwelling house;

(v) it converts a residential building or part thereof into shop godown or factory etc.

(vi) it converts a residential building into a public building like brothel, a bar or gambling den or such immoral use; and

(vii) to construct in a wall adjoining any street or land not vested in the owner of the wall, a door or window opening on such street or land or to parmanantly close any door or window in a wall.

8. If during quarrying sub-soil water comes out of the ground that place shall not be used for quarrying purpose.

9. All hollows, depressions, trenches and pits in any building or land shall be filled up by the owner or occupier of the building or land to prevent any water collection in them.

10. With a view to prevent mosquito, fly and other insect nuisance in a house, every owner or occupier of the house shall whenever required by the Municipal Medical Officer of Health arrange to spray his house with D.D.T.

11. The spraying will be done with either 5 per cent, watery suspension or 5 per cent, kerosene oil solution of D.D.T. by means of stirrup pump or any other sprayer approved of by the Municipal Medical Officer of Health on the floor and walls upto height of 8 feet.

12. Should the owner or occupier of the house fail to do so within 3 days after due notice from the Medical Officer of Health has been given the Municipal Medical Officer of Health shall get the house sprayed with D.D.T. and charges at the rate of Re. 1/- for each set of roomscomprising of a bedroom, a bath room and a verandah or parts of it.

13. The Chairman shall have power to relax the provision of charging fee for such disinfection in cases of deserving poor persons on the recommandations of the Medical Officer of Health.

PENALTY

In exercise of the powers conferred by Section 298 (l) (h) of the Municipalities Act, the Board hereby directs that a breach of any of the above byelaws shall be punishable with a fine which may extend to Rs 50/- and in the case of continuing breach with a further fine which may extend to Rs. 5/- for every day after the date of first conviction during which the offender is proved to have persisted to the breach.

Notification No 6125/XXIII-37 (3) 48-49 of March 17 1951

CHAPTER XV

Building Byelaws

March 23, 1964

No. 2400/XXIII-26 (58-59)

In supersession of all byelaws previously published on the subject, the following byelaws made by the Municipal Board of Dehra Dun for the regulation of Building Byelaws under section 298 (2) of the U.P. Municipalities Act, 1916 and confirmed by the Commissioner are hereby published as required by section 301, sub-section (2) of the said Act.

Under section 104 (i) of the Municipalities Act, the following regulations are framed under section 297 (l) (b).

Because the Board has powers to decide with regards to plans received under section 178 (l) in accordance with the provisions of section 180 (l), the Board by resolution No. 26, Special dated July 22, 1961, empowers the Building Committee established by the Board, with the following powers. The powers that the Building Committee had previously shall be considered to have been cancelled

The duties of the Building Committee shall be as following

1. To consider plans received under section 178 (l) and to decide the same under the provisions of section 180 (l) and in the event of the plans being rejected, to give reasons for the same as provided under section 180 (2).

2. To consider Layout Plans received under section 204 (l) in accordance with the rules framed under section 296 (2) (c) and (d) and the byelaws framed under section 298 (2) (a) and if necessary to obtain advice from the Ad-hoc Committee established under section 296 (2) (c) or from the Town & Village Planner or from any other officer, who may have been empowered in this behalf and to decide the same accordingly.

NOTE : Any person affected or aggrieved by the decision of the Building Committee can file and appeal to the Board within 10 days of its decision. The period of 10 days shall be considered from the date on which the written intimation is received by the party

Byelaws reg. Disposal of Dead bodies of Animals

In supersession of all byelaws previously published on the subject, the following byelaws made by the Municipal Board of Dehra Dun regulating disposal of dead bodies of animals under section 298 (2), list (I) (b) of the U.P. Municipalities Act, 1916, and confirmed by the Commissioner are hereby published as required by section 301, sub-section (2) of the said Act.

Byelaws

No person shall throw, skin or cause to be thrown or skinned the dead body of any animal in any river, water-course, channel, canal or any open space within the limits of the Dehr Dun Municipality.

(a) The Dead Cattle Utilisation Centre shall be the only place for flaying the bodies of dead animals.

PENALTY

In exercise of the powers conferred by section 299 (I) of the U.P. Municipalities Act, 1916 and with the section of the State Government the Board hereby directs that a breach of byelaw no. I shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

Copy of Gazette Notification No. 2637/XXIII-3-55-56 dated June 21, 1958, published in Uttar Pradesh Gazette, dated June 28, 1958.

Byelaws regarding Prevention of Malaria and other Insect Nuisance framed under Section 298 (I) (b) of the Municipalities Act, 1916.

Byelaws

1. No one shall dig up burrow pits within half a mile from abadi of Dehra Dun Municipality.
2. No earth shall be dug by any person from any low lying land within the Municipal limits, but may dug or scrap off earth from high lands no matter they are at long distance.
3. All culverts constructed by the public for their convenience viz for entrance to their premises, or house, or any other purpose over the drain, shall be cleaned of earth and other obstructions by the owner or the occupier before setting of rains.
4. While constructing new buildings and repairing the old ones the owner shall take care that the digging of earth should be in such a manner that no hollows and trenches are made, which may hold rains water and create a source of breeding place for mosquitoes.
5. Tanks or troughs for collection of water in any building or land when not in use shall be kept empty by the owner occupier of the building or land and when such tanks are in use, the water shall be treated with Material or such other larvicide and at such intervals as may be prescribed by the Medical Officer of Health.
6. No licence for a Brick Kiln shall be issued unless the kiln is located half a mile away from the abadi of the Dehra Dun Municipality.
7. No person shall dig up pits within Municipality Limits for taking out stones and bajri within half a mile distance from the abadi. The pits dug up in accordance with these byelaws shall be filled up with earth and bajri soon after the working of quarrying is finished and in no case they shall be allowed to remain open and unfilled before the rains are set in.

(i) The premises shall be kept in good repairs and machinery if any, shall be protected and fenced.

(j) The floor of the premises shall be made of impervious material, and the floor and walls up to the hight of 6' shall be cement plastered.

(k) The owner or manager of the oil mill shall not employ or allow to enter or remain inside the premises any person suffering or suspected to be suffering from any infectious disease.

(l) The store room where bags of oil seeds are stored shall be made rat-proof.

(m) Oil seeds shall be crushed after they have been suitable cleaned and dust and foreign matter removed

(n) 50 sq ft of superficial space and 600 cubic feet space shall be provided for each person working at the kolhu or oil crushing mill.

(o) A sufficient supply of fresh water, fit for human dirnking shall be provided and the same shall be kept at a suitable place easily accessible to workmen. The vessels in which drinking water shall be kept should cleaned every day and shall also be well protected from contamination.

(p) The owner shall provide sufficient number of latrines and urinals for workers not falling short of the number given below :—

(1) Two latrine seats where the number of workers does not exceed 25.

(2) Three latrine seats where the number of workers exceeds 25 but does not exceed 50.

(3) Four latrine seats where the number of workers exceeds 50.

(4) One Urinal for every 50 workers.

(q) The kolhus or oil crushers shall ordinarily be worked only during the day, i. e. from sunrise to sunset, and if run after sun-set, written permission of the President or the Executive Officer of the Municipal Board shall be previously obtained; and

(r) The owner or the manager shall put up a copy of the beylaw (in English and Hindi Versions) obtainable

from the Municipal Medical Officer of Health on payment at a conpicous place within the premises where the kolhu or oil crushers are in stalled.

7. (a) The premises shall be open for inspection by the President, Executive Officer or the Licensing Officer of the Board, or any other Inspecting Officer authorised in this behalf by the President.

(b) The owner or manager shall comply within a reasonable time, with any order which the President Executive Officer of any the Licensing Officer of the Board may issue to him regarding the measures to be adopted for proper upkeep and cleaning etc. of the premises in accordance with these byelaws.

8 The Licensing Officer may refuse, suspend or cancel a licence if the licensee acts in contravention or the provision of these byelaws.

9. An appeal shall lie to the Board against any order passed by the President, the Executive Officer or the Licensing Officer of the Board, if filed within fifteen day from the date of communication of the order to the owner or manager. The decision taken by the Board after considering the opinion of the Director of Medical and Health Services, Uttar Pradesh when any point of sanitation is involved, shall be final

10. The provision of byelaw No 6 shall be applicable also in oil mills established prior to the enforcement of these byelaws.

11. A breach of any of the provisions of these byelaws shall be punishable with a fine which may extend to Rs. 500/- and in the event of a continuing breach with a further fine which may extend to Rs. 5/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Published in Gazette Notification No. 3823/XXIII-26 (58-59) dated 2-9-1960, published in U.P. Gazette Part III, dated 10-9-1960.

PENALTY

In exercise of the power conferred by section 299 (1) of the Act, the Board hereby directs that a breach of any of the provision of these byelaws shall be punishable with fine which may extend to Rs 500/- and in the event of a continuing breach with a further fine which may extend to Rs. 5 for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Byelaws for Control on Power driven Kolhus and Oil Crushers

No. 3823/XXIII-26 (58-59). In supersession of all byelaws previously published on the subject, the following byelaws made by the Municipal Board of Dehra Dun for the Regulation and Control on power driven Kolhus and Oil Crushers under section 298 (1) and 298 (2) list I.F. (d) of the U.P. Municipalities Act, 1916, and confirmed by the Commissioner are hereby published as required by Section 301 subsection (2) of the said Act.

Byelaws

1. Definition-In these byelaws unless there is something re-pugnant in the subject or context 'Kolhu' and 'Oil Crusher' shall include all mills expressing oil and worked by electricity, steam, petrol or oil engine, but shall exclude all Kolhus and oil crushers worked by hands or animals.

2. No person shall establish a kolhu or oil crusher within the limits of Dehra Dun Municipality unless he has obtained from the Municipal Board a licence in the prescribed form or otherwise than in accordance with the condition of the licence granted.

3. The Municipal Medical Officer of Health shall be the licensing officer for the purpose of these byelaws.

4. A fee of Rs. 25 shall be charged for every licence granted, under these byelaws.

5. Every licence shall be valid upto March 31, next following all applications for renewal of the licence shall be

submitted to the licensing officer at least fortnight before the expiry of the previous licence.

6. All licences granted under these byelaws shall be subject to the following conditions :—

(a) The premises in which any kolhu or oil crusher is installed, shall be pucca in construction and strong enough to stand the forces of vibration of the Machanical power used for running the Machinery thereof, and shall not adjoin any premises used for residential purposes other then those occupied by the owner or the manager of the oil mill, unless a written consent of both the owner and the occupier of the adjoining premises has been previously obtained and filed with application for licence.

(b) The premises shall be kept clean all walls, passag-espartition or wood work and ceilings of the premises shall be cleaned, white or colour washed every year and be painted or varnished at least once in every five years.

(c) No thatch construction shall be allowed within the premises.

(d) The premises shall not be situated within 100 feet of a public latrine or public urinal, stable, cesspit or dust-bin or any offensive trade from which dust, obnoxious vapours or dangerous gasses may arise.

(e) The privy or privies shall be separated from the kolhu or oil crushing rooms by an open passage at least 10 feet wide.

(f) The drainage of the premises shall be to the satisfaction of the Municipal Medical Officer of Health.

(g) A separate recepatacle or place shall be provided for the reception of oil cakes or other waste matters which shall be removed daily from the premises.

(h) The premises shall be kept well lighted and ventilated. Every room in the premises shall have a window or windows equal to 1/10th of the floor area of the room. Every window shall be capable or being opened and shall be covered by wire-gauze to keep out the flies.

Byelaws for the regulation and inspection of places for the manufacture, preparation or sale of Sweetmeats and Meats.

Under Sections 298 (2) F, 2981 (1) (h).

(G.O. No. 2086/XXIII-131 (4) 15-16 dated 30th April, 1920)

1. In these byelaws sweetmeat and meats means all foodstuff prepared by halwais, khaunchawals and tandurwales, nanbais, rakabdars, kababyas and hawkers of feerenies, namish and faluda, end includes poories, kachauries, bread, samosas, curries, meat, fish, dahi, rabri, achar, chatni, and chat intended for human consumption. Shop means a fixed shop or a movable or immovable standused for the sale, preparation or storage of sweetmeats and meats.

2. Nothing in these byelaws shall apply to any house or building used for making or storing sweetmeats and meats intended for private consumption only.

3. No shop shall be used as a residential apartment without the approval or sanction of the chairman.

4. No sweetmeats or meats shall be prepared or stored in any building or place which has not been approved of as sanitary and suitable by an officer of the Board duly appointed for the purpose

5. Sweetmeats and meats intended for sale shall not be placed in or on a dirty utensil, and some material such as glass, gauze, or other meterial considered suitable by the health officer shall be used to protect sweetmeats and meats exposed for sale from flies and dust.

6. All substances used in the preparation of sweetments and meats must be free from adulteration and good quality.

(No. 4856 10-8-40.)

6. (a) Every shopkeeper shall put up a sign board at least 3' x 1' in bold Urdu and Hindi characters on a conspicuous place at his shop indicating whether, sweetmeats, purris,chat and other eatable articlas are prepared at his shop with pure ghee or with vegetable oils. In case of hawkers all vessels should have a 4" board band on the outer surface of their containers running round the girth showing whether the articles to be sold are prepared from pure ghee or with vegetable oil.

6. (b) Shop-keepers dealing with sweatmeats etc, prepare from genuine ghee shall not sell sweetmeats etc. pepared from vegetable products or oils in the same shop within the Municipal limit

Sanctioned vide Notification No. 4535/XXIII-24 (5) 39-40 dated 29-6-42 published in Govt. Gazette dated 4-7-42

7. No person suffering from any contagious or of infectious disease, or dressed in dirty clothes shall be allowed in a shop where sweetmeats or meats are made or sold.

8 Water kept for cleaning utensils and for use in the preparation of sweetmeats and for drinking by customers shall be obtained from the municipal pipe supply or from a pure source sanctioned by the health officer. Water thus obtained must be stored in clean vessels with suitable cover to protect it from contamination.

9. No cupboard, case utensil or other apparatus shall be used in a shop in a condition that fails to secure, so far as is possible the protection of sweetmeats and meats or of the ingredients used from contamination and decomposition.

10 Every shop shall be adequately lighted and ventilated. It shall be white washed at least twice a year.

11. No lamp or other light, which by reason of its construction or condition, is likely to smoke or deposit soot, shall be used in a shop.

12. All shops shall be open during business hours to inspection by the board, and the occupiers thereof shall be bound to comply with all reasonable directions consistent with the purposes of these byelaws issued to them by the board.

13. Sweetmeats and meats intended for sale shall not be sold, in printed and written papers but the vendors should use 'doans' of leaves or blank papers for supplying sweetmeats and meats to customers.

(No. 1279 dated 31-12-38).

such meat is accompanied by a certificate by a qualified meat inspector, appointed by the local authority of the place of export to the affect that the meat after anti and post mortem examination was found free from disease and fit for human consumption,

(4) Any meat imported into this Municipality, which on inspection is found to be unsound, unhealthful, unwholesome or otherwise unfit for human food shall be condemned.

(5) No person shall introduce within Municipal limits the flesh of dead animals viz goat sheep, pigs, dogs, cats, horses cows, buffaloes etc. for sale or for another purpose.

(6) No one shall slaughter within Municipal limits any cow, bullock, bull buffalo, calf or katra any private in or public place, whether for his own use or for sale, Niaz or Zakat.

(7) No person shall important within Municipal limits, beef or katra, meat for sale, free distribution, Niaz and Zakat, or for personal use.

Para 5, 6 and 7 added vide notification No. 2408/XXIII-26-28-59 dated 14-5-60.

PENALTY

(Vide G.O. No. 4253/XXIII-7 (5) 42-43 U.P. Gazette dated 21-8-43)

In exercise of the powers conferred by section 299 (I) of the Act the Board hereby directs that a breach of the provisions of the above Byelaws shall be punishable with a fine which may extend to 500/-.

FORM B

COUNTERFOIL OF SLAUGHTER HOUSE TICKET

Book No ----

No ----

[This ticket is available only for the animals specified therein and is neither transferable nor renewable]

SLAUGHTER-HOUSE TICKET

Book No -- Dehra Municipality

No --

Date	Name of Butcher	No. and descriptions of animals or area of space used i.e. particulars according to which the fee is levied	Amount Rs. P.	Signature of inspector	Date	Name of Butcher	No. of description of animals or area of space used i.e. particulars according to which the fee is levied	Amount Rs. P.	Signature of inspector
1	2	3	4	5	1	2	3	4	5

Total brought forward

Progressive total carried over.

SLAUGHTER-HOUSE COUPON.

Book No --

No 1

Name ----

Amount ----

Date ----

Signature of Inspecting Officer

(ii)-No person shall create any disturbance in the slaughter house premises. Any person contravening this rule may be removed summarily under the direction of the Veterinary Asstt. Surgeon Medical Officer of Health or meat inspector or any other person appointed by the Board as incharge of the slaughter house.

(U P. Gazette dated 21-8-43)

[iii] No person shall rub or cause to be rubbed the inner sides of skins upon the ground within any porson of the slaughter house, hides and skins shall not be dragged within the slaughter house premises except on the hair sides.

[iv] No gut scrapping, tripe cleaning, manufacture or preparation of articles of food for man or for animals household washing or work of any nature, other than is involved in the slaughtering and dressing of carcasses, be permitted in the slaughter house except in the adjuncts to the slaughter house specially intended for these purposes.

[v] No person affected with tuberculosis or any other infectious or contagious disease, leprosy, sores or any skin disease shall entre the slaughter house. A periodical medical inspection of slaughter man and flayers shall be obligatory. Any person found to be so suffering shall be removed by the Medical Officer of Health or a person authorised by him.

30. No buteher or other person shall remove, deface, or alter any stamp or seal impressed upon or affixed to any piece of meat in accordance with byelaw 21 above.

31 For a breach of any of these byelaws the licence granted under the byelaws regulating the sale of meat shall be liable to be suspended or cancelled.

32 An appeal shall lie with the board from an order of the Licensing Officer suspending or cancelling a licence provided the appeal is made within ten days of the date of the order. (Gazette dated 23-11-29 page 426)

33. The owner of a cattle for slaughter shall have to keep his cattle writing away from the slaughter house proper, in the Bara constructed by the Board with proper shelter and water trough for keeping such cattle before they are slaughtered and in no case any inhuman treatment should be done with the cattle intended for slaughter.

Notification No. 684/XXIII-16-53-55 dated 5-1-1954.

PENALTY

In exercise of the power conferred by section 293(1) of the Act, the board hereby directs that a breach of any of the provisions of byelaws 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30 shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing breach, with a further fine which may extend to Rs 5/-for every day, after the date of the first conviction during which the offender is proved to have persisted in the offence.

Slaughter House at Mannuganj

Sanctioned under §Board's Special Res. No. 1 dated 26-9-31 and the District Magistrate's No. 764 dated 8-1-32 (XVI-1-4 of 31-32).

Importation of meat for sale and free distribution Niaz or Zakat in to the Municipality.

(1) No person shall introduce within the Municipal limits for the purpose of sale the flesh (other than cured or preserved meat) of any cattle sheep, goats or swine, unless it has been inspected and passed by an officer appointed by the Board in this behalf. In the case of jhatka, mutton and other meat, the inspection will be at the Municipal slaughter house and will commence from half an hour after sunrise in the morning and will last for two and a half hours.

(2) Paisa 25 per sheep or goat carcass and Paisa 50 per pork carcass.

(3) Carcasses and parts and organs thereof imported into the limits of this Municipality from which such tissues as the peritoneum, pleasure, lymph glands or the portal glands of the liver, have been removed shall be condemned, unless

butcher shall cause the portion of the slaughter house assigned to him to be carefully washed and cleaned.

19. (1) Every carcass shall, after slaughtering skinning and cleaning, be presented for the inspection of the office-in-charge of the slaughter house, and no butcher shall remove from the slaughter house except in accordance with the next clause of this byelaw, any carcass or any organ which appears to the officer in charge to show signs of any contagious disease, or other disease rendering the meat unfit for human consumption.

(2) If any such carcass be found, it shall be disposed off in accordance with the provisions of section 244 of the Act. In the event of a dispute arising under this byelaw the matter shall be referred to the Health Officer of the Board, whose decision shall be final.

(3) In case a full carcass is disposed of as provided for in (2) above, the Medical Officer of Health on application may sanction the refund of the slaughter house fee paid for it.

(No 1550 dated 21-1-39)

20. If, on the inspection, prescribed by the preceding byelaw, the carcass is found to be fit for human consumption each piece of meat cut there from shall have impressed thereon or affixed thereto, under the supervision of the officer in charge, such stamp or seal as the board may from time to time prescribe (Gazette 1925 page 1076)

[A] He shall blindfold every animal immediately before bringing it into the Slaughter House.

[B] The method of slaughtering shall be as nearly instantaneous as is consistent with the recognized religious usage of the butchar.

21. The skin of an animal whose carcass has been condemned under byelaw 23 below shall, if the officer incharge or the health officer, so direct be disposed of in the same manner as the carcass.

22. Skins, entrails and offal shall be removed from the slaughter-house by the butchers; and any skin entrails of offal not removed before the time at which the slaughter-

house is closed for the day shall become the propery of the board, and may be disposed of in such manner as seems to it fit.

Provided that, if the board so prefers, it may delegate to the office-in-charge the power to have such skins, entrails or offal removed at the owner's or butcher's expense; and the officer in charge may refuse to such butcher or owner or his servants, any subsequent admission to the slaughter-house until such expense is made good to the Board.

23. No person shall remove any skins, entrails, and offal from the slaughter house until they have been properly washed and cleaned.

24. The solid contents of the entrails shall not be washed into the cess-pools, but shall be cleaned up and removed by the butchers or their assistants at the same time as the entrails and offal are removed under byelaw 26 below.

25. Meat, entrail and offal shall be removed from the slaughter-house in covered carts or covered baskets or vessels, of a pattern to be approved by the board, and the officer-in-charge of the slaughter-house shall daily inspect the side carts, baskets or vessels, and see that they are kept clean and in good order. He shall not allow any meat to be removed in a cart basket or vessel that is not clean or in good order.

26. No person shall employ the process of insufflation (the blowing of carcasses) in the slaughter house.

27. No butcher or other person shall sell, or allow to be sold, meat on or at the slaughter house premises.

28. Butchers or private individuals using the slaughter-house shall be responsible for any damage wilfully or negligently caused to the slaughter house either by their own act of their servants, and any butcher and private person using the slaughter house who refuses to pay such damage shall be excluded from the slaughter house who refuses to pay such damage shall be excluded from the slaughter house until he pays the cost of damage done.

NOTE : (i)—The butchers or their servants and private persons in the slaughter house are hereby enjoined to keep order and to obey the directions of the officer-in-charge of the slaughter-house.

(Vide G.O . No. XXIII-7-(5) 42-43)

another Municipal officer to work as to officer-in-charge of the slaughter house.

7. The officer-in-charge of the inspecting officer as the Board directs shall keep up a daily register showing the sex, age, value and description of every animal slaughtered at the slaughter house; & shall send a monthly abstract of this register to the Municipal office. Separate register shall be maintained for animals slaughtered for the Burma meat trade and for animals slaughtered for local consumption.

7. (a) The officer-in-charge or the inspecting officer as the Board directs shall keep up a register of rejections in which reason for rejection in the column provided for it should be entered (Gazette dated 14-1-33, page 16)

Slaughter House Fee

8. Every butcher using the slaughter house shall pay fees at the following rates which shall be posted up at the door of the slaughter house :—

For Each Animal Slaughtered

Goat, sheep	25	paisa per head (Gazette dated27-6-31)
Kids and lambs	12	" "
Pig or Pork	50	" "

9. Unless the collection of fees is framed, every person from whom any such fees are leviable shall pay them to the officer-in-charge.

10. On receipt of the fee the officer-in-charge shall fill up a ticket and counterfoil in the from 6 attached to those byelaws, & hand over the former with the coupon attached to the person who paid the fee. The progressive total of the daily receipts shall be entered in the place provided at the foot of each counterfoil as each ticket is issued.

11. The holder of a ticket shall produce the ticket when called upon to do so by the Executive Officer or any other officer of the board duly authorised in this behalf. Such officer shall after such examination, as he may think necessary, fill up the counterfoil and shall return the ticket to the holder after initialling it.

12. Except with the general or special permission of the board, on one but the butchers, their assistants, and the municipal officer connected with the slaughter-houses shall enter or be allowed to enter the premises during the process of slaughtering, skinning or cutting up the carcases.

13. No person affected with leprosy or with any skin disease and any butcher or their servent of less than 18 years of age shall enter, or be allowed to enter the slaughter house premises.

14. No dogs shall be admitted into or be allowed to enter the slaughter house

All dogs fouud there shall be destroyed.

15. No animal shall be admitted and no person shall bring any animal into the precints of the slaughter house unless it is intended for immediate slaughter.

(a) No animal which has been received into a slaughter house for the purpose of being slaughtered shall be removed from the slaughter house before being alaughter except with the consent of the meat inspector, Veterinary Assistant Surgeon or the Medical Officer of Health.

(Vide G O. No. 4253/XXIII-7-(5) 42-43 U.P Gazette dated 21-4-43)

WITHIN THE SLAUGHTER HOUSE

16. No person shall slaughter any animal except at such hours as may from time to time be fixed by the board These hours shall be notified in some conspicuous place in the slaughter-house.

17. Each butcher shall have a place assigned to him for slaughtering by the officer in charge, , and he shall slaughter his cattle immediately over the central drain so as to prevent the blood of the animals from flowing upon the floor.

NOTE—The knives used for skinning or flaying operations should have blunt tips to avoid damage to the skins (Gazette dated 2-3-35 page 97)

18. Immediately after the slaughter of an animal the

1. (a) No person shall slaughter or cause or permit to the slaughtered at any place other than a public slaughter house or premises licensed for the purpose of slaughtering any four-footed animal the flesh of which may be used as human food.

Vide G.O. No. 4253/XXIII-7 (b) 42-45 U.P. Gazette dated 21-8-43.

2. (a) Provided that this shall not apply to sacrificial slaughter on the occasion of any festival or ceremony of animals, the flesh of which is not intended for sale and provided further that the slaughter of such animals shall not be carried out within the sight of public.

2. (b) The slaughter house shall remain closed on the following days :—

(1) January 30, Martyr Day of Mahatma Gandhi.

(2) Bhadra Shukla Panchami.

(3) Anant Chaudas.

(4) Janam Asthmi.

(5) 2nd October, Birthday of Mahatma Gandhi.

No fish or meat shops will open on the above days.
Vide G.N. No. 2279/XXIII-26-8-59 and 27-4-1960.

2. (c) The Board shall give public notic of the time and place where at inspections of cattle intended fof slaughter in the municipal slaughter house are held.

3. At the time and place so appointed, the inspecting officer shall examine every animal produced before him, and satisfy himself that the animal :—

(i) is fit for human consumption.

(ii) is not diseased, infirm, advanced in years or advanced in pregnancy.

(iii) Does not have young at foot.

(Vide G.O. No. 4253/XXIII-7 (5) 42-43)

(iv) Shows no sign of cruelty by over-trucking or over driving or by any other act.

(U.P. Gazette dated 21-3-43.).

Explanation (a)—Advanced pregnancy means any pregnancy over three months and should such animals

be slaughtered the meat shall be seized and destroyed (Gazette dated 22-11-30)

(b)—A sheep or goat of an age over 8 years would be deemed to be advanced in age unless otherwise recommended by the inspecting officer.

Provided that an animal which has met with an accident, rendering it unfit for further work, shall not rejected merely on this account.

3. (a) All animals rejected for slaughter on account of some permanent cause should be branded (Gazette, dated 14-1-33 page 16)

4. Any animal produced for inspection which is affected by any contagious disease, or which may reasonably be suspected of being so affected, shall, if the inspecting officer so directs be forth with seized and removed to the cattle veterinary for treatment at the expense of the owner; or the animal may be disposed off in accordance with section 244 of the Act.

4. (a) In the case of dispute arising between the inspecting officer and the owner of an animal condemned for destruction an appeal shall lie to Medical Officer of Health whose decision shall be final

5. Any animal produced for inspection, which is in a dying condition but not so affected as to be dealt with under the preceding byelaw, shall, if the inspecting officer so directs be forthwith seized and disposed of in such manner as the inspecting officer may direct, provided that this byelaw shall not apply to an animal which has met with an accident.

Officer-in-Charge of Slaughter House

6. A Municipal officer shall be on duty at the slaughter house throughout the hours prescribed for slaughter and such officer shall be deemed to be the officer-in-charge of the slaughter house

Explanation—The veterinary assistant surgeon employed by the Board shall perform the two-fold functions of the inspecting officer and the officer-in-charge of the slaughter house, till such time as the Board is in a position to appoint

(vii) Meat Inspector means the Medical Officer of Health or Veterinary Assistant Surgeon or any other officer appointed by the Board and vested with the power to inspect and examine meat intended for human consumption.

(viii) Medical Officer of Health means any duly qualified Medical practitioner appointed or employed by the Board or a Provincial Government to act in that capacity.

(ix) Nuisance includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to sense of sight, smell or hereing or which is or may be dangerous to life or injurious to health or property.

(x) Slaughter hall means the actual place where the animals are slain.

(xi) Slaughter house means any building premises, or place used in connection with the business of killing & slaughtering animals intended for human consumption. For the purpose of the rules a slaughter house may be either a public slaughter house maintained by the Board or a private slaughter house duly licensed for the purpose of slaughtering animals.

(xii) Slaughter man means the person who slaughters the animals and dresses the carcasses

(xiii) Veterinary Assistant Surgeon includes any qualified veterinarian appointed or employed by the Board or the Provincial Government to act in that capacity.

(xiv) A hawker is a person carrying on the trade of selling meat by retail from door to door.

1. (a) No person shall deposit or throw any rubbish, dirt, dung, bones, ashes, nightsoil, or any filth or any noxious or offensive matter or allow or cause such thing or any of these to be deposited or thrown in any public place, street, road or drain or in any field or open space.

(b) No person shall throw any nightsoil, dead body or any offensive matter in any dustbin or public receptacle provided for collecting rubbish, dirt and dung.

2. All the sweepers shall carry night-soil in suskets or handcarts covered with pieces of gunny bags soacked in coaltar.

3. No person shall allow a child of any age to ease itself in or over any public drain or other public space within municipal limits.

4. No person shall case himself in or over any drain or public space within municipal limits.

5. No person shall keep bricks or other like things for the purpose of easing children on private land, or on any public street or place within municipal limits which may be open to public view, unless it be in a latrine.

PENALTY

In exercise of the power conferred by section 299 (l) of the Act the Board hereby directs that a breach of any of the above byelaws shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing one, with a further fine which may be extend to Rs. 5/- for everyday after the date of first conviction during which period the offender persists in committing the breach.

Byelaws for the Regulation and Inspection of Slaughter-house in the Dehra Municipality

(Under Section 298 F (d) and J (d))

(G.O. No 1626/ XXIII 6 (4) 20-21 dated 25-2-25)

Inspection of Animals for Slaughter.

1. No animal shall be slaughtered in any slaughter-house unless it has been inspected and passed, by the inspecting officer appointed in this behalf, & the fee prescribed under byelaw 8 has been paid.

Only those butchers or their servants to whom licence under the byelaws regulating the sale of meat has been granted will be permitted to bring animals to the Slaughter-House for slaughter.

(Gazette dated 23-11-29 page 426)

15 inches from the surface of a wall) which only ornament the buildings or are structurally or, some necessity, but do not serve any purpose of convenience or profit.

3—No charge shall be levied on all requisite culverts unless they are of unnecessarily large dimensions and tend to interfere with the public interest.

4—No Charge shall be levied on temporary plank projections of under one foot.

SCHEDULE

Revised Schedule of Projection Fee :

Frontage.	Fee according to frontage when the breadth of the production into the street perpendicular to its border is			
	1 foot or ss	Over 1 ft. but not over 2 ft.	Over 2 ft. but not over 3 ft.	Over 3 ft. but not over 4 ft.
Raipur Road, Nari shilp Mandir Road, Main Bazar Clock Towr to Railway Station	Rs.	Rs.	Rs.	Rs.
(1) 6 feet or less.	2.00	4.00	6.00	8.00
(2) For additional per running ft.	0.25	0.30	0.40	0.50
Other roads and streets—				
(1) 6 feet or less	1.00	2.00	3.00	4.00
(2) For additional per running ft.	0.15	0.20	0.25	0.30

Notes 1—The revised rates shall apply to all old and new projections.

2—The minimum fee chargeable on any projection shall be Rs 2.

3—Projection over 4 feet shall be chargeable as two projections on the first as for 4 feet breadth and the 2nd for balance of the breadth, the full frontage being taken for both. If a projection has come into

existence during the course of financial year, the fee on such projection for the period shall be charged proportionately subject to Note 1:

Published in U.P. Gazette dated 5 December 1942 vide Notification No. 710/XXIII-7 (5) (42-43 dated November 24, 1942)

File No. II-I/II of 1942-43:

Snctioned Vide Notification No. 4273/XXIII—26 (I)66-69 66-69 Dated 16-5-1969.

दोर्ड के प्रस्ताव सं० ८ रमे० ता० १६-५-५९

अर्थ समिति के प्रस्ताव सं० १० सा० १६-५-५६ पर विचार करना कि रायपुर में प्रोजेक्शन फीस पृष्ट १८८ पर किसी "अदर रोडस एण्ड" के अनुसार चार्ज किया जावे।

कमेटी के प्रस्तावानुसार कार्य किया जावे।

हा० इन्द्रेश्वरण दास

प्रभाव

Byelaws for the proper Regulation of Sanitation and Conservancy Arrangement within the Dehra Dun Municipality under Section 298 (2) 1 (d) of the Municipalities Act, 1916

(Notification No 113/XXIII-24 (5)-3940, published in U.P. Gazette dated 12th October 1940 part III.)

DEFINITIONS

(i) Butcher means the person producing or dealing with meat intended for human consumption.

(ii) Carcasses means the carcasses of animals including sheep, lamb, ewe, wether ram pig, boar, hog sow goat or kid.

(iii) Condemned means that carcasses, parts or organs so marked are unfit for food of men and shall be destroyed for food purposes.

(iv) Halal means the meat obtained from animal slaughtered according to the religious rites of Muhammadans.

(v) Jhatka means the meat obtained from animals slaughtered according to the religious rites of Sikhs.

(vi) Meat means flesh or other edible parts of an animal which is sold or intended for sale for human consumption.

Rule 62 of the Indian Electricity Rules, 1922

8. Height from ground and distance from buildings:—

(1) No conductor of an aerial line (not being a trolley wire or a traction feeder on the same support as a trolley wire) elected in, over, along or across any street, shall be at a less height from the ground than 20 feet.

(2) No conductor of an aerial line shall be accessible, either from the ground or from any building or structure, whether permanent or temporary, except by the aid of a ladder or other special appliance.

3) (a) If, at any time subsequent to the erection of an aerial line, any person proposes to erect a new building or structure, whether permanent or temporary or to make on or open any building or structure any permanent or temporary addition or alteration, he shall if such building structure, addition or alteration, would render the aerial line accessible otherwise than by the aid of ladder or other special appliance give notice in writing of his intention to the licensee or owner, as the case may be, and to the electric inspector, and shall furnish therewith a scale drawing showing the proposed building structure, addition, or alteration and the scaffolding required during its constructions, and shall not commence work upon the building, structure, addition or alteration until the electric inspector has certified that neither during nor after the execution of the work will the aerial line be so accessible.

(b) On receipt of such notice the licensee or owner, as the case may be, shall, without due delay, so alter the aerial line as to ensure that it will not be accessible in such manner as to contravene the provisions of sub rule (2) either during or after the execution of the work and may recover the reasonable cost of such alteration from the person from whom the notice was received.

Provided that the licensee or owner, as the case may be, may before so altering the aerial line,

require the person from whom the notice was received to deposit the estimated cost of such alterations.

Provided further that an electric inspector may, if he is satisfied that the aerial line has been so guarded as to secure the protection of person and property from injury or risk of injury permit the work to be executen prior to or in the case of a temporary addition or alteration, without the alteration of the aerial line.

(4) When an aerial line is on a consumers or an owner's premises, the height from the ground, or from any mineral or refuse dump, and from parts of buildings or structures to which persons have access shall (unless the conductors are adequately guarded) be not less than 15 feet or such greater height as may be necessary to prevent danger.

9. Subject to byelaw No. 10 the annual fees for projections shall be as shown in the following schedule.

10. When two or more projections from the same building cover the same ground the highest fees chargeable for any one of such projections shall be levied and so other.

11. When a building in which a projection has been made abuts (1) the Rajpur or main bazar road and also (2) some other road or roads and the projection made in the building abuts on both classes of roads, the fee on the entire projections shall be chargeable at the higher rate provided for in the schedule.

(No. 4803 dated 20-5-39)

12. Nothing in these byelaws shall be construed to derogate from the power conferred on the Board by section 211 of the Act, to remove encroachments and projection over street and drains, notwithstanding that such encroachments and projection may have been sanctioned.

NOTE 1—These byelaws shall apply to all projections made or allowed since the month of July, 1913. The onus of proof of the age of projections will rest with the applicant.

2—No charge shall be levied on cornices or similar projections from the upper storey (up to a limit of

Projection Byelaws for the Dehra Municipality framed under heading E, suc-head (c) and heading J, sub-head (d) of section 298, Municipalities Act, 1916

(Gazette Dated 26-10-35 Page 426-27)

1. Every application for permission to erect or re-erect and projection over a street or drain shall be accompanied by the following plans, in duplicate, prepared in the manner prescribed in byelaw 2.

(a) A key plan of the locality showing the precise situation of the building concerned.

(b) A plan indicating the situation of the building concerned in relation to the aerial electricity line, if any and streets or lanes adjoining the building and to the indicating the breadth of the adjoining streets or lane and in the case of a street or lane of which the breadth is not uniform, the width in the narrowest part; and.

(c) Where an open municipal drain has to be closed, a plan in question and, where a culvert is to be built showing the exact and section showing clearly how it proposed to cover the drain tunnel size of the culvert,

2. The plan shall be drawn to a scale of not less than 5 feet to the inch. The scale used shall be marked on the plans and the position of the north point shall also be clearly indicated. All plans must be signed by tha applicant and show all details necessary to enable the Board or the Chairman to judges as to the suitability of the proposed projection. The names of owners of adjoining building or land, together with the chak and house num er, shall be given. All projected work shall be indicated by a distinctive colour and a key to and colour used displayed on the plan.

3. The dimensions and position of proposed projections must conform with the conditions herein after prescribed.

4. No projection from a ground floor shall be allowed, except for the purpose of permitting across a drain to a building.

5. No balcony, verandah "chajja" or other projection

shall be allowed from an upper storey of a building over a street which has a width of less than 20 feet at any point in front of the building. In measuring the street the width shall be taken from the edge of the drain nearest to the roadway on the side of the building concerned up to the edge of the drain nearest the roadway on the opposite side.

6. No projection such as is described in the preceding byelaw shall exceed 3 feet in width except over a street exceeding 25 feet in width at every point in front of the building concerned.

7. Projection over public streets or drains may be permitted to owners only on the following conditions which will be embodied in the form to be supplied free of cost :

(i) that the owner or occupier shall daily remove all refuse from the land over which his projection extends and keep the land clean.

(ii) that the owner shall keep any open drain over which the projection extends in good working order and free from depressions in which liquid can stagnate.

(iii) that the owner or occupier shall at any time on demand, vacate the surface of his projection for a period of not more than six hours to permit municipal servants inspecting or repairing or cleaning any covered drain therein;

(iv) that the owner shall duly pay in advance the fees prescribed by the next following byelaw;

(v) that the occupier or owner shall not place any boxes boards, benches, or any other article or articles under the sanctioned projection or on the road in front of the projection;

(vi) that all projections shall be of the cantilever type without resting on posts or pillors and will not extend beyond the edge of the drain on the road side;

(vii) that where a sanctioned projection is sufficiently high to require steps, they shall not project beyond the projection;

(viii) projections shall not be less than 18 inches high from the upper edge of the drain to allow proper cleaning.

least 5 days before the unit is required. A charge of Re. 1/- per day shall be made for each day the unit is required. The application for the use of the unit shall be accompanied by a sum of Rs 10/- towards the daily charge which shall be adjusted when the unit is no longer required, or actual amount payable for the number of days in which the unit is required in advance.

13. The Club, Institution or Sporting Association using the ground shall be responsible for any damage to the Pavilion furniture and other Municipal property connected with the unit

14. Unless and until the east and north sides of the ground are suitably screened off by the Board Clubs, Institutions or Associations wishing to levy gate money may screen off the above two sides, only at their own expense.

15. If the gate money is levied at any game or tournament 5 percent of the total gross receipts shall be paid to the Board in case of local tournaments and 10 per cent of the gross income in all-India tournaments.

Board provides screens and seating amenities, up to 25% of the gross gate money shall be payable to Municipal funds.

16. The plots of the Parade Ground other than the Unit shall be marked out by the Parade Ground Committee and allotted annually to registered Clubs Associations Schools and Institutions.

The allotment of grounds shall be regulated as follows :—

(a) The Committee will as a rule allot play grounds only to Clubs that are affiliated to the District Sports Association, or the District Cricket Association or to any other Sports Association that may be formed hereafter, as well as to the educational institutions, The Committee may however, allot the Ground to unaffiliated clubs in deserving cases.

(b) No play ground will be allotted to any Club or Institution having less than 24 playing members.

(c) Any club or institution may be required to give up its ground on receiving one month's notice to do so

(d) No play ground may on any account be fenced in.

(e) Applications for grounds may be made at any time.

103

They should be addressed to the President, Parade Ground Committee and accompanied by a registration fee of Rs. 3/- to be credited to Municipal fund.

(f) Grounds shall be allowted for one year at a time, but a Club or Institution not making regular use of its ground may be required to give it up.

17. The Committee shall pass all orders through the President who may himself pass orders in case of emergency. All emergency orders passed by the President shall be confirmed at the next meeting of the Committee.

18. The Pavilion shall not be used for residential purpose. The President may, however, allow the use of the Pavilion to any Club or Institution, on payment of Re 1/- per day at day time and Rs. 2/- per day (inclusive of light charges for nights which may be relaxed in deserving cases at the descretion of the President.

19. Members of the Parade Ground Committee, Executive Officer and any person or persons authorized by the Executive Officer shall have free access to the grounds to check the gate money accounts and to see that Municipal property is carefully looked after, At the conclusion of any game or tournament the person or persons premitted the use of the Pavilion shall hand over all Municipal property in good condition or if anythings is damaged or missing the cost of replacement or repair shall be made good by such person or persons.

20. All moneys due under the byelaws shall be recoverable under Chapter VI of the Municipalities Act.

(Sanctioned vide Notification No. 3638/XXIII—24 (5) (39-40) dated 2-5-42 published in U.P. Gazette dt. 9-5-42)

PENALTY

In exercise of the power conferred by section 599 (1) of the Act, The Board hereby directs that any breach of any provisions of these byelaws shall be punishable with a fine which may extend to fifty rupees.

additional month until the materials etc. are removed and the land vacated.

Provided also that a fraction of a month shall be counted as a whole month.

Amendment in charges sanctioned in Notification No. 1358/XXIV-12 (1)-68-70 of 20-2-1969

Byelaws for the control of Pavilion and Pleasure Ground under section 298 J (e) and (c) of the Municipalities Act, 1916.

(Gazette dated 4-5-35 page 197.)

1 A person shall not remove, deface or injure any notice board, plate or tablet or any support or fastening or fitting thereof which is set up or maintained by the Board in or near any part of the pleasure ground.

2. A person shall not remove, injure or destroy any part of any railing, hedge or fence in or enclosing the pleasure ground or any part of any building structure or erection, or any monument, work or art ornament or decoration, or any appliance, apparatus or article used in or for the purpose of laying out planting, improvement or, maintenance, of the pleasure ground, or in the care cultivation or protection of any trees, sapling, shrub, plant, and the like in the said ground.

3. A person shall not throw or discharge in the pleasure ground any stone or other missile to the damage or danger of any person.

4. A person shall not, without the permission or sanction of Parade Ground Committee, play any musical instrument or beat any drum or shout or sing in a manner likely to interfare with the enjoyment of other person in the pleasure ground.

5. A person shall not use obscene or abusive language in the pleasure ground.

6. The pleasure ground shall not, except with he previous sanction of the Parade Ground Committee, be used for the

purpose of playing games or holding meetings or celebrating festivals or for any other purpose than that of mere resort by the public.

7. A person shall not in any part of the pleasure ground hang, spread or deposit any leanes or other fabric for the purpose of drying or bleaching.

8. An itinerant vendor shall not set up any stall or booth or allow any cart or animal to stand for business on the pleasure ground of the Dehra Municipality.

9. No vehicle shall be allowed in the pleasure ground except perambulators and bicycles.

10. Plots marked out for travelling shows from time to time shall be controlled by the byelaws governing such show so

NOTE :—1. Pleasure ground means for the sake of these byelaws the "parade ground and the other open plots of land vested in the Board."

2. The Board shall maintain six play-grounds for hockey, cricket, football etc. to be allowted to lecal clubs and institutions who apply for the same and deposit Rs. 50/- p.a plus Rs. 3/- as ground fee and registration fee respectively and agree to maintain their respective fields in perfect condition throughout the year If any club or institution fails to maintain the play-ground so allotted in perfect condition, it will be liable to be deprived of the filed after being served with one month s notice.

Sanctitioned under Notification No. 1337/XXIII-37 (3) 48-49 of Nov. 10, 1951

11. The Pavailion and the present playing ground to the North of it for a distance of about 500 ft. and an average width of 650 ft. shall be regarded as one unit. This unit shall be maintained in good order by the Municipal Board for general use and shall not be permanently allotted to any one Club, Institution or Association.

12 Any Club, institution or Sporting Association desiring the use of the unit shall apply to the President of the Parade Ground Committee for permission to use the unit, at

sion may be granted free of rent by the Executive Officer on a written application being made to him; provided that the period of such permission shall not exceed seven days; and provided that in the case of a public street, lane, or footpath sufficient space shall be left for the passage of ordinary traffic.

PENALTY

In exercise of the power conferred by section 299 (I) of the Act, the Board hereby directs that a breach of the bye-laws 1, 3, and 5 shall be punishable, with fine which may extend to Rs. 500/-.

APPENDIX A

Temporary Occupation of Streets or Lands

Application under Section 298 J. (d) Uttar Pradesh Municipalities Act, 1919.

To

The Executive Officer,
City Board,
Dehra Dun.

Dated Dehra Dun. The day of 194

Sir,

I/We beg the committee to grant me/us permission to occupy for ..... months ..... feet in length by ..... feet in breadth being in all ..... square feet near or opposite to house of ..... No ..... in Mohalla ..... and particular described below in order to deposit building materials/make a temporary excavation or erection thereon for the purpose of .....

I/We hereby agree to the conditions upon which permission may be granted and which are printed on the reverse of this application.

I/We have not made any previous applicstion to occupy the site*

Yours faithfully

Owner/Occupier of house No .....

in Mohalla ..... Signature .....

Address .....

*If previous application has been made, applicant will cross this out and give details of previous application

Every such application is granted on the following conditions :—

(a) No rubbish shall be stacked with the building materials : It must be carted away within 24 hours.

(b) No stacks on building material shall be allowed to protrude more than 10 ft from private land into the public street at more than one third of the width of the street, whichever is less. If the building material is stacked on a footpath it shall not protrude more than one third across the footpath.

(c) Material shall not be stacked so that any drain is blocked.

(d) Any portion of any street or land for the occupation of which permission has been given shall be fenced in and such fencing shall be sufficiently lighted at night. Such fencing and lighting shall be done and maintained in a satisfactory manner at the expense of the person occupying such street or land.

(e) Fees shall be paid in advance.

(f) Any other condition which the Executive Officer or Building Committee may impose.

The following charges shall be levied for the above :—

Rs. 5/- per 100 sq feet per mensem for the first six months

Rs. 10/- .. .. eventh month.

Rs. 15/- .. .. Eight month.

and so on the rate incressing by Rs. 5/-per mensem for every

14. A licence granted under these rules may be revoked by the Medical Officer of Health for breach of any of the conditions under which it is granted or for any other reasonable cause.

15. An appeal shall lie with the Board whose decision will be final.

PENALTY

In exercise of the power conferred by section 299 (1) of the Municipalities Act the Board hereby directs that whoever commits or abets the commission of an offence under rules 4, 7, 9, 12 and 13 of these byelaws shall be punishable with a fine which may extend to Rs. 500/- and in case of a continuing breach with a further fine which may extend to Rs. 5/-for every day after the first conviction during which the breach continues.

Byelaws Fixing Fees for Temporary Occupation of Street etc., in the Dehra Dun Municipality.

Under Section 298 J (d)
(Gazette Dated 2-12-33 Page 493 Part III, II, I, 27 of 32-33)

1. Any person desiring temporarily to occupy any public street or place or other immoveble property vested in or entrusted to the management of the Board for the purposes of depositing building materials or erecting scaffolding thereon or for any other such purpose shall before occupying such street or place apply for permission to the Municipal Executive Officer in writing and if the street is a provincial or local road, not vested in the Board the application for permission shall be accompanied by the written permission of the authority charged with the maintenance of the road. Every such application shall be in the form set out in Appendix A, copies of which may be obtained from the Municipal Office free of charge.

The Executive Officer will dispose of all such applications If any person when building or re-building wishes to stack material for buiding on the public road, or Municipal land, he shall submit his application for permission to do so along

with his application to build. The Executive Officer will deal with the applications simultaneously.

2. The Executive Officer may refuse any such permission and reserve the right at any time to cancel any such permission by notice in writing: but ordinarily such notice shall not take effect till fifteen day safter the date of its receipt.

3. Every such permission is granted on the following conditions :—

(a) No rubbish shall be stacked with the building materials; rubbish must be carted away within 24 hours.

(b) No stacks of building material shall be allowed to protrude more than 10 ft. from private land into the public street or more than one third of the width of the street; whichever is less if the building material is stacked on a footpath it shall not protrude more than one third across the footpath.

(c) Material shall not be stacked so that any drain is blocked.

(d) Any portion of any street or land for the occupation of which permission has been given shall be fenced in and such fencing shall be sufficiently lighted at night. Such fencing and lighting shall be done and maintained in a satisfactory manner at the expense of the person occupying such street or land.

(e) Fees shall be paid in advance.

(f) Any other condition which the Executive Officer or Building Committee may impose.

4. The following charges shall be levied for the above:-
Re. 1/- per 100 sqf. per mensem for the first six months
Rs 2/- ,, ,, ,, for seventh month.
Rs. 3/- ,, ,, ,, for eighth month.
and so on; the rate increasing by Re. 1/- per mensem for every additional month until the materials etc., are removed and the land vacated.

Provided also that a fraction of a month shall be counted as a whole month.

5. If any person desires temporarily to occupy any such land or part of any such public street, land or footpath for the purpose of a private ceremony or entertainment, permis-

granted unless the applicant satisfies the Medical Officer of Health, that she is in a fit state of health, is properly trained, and bears a good moral character.

6. Application for licence to practise as a midwife or dai may be made to the Medical Officer of Health with a certificat of fitness granted by a Medical practitioner borne on the Government list of such practitioners with evidence of training and good character.

7. Every licence granted under byelaws 6 shall be subject to the following conditions :—

(1) The licence shall keep herself scrupulously clean and neatly dressed;

(2) When attending a patient, the licensee shall wear clean clothes of washable material and shall not go to attend another case without changing clothes and cleaning and disinfecting her hands and arms;

(3) The licensee shall carry a bag or box containing all the necessary appliaces as prescribed by the Medical officer of Health;

(4) The licensee shall sterilize her appliances and shall wash her hands and arms with a disinfectant before attending a case;

(5) Any licensee who has been in attendance on a puerperal case or a case suffering from any supposed or real infectious illness, shall disinfect herself and her appliances to the satisfaction of the Medical Officer of Health before going to another labour case.

(6) The licensee shall notify within 48 hours all births to the Medical Officer of Health giving the date and time of birth; the name, address and occupation of the parents & the sex of the child with name (if any)

(7) In case of still birth or the death of mother of child and in every case in which dangerous complications have arisen in the mother or the child, the licensee shall at once report the condition to the Lady Doctor Ross Maternity and Child Welfare Centre, who shall in turn report to the Medical Officer of Health,

(8) Ths licensee shall not follow any occupation which is likely to be the source of infection or danger to the mother or child she is attending;

(9) The licensee shall not refuse to attend a case without reasonable cause and shall not demand a fee higher than that prescribed by the Board in this behalf.

(10) The licensee shall comply with all the orders passed by the Medical Officer of Health and shall obey all the instructions which he may issue from time as to attendance on a patient in child-birth and the treatment and care of the child.

8. In such cases as the Medical Officer of Health shall direct, the Municipality will supply a small box free of charge containing the following with the licence—One knife; one pair of scissors; one cake of carbolic soap; one towel; silk thread; disinfection lotion; and boric powder.

9. Articles mentioned in byelaw No. 8 will be supplied free once only; afterwards the licensees shall have to keep the outfit complete and in good order at their own expense.

NOTE :— The Municipality will supply the above mentioned articles at a moderate charge.

10. The Medical Officer of Health will make occasional inspection of the box to make sure that the box is properly maintained

11. No licence fee shall be charged when the licence is granted for the first time but when the ligence has been once revoked for breach of any of the byelaws a fee of Re. 1/- shall be charged for the renewal.

No 2986 dated 2-4-1938.

12 In the first year of the commencement of these byelaws, local untrained dais shall present themselves to the Medical Officer of Health, who will prepare a list of those approved by him after going into any particulars that he may deem necessary. Such dais shall be on probation for one year during which period they must attend 75% of the weekly lectures given at the Ross Maternity and Child Welfare. Those local untrained dais that are not approved by the Medical Officer of Health shall not be allowed to practise as midwives or dais.

13. A licensee may be suspended from practice by the Medical Officer of Health for malpractices, negligence, or misconduct, or if such suspension appears to him to be necessary in order to prevent the spread infection.

ground that place shall not be used for quarrying purpose.

9. All hollows, depressions, trenches & pits in any building or land shall be filled up by the owner or occupier of the building or land to prevent any water collection in them.

10. With a view to prevent mosquito, fly and other insect nuisance in house every owner or occupier of the house shall whenever required by the Municipal Medical officer of Health, arrange to spray his house with D.D.T.

11. The spraying will be one with either 5 percent, watery suspension or 5 percent, kerosene oil solution of D.D.T. by means of stirrupt pump or any other sprayer approved by the Municipal Medical Officer of Health on the floor and walls upto height of 8 feet.

12. Should the owner occupier of the house fail to do so within 3 days after due notice from the Medical Officer of Health has been given, the Municipal Medical Officer of Health shall get the house sprayed with D.D.T. and charges at the rate of Re. 1/- for each set of rooms comprising of a bedroom a bath room, and a verandah or parts of it.

13. The Chairman shall have power to relax the provision of charging fee for such disinfection in cases of deserving poor persons on the recommandations of the Medical Officer of Health.

PENALTY

In exercise of the powers conferred by Section 298 (1) (h) of the Municipalities Act, the Board hereby directs that a breach of any of the above byelaws shall be punishable with a fine which may extend to Rs. 50/- and in the case of continuing breach with a further fine which may extend to Rs. 5/- for every day after the date of first conviction during which the offender is proved to have persisted to the breach.

Notification No. 6125/XXIII-37 (3) 48-49 of March 17, 1951.

Byelaws for Midwives and Dais in the Dehra Dun Municipality framed under section 298 (2) (i) of the Municipalities Act, 11 of 1916.

(U.P. Gazette dated 26-11-32 pages 507-508, part III)
(II. I -18/32-33)

1. These Byelaws may be cited as the Dehra Dun Midwives and Dais Byelaws.

2. They extend to the whole of the Dehra Dun Municipality and shall come into force on such date as they are confirmed by the Commissioner and notified in the Local Official Gazette.

3. In these byelaws unless a different intention appears from the context :—

(a) the word "Board" means the Municipal Board of Dehra Dun and includes the Chairman and any other officers or members thereof to whom the powers and functions of the Board under these Byelaws are specially delegated;

(b) the word "Dai" includes any woman who habitually and for gain attends woman in child-birth;

(c) the word "Licensee" means any person to whom a licence to practice as a midwife or dai has been granted by the Medical Officer of Health under these Byelaws;

(d) the word "Medical Officer of Health" means the Medical Officer of Health, Dehra Dun.

4. No woman shall practice as a midwife of dai within the limits of the Dehra Dun Municipality except under a licence granted by the Medical Officer of Health in this behalf

Exception :— This byelaws shall not apply to a woman doctor holding the diploma of a recognised University or Medical School in India or the United Kingdom, as to her having passed the prescribed examination in midwifery, or to a woman possessing a certificate granted by a generally recognised institution approved by the Medical Officer of Health.

5. A licence to practice as a midwife of dai shall not be

ing there and failure to prevent such breeding within three days shall be deemed a breach of these byelaws.

5. Should the person or persons responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take the necessary measures to prevent the same, within five days after due notice has been given to them the Medical Officer or Health or the Official appointed by the local authority shall do, so and all necessary cost incurred by him for this purpose shall be recovered from the owner or other person found responsible as the case may be.

6. For the purpose of enforcing the provisions of these byelaws the Medical Officer of Health or other official duly appointed by the Municipality acting under their authority may at all reasonable times enter in and upon any premises within his jurisdiction. Any person or persons served with notice under clause (5) of the byelaws failing within the time specified by these byelaws or within the time stated in the notice of the Medical Officer of Health, as the case may be, to perform such duties or to carry out the necessary measures to the satisfaction of the Medical Officer of Health shall be deemed guilty of a breach of these byelaws.

7. No prosecution under these byelaws shall be launched unless the Medical Officer of Health has first given a notice to the person concerned to remove the objectionable matter or directing him to take proper steps in accordance with byelaws.

PENALTY

In exercise of the power conferred by section 299 (I) of the Municipalities Act, the Board hereby directs that a breach of any of the provisions of these byelaws shall be punishable with a fine which may extend to Rs. 500/- and in the event of a continuing breach with a further fine which may extend to Rs. 5/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offece.

Byelaws regarding Prevention of Malaria and other Inspect Nuisance framed under section 298 (I) (b) of the Municipalities Act, 1916.

BYELAWS

1. No one shall dig up burrow pits within half a mile from abadi of Dehra Dun Municipality.
2. No earth shall be dug by any person from any low lying land within the Municipal limits, but may dug of scrap off earth from high lands no matter they are at long distance.
3. All culverts constructed by the public for their convenience, viz for entrance to their premises, or house, or any other purpose over the drain, shall be cleaned of earth and other obstructions by the owner of the occupier before setting of rains.
4. White constructing new buildings and reparing the old once the owner shall take care that the digging of earth should be in such a menner that no hollows and trenches are made, which may hold rains water and create a source of breeing place for mosquitoes
5. Tanks or troughs for collection of water in any building or land when not in use shall be kept empty by the owner or occupier of the building or land and when such tanks are in use, the water shall be treated with Malaria or such other larvicide and at such intervals as may be prescribed by the Medicol Officer of Health
6. No licence for a brick klin shall be issued unless the klin is located hall a mile away from the abadi of the Dehra Dun Municipality.
7. No person shall dig up pits within Municipality limits for taking out stones and bajri within half a mile distance from the abedi The pits dug up in accordance with these byelaws shall be filled up with these byelaws shall be filled up with earth and bajri soon after the working of quarring is finished and in no case they shall be allowed to remain open and unfilled before the rains are set in.
8. If during quarring sub-soil water comes out of the

times keep his licence in the shop in a suitable glass frame.

[18] No person shall be allowed to import Beef and Buffaloe's meet within the Municipal limits.

5. On receipt of an application for a licence, the Licensing Officer shall either grant the licence or for reasons to be recorded by him refuse to grant it.

6. The Licensing Officer shall have power to cancel or suspend any licence for a breach of any of the conditions under these byelaws or for any malpractice.

7. An appeal shall lie to the Board against any order of the Licensing officer refusing, cancelling suspending a licence provided that the appeal is made within thirty days of the receipt of the order.

Under section 298 J (a)

8. No person shall carry meat through any street or on any public road except in a clean receptable and properly calewal with a clean cloth or wire gauze.

9. The fees payable in respect of licences under these byelaws shall be follows :—

Eggs & fowl sellers Rs :—
Butcher's licence Rs. 24/-
Hawker's licence Rs. 12/-
Fish seller Rs. 24/-

10. Application for the renewal of a licence shall be made at least one month before the date of expiry of the existing licence.

PENALTY

In exercise of the power conferred by section 299 (1) of the Act, the Board hereby directs that any breach of the provisions of byelaws 2, 4, 8, shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing one with a further fine which may extend to Rs 5/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the prevention of Mosquito Breeding in the Dehra Dun Municipality under section 298 1 (b)

(U.P. Gazette dated 26-9-1936 page 352 part III)

1. No person shall have, keep maintain, cause or permit in private premises within the limits of the Municipality any collection of standing or running water in which mosquitoes breed or are likely to breed unless such collection water is treated so as effectually to prevent such breedings.

2. Any collections of water mentioned under paragraph 1 shall be held to be those contained in ditches, pools, ponds excavations, holes, depressions, fountains, tanks, shallow wells, cisterns open cesspools, cesspits troughs, barrels chatties or gharas naunds keresene oil tins, tubs, cans, buckets, defective house roof gutters; bottles and domestic water containers of all descriptions, tanks or flush closets and other similar water containers.

3. The method of dealing with any collection of water specified in paragraph 2 for preventing the breeding of mosquitoes shall be approved by the Medical Officer of Health of other official appointed by the Municipal Board concerned and may be any one or more of the following :—

[a] Complete emptying every seven days of unscreened containers together with their thorough drying and cleaning before refilling.

[b] Using a larvicide.

[c] Covering completely the surface of the water with kerosene, petroleum or a mixture of a heavy miniral oil, kerosene and country castor oil (or other approved larvicide) once every seven days

[d] Filling or draining to the satisfaction of the Medical Officer of Health or other official appointed by the Municipality

[e] Proper disposal by removal destruction of tin cans, tin boxes, broken or empty bottles or similar articles likely to hold water.

4. The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breed-

slaughtered in the places appointed by the Board for this purpose.

[2] No person shall sell, store or expose for sale the flesh of any animal which has died from natural causes, or any meat which has been blown (phooka) or artificially stuffed of any meat which is unfit for the consumption of man or animal.

[3] No person shall sell store or expose for sale any meat which has not been passed and stamped by the Municipal Veterinary Assistant Surgeon.

[4] A meat shop shall not be used as a place of residence for man or best. nor shall cooking of any kind be carried on therein, store chickens, eggs, vegetable etc. nor shall any door or window open into the shop from any department used for any of the above purpose (1926 Gazette page 313)

[5] The floor of a meat-shop shall be cement plastered to stone-flagged. The walls shall be cement plastered to a height of at least four feet. The walls of new shop or shops to be reconstructed shall be of pucca masonry. The floor shall be thoroughly washed everyday before the shop is closed.

[6] The walls shall be white-washed every three months.

[7] Meat shall be stored or exposed for sale only in a room or place licensed for the purpose or in the Municipal meat market, except when hawked for sale by a licensed hawker.

[8] All boards, blocks, baskets, and other utensils and implements shall be maintained in a perfectly clean condition

[9] The windows of meat shops shall be fitted with wire-gauze to protect the meat from flies and to prevent its being seen by passersby. The doors shall be fitted with wire-gauze spring doors of a type approved by Licensing Officer and shall be kept closed at all times, (1926 Gazette page 313).

[10] In addition to the doors every shop shall have sufficient ventilation for air and light by means of windows and ventilators properly fixed in the wall opposite the doors or side walls and if possible should have cross-ventila-

tion also. The total window and ventilator area shall not be less than one-tenth of the floor area.

(No. 4109 dated 4-6-38)

[11] All boards upon which meat is exposed for sale shall be mounted with zinc sheets

[11] (a) In a meat shop, only the licensee or his registered servant or assistant will be allowed to sell the meat and the licensee shall not allow any other person to sell the meat or sublet a portion of his shop for any other purpose.

(No. 1176 dated 21-12-40)

[12] Any vendor licensed under these byelaws shall vend meat or offer it for sale only in the meat shop or meat market mentioned in the licence unless he does so elsewhere through a licensed hawker.

[14] Every licensed hawker shall hawk only meat that has been passed and stamped by the Veterinary Assistant Surgeon. Any unsold mutton hawked for sale shall be stored only in the Municipal mutton market.

[15] (a) No mutton pork, soultry hawking licences will be issued unless the applicant agrees to take a stall in the meat market at the present rate fixed by the Board from time to time (Gazette, dated 17-3-34, page 76).

[16] Any person licensed for the sale of swine flesh shall maintain a separate room for the killing of swine and dressing of meet. The floor and walls of this room shall be maintained as provided in byelaws 4 [5] & [6].

[15] No licence shall be issued for selling, storing or for exposing for sale more than one of the two kinds of meat, viz. mutton or pork, in the same shop or by the same hawker.

No. 5745 dated 8-7-39.

[16] No person suffering from any infections or contagious disease shall be allowed to partake in the business.

No. 1176 dated 21-12-40.

[19] The licence holder shall produce his licence at any time when so required by any person authorized by the Municipal Board in this behalf. He shall at all time

(2) No cask or other receptacle containing petroleum shall be opened, or the oil drawn off, within the building in which the petroleum is stored.

(3) Smoking shall not be permitted within any such building; nor shall any artificial light or fire, in any from, be introduced therein.

(4) All petroleum stored shall be kept in properly sealed tins, drums, or casks, and if any tin, drums or cask, be opened, it shall be securily closed again in such a manner that no vapour can be given off.

(5) All store houses used for the storage of petroleum shall be properly vantilated.

4. KEROSENE OIL

Fee for storage of Kerosene Oil From 12 to 100 gallons :-
Rs. 5/- per annum

Fee for storage of Kerosene Oil from 101 300 gallons
Rs. 10/- per annum

One each addition of 100 gallons or part
Rs. 2/- per annum

5. The Licensing Officer may cancel or suspend a license ror the breach of the conditions of the license.

Note - Licensas for quantities of non-dangerous petroleum exceeding 500 gallons are governed by the rules made by the Government of India under section 9 of the Indian Petroleum Act, 1899.

PENALTY

In exrcise of the power conferre by section 299 (1) of the Act, the Board hereby directs that a breach of the provisions of byelaw shall be punishable with a fine which may extend to Rs. 50/- and in the case of a continuing breach with a further fine which may extend to Rs 5/- for every day after the date of the first conviction. during which the offender is proved to have persisted in the offence.

Byelaws for proper control of the sale of Meat and Fish within the limits of the Dehra Dun Municipality

(No. 285/XXIII-50 (5)-(29-30) Dated 22-10-32)
under section 298 F (a), (b), (c)

(U P. Gazette dated 19-10-32 page 456 Part III (II, I 10-29-30)

Definitions :—In these byelaws unless there is something repugnant in the subject or context :

(a) Meat means the flesh of goats, swine, or sheep and fish, intended for human or animal consumption;

(b) Meat-shop means premises licensed and set setapart for the sale of meat;

(c) Vendor means a person licensed to offer meat for sale in a meat shop.

(d) Hawker means a person licensed to hawk meat for sale at customers house.

(e) Public street means any street (a) over which the public have a right of way. (b) here to fore levelled paved, metalled, channelled, sewered or repalied out of Municipal or other public fund

(Sanctioned by Notification No. 4252/XXIII-7 (5) 42-43 dated August 12, 1943. published in U.P. Gazette, Part III dated 21-8-43).

2 No person shall sell, store, or expose for sale any meat in a meat market or shop or hawk same within the limits of the Municipality unless he has been granted a licence in this behalf.

3. (a) Meat may be sold or exposed for sale to a customers at his private residence provided that this dose not involve exposure of the meat in any street or public place.

4. The Medical Officer of Health shall be the Licensing Officer for the purposes of these byelaws.

5. Any licence granted under these byelaws shall be valid only upto the 31st March next ensuing and shall be subject to the following conditions :—

[1] Horned cattle, excluding cows & buffoloes both male and female sheep, goats, or swine shall only be

मचाना, जिससे वहां बैठे अन्य व्यक्तियों के आनन्द में बाधा आती हो, वर्जित है।

१०. प्रमोद या विहार स्थल के अन्दर गाली या गन्दे शब्दों का प्रयोग करना वर्जित है।

११. प्रमोद या विहार स्थल के अन्दर नगरपालिका की पूर्व आज्ञा के कोई भी खेल, सभा या मेला तथा पर्व आदि नहीं मनाया जा सकता।

१२. कोई भी व्यक्ति प्रमोद या विहार स्थल के किसी भाग को कपड़े एकत्रित करने, फैलाने या रखने अथवा सूखने के प्रयोग में नहीं ला सकता।

१३. कोई भी व्यक्ति अपनी साइकिल, बच्चों की गाड़ी म्युनिसिपल प्रमोद या विहार स्थल के अन्दर नहीं ला सकता।

१४. कोई भिक्षुक, कुष्ट रोगी, ठेली, खोमचे वाला, तेल मालिश वाला, चन्दा एकत्रित करने वाला किसी भी दशा में म्यु० प्रमोद या विहार स्थल में प्रवेश नहीं कर सकता।

दण्ड

उत्तर प्रदेश म्युनिसिपेलीटीज एक्ट की धारा २६६ (१) द्वारा दिये गये अधिकारों का प्रयोग करते हुए बोर्ड आदेश देता है कि उपरोक्त किसी उपनियम का उल्लंघन करने वाले को (पांच सौ रु०) ५०० रुपया तक अर्थ दण्ड दिया जा सकता है, तथा अपराध जारी रखने पर १ रु० तक प्रतिदिन चालान के पहले दिन से जिस समय तक अपराध साबित होगा, दण्ड दिया जावेगा।

CHAPTER XIV

Byelaws Governing the Storage of Petroleum within the Dehra Municipality

(G.O. No. 441/XI-35 H Dated 1st February, 1917)
Under Section 298 G

1-No person shall store, in any building within the limits of the Municipality without a license a quantity of petroleum, spirit, naptha calcium carbide, or other inflammable material in excess of the amount specified below :—

Non-dangerous petroleum	—	Maximum quantity, 12 gallons provided that petroleum is contained in closed tins, drums or bottles.
Spirit	...	Maximum quantity, 2 gallons
Naptha	—	Maximum quantity, 1 qnart
Calcium carbide	—	Maximum quantity, 5 lbs provided that it is kept in separate metal vessels each containing not more than 1 lb of the nature described in, and labelled as required by the rules framed by the Local Government under section 5 of the Indian Petroleum Act, 1899.
Other inflammable Substance	—	Such quantities as the Board may from time to time prescribe

2. The Executive Officer shall be the licensing Officer for the purpose of these byelaws.

Non-dangerous petroleum

3 The following are the conditions under which licenses for storage of non dangerous petroleum may be granted :—

(1) No other goods of a combustible nature shall be stored in the licensed premises.

wise grant the use of occupation of any building to a public prostitute, or for the purpose of keeping a brothel within the areas specified in Byelaw No 1.

NOTE:—Any building found in actual use or occupation of a public prostitute or as a brothel shall be deemed to have been let or otherwise granted for use as such

Penalty

In exercise of the power conferred by Section 299 (1) of the Act. the Board directs that a breach of any provision of the above byelaws shall be punishable with a fine which may extent to Rs. 500/- and which the breach is a continuing breach with a further fine which may extend to Rs. 5,- for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

सं० २०३१/२३. १८१.६०.६१. इस विषय पर पूर्व प्रकाशित समस्त उपनियमों को खंडित करके निम्नलिखित देहरादून, नगरपालिका की सीमा में स्थित सुभाष पार्क के नियंत्रण सम्बन्धी उपनियम, जिन्हें नगरपालिका देहराडून ने यू०पी० म्युनिसिपेलीटीज एक्ट, १९१६ की धारा २९८ (२) के (ए) (सी) के अधीन बनाये है और जिसकी पुष्टि आयुक्त ने की है, इस विज्ञप्ति द्वारा उक्त एक्ट की धारा ३०१ (२) के प्रावधानों के लिए प्रकाशित किये जाते है।

उपनियम

१. प्रमोद स्थल या विहार का तात्पर्य देहरादून नगरपालिका के उद्यान से है, जो सुभाष पार्क तथा पूर्वी परेड ग्राउन्ड कहलाती है तथा अन्य म्यु० पार्क तथा पूर्वी परेड ग्राउन्ड कहलाती है, आदि पर भी यही नियम लागू होंगे।

२. प्रमोद स्थल या विहार जनों के लिये प्रातः १० बजे रात्रि से २ बजे प्रातः तक बन्द रहेगा, किन्तु प्रधान, फिजिकल कलचर कमेटी, नगरपालिका समय-समय पर अपने आदेश से विशेष परिस्थिति में

सार्वजनिक कार्य के लिये उसके विपरीत भी प्रयोग करने की आज्ञा दे सकती है। शेष कार्यालय जनता नियम समयानुसार प्रमोद या विहार स्थल में प्रविष्ट कर सकते है।

गर्मी के मौसम में अर्थात मार्च से जुलाई तक ४ बजे सायंकाल से १० बजे रात्रि तक प्रातः ५ बजे से ८ बजे तक।

वर्षा ऋतु में अर्थात अगस्त से अक्टूबर तक ४ बजे सायंकाल से ९ बजे रात्रि तक तथा प्रातः ५ बजे से ९ बजे तक।

जाड़े के मौसम में अर्थात नवम्बर से फरवरी तक ३ बजे सायंकाल से ८ बजे रात्रि तक तथा प्रातः ६ बजे से ९ बजे तक।

३ जिस द्वार अथवा उपद्वार अथवा अन्य मार्ग द्वारा नियम की व्यवस्था बनाई गई हो वहीं से प्रत्येक व्यक्ति प्रमोद या विहार स्थल से प्रवेश करेगा और बाहर जा सकेगा।

४. नगरपालिका द्वारा प्रमोद या विहार स्थल के किसी भाग में प्रतिष्ठापित किसी सूचना पट किटिंग को कोई व्यक्ति नहीं हटा सकता है और न उसके रूप को विकृत कर सकता है, इत्यादि।

५. कोई भी व्यक्ति प्रमोद या विहार स्थल की दीवार चहारदीवारी, झाड़ियों की मेड़ या बाड़, जो प्रमोद या विहार स्थल को घेरे हुये है, उसका या प्रमोद विहार स्थल में किसी भी इमारत, ढांचा या स्मारक अथवा किसी कला की वस्तु या सजावट के सामान को किसी औजार या किसी वस्तु का, जो कि पेड़, पौधे को सुसज्जित रखने या किसी पेड़ कलम झाड़ी, पौधे को बनाने के काम आती हो, उसको न स्थानान्तरण करने का प्रयत्न करेगा और न उसको क्षति पहुंचायेगा।

६ कोई भी व्यक्ति किसी भी समय प्रमोद या विहार स्थल के किसी काम पर फलों की सतह या झाड़ी या किसी स्थान, जो कि फल लगाने के लिये या किसी झाड़ी को लगाने के हेतु तैयार किया जा रहा है, उस पर न तो चलेगा, खड़ा होगा, न बैठेगा, और न लेटेगा।

७. प्रमोद स्थल में किसी भी समय कोई व्यक्ति पेड़, कलम, झाड़ी या पौधे के पुष्प या कली या पत्ती नहीं तोड़ेगा।

८. कोई भी व्यक्ति प्रमोद या विहार स्थल के अन्दर पत्थर या ऐसी वस्तु नहीं फेंकेगा, जिससे किसी व्यक्ति को नुकसान पहुंचे या चोट लगने का भय हो।

९. बिना प्रधान, नगरपालिका की पूर्व आज्ञा के कोई व्यक्ति प्रमोद या विहार स्थल के अन्दर बाद, संगीत, बाजा, ढोल आदि नहीं बजा सकता। प्रमोद या विहार स्थल के अन्दर गाना बजाना या शोर

(c) the tumblers, glasses, cups spoons, bottles, lotas, dishes are then wiped dry with a clean duster jharan and kept in a clean cupboard for use.

15. (i) No persons suffering from any infectious or skin disease or disorder shall be employed for the purpose of manufacture, storage or sale of ice-cream of Sharbat or for any purpose connected therewith.

(ii) Every licence must upon the occurrence of enteric fever, dysentry, diptheria, tuberculosis, tonsilitis gastro-enterits, cholera or any other milk, food or water borne disease among the persons working in or about the premises immediately notify to the Medical Officer of Health.

16. The Medical Officer of Health may if he has reason to believe that any ice-cream or Sharbat is likely to cause any of the diseases enumerated in clause (i) of byelaws 15 notify the licensee or the person incharge of the ice-cream, or Sharbat that until further notice the ice-cream or Sharbat shall not be sold. The Medical Officer of Health in case he finds danger of infection from consumption of such ice-cream or Sharbat may, if he deems necessary destory the same.

17. The premises shall be open to inspection of the Medical Officer of Health, the Chief Sanitary Inspector and Sanitary Inspectors at all reasonable times and the licensee shall comply with the directions issued to them by such officers.

18. On receipt of an application for the grant or renew of licence, the Licensing Officer may either grant or renew the licence, for reasons to be recorded, reject it.

19. The Licensing Officer may cancel or suspend a licence if the licensee commits breach of any of the conditions specified in the byelaws.

20. An appeal shall lie to the District Magistrate against an order of the Licensing Officer refusing or cancelling or suspending a licence provided the appeal is made within 30 days from the date of the order.

21. Nothing in these byelaws shall apply to any house or building in which ice-cream is prepared for private use.

PENALTY

A breach of any of the provisions of these byelaws shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing one with a further fine which may extend to Rs. 5/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

---

sanctioned under Notification No. 24/XXIII-16-53-54 dated 3 October, 1956 and published in U.P. Gazette, dated October 13, 1956, Part III Page 527)

Copy of Notification published in Uttar Pradesh Gaxette dated May 19, 1956.

No. 1909/XXIII-3 (55-56). In supersession of all the byelaws previous published on the subject the following if the Byelaws prohibiting the residence of public prostitutes and the keeping of brothels in specified area of Dehra Dun Municipality which has been made by the Municipal Board Dehra Dun under Section 298 II-H of the U.P. Municipalities Act, 1916, and confirmed by the Commissioner, is hereby published as required by Section 301, Sub-Section (2) of the said Act :

BYELAWS

1. No public prostitute shall reside within the following areas :
Rajpur, Rispana, Karanpur, Old Dalanwala, Dharampur, Lakhibagh, Patel Nagar, Laxman Chowk, Jhanda Mohalla, Dhamawala, Paltan Bazar, Khurbura, Kaulagarh, Mannuganj, Lunia Mohalla, Chukhuwala and Hathibarkala, Wards of the City Board, Dehra Dun as defined and described in the Municipalities delimitation Order 1953 published under Notification No. L.B. 2387/XI-A-10-52, dated September 4, 1953, in the U.P. Gazette, Extraordinary of the same date.
2. No person shall keep a brothel or shall let or other-

drains shall be so constructed as not to allow accumulation of waste water in them.

7. (i) A hawker shall not prepare ice-cream, ice-candy Malai-Ka-Baraf or Kulfi or other preparation and Sbarbat on the public road or other place except in premises duly passed and confirmed by the Medical Officer of Health and for which he has obtained a licence under these byelaws. He can however, hawk or carry for sale the same, obtained from any licensed premises, in an ice box, thermos or air-tight, fly-proof handcarts containing proper cooling arrangement and similary a licece cannot use any premises unless they confirm to the provisions of the Act rules and the byelaws and approved by the Medical Officer of Health. A person who obtains a licence for manufacture, preparation or store for sale of ice-cream and Sharbat, shall have to obtain also a licence for hawking the same if he desires to hawk and shall be free from any contagious disease. He shall satisfy the Medical Officer of Health in this behalf before getting a licence.

(ii) The Licensee :

shall not maintain or allow any privy to be maintained on the premises unless it is separated from the factory by on open passage at least 6 ft. wide, and is situated more than 20 ft from the factory windows and has no direct communication with it.

(iii) shall see that no filth, refuse, dirt or dust is deposited or allowed to accumulate on the premises or its surroundings.

(iv) shall neither keep nor allow dogs, cats, goats, cows, or other animals on the premises,

(v) shall keep premises free from rats and verminy and

(vi) shall see that ice-cream or Sharbat is not exposed to infection, pollution or contamination and that all precautions to prevent such exposure have been taken.

8. The licensee, his servants and agents shall take inoculation against cholera and typhoid before they participate in the manufacture, storage or sale of ice-cream of Sharbat and shall produce an authorised certificates to this effect before obtanining licences.

9. Every bottle of Sharbat shall bear a label giving the name and address of the manufacturer and the name of the Sharbat.

10. All substances used in the preparation of ice-cream or Sharbat must be clean, pure, fresh, undecomposed and of good quality and free from injurious or harmful admixture with inferferior articles.

11. No harmful colouring, preservative, stabilizing or flavouring agent and no saccharine shall be used in the preparation of ice-cream and Sharbat or any other such articles

2. Water used in the manufacture of Sharbat or sweetened cold drinks or for cleaning utensils and other articles used in the premises shall be drawn directly from the Municipal Service Water Taps.

13. (i) No utensils, or other apparatus or cupboards or metal cases shall be used while in a dirty or rustly condition or in a condition that fails to protect the ice-cream or the Sharbat or the milk or other ingredients used in their manufacture from contamination by dust, dirt, smoke flies or other injurious or harmful things).

(ii) All metal glass or porcelain containers, receptacles, bottles, or cases used in the preparation and storage of ice-cream or Sharbat shall be thoroughly cleaned and effectively sterilized by boiling, steaming or chlorination before they are brought in to use.

14. Every licence shall, provide within the premises meant for sale of ice-cream or Sharbat two receptacles or troughs for cleaning and washing the glasses, spoons, dishes, Lotas, etc. and shall see that :

(a) the tumblers, glasses, cups Lotas, spoons, dishes, etc. are after use cleaned with fresh water which is placed in one of the troughs or receptacles.

(b) are after they have been cleaned and washed in clean water placed in the second receptacle or trough containing potassium permanganate of a strength of 5 grains to a gallon of of water or in bleaching powder solution of a strength of 1 grain per gallon for half an hour and are then either rinsed with fresh water or are effectively sterilized or boiled for not less than 15 minutes; and

PENALTY

In exercise of the powers conferred by Section 299 (I) of the U.P. Municipalities Act the City Board, Dehra Dun directs that a person continuing any breach of the provisions of the above byelaws shall be punishable with a fine which may extend to Rs. 200/- and when the breach is a continuing one with a further fine of Rs. 5/- for every day after every firm conviction during which the offender is proved to have persisted in committing the offence.

Sanctioned under Govt. Notification No. 2839/XXIII-16-53-54 dated August 24, 1956 and published in U.P Gazette dated September 1, 1956 Part III Page 349.

Byelaws for the Control, Regulation, and Inspection places for manufacture, preparation, storage and sale of Ice-candy and Sharbats

BYELAWS

1. Definition—

(a) "Ice-cream" means frozen or cooled articles of food prepared of milk (Malai-ka-baraf and Kulfi) and also includes ice-candy and similar preparations of shrepded or frozen ice mixed with syrup & pressed on a stick or any similar preparation using syrup (Sharbat) fruit juices or diluted milk or a milk product.

(b) 'Sharbat' means non-aerated sweetened drinks, cooled by the addition of ice or uncooled, prepared by dissolving sugar, sugar candy or other sweetening agents derived from sugar-cane in water, milk curds, and butter milk fruit juices, etc. with or without any flavouring or colouring agent.

(c) "Vendors" includes hawker, stall-holders, proprietors and managers of hotels, restaurants and manufacturers

who prepare ice-cream and Sharbat for the purpose of sale.

(d) "Year" means the year beginning from 1st of April and ending with the 31st March.

(e) "Premises" means the premises which are used or intended to be used for the purposes of manufacture, storage or sale of ice-cream or Sharbat within the limits of the Dehra Dun Municipality.

2. No person shall manufacture or store for purposes of sale or sell ice-cream or Sharbat within the limits of the Dehra Dun Municipality unless he has been granted a licence in this behalf.

3. The Medical Officer of Health shall be the Licensing Officer for the purpose of theue bye-laws.

4. A licence once granted will be valid for a year and will require renewal every year thereafter.

5. Fee at the following rates shall be charged ror the grant or renewal of a licence for manufacture, storage or sale of ice-cream, ice-candy and Sharbat.

(a) Licences other than hawker's licence Rs .50 per year

(b) Hawker's Licence ... Rs 10 per year.

6. Premises :—

(a) shall not be within 100 ft of any cowshed stable public latrine, cesspool, paildepot, manure heap or public dustbin;

(b) shall have smooth and non-absorbent floors and walls up to a height of 6 ft

(c) shall not be used for living or sleeping purposes and shall not be connected with any other building used for residential purpose or a godown.

(d) shall have sufficient number of windows and doors for the passage of light and each window and door shall be covered by a wire gauze of such a mesh as will keep out flies. The door shall be self-closing openig outside;

(e) shall be white washed or cleaned as often as necessary to keep them clean; and

(f) shall have drains with non absorbent surface and the

7. There shall be a clear space of 3 ft. all round the machine or engine of the factory or workshop to facilitate cleaning.

8. The factory shall have a proper drainage for disposal of rain water, sullage and sewage by means for pucca drains or glazed stoneware, pipes or cast iron approved by the Medical Officer of Health.

9. Facilities for latrines and urinals shall have to be provided in the factory premises for the workers of the factory in accordance to the instruction of the Medical Officer of Health, City Board Dehra Dun and according to the instructions mentioned above

(a) No factory run by engine exceeding 10 H.P. shall be allowed in the city area except in the industrial area which is as follows :

(i) Dharampur, Hardwar Road from Saharanpur Road, Race Course Branch Canal upto Municipal limits on Hardwar Road.

(ii) Saharanpur Road beyond Saharanpur Toll Barrier upto Municipal limits.

(iii) Rajpur Road between President's Body Guard lines and the Southern limits of Rajpur.

(b) No factories run by electricity diesel oil or petrol, or steam engine shall be allowed to be fixed in the civil area.

10. The owner of the mill shall comply with any order regarding public health and sanitation which may be issued to him nor by the Medical Officer of Health, City Board Dehra Dun or any other empowered by him.

11. The premises shall be open to inspection of the Medical Officer of Health, Chief Sanitary Inspector, Sanitary Inspectors and Officer of the Board empowered by the Medical Officer of Health during the working hours.

12. No person suffering from any inspectious or contagious diseases shall be employed to work in the factory premises.

13. The factory or workshop shall be worked only during the day from sunrise to sunset.

14. A proper silencer shall have to be provided in engine to be avoid unbearable and jarring sound of the working machine and no whistle or loud sound of the contrivance

shall be fixed to the engine for the purposes of any call or advertisement except that operation of a siren can be allowed by the Licensing Authority, i e the Medical Officer of Health for two minutes for the convenience of the time for opening and closing the factory.

15. An iron chimney shall be provided for disposal of smoke from the factory engine sufficiently high to the satisfaction of the Medical Officer of Health to avoid smoke nuisance in the neighbourhood.

16. No such factory or workshop shall be allowed to run by any body without first obtaining a licence for the same from the Medical Officer of Health City Board Dehra Dun.

17. The licence shall cover a period of one year beginning from April 1 of each year and ending on the 31st day of March the succeeding year.

18. The licence fee of a factory or a workshop shall be charged at the following rates :—

For any engine of—

(1) Upto 5 horse power Rs. 5 per annum
(2) Over 5 horse power upto 10 H.P. Rs. 10 per annum
(3) Over 10 horse power upto 15 H.P. Rs. 15 per annum
(4) Over 15 horse power upto 20 H.P. Rs. 20 per annum
(5) Over 20 horse power upto 30 H.P. Rs. 30 per annum
(6) Over 30 horse power upto 50 H.P. Rs. 50 per annum

No engines of over 50 H.P. shall be allowed to be fixed for working a factory or workshop in the Dehra Dun City Board limits.

19. (a) Applications for renewal of licences must made at least one month before the date of expiry of the licence

(b) If the licance is not renewed in time an extra late fee of Re. 1.00 per month will be charged for every licence after the due date of obtaining the same together with the usual annual licence fee.

20. The Executive Officer, the Medical Officer of Health the Municipal Licensing Officer or the Chief Sanitary Inspector shall be the authority to inspect and issue notices for any breach of these byelaws.

21. An appeal shall be made to the Board.

(c) All existing petrol pumps in the limits of Dehra Dun Municipality, shall apply for a licence under these byelaws.

PENALTY

Breach of any of the provisions of these byelaws shall be punishable with a fine which may extend to Rs. 500/- and in the case of continuance of the breach with a further fine, which may extend to Rs. 5/-for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the Regulation and Control of Factories and Workshops run by electric power oil engine, steam water, Petrol othor Mechanical contrivance, with the aid of animals or manual labour

BYELAWS

DEFINITION :- In these byelaws a factory or a workshop means all Factories worked by electricity, oil engine, steam, water or petrol engine, any mechanical contrivance, manual labour, or with the aid of animals irrespective of number of persons employed, and includes: Cotton spinning & Weaving and cotton breaking Machines, Line & Surkhi grinding machines, grain hushing sugar and ice factories, Saw mills, wood works, tin & Iron product, manufacturing machines & workshop or any other Manufacture.

1. No person shall establish a factory or workshop within the Municipal limits of Dehra Dun, except in accordance with the conditions laid down in the byelaws.

2. The building in which the factory or workshop for the above purpose is opened shall be pucca in constructien and strong enough to stand the forces of vibration or mechinical power used in working the machine and shall be form a contigious part of any building used for residential purpose

3. If the factory or workshop is installed for manufacture of any article food for human consumption, it shall be fixed at a distance of at least 50 ft. from any privy and cesspool and 200 ft from any public latrine and any offrnsive trade from which obnoxious gases are likely to spread,

4. The distance between two factories or workshop shall not l e less than 200 yards.

5. All drains, pipes or sewers for carrying of the sullage or sewage which run under the factory or workshop shall be constructed of circular glazed stoneware or glazed earthenware or cast iron pipes or a drain made of non-abosorbent material.

6. The floor of the factory or workshop shall be plastered with cements and the walls up to a height of at least 6 ft.

Byelaws for regulation and installation of Petrol Pumps on public roads within in Limits of Dehra Dun Municipality, sanctioned by the Commissioner vide Gazette Notification No. 156 XXIII-3 (5) 63-64 dated 13-10-64.

BYELAWS

1. Licence to be obtained for installation of petrol pump. No person shall use any place withinin Municipal Limits for installing a petrol pump unless a licence for the same has been obtained from the Board.

2. Petrol pumps on Road Junction–No petrol pump shall be permitted closed to any road jjuction.

3. Frontage–The minimum frontage of a petrol pump shall not be lss than 100 feet.

4. Entrance and Exit—The width of entrance and exit not be less than 30 feet and it shall have easy curves, the ruling radius being 100 ft. and the absolute minimum shall be 35 feet. No kiosk or building shall be located less than 12 feet beyond the fuel filling pump.

5. Buffer strip—A Buffer strip at least 40 feet in length and 10 feet in width or equal to the widh of the foot and cycle paths (where they exist) whichever is greater, shall be provided.

6. Distance of the pump from centre of the Road—The distance of the pump shall not be less than 50 feet from the centre line of the road where cycle tracks are not likely to be required in future, in the other case this distance shall not be less than 65 feet.

7. Extent of the Petrol Station—There shall be sufficient standing space inside the petrol station for the vehicles to wait for their turn. In order to reduce the number of waiting vehicles, oil,air, etc, shall be installed at some distance from filling pump, so that vehicles which have refuelled can immediately drawn away from the pump Entrance and exit signboards shall be put up to guide vehicles during the day and green and red light to guide them at night.

8. Precautionery measures—No person shall be allowed to smoke and none shall smoke light matches or fire within 10 feet of the pump.

The driver shall extinguish light of the vehicle and shall shut of the engine when petrol is being filled in by him from the pump.

No other waiting vehicle in the petrol station shall have light on or the engine of the vehicle on, at the time when any other vehicle is taking fuel.

9. For any constructions or for filling up a kiosk or building in the petrol station plans will be submitted under Section 178 of the Act and sanction obtained.

10. No petrol pump will be allowed on a road which is undeveloped or Kutcha and the drive way inside the petrol Station shall also be metalled and asphalted or brick paved or cement concreted.

11. (i) LICENCE-All petrol Stations within the limits of the Municipal Board, Dehra Dun, shall obtain a licence.

(ii) Application for licence shall be in triplicate together with site-plans and copies of sanctioned plans, all of which again in triplicate. One copy shall be returned by the Board and one copy shall be returned to the applicant and the remaining copy shall be sent to the District Magistrate for his information.

(iii) Every licence shall be for a period of one year ending 31st March.

(iv) Applications for renewal of licence shall be made in March every year.

(v) The Executive Officer of the City Board, Dehra Dun shall be the Licensing Officer.

(vi) An appeal shall lie against any order of the Licensing Officer or a refusal to grant licence under these byelaws to the District Magistrate, if preferred within thirty days of the communication of the order or refusal to grant the licence.

12. Licensing Fees—

(a) A fees of Rs. 25.00 shall be charged for every licence granted under these byelaws;

(b) A renewal fee of Rs. 10.00 shall be payable along with the renewal application.

PENALTY

In exercise of the power conferred by section 293 (1) of the Municipalities Act, 1916, the Board with the sanction of the Local Government hereby directs that a breach of any of the provions of these byelaws shall be punishable with fine which may extend to Rs. 500/- and in the event of a continuing breach a further fine which may extend to Rs. 5/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offence

---

Byelaws regulating the flying of Kites, throwing of Langars, playing of Football or any other game in the vicinity of Electric Aerial Mains Telegraph or Telephone Wires in the Dehra Dun Municipality.

(Gazette dated 2-2-35, pages 46-47
" " 23-2-35 " 91
" " 17-8-35 " 311)

1. The flying of kites by means of wire thread or strings treated with powered glass is strictly prohibited throughout the Municipality, nor shall any person fly any kite of any description in the vicinity of electric, telegraph or telephone wires or standards.

2. No person shall in the vicinity of electric, telegraph or telephone wires or standards, throw "langars" or play football or any other game which is likely to cause damage to such wires or the poles, brackets, or other fittings to which they may be attached.

3. No person shall in any circumstances climb any pole or bracket carrying an electric, telegraph or telephone wire or bring any stick, pole, hook, or other implement in contact with an electric wire, pole, bracket or other fittings

PENALTY

In exercise of the powers conferred by section 299 of Municipalities Act II of 1916, the board hereby directs that any breach of the provisions of these byelaws shall be punishable with a fine which may extend to Rs. 50.

Byelaws regulating the Digging up of Holes for Excavating Lime stone in the Rispana River Bed framed under Sec. 298 (1) (g) of the Municipalities Act, 1916

(Gazette dated 10-3-34 No. 2107 and Notification No 6480 dated 12-8-1939 page 212)

1. No person shall dig holes in or excavate lime stones from the ground towards west end 100 feet towards east in the river bed from the western bank of the Rispana River within Municipal limits.

(The pakka protection band, wherever it exists, will be taken as the western bank of the river for the purpose of these byelaws)

2. No person shall dig holes in or excavate lime stones from the ground within a distance of 50 feet from the edge or side of any public road or track in the river bed from Mrs. Melvill's compound in the north and the Rajpur Road crossing in the river bed on the south.

PENALTY

In exercise of the powers conferred by Section 299 (1) of the Act the Board hereby directs that any breach of the provisions of the above byelaws shall be punishable with a fine which may extend to Rs. 500/- and in the event of a continuing breach with a further fine which may extend to Rs 5/- for every day after the date of the first conviction during which period the offender is proved to have persisted in the offence.

---

provisions of these byelaws shall be punishable with a fine which may extend to Rs. 50/- and in the event of a continuing breach, with a further fine which may extend Rs. 5/- for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the Prevention and Spread of Infectious Diseases

G.O. No. 4465/XXIII-50 (5) dated 13th May 1931 Sec. 298-1 (b) of the Municipalities Act 1916 U.P. Gazette dated 16 May, 1931 Part III, Page 202 II I 8

30—31

Whereas it is expedient to have proper control regarding the prevention of the spread of infectious diseases, the following byelaws have been framed :—

1. In these byelaws unless there is something repugnant in the subject or context :—

(i) Infectious disease means plage, cholera, smallpox enteric fever, diptheria, scarlet fever, yellow fever, measles, pulmonary, tuberculosis or any other infectious disease that may be notified by the Local Covernment under section 279 of U.P. Municipalities Act II of 1916.

(ii) Medical practitioner includes all persons male and female who carry on the profession on treating human beings according to any recognised system of treatment.

(iii) Conveyances include all vehicles whether drawn by animals or propelled by machinery or human labour.

2. Whenever :—

(a) being a medical practitioner in the course of his practice becoming cognizant of the existence of an infectious disease in any dwelling or asylum er,

(b) In default of such medical practitioner, the occupier of such dwelling or person in charge of the premises becomes cognizant of the existence therein of any such infectious disease or,

(c) In default of such owner or occupier, being the person in charge of or in attendance on a person suffering

from any such infectious disease in such dwelling or asylum and being cognizant of a existance of an infectious disease therein.

He shall give information with the least possible delay to the Medical Officer of Health.

3. Cases of infectious disease must be isolated and treated, and contacts looked after by the head of the family or person in charge of the patients to the satisfaction of the Medical Officer of Health till recovery, removal or death in case of patients or freedom from infection in case of contacts.

4. The head of every family or in his absence the next senior male member of the family residing in the house shall :—

(i) disinfect or cause to be disinfected all clothing utensils, beddings, beds, furniture, etc., used by the patients or occupied by them;

(ii) either burn or disinfect or cause to be disinfected all excretions and secretions of the patient daily before disposing of them;

(iii) and shall disinfect daily all utensils used by the patient ;

(iv) shall allow the supervising staff to attend the daily disinfection of the privies, drains & well of the house.

(v) shall soak all cloths that have come in contact with the patient in antiseptic solution before sending to the dhobie.

NOTE :—(a) Where for any reason these measures cannot be carried out the patient may be removed if agreeable to the Hospital for infectious diseases under the orders of the Medical Officer of Health.

(b) in indigent cases the requisite amount of disinfectant will be supplied by the Medical Officer of Health.

5. The owners or drivers of conveyances shall immediately disinfect or cause to be immediately disinfected all conveyances which have been used for carrying person suffering from infectious disease.

6. All instructions issued in print or in writing from time to time by the Medical Officer of Health regarding the check of infection disease must be carried out by all concerned.

11. The license holder shall produce his license at any time when so required by any person authorized by the Municipal Board in this behalf. He/she shall at all times in keep his/her license in the hotel or lodging house in a suitable glass frame and in some conspicuous part of the said premises. (No 4853 dated 10-8-40)

12. In the event of the licensee leaving the station for a period of more than a week, he shall authorise in writing some person to act on his behalf and to receive notices from the licensing officer, and to comply with his directions. The name of the person so authorised shall be intimated to the licensing officer.

13. A separate metered water connection will, if called for be provided.

14. If a case of smallpox, cholera plague, influenza or roplacing fever or other infectious disease occurs in or near the hotel or lodging house, the proprietor shall close the same for as longas the licensing officer deems it necessary and shall arrange for disinfection to this satisfaction of the Medical Officer of Health.

15. The licensee will at all times during the continuance of this license, be responsible for the due fulfilment and observance of all the foregoing conditions and in case or any infringement of, or neglect or failure, on the part of the licensee or any other person employed or having any interest in the business to fulfil or observe any of the said conditions the licensee shall be liable to prosecution and the suspension or revocation of his license

16. The licensee will also be liable to suspension or revocation by the licensing officer if the premises are so kept or the trade or any operation connected with it is so carried on as to be, in the opinion of the licensing officer, a source of nuisance on danger to life, health or property, or if the licensing officer has reasons to believe that the licensed premises are being used as brothels

17. For every license granted under these byelaws a fee at the following scale shall be paid This fee shall be paid for the year or portion of the year terminating on 31st March

licence unless renewed shall remain valid after 31st March following the date of issue.

License fee on hotels in city area and village Abadi will be charge at paise 50 per bed per month and Re. 1/- per bed per month in civil area.

18. The Medical Officer of Health shall be licensing officer for the purpose of these byelaws.

19. The Medical Officer of Health, Chairman of the Board President, Public Health Committee and the Executive Officer are empowered to inspect and examine the premises at any time and the licensee or other person incharge for the time being shall permit such inspection or examination

20. The utmost cleanliness shall be observed in the various process of preparing food and appliances shall be kept in a thoroughly clean and sanitary condition. All cups, saucers, dishes and other food utensils shall be thoroughly cleaned before they are used.

21. The licensee shall exhibit boards in English and in vernacular prohibiting spitting on the walls or the floor of the licensed premises and shall provide a sufficient number of spittoons which shall be conveniently placed. & cleaned and disinfected daily.

22. The entire premises shall be lime-washed at least twice a year, i.e. every April and October and all the other furniture and environments shall be kept clean and sanitary to the satisfaction of the Medical Officer of Health.

23. All vessels, utensils, or receptacles for storing water milk or other food stuffs shall be such as may be approved by the Medical Officer of Health, and they shall constantly be kept clean and sanitary and will be replaced from time to time as and when so required by the Medical Officer of Health.

23. Every licensee shall put up a sign-board in Urdu, Hindi and English characters at a conspicuous place to notify that the eatable articles are prepared at his/her premises from pure ghee or vegetable oils.

PENALTY

In exercise of the powers conferred by section 299 (1) of the Act, the Board hereby direct that a breach of anyof the

and/or 2 read with the penalty clause given below, serve the owner of the building or his agent o, the occupier with a notice to conform the height of the compound hedge. boundary walls, or fences to the preceding byelaws within a week, failing which the Executive Officer have the power to get the height of hedge, boundary walls or fence conformed to the byelaws through Municipal agence and recover all expenses incurred including the pay of the officials employed on the work from the person or persons who failed to comply with the notice in the manner provided by chapter VI of the Act of 1915 (11 of 1916)

(Published in U.P. Gazette dated 31-1-1942, part III) under Notification No. 2046/XXIII-24 (5) (39-49) 27-1-42.

PENALTY

In exercise of the power conferred by section 299 (1) of the Municipalities Act, 1916, the Board hereby directs that a breach of the provisions of these byelays shall be punishable with a fine whic may extend to Rs. 50/- and when the breach is a continuing breach with a further fine which may extend to Rs. 5/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the control of Hotels, Lodging Houses framed under section 298 (2) 1 (e) and (f) of the Municities Act. 1916.

G. O. No. 2551 dated 9-3-1939 published in U.P. Gazette dated 18-3-39 page 84

1. No place shall be used or continue to be used as a hotel or lodging house unless it has been licensed for the purpose under these by-laws.

2 A licensee who provides sleeping accommodation for his guest (i e a hotel keeper or a lodging house keeper shal observe the conditions as laid down in the following byelaws.

3. No portion of the eating room shall be utilized for preparing meals or dishes of any kind All articles shall be prepared in a regular kitchen

4. The licence shall provide and maintain in a sanitary condition, room or rooms, adequately lighted and ventilated and in all other respects suitable for the purpose for the sleeping accommodation of the guest and his resident staff of servants both superior and menial. He shall also provide accommodation to the satisfaction of the Medical Officer of Health for a reasonable number of visitor's servante, and institute all fire fighting apparatus as determined by the M O H. defore a licence is issued to him (Notification No. 1501 XXIII-7 (5) 42-43 datad 1-20-47)

5 The accommodation shall not be less than 80 square feet of floor area and 800 cubic feet of air space per head.

6. Suitable latrines and bathing and washing places shall be proviced for the use of visitors and servants to the satisfaction of the Medical Officer of Health.

7. It the licensee employees non-resident servants, he shall provide and maintain a register of the local addresses of such non-resident servants and the shall take reasonable care that the particulars recorded are accurate and up-to-date

8 The license is valid only for the premises above specified i e for the numbers of rooms, shops and space mentioned, and if the licensee desires to carry on the said trade or any operation connected therewith in any additional room shop or space in the said premises, he shall apply for a fresh license, which (if granted) will be subject to the payment of such additional or extra fee as may for the time being be properly chargeable in respect thereof.

9. If the householder vacates or gives up possession of the said premises during the period of this license. he shall forthwith inform the licensing offic.

10. The license is not transferable, either as regards the person to whom or the premises for which is granted, with out the written permision of licensing officer.

(4) One Balti or Canister filled with water shall be kept for every 10 maunds and no license shall be required to keep more than 20 gharas or bairies.

7 No person shall stack the materials to height exceeding 15 feet.

8 The licensing officer may cancel or suspend a licence if the licensee breaks any of the conditions imposen under the foregoing byelaws or stores materials in excess of the quanties speciffied in the license.

9 Every license greated under these byelaws shall be the period ending on the 31st Match next following & any application for the renewal of alicense must be made at an applicetion for the renewal of alicess must cs made at least three months before the expiratifn of existing license.

10. Hay & Fuel :-Licence fee shall be charged as follows,-

1.	From	40	to	100 Maunds	Rs.	2/- per a.
2.	From	101	to	300 Maunds	Rs.	5/- per a.
3.	From	301	to	1000 Mds.	Rs.	20/- per a.
1.	From	40	to	100 Mds	Rs.	5/- per a.
2.	From	101	to	300 Mds	Rs.	10/- per a.
3.	From	301	to	1000 Mds	Rs.	20/- per a.

11. Every application for a license under these byelaws shall contain full particulars of the situation and bounds of the place for which the licence is required and of the materials and the maximum quantity for which the license is required.

12. An appeal shall lie from any order of the Chairman passed under these byelaws to the Health Committee, if made within 10 days of the date of receipt of the order.

13. The Executive Officer shall be the licensing officer for the purpose of these dyelaws

PENALTY

In exercise of the power conferred by section 299 (1) of the Municipalities Act, the Board, with the sanction of the Commissioner hereby directs that a breach of any of the provisions of these bye-laws shall be punishable wite a fine which may extend to Rs. 100/- and in the event of a conting breach, with a further fine which may extend to Rs. 5 for every day after the date of the first conviction durieg which the offender is proved to have persisted in the offence.

Byelaws to control and regulate the Height of Compound Hedges, Boundary Walls or Fences

Under See 298-1 (h) and 299 (1) of the Municipalities Act, 1916

(Gazette dated 16-12-33 page 515 & dated 8-3-41 page 59)

1. No owuer or occupier of a compound shall grow or allow his compound hedges to grow to a greater height than 8 feet above the centre of the road, and shall keep them regularly and evently trimmed.

(a) Provided that where compound abuts on road crossing junctions, road turning and curvatures, hedges, boundary walls or fences shall not be permitted to a greater height than 4 ft, above the centre of the road, for a distance of 25 yards or the whole length of the compound on the sides bounded by roads whichever is the shorter, from such junction or crossing.

(b) No trees, shrubs or plants and no building shall be permittcd which obstruct a clear veiw of approaching traffic at road junctions crossiug road turnings and curvatures provided that the height of shrubs or plants grown in the compound whithin 15 feet of the hedge, fencing or compound wall at such places, shall not exceed the height prescribed undar sub-byelaw (a) above for hedges etc.

NOTE:— (1) For the purpose of this Bye-law "Compound" includes land whether enclosed or not, whether containing a dwelling house or not.

(2) The above Byelaws shall apply to all areas within Municipal limits.

2. The owner of a compound which abuts on road crossing junctions, road turnings and curvatures shall conform to the existing boundafy walls or fences whether made with or without sanction of the Board er, before or after current byelaws were framed and enforced prescribed in clauss (a) of byelaw 1 above.

3. The Executive Officer may instead of or in addition to prosecuting the owner or occupier for a breach of byelaw 1

4. The premises shall be open to the inspection of the Executive Officer, Medical Officer of Health and Sanitary Inspectors or any other officer empowered by the Executive Officer in writing, who shall be empowered to remove for examination by the Medical Officer of Health, samples of grain or flour.

5. No person suffering from any infectious or contagious disease shall be employed inside the flour mill.

6. The mill shall be worked only during the day i.e., from sunrise to sunset.

7. No per shall open or set up a flour mill within the Municipal limits unless he has been granted a licence in the behalf and complies with the conditions specified in the license.

8. The Executive Office shall be the Licensing Officer for the purpose of these byelaws and he reserves the right to cancel or suspend any such license after giving 7 days or previous notice, if considered necessary in the interest of Public Health or convenience The Executive Officer shall obtain the opinion of Medical Officer of Health, before issuing, cancelling or suspending a license.

9. Any license granted under these byelaws shall be valid from 1st April each year and finishing on 31st March of the following year.

A fee of Rs. 10/-per year will be charged for issuing a license in this behalf.

10. The license shall be renewable on 1st of April each year. Applications for renewal of license shall be submitted by the applicants one month in advance of the date fixed for renewal.

PENALTY

In exercise of the power conferred by section 299 (1) of the Act the Board hereby directs that a breach of any of the provisions of the foregoing byelaws shall be punishable with a fine, which may extend to Rs. 500 and in the case of a continuing breach with a further fine which may extend to rupees five for every day after the date of the first conviction during whic the offender is proved to hav persisted offten cehe

Byelaws for regulating the storing of Hay, Straw etc.

Under heading G sub-head (d) of heading J of section 298 (G. O. No 904 dated 16-12-27 (Gazette 1927, Page 439)

1. No person shall use any place within Municipal limits for storing hay, straw, thatching-grass, wood, coal or dangerously inflammable material unless a license has been granted for the same in accordance with the provisions of the following byelaws.

EXCEPTION—No licence is necessary if the aggregate quantity of the inflammable material stored in one place does not exceed 40 maunds.

2. No license shall be granted for the storing of more than 1,000 maunds of inflammable materials in one place.

3. In granting licenses the licensing officer shall have the discretion of refusing to grant licenses for the storing of these materials in any particular locality in the interests or public safety but the applicant shall have the right of appeal to the Board.

4. No license shall be given under these byelaws for any place within 500 ft. of any building used for the storage of petroleum and 200 feet from any place or building used for the storage of cloth or of articles made of Jute or Cotton.

5. No place shall be licensed under these byelaws unless there is sufficient room therein for the loading of materials.

6. All licenses under these byelaws are subject to the following conditions:—

(1) A space of at least 5 feet should always be left clear between the inflammable material and the nearest walls of any building except where these materials are stored in a shop or in a closed soom.

(2) The space occupied by these materials shall be enclosed bo a fende or wall.

(3) No derson shall smoke, intsoduce any light into or ignite any substance in -ny place licensed under these byelaws.

they are srtonly inter-jointed. The cementing material should compose of silica or calcium carbonate, should not contain limonite (an iron material)

[b] The study of the cementing material, mineral consituents and shape and the size of the silica grains has to be done under miscroscope.

[c] The beds in the rock should be thick and the cross joints should not be very closely spaced. The thickness and the joints should be scuh that the deposit yields large, sound and uniform blocks.

[d] The best grind-stones are made out from quartzites or sand-stones with silica as cementing material.

2. No person shall establish or maintain a flour mill within the limits of the Municipality except in accordance with the conditions laid down below :—

[a] The premises in which the mill is sitatued shall be pucca in construction and strong enough to stand the forces of vibration of the mechnical power used to work the machinery for milling grain and shall not form a contiguous pa t of any premises used for residential purposes at the time the mill is first established except in cases where the owner of the mill himself resides in those premises or written premission of both the owner and occupier of the said premises is previously obtained and filed in the Municipality.

[b] Such premises shall not be situated within 100 feet of a public latrine or a dust-bin or an, offensive trade from which trade dust or obnoxious or dangerous gases may arise unless some suitable arrangement has been made to the satisfaction of the Executive Officer of the Board to prevent contamination of flour therefrom.

[c] There shall be no privy on the premises unless it is separated from the flour mill by an open passage at least 6 feet wide or by a substantial wall.

[d] All the drains, pipes or sewers for carrying off sullage or sewerage water which run the factory shall be constructed of circular glazed stone or earthen-ware or cast iron pipes or a drain made of non-absorbent material.

[e] Such premises shall to the satisfaction of the Board's Executive Officer he kept clean in good order and proper repairs, well lighted ventilated and drained.

[f] The floor of the premises shall be pucca and cemented and also the walls up to a height of at least 6 feet.

[g] The portion of the premises where the grinding machinery is kept shall be provided with a ceiling which should not be a thatched one.

[h] The weights used shall be of iron & of the standard weights prescribed in the market.

[i] The mill shall not be used for milling any substance other than grain.

[j] The grain shall be cleared of grit and dust before it is milled if the owners grind their own grain.

[k] The access door from the engine milling room should be sufficiently removed to avoid any chance of contamination

[l] The milling room shall be provided with a wooden plank fixed on the floor for keeping bags, cloth etc. for the reception of the floor as it issues out of the mill.

[m] There shall be a clear space all round the mill stone to facilitate cleansing.

[n] A visitor's gallery shall be provided whence customers can watch their respective quantities of grain being grounded in the mill and test the fineness by hand.

[o] There shall be no served privy within 20 feet of the milling and the store room.

[q] No machines driven by engines exceeding 20 horse power will be allowed except in the industrial area:—

(1) Saharanpur Road.

(2) Dharampur-Hardwar Road.

The distance of such mills should be at least one furlong away from human habitation.

3. The owner of the mill shall comply with any order which may be issued to him by the Executive Officer "Or Medical Officer of Health, from time to time in the interest of public health or convenience".

they are strongly inter-jointed. The cementing material should compose of silica or calcium carbonate, should not contain limonite (an iron material)

[b] The study of the cementing material, mineral consituents and shape and the size of the silica grains has to be done under miscroscope.

[c] The beds in the rock should be thick and the cross joints should not be very closely spaced. The thickness and the joints should be such that the deposit yields large, sound and uniform blocks.

[d] The best grind-stones are made out from quartzites or sand-stones with silica as cementing material.

2. No person shall establish or maintain a flour mill within the limits of the Municipality except in accordance with the conditions laid down below :—

[a] The premises in which the mill is situated shall be pucca in construction and strong enough to stand the forces of vibration of the mechnical power used to work the machinery for milling grain and shall not form a contiguous part of any premises used for residential purposes at the time the mill is first established except in cases where the owner of the mill himself resides in those premises or written premission of both the owner and occupier of the said premises is previously obtained and filed in the Municipality.

[b] Such premises shall not be situated within 100 feet of a public latrine or a dust-bin or any offensive trade from which trade dust or obnoxious or dangerous gases may arise unless some suitable arrangement has been made to the satisfaction of the Executive Officer of the Board to prevent contamination of flour therefrom.

[c] There shall be no privy on the premises unless it is separated from the flour mill by an open passage at least 6 feet wide or by a substantial wall.

[d] All the drains, pipes or sewers for carrying off sullage or sewerage water which run the factory shall be constructed of circular glazed stone or earthen-ware or cast iron pipes or a drain made of non-absorbent material.

[e] Such premises shall to the satisfaction of the Board's Executive Officer be kept clean in good order and proper repairs, well lighted, ventilated and drained.

[f] The floor of the premises shall be pucca and cemented and also the walls up to a height of at least 6 feet.

[g] The portion of the premises where the grinding machinery is kept shall be provided with a ceiling which should not be a thatched one.

[h] The weights used shall be of iron & of the standard weights prescribed in the market.

[i] The mill shall not be used for milling any substance other than grain.

[j] The grain shall be cleared of grit and dust before it is milled if the owners grind their own grain.

[k] The access door from the engine milling room should be sufficiently removed to avoid any chance of contamination.

[l] The milling room shall be provided with a wooden plank fixed on the floor for keeping bags, cloth etc. for the reception of the floor as it issues out of the mill.

[m] There shall be a clear space all round the mill stone to facilitate cleansing.

[n] A visitor's gallery shall be provided whence customers can watch their respective quantities of grain being grounded in the mill and test the fineness by hand.

[o] There shall be no served privy within 20 feet of the milling and the store room.

[q] No machines driven by engines exceeding 20 horse power will be allowed except in the industrial area:—

(1) Saharanpur Road.

(2) Dharampur-Hardwar Road.

The distance of such mills should be at least one furlong away from human habitation.

3. The owner of the mill shall comply with any order which may be issued to him by the Executive Officer "Or Medical Officer of Health, from time to time in the interest of public health or convenience".

of four feet all round, shall be constructed of impermeable materialand be raised at least six inches above ground level

10. Every factory building shall be provided with suitable and sufficient latrines and urinals according to the standard laid down below for male and female workers separately and the latter shall be clearly marked "for woman".

(4576 dated 17-7-37)

STANDARD OF LATRINES

For workmen not exceeding 25 2 seats
For workmen exceeding 25 but not exceeding 50 3 ..
For workmen exceeding 50 but not exceeding 150 4 ..
For workmen exceeding 150 but not exceeding 250 5 ..

If the number of workmen exceeds 250 one seat for every 50 or fraction of 50.

11. Suitable ventilation shall be provided for all latrines and main drains and no ventilator outlet shall be in the proximity of any window or opening of the main building.

12. All the drains, pipes, or sewers for carrying of sullage or sewerage water, effluent or any waste products running in the factory premises, shall be constructed in masonry or other impermeable material to the satisfaction of the Chairman or the Medical Officer of Health.

(No. 4576 dated 17-7-37)

13. A factory manufacturing any article of food shall not be situated within 100 ft. of a building in which an offensive trade is carried on from which trade dust or obnoxious or dangerous cases gases may arise, unless some suitable arrangement has been made to the satisfaction of the Chairman or the Medical Officer of Health to prevent contamination of eligidible products there from.

14. [a] No well shall be constructed, the water from which is to be used for human consumption or humidification, within 50 feet, of any latrine, drain or other source liable to cause pollution of water therein; further all such wells shall be entirely closed in and provided with a trap door opening not exceeding four square ft. in size.

[b] A reliable type of pump must be fitted to each covered well, the trap door shall be kept locked and only opened for cleaning or inspection.

[c] The cylinder of the well must be "pucca" through out and impervious to water and of a depth not less than the lowest level of the subsoil water.

15. The owner of the factory shall comply with any order which may be issued to him by the Chairman or the Medical Officer of Hea'th regarding sanitary measures to be adopted for securing the proper cleaning of the premises.

(No. 4576 dated 17-7-37)

16. The Premises shall be open to the inspection of the Chairman or the Medical Officer of Health.

Byelaws Regulating the Manufacture or Preparation for sale of Flour and Providing for the Inspection and Proper Regulation of Flour Mills in the Dehra Dun Municipality framed under Section 298 F (d) of the Municipalities Act, 1916.

(Gazette dated 23-3-35 pages 141-42 and 10-8-35 page 299)

1. DEFINITION :—In these byelaws flour mill include all mill manufacturing flour, which are worked by electricity, steam, water, oil or petrol engine or any other mechanical contrivance or with the aid of animals but do not include ordinary chakkis worked by hand.

"Grinding stones used in the mill shall invariable be those made of hard stones and not of inferior or soft stones.

EXPLANATION—Grinding stones are made mostly from sand-stones and often quartzites and granties etc. The stones should be of uniform hardness, possess sharp and even grain and be sufficiently cemented to ensure tenacity.

[a] Hardness in a stone means its resistance to abrasion and depends on the constituents minirals and cementing material. The rock out of grind-stones may be made should not contain softer minerals like clay, mica, calcite, etc. Further the toughness and stability of the rock depends upon the power amount and character of the cementing material. The grains should be sharp and angular and not absolutely round so that

Byelaws to control the Construction of New Factory Buildings and the Alteration or Adaptation of Existing ones Under Section 298 Heading 8,

(Gazette dated 8-7.33 pages 26-3-64, II-III, 29 of 32-33)

1. (I) Before constructing a new building or altering or adapting an existing building for use as a factory, a dimensioned plan and section of each floor and of the immediate surroundings with special reference to drainage shall be submitted in triplicate to the Municipal Board, who shall submit one copy of the plan to the Chief Inspector of factories for his approval with regard to the provisions of the Indian Factories Act and rules. The Chief Inspector, when he has finally approved of the plan, will notify the fact to the Board, who after sanctioning the construction under these or existing building bye-laws will intimate such sanction to the Chief Inspector of Factories.

Provided that erection of new factory building or altering or adapting an existing building for use as a factory, shall not be allowed within 300 feet from any residential building other than that occupied by workmen of the factory.

(II) Together with the triplicate plan the following description shall be given :—

(a) The use to which the building or buildings will be put

(b) The material with which the building or buildings will be constructed.

(c) Method of water supply.

(d) Mode of drainage.

(III) The plan must include a site plan drawn to a scale of 82½ ft. to one inch, showing the position of the building or buildings or buildings with regard to any adjacent street, also the size and position of any open space belonging to the building or buildings, and.

(IV) A plan of each floor and sections of each storey, floor to roof of the building, to a scale of not less than 10 feet to one inch provided that where the buildings are so extensive as to require a smaller scale necessary, the scale shall not be less than 16 ft. to one inch.

2. The average number of persons to be employed in each room shall be clearly shown on the plan.

3 Window and sky light space must be provided in the ratio of not less than one square foot to every fifteen square ft. of floor area

4. (a) The internal height of rooms shall not be less than 15 feet from floor level to the lowest part of roof, provided that, in the case of a corrugated iron roof, which is not covered with tiles nor has inner ceiling or lining of non-inflammable material with an air space of 4" between it and the corrugated iron, minimum height shall be 20 ft.

(b) This byelaw shall only apply to rooms occupied by work people for purposes of manufacture and not to storage godowns etc.

5 (a) Every room used by work people for purposes of manufacture shall have at least 2 exits each of which shall not be less than 7'x4' in size

(b) A large number of exits of suitable dimensions must be provided in any room where the Municipal Board, or the Chief Inspector of Factories consider this to be necessary owing to the number of work people employed therein or the class of manufacture carried on.

(c) The doors of all rooms shall be constructed in accordance with section 15 of the Indian Factories Act, 1934.

6 Buildings of more than one storey shall have external non-combustible fire escape, one on either side of the building and shall be accessible from every room in the building.

7. Wherever an underground drainage system exists, the latrines of the factory shall be of water flushed type and connected to the drainage system, as shall also all drains and sewers in the factory in accordance with existing Municipal Board rules.

8. Where underground drainage does not exist the latrines shall either be connected to an efficient system of septic tanks or shall be provided with receptacles which shall be cleaned, emptied and disinfected at least twice daily.

9 No latrine shall be constructed within 20 feet of the main building or within 50 ft. of any well. The floor of and the ground surrounding the latrine or latrines for a distance

Bye-laws for the Control and Licence of Draughtsmen framed by the Dehra Dun Municipal Board under Section 298 (2) A (d) of the Municipalities Act and sanctioned

In Government notification No. 3190 XXIII-24 (8) 39-40 Dated 25-4-40

1. Licences for draftsmen to prepare plans in accordance with building and projection bye-laws shall be granted by the Executive Officer in the form below. The licence shall be given for one year and shall terminate on the 31st March. An appeal shall lie to the Public Works, Committee from an order of the Executive Officer refusing a licence.

2. A fee of Rs. 10/- shall be payable for each licence so granted or renewed.

3. (a) The plans shall be prepared, "in accordance with the bye-laws" and shall bear the signatures of the draughtman and of the person who applies for permission. The register No. of licensed draftsman shall also be shown on the plan.

(b) The draftsman shall also give details of the total covered and open areas, excluding abchaks, on the plans for construction in city and shop areas only.

4. The licence shall be liable to be suspended or cancelled if it is found that the plans prepared by the draftsman are generally incorrect and that he is incompetent in the opinion of the Executive Officer to hold the licence or that he has charged fee in excess of the scale prescribed under these bye-laws No fee will be refunded in case the licence is cancelled. An appeal will lie to the Public Work Committee from an order of the Executive Officer suspending the licence for a period exceeding three months or cancelling the licence.

5. No licensed draftsman shall chare a fee for the preparation of plan in excess of the scale of fees prescribed below :—

Mr. ..... son of, ... is a licensed and approved draughtman of the Dehra Dun Municipal Board for preparing building plans.

No. 5658 dated 5-10-40

As laid down in bye-laws 5 of the bye-laws for the control and licence of draughtman shall charge a fee for the preparation of plan in excess of the scale of fees prescribed below :—

Draftsman's charges for building plans in duplicate

Site plan (in city and shop areas)	6 paise per 100 square feet Minimum 50 paise
Site plan (in civil station)	6 paise per 100 square feet Minimum Rs. 2/-
Ground floor plan with section and elevation.	Add 25 paise per 100 square feet of plinth area
First floor, plan section and elevation.	Add 12 paise per 100 square feet of plinth area
	Total 37 paise.
Second floor, plan section and elevation.	Add 12 paise per 100 square feet of plinth area
Extra for tracing cloth	Re. 1/- per duplicate set, in city area.
Extra for tracing cloth	Rs. 2/- per duplicate set, in civil station.

Optional, if required : estimate of detailed quantities of material and labour Rs. 2/-lump sum.

Ground floor and labour ...	Rs. 2/- lump sum
First floor ,,	— Add Re. 1/- lump sum.
Second floor ,,	— ,, Re. 1/- lump sum

NOTE—This licence is issued in terms of the bye-laws framed by the Dehra Dun Municipal Board under Section 298 (2) A (d) of the United Provinces Municipalities Act of 1916.

10. The premises will be cleaned out twice and washed out once every working day.

11. The dhabas and nanbais' shops shall keep a metal bin or metal bins or wooden box for the storage of waste food and sweeping of the premises and throw daily in the nearest dust-bins (instead of on the road or the floor as is the case).

12. During the epidemics or whenever notified by the medical officer of health, the dhabas and nanbais' shops will use potassium permanganate or any other disinfecting article for washing and drinking water and use other disinfectants on the floors as directed by the sanitary inspectors.

13. Earthenware gharas, matkas or any other such utensil meant for the storage of water for drinking or any other purpose should be renewed frequently. Also it must be replaced whenever any of them is declared by the medical officer of health or a sanitary inspector to have become unfit for storing water for the above-mentioned purposes.

14 Every person running an eating house or restaurant shall put up a sign board at least 3' x 1' in bold Hindi characters on a conspicuous place at his or her eating house, or restaurant indicating whether eatable articles are prepared at his or her eating house with pure ghee or with vegetable oils.

No. (4855 dated 10-8-40)

PENALTY

In exercise of the powers conferred by section 299 (1) of the Act, the board hereby directs that a breach of any bye-laws shall be punishable with fine which may extend to Rs. 500/— and in the case of continuing breach, with a further fine which may extend to Re. 1/- for every day after the date of the first conviction during which the offender is found to have persisted in the breach.

Byelaws requiring the Licensing of Dogs.
under Section 298 (2), head (II) (h) to (L)
(G.O. No. 1093/XXIII 131 (4) 15-16 Dated 18-2-1918)

1. Every dog of the age of six months or over which is Kept within the municipal limits shall be registered every year in a register to be kept in the office of the board for this purpose. Such registration shall hold good up to the 31st March next following :

2 Every owner of a dog which is required to be registered under the preceding byelaw shall apply to the Executive Officer for registration of such dog within one month from the date on which the dog has become liable to registration. The application shall state (1) the sex, (2) the colour and (3) the breed (if known) of the dog.

A fee of Re 1/- shall be sent along with the application for registration, & no dog shall be registered until such fee has been paid.

3. The owner of a dog registered under the preceding byelaw shall on or before the 1st of April of each year, apply to the Executive Officer for the renewal of the gegistration of his dog and shall send with his application the fee prescribed in the preceding byelaw

4. After a dog has been registered, the owner shall be given a metal token which shall bear the same number as that shown in the register. Every registered dog shall wear a collar to which this metal token shall be attached.

5. If an application is made by the owner of a registred dog that the token of his/her registered dog has been lost or removed, the Executive Officer, after satisfying himself that the application is a genuine one, may issue a duplicate token on payment— /25/—. If a dog though registered is found without wearing a collar with a token it shall be treated as an unregistered dog for purposes of these byelaws.

No. 522 dated 31—8—40.

6. Any dog that is found in any public place shall, unless registered and wearing such token, be liable to be destroyed.

7. No dogs shall be destroyed on the following days :

(1) Bhadra Shukla Panchmi.
(2) Anant Chaudas.
(3) Janam Asthmi

The method adopted by the Lahore Municipality for destruction of ownerless dogs be introduced, vide Board's Resolution No. 18 dated 27-5-26.

PENALTY

In exercise of the power conferred by section 299 (I) of the Act, the board directs that a breach of byelaw 2 or 3 shall be punishable with a fine which may extend to Rs. 20/-

अधिक और खर्च पर उसे हटा दे और इस प्रकार किया गया व्यय अधिनियम के अध्याय के अन्तर्गत उस व्यक्ति, या फर्म से वसूल कर लिया जावेगा जिसके लिये या जिनके विज्ञापन करने के लिये वह लगाया गया था। यदि विज्ञापन हटाये जाने की तिथि से एक माह के अन्दर न छुड़ाया जाये तो अधिशासी अधिकारी सम्बन्धित लोगों को इसके लिये ७ दिन की सूचना देकर ऐसे विज्ञापन को नीलाम कर सकेगा।

दण्ड

उत्तर प्रदेश नगरपालिका अधिनियम, अतिथि संशोधित की धारा २९९ (१) द्वारा प्रदत्त अधिकारों के उपयोग के लिये बोर्ड निर्देश करता है कि अधिनियमों का उल्लंघन दण्डनीय होगा जिसके लिये १,००० रु० जुर्माना किया जा सकता है। और निरन्तर उल्लंघन होने की दशा में इसके अतिरिक्त दण्ड जो कि प्रथम अपराध के पश्चात सिद्ध हो जाने पर कि अपराधी बार-बार अपराध करने की ओर प्रवृत्त रहा है, २५ रु० प्रतिदिन तक जुर्माना किया जा सकता है।

Rule for the Cultivation of high Crops and use of Manure in the Dehra Dun Municipality under Section 282 (2) of the Municipalities Act, 1916 confirmed in the Board's Special Resolution No. 3 dated 1-2-23.

(1) No person shall cultivate or cause to cultivate Chari, Maize, Tohar, Sugar-cane and Rice within the Municipal limits.

(2) No person shall use or cause to be used as manure, night soil, horse litter, refuse from livery stables and cow-houses, or street sweepings in any land or compound or a building within Municipal limits unless it has been trenched for six months at least.

PENALTY

In exercise of the powers conferred by section 293 (1) of the municipal Act, the Board directs that any breach of any of the provisions of above rules shall be punishable with a fine which may extend to Rs 500/—and when the breach is a continuing breach with a further fine which may extend to Rs.

5 for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the regulation and control of Dhabas Nanbais' Shops and eating houses in the Dehra Municipality

(Notification No. 3552 dated 7-5-38)

1. "Eating house" means a building or shop which is used for selling cooked articles and where accommodation is also provided for person or persons visiting the place for taking food. It includes a dhaba and nanbai's shop

2. No person shall establish a eating house or cause a eating house to be established within 100 feet of any cow house, stable, public latrine, or public dustbin.

3. The floor shall be of impervious material and laid so as to drain in one direction and the drain connected with a soakage pit or municipal drain.

4. The place used for cooking (cook room) will have a cemented floor and fire-place will have a proper chimney for the escape of smoke.

5. The fire-place, i.e. bhatti or chulah of the shop be placed inside the shop at least 5 feet away from the road, No. fire-place will be allowed on the edge of the road or over a drain.

6. A proper washing place for the cleaning of utensils used in the preparation and service of food shall be provided and satisfactory arrangements for the disposal of waste water shall be made.

7. All copper and brass utensils shall be tinned at least every two months.

8 Satisfactory arr. ngements for the storage of such articles of food as meat, fish, milk, drinking water or other arbcles of food for human consumption in a proper state of food for human consumption in a proper state of cleanliness shall be made.

9. All appliances (including furniture) used in the premises shall be kept clean.

जिनकी स्वीकृति में, राजेन्द्र लाल, आयुक्त, मेरठ मण्डल, मेरठ ने दे दी है। अतएव उक्त एक्ट की धारा ३०१ (२) के आधीन यह सब प्रकाशित किये जाते हैं :—

बाइलाज बुक के पृ० ६६ पर छपे उपनियम १ (सी) में विज्ञप्ति संख्या १४३१/२३—१२ (१) ६८ (७०) दिनांक २५ फरवरी १९६६ द्वारा स्वीकृत वर्तमान प्रविधान को समाप्त करते हुए अतिथि संशोधित नगर-पालिका अधिनियम की धारा २६८ (२) सपठ आई०एक्ट०(एफ० के अधीन नगरपालिका, देहरादून की सीमाओं के भीतर किसी स्थान अथवा भवन पर विज्ञापन, पक्के पोस्टर, सूचित (सूचना) एवम् कपड़े के बैनर तथा साइनबोर्ड द्वारा विज्ञापनों को नियमित व नियंत्रित करने के संशोधित उपनियम :

१—इन अधिनियमों में शब्द :

(अ) 'विज्ञापन' से तात्पर्य किसी भी ऐसे पक्के, सूचना, पोस्टर, कपड़े के बैनर या साइन बोर्ड या अन्य किसी ऐसी वस्तु से है, जो विज्ञापन के लिये प्रयुक्त की गई हो जिसमें स्टेन्सिल के छापे लिये हुए या रंगीन तथा वे तस्वीरें और रेखाचित्र भी सम्मिलित है जो इस हेतु बनाये गये हों।

(आ) 'भवन' से तात्पर्य घर, झोपड़ी, चारदीवारी या छप्पर अथवा छतदार निर्मित, चाहे वे किसी भी निर्मित बनाई गई हो तथा उसके प्रत्येक भाग जिसमें बाहरी दीवार, पैरा या भवन के किसी भाग से जिसमें तम्बू या अन्य सभी प्रकार का छोटा अस्थायी शरणगाह सम्मिलित नहीं है।

(इ) 'व्यक्ति' में वे सभी सम्मिलित है जो विज्ञापन कार्य के लिए नियुक्त किया गया हो, फर्म या कम्पनी का मालिक, स्वामी, प्रतिनिधी,साझी-दार या प्रबन्धक आदि के लिए विज्ञापन प्रदर्शित किया गया हो।

२—कोई भी व्यक्ति किसी भी स्थान या भवन पर कोई विज्ञापन जिसका उल्लेख ऊपर अधिनियम १ में किया गया है, प्रदर्शित करने या जनता का ध्यान आकृषित करने के लिए न तो लगायेगा और न लगवाने का अधिकारी होगा सिवाए देहरादून नगरपालिका सीमा के भीतर उन स्थानों या भवनों के लिये जिसके लिये पालिका के अधिशासी अधिकारी से लिखित आज्ञा प्राप्त कर ली हो।

३—जिसके लिये आज्ञा लेनी होगी :

(अ) वे विज्ञापन जो पालिका या सरकार द्वारा अपने कार्य के लिये लगाये गये है।

(आ) वे विज्ञापन जिनमें साइन बोर्ड भी सम्मिलित है, जो किसी भवन या उसके किसी भाग पर व्यापारिक उद्देश्य से प्रदर्शित किये गये है और

जो स्थान किसी ऐसे व्यक्ति या संस्था द्वारा अधिग्रहण किया गया है, जो यह व्यापार करता है।

४—पालिका सीमा के भीतर किसी स्थान के उपयोग की आज्ञा प्राप्त करने के लिये आवेदन-पत्र निर्धारित स्थान के दो स्पष्ट मानचित्रों, प्रदर्शित की जाने वाली सामग्री या बनायी जाने वाली तस्वीर की दो प्रतियों, विज्ञापन का आकार तथा जितने समय के लिये आज्ञा मांगी गयी हो, उसके उल्लेख के साथ अधिशासी अधिकारी को प्रस्तुत की जानी चाहिए जो उसके विषय, भाषा तथा स्थान की उपयुक्तता आदि को देखते हुए अभिष्टता, उपयोगात्मक तथा नैतिक दृष्टिकोण से विज्ञापन के आपत्तिजनक चरित्र की जाँच करने के पश्चात लिखित रूप से आज्ञा प्रदान करेंगे। अस्वीकृत आवेदनों की सूचनायें लिखित रूप से रखी जायेगी।

५—इन अधिनियमों के अन्तर्गत प्रत्येक आज्ञा को स्वीकार किए जाने पर निम्नलिखित दर से शुल्क अग्रिम जमा करना होगा :

[१] आकार ६ फिट ४ फिट तक ९० रु० प्रतिवर्ष या ६ रु० प्रतिमाह।

[२] आकार ८ फिट ६ फिट तक ६२ रु० प्रतिवर्ष या १२ रु० प्रतिमाह।

[३] आकार १० फिट ८ फिट तक १२० रु० प्रतिवर्ष या १५ रु० प्रतिमाह।

[४] कपड़े के बैनर २६ रु० प्रतिवर्ष या १२ रु० प्रतिमाह।

[५] वार्षिक दरों के आधार पर १ दिन या १ वर्ष का शुल्क समान होगा।

६—साइन बोर्ड का आकार १० फिट ८ फिट से बड़ा नहीं होगा। कपड़े के बैनर की चौड़ाई ढाई फिट से अधिक नहीं होगी और वह सड़क के धरातल से १२ फीट की ऊंचाई पर होगा।

७—व्यापारिक स्थान पर प्रदर्शित कोई भी साइन बोर्ड भवन, साइन के ऊपरी आधार पर से १ १/४ फिट से अधिक विस्तार नहीं बनायेगा।

८—अधिशासी अधिकारी को यह अधिकार होगा कि वह अपने द्वारा किसी स्वीकृत आज्ञा को किसी आपात स्थिति में या जनहित में रद्द कर दें, काट दें या रोक दें। ऐसी दशा में शुल्क का यथोचित भाग उसके द्वारा वापिस किया जायेगा।

९—नगरपालिका सीमा के भीतर अनधिकृत विज्ञापन लगा होने पर अधिशासी अधिकारी को यह अधिकार होगा कि वह उस व्यक्ति के मूल्य,

public street or place or friuek rfuits or flowers, or grub up or cut grass from any place, or

(c) build upon, erect any structure, do any thing upon, or, occupy in any manner, any road, patri, street of place, situated within the municipality and being the property of the Board, or Crown under the control of the Board.

(d) No person shall sell vegatable or fruits etc. in the market without first obtaining licence.

(e) Licence shall not be given for selling vegetables or fruits on any place from Bhagwan Dass Bank i.e. from Southern side of the Chakrata Road upto the junction of Dispensary Road now Ajmal Khan Road, with Paltan Bazar Road including Sarnimal Bazar other side lanes.

[i] No howker or thelas be allowed to ply in these areas.

(f) Rs. 5/—per annum shall be charged as licence fee.

N.B. Vegerables will not include Pottotoes, Onions and Garlic.

(Added vide notification No. 2517/XXIII-7 (5) 42—43 dated Dec. 24, 1948.)

Provided that if the management and control of any property of the Crown has been entrusted to a Board, the permission aforesaid in respect of such property may be given by the Charirman, or the Executive Officer of the Board instead of the collector.

PENALTY

2. Whoever contravenes the provisions of bye-low No 1 shall on conviction be punishable with fine which may extend to rupees five 500/—, and, when the breach is a continuing one with a further fine which may extend to rupees five for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Power to remove encroachment, etc.

3. (1) The Board or where the management of a Crown Property has not been entrusted to a Board, the Collector

may instead of, or in addition to, prosecuting a person under paragraph 2 of these bye-laws serve a notice upon any person who has contravened paragraph I of these bye-laws requiring him within a period of not less than seven days from the service of the notice, to refrain from doing anything upon, to remove anything from or any encroachment made upon, and to execute any work so as to repair the damage caused by him to, any property within the municipality being the property of the Crown or of the Board, or being under the control of the Board.

(4) If a person to whom notice has been given under clause (1) fails to comply with such a notice, then the Board or the Collector, as the case, may cause compliance thereof as may be found to be necessary to repair the damage or to put back this property in its original condition through its or him own agency and recover all expenses incurred by it or him on such account from the said person in the manner provided by Chapter VI of the United Provinces Municipalities Act, of 1916.

देहरादून नगरपालिका के प्रस्ताव सं० ११ स्पै० ता० ४-१०-७२ की प्रतिलिपि

११ स्पै० :— आफिस नोट ता० २६-७-७२ पर विचार करना कि अनाधिकृत इन्क्रोचमैन्ट हटाने के लिए तथा रोकने के लिए तथा तुरन्त गिराने के लिए बाइलॉ के अन्तर्गत १ बी तथा बाइलाज ३ का अधिकार अधिशासी अधिकारी को दिया जावे।

१ बी तथा बाइलाज ३ का अधिकार अ०अ० को दिया जाता है।

ह० रामेश्वर दयाल नागलिया
वरिष्ठ उपप्रधान
स्थानापन्न प्रधान

सं० २६६३/२१-१३१८ (७०-७२) यू०पी० म्युनि० एक्ट १९१६ की धारा २६८ (२) लिस्ट आई०एच०एफ० के अधीन अधिकारों का प्रयोग करके नगरपालिका, देहरादून ने अपनी सीमा के अन्दर प्रचलित किसी स्थान अथवा भवन पर विज्ञापनपत्र, पोस्टर, सूचना एवं कटडे के बैनर तथा साइन-बोर्ड द्वारा विज्ञापनों को नियमन व नियंत्रित करने विषयक उपनियमों को समाप्त करके उनके स्थान पर निम्नलिखित संशोधित उपनियम बनाये है,

(iii) For information required about any matter in the shape of question relating to document, record, or file for which inspection fee is chargeable 0.25 nP. per question to be replied in writing.

(iv) [a] For copying or making extract from any document or office record Rs 1/- for 100 words subject to a minimum of 0.50. nP. or any part less than 100 words there of. After one hundred every one hundred words, every additional one hundred words or part thereof, will be charged 0.75 nP. per hundred words.

[b] If the original is in tabular form, double of the rates prescribed in (a).

(v) Copying fees for plans. One half of fees for preparation of original plans subject to a minimum of Rs. 2/- Tracing cloth to be supplied by the applicant.

Charged for copises of ferro-print shall be Rs 2/- per square feet of paper or any part thereof subject to the minimum of Rs. 2 per copy including the cost of paper.

(Sanctioned by notification No. 4259/XXIII-7 (5) 42-43 dated August 12, 1943, published in U.P. Gazette part III dated 21st August 1943.)

(vi) For certified copy of birth or death. Rs 1/- per copy.

(vii) For urgent copies to be supplied within 2 working days from the date of application: (Ordinary copies within 5 days.) At 50% extra of the ordinary rates prescribed above.

(viii) For copy of block of Board's Rules, Regulations and Byelaws Re 12/- per copy

(Sanctioned under notification No. 2978/XXIII 24 (5) 39—40 dated 25-3-42)

(ix) Copies of birth and death certificates shall be supplied free of cost to personnels of Military and Police Deptt, provided the applications received through Deptt. concerned.

6. Every type of MPI. Record or document including the minutes books will be charged at the rate of Rs. 5/- per record per day, if it is to be taken out side the MPI office.

7. The copy from the birth and death register of the Board when applied for be issued free of charge to the heirs and successors of deceased soldiers of Indian Army, for the

purpose of giving their pension by the District Sailors, Soldiers and Airmen's Board.

(Added by notification No 2646/XXIII 26 (10) 63.64 Dated 4 April 1964)

Each copy shall be given on stamp paper to be supplied by the applicant and the fess shall be deposited in the Municipal Treasury. Words and pages should be noted below in certificates.

CHAPTER VIII

Bye-laws for the Protection of Crown and Municipal Property in Dehra Dun Municipality framed under section 298 (2) List I J (c) Municipalities Act 1916

(Under section 298 (2) List II (c) of prohibition of interference with Crown and Municipal property

(Notification No. 2996 dated 26—3—1941)

No person shall, without the previous permission in writing of the Collector or the Chairman or the Executive Officer of the Board, according as the property belongs to the Crown or to the Board :—

(a) stick bills, advertisements, notices or fences of any kind upon any building which is property of the Crown or of the Board, or on the electric poles of the City Board Mussoorie, or which is under the control of the Board.

(Sanctioned by notification No 2197/XXIII—24 (5) (39-40) dated April 8, 1943 published in the U.P. Gazette part III dated 17-4-43)

(b) cut, injure, or interfere with, trees or fences on any

Bye-laws regulating the control and occupation of land within Municipal Office Compound by petition-writers under section 298 J (2) (b) of the Municipalities Act, 1916

(Notification No. 534 dated 8-11-41 page 291.)

1. An application or appeal preferred by the public to the Municipal Board, Dehra Dun, its committees or officers, shall not be written within the office compound except by a petition-writer duly permitted under bye-law No. 2 of the bye-laws

NOTE—This rule shall not apply to the literate public who can write their own perition.

2. The permit will be issued for one year by the Executive Officer, Municipal Board, Dehra Dun, and it shall be renewed every year on 1st April.

3. A fee of Rs. 10/- per annum in advance shall be payable each year by the permit-holder for occupying a seat within the office compound.

4 Every application or appeal shall be written neatly and clearly in the language desired by the applicant and shall bear the signature of the petition-writer.

5. Paper for application or appeal shall be supplied by the petition-writers on payment and they shall not refuse to supply any from to a literate public on payment of the charges.

6. Maximum fee which may be charged by a petition-writer besides the cost of from shall be as follows :—

	Rs.	nP.	
For ordinary application	0	12	each
For appeals	0	18	,,
For filling printed forms	0	3	,,

7. A permit granted under these bye-laws to any petition writer shall be liable to cancellation or suspension if the application or appeal written by him is incorrect and illegible or if he is otherwise found incompetent in the opinion of the Executive Officer.

8. An appeal shall lie to the Chairman, Municipal Board Dehra Dun, against an order refusing, cancelling or suspending a permit, but such appeal must be filed within 15 days from the date of communiction of the order.

Byelaws regulating the inspection and the giving of Copies of Municipal Record and Documents in the Municipal

Under Section 298 (2) J (g)

1. Except as otherwise provided by or under the Act, no copy of, or extract from, any record or document belonging to, or in the possession of the board shall be given, not shall inspection of any such record or document be granted to any person without the permission in writing of the Executive Officer.

2. Except as aforesaid, any person wishing to inspect any such record or document or to obtain any copy thereof or extract therefrom, shall apply in writing to the Executive Officer stating clearly the description of the record or document, The application shall bear a court-fee stamp of 15 paise.

3. No permission shall be given for the inspection of any correspondence between the board and the Local Government, or any officer of the Local Government, or in any case where the inspection is, in the opinion of the chairman, senior vice-chairman or junior vice-chairman, detrimental to the interests of the board.

Copies of extracts from such records shall also be disallowed.

4. No extract from a document shall be given which when read apart from the rest of the file is capable of misrepresenting the final order passed by the board or the chairman.

(No. 3536 dated 31-5-41.)

5. The following fees shall be charged:—

(i) For production for inspection of any document or record other than a minute book or assessment list Rs. 1/- per file or register with the condition that Rs. 1/- will be charged for inspection of the MPI records or documents for one hour or any part less than one hour thereof, for more than one hour 0.75 nP. will be charged for subsquent hour or any part thereof.

(ii) For search of an index registar for purpose of finding or tracing any document 0.50 nP. per file or register.

(a) For a mainhole connection. Rs. 10
(b) For a brick sewer connection Rs. 15
(c) If pit is required. Rs. 30
(d) Extra fees will be charged to cover special charges, such as the restoration of a paved footpath as the engineer may direct.
(e) and for a disconnection trap. Rs. 45
(f) For a pipe sewer connection Rs. 2

Additional fees Re. 1 per foot, run from the termination of work constructed by the owner or occupier to point of connection. This includes the cost of resorting the road sarface

26. A licence as plumber may be granted by the Executive Officer to any person who is either himself qualified or who has engaged and always employed a qualified work man and who enters into an agreement to comply with the conditions of the licence. The Health Committee may prescribe such examination as they may deem necessary for the purpose of satisfying themselves as to the qualifications of such person or workman. The fee for sanitary licence shall be Rs. 100 for a financial year.

27. A licence for a sanitary plumber shall contain the following conditions :

(1) The plumber, in all matters in which he may be employed shall afford every assistance in his power to the Board and all Municipal Officers in carrying out and enforcing the byelaws and orders for the time being in force.
(2) The plumber shall in every work in which he may be employed, as far as his employment extends comply with the byelaws in force at the time & such orders as may be issued by the engineer and are applicable to the circumstances of the case.
(3) In the event of non-compliance with these condition the Executive Officer may cancel or suspend the licence for such time as he thinks fit and the plumber shall in such event atonce return his licence to the municipal office.

28. Whenever the owner or occupier of any premises desires the Board to connect his house drain, privy water closet, or urinal with the municipal sewer, or to make any

addition or alteration to the existing connection, he shall present an application at the municipal office in such from as the Board may prescribe and shall comply with the byelaws in force for the time being.

29. Whenever a licensed plumber is employed to connect a house drain, privy, water closet or urinal with themunicipal sewer or any addition or alteration to the existing connection, he& hall present at the municipal office the printed from of application (which wi l be supplied by the Executive Officer duly filled up and signed by the owner or occupier of the premises requiring such connection, addtion or alteration.

30. The plumber, after the said application has been passed by the engineer, shall apply to the engineer for a road opening order to enable him to lay the communication pipes, if such road opening is required. As soon as the pipe line is completed as far as the inspection chamber and one pipe length, i.e 2 feet beyond the licensed plumber shall make two separate applications to the municipal office one for the connect on which must be accompained by the fee prescribed in byelaw 25 and the other for the inspection of the communication pipes and fittings.

31. If any licensed plumber, acting under road opening order, opens any road and fails to repair any damage so caused to any such road in a proper manner to the satisfaction of the engineer, the road shall be put in proper order at the cost of the said plumber.

32. That the sanction for sewer connection shall be valid for a period of one year from the date of saontion. The plumber shall submit a completion report of the work within fifteen days of its completion In case of any deviation from the sanctioned plan he shall sub mit a revised plan of the work done along with the completion report.

PENALTY

In exercise of the powers conferred by Section 299 (i) of the Act the Board hereby directs that a breach of any of these byelaws Nos. 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, shall be punishable with fine which may extend to Rs. 500 and when the breach is a continuing one with a further fine which may extend to Rs. 5 for every day after the first conviction, during which the breach exists.

Urinals

18. Every connected urinal shall have a proper cistern and appliances for flushing purposes and be provided with an approved soil pipe.

Every connected urinal shall be provided with a siphon trap which must be proof against siphonage.

Cisterns

19. Cisterns for flushing, if supplied with 1¼" discharge pipe shall be placed at the height of at least 4 feet from the pan of the connected privy.

Connection pipes

20. All pipe connections for privies, water closets, or urinals shall be laid with the spigot end of each pipe in the direction of the flow of sewage.

Portion of sewer line connecting a house to Board's sewer lying in public street and all works and material pertaining thereto shall vest in and belong to the Board as prescribed in section 116 (c) of the Municipality Act.

Cesspools

21. Cesspools should be made either of concrete lined cement or of brickwork lined (the cement in every case being not less than ½" in thickness) or of any other impervious material approved by the engineer.

Ventilators

22. Except with the special sanction of the Health Committee previously obtained every inlet for the admission of pure air to the master trap of any premises shall be at least 5 feet away from a door, window ventilating, grating or chimney of any building.

23. (a) All privies water closets and drains constructed in connection with any building or land falling within 100 feet of any municipal sewer line shall be connected with the same by their owners in accordance with those by elaws, within 3 months from the date of the receipt of notice issued by the Board.

(b) All existing served privies constructed in connection with any building or land falling within 100 feet from any municipal sewer line, shall be converted into a water closet (after obtaining Board's sanction for the same) within 6

months from the receipt of the notice to this effect from the Executive Officer of the Board.

(c) All privies to be constructed hereafter, in connection with any building land falling within 100 feet of any municipal sewer line shall be of water closet type.

(d) A fee of Rs. 1 (rupee one) only per seat of water closet per calender month shall be charged from the owner of any water closet connect with the municipal sewer line.

This fee shall also be chargeable on all existing connections already made with any municipal sewer line.

A part of any calender month shall be charged for as one full month.

The fee shall be paid in advance in 6 monthly instalments falling due on 1st April and 1st October ever year, within fifteen days from the presentation of the bill for the same They shall be calculated from the month during which the connection with the municipal sewer line is completed.

In case of failure to pay the fees in advance the Executive Officer may order the disconnection of the water closet of the drain concerned, after issuing one week's notice to its owner.

Arrears of fees shall be recovered under Chapter VI of the U.P. Municipalities Act 1916 (as amended up to date) provided that clause (a) (b) and (c) of this byelaws shall not be applicable to houses and lands, whose rental value is less than Rs. 180.00 per annum.

Agency to be employed for construction of drains privies etc.

24. No connection of any house drain, privy, water closet or urinal shall be made within Municipal sewer, except with the written permission of the engineer and circumstances accordance with the approved plans kept in the office of the Board.

The agency, by which the work described in the forgoing byelaws shall be constructed shall be either the municipal board or a licensed plumber, but no connection shall be made between a communication pipe at the sewer except by the engineer.

25 The fees prescribed for connection, are as follows and must be paid in advance.

Privies and Water closets

12. The walls of every connected privy of water closet up to a height of at least 12" above the platform shall be constructed of thoroughly well burnt bricks, plastered and not merely lined with cement or, if the engineer so direct of glazed brick, artificial stone or cement.

13. Every connected privy water closet, or urinal situated in a building must have an opening of not less than 3 square feet in area in one of the walls thereof as near the top of the wall as may be practicable and communicating directly with the open air and enclosed by wiremesh netting.

14. Every connected privy or water closet must, if required by the engineer be provided with a reserves tank of not less than 30 gallons capacity for one seat, 50 gallons for two seats, and 80 gallons for three seats. Every such tank shall be of galvanized or blank iron of a thickness not less than No. 14 B.M.G.

15. Every connected privy or water closet must be provided with a flushing cistern approved by the engineer and of a 3 gallons capacity, neither more not less, connected with the pan by a flush pipe and such pipe must not be less than $1\frac{1}{2}$" in diameter.

16. Every privy or water closet shall have a siphon trap with at least 3" waterseal, and in every case where two or more water closets or privies are connected to one soil pipe anti-siphonage pipe at least $1\frac{1}{2}$" diameter shall be connected to each trap not more than 12 inches, distant from the highest point of the trap, each branch anti-siphonage pipe shall be connected to a main anti-siphonage pipe of 2 inches internal diameter which shall be carried at least 6 feet above the level of the roof or alternatively shall be connected to the main soil and ventilation pipe at a point higher than the level of the uppermost water closet connection Anti-siphonage pipe shall be of cast-iron wit caulked lead joints or with permission of the Municipal Engineer of drawn lead pipe.

Internal diameter	Weight per 6 feet lenght
4 inches	54 lb
5 inches	69 lb
6 inches	84 lb

All soil pipes, bends and branches shall have socket joints run with molten lead and caulked.

Every branch pipe shall be connected to the main pipe with a proper cast junction pieces provided with a screw cap 3 inches diameter so placed as to be accessible for cleaning purposes

All soil pipes shall be outside the main external walls of the building. No pipe shall be placed so as to a but or on project ouer any adjacent building site or land which may be used as a building site.

The water closet or privy pans shall be glazed porcelain and of such pattern and dimensions as may be approved by the Medical Officer of Health. Each pan shall be provided with a flushing rim and suitable connection for the down pipe from the flush tank. The trap, as before mentioned, must have at least 3" water seal and may be cast in one piece with the pan or if separate it must be either of the same materials the pan or of cast iron of soil pipe weight and description. The joint between the pan and and a cast iron trap shall be made within portland cement.

Every soil pipe shall be carried up as a ventilator to a point at least 5 feet above the level of the roof of the building to which it is attached and in addition shall discharge in such a position as not to be likely to cause a nuisance to the occupiers of any premises.

At the head of every main drain and, if required be the Municipal engineer at the head of every branch thereof more than 20 feet in length from the main drain a cast-iron ventilating pipe exactly similar to a soil pipe shall be carried up in the manner prescribed for soil pipes.

On every main drain at a point as near as may be practicable to the sewer an intercepting trap of a pattern approved by the Municipal Engineer shall be fixed on the drain in a properly constructed inspection chamer. Such intercepting trap shall have a water seal of at least 3 inches and shall be provided with a cleaning and with an airtight stopper.

All soil and ventilation pipes shall be protected at the head by means of eages formed of tinned copper wire.

17. Every connected privy situated in a building must be separated by a masonary wall from kitchenes, habitable rooms in which any person is or is intended to be employed in any manufacture, trade or business.

They shall be highly votrified and salt glazed in a kiln perfectly smooth , free from fire cracks, bubbles blisters and other imperfections. uniform in bore and thickness, the sockets and spigots absolutely square to be length of the pipe, the straight pipes shall be perfectly straight and the beds formed to a regular radius.

6. Pipes will be rejected which will not admit of a disc $\frac{1}{4}$ of an inch less in diameter than the specified pipe, being passed freely through it.

6. The cast iron-pipes, raps bends and junctions shall be of good tough grey iron from the second melting, smooth inside true in section and uniform in thickness the straight pipes to be perfectly straight and the bends formed to a regular radius, the metal to be free from air holes, sand holes or other defects and the whole of the internal and external surfaces throughly coated while the pipe is not with Dr. Angus smith's solution.

Joint of stoneware drains shall be made with one or two strands of tarred gunkin in portland cement mortar composed of one part best portland cement and one part sharps and well pressed home in the socket and finished externally with a fillet.

Joints of cast iron drains shall be run with molten lead and well caulked.

7. The stoneware or cast iron pipe drains must be laid at the gradient to be governed by circumstances, but must in all cases be approved by the Municipal Engineer.

All main and breach drains shall be laid in straight lines with a uniform inclination throughout their length inspection chambers shall be provided at each point where the inclination of direction of the drain changes.

All stoneware drains shall be laid in and completely surrounded with 6" thickness of good lime concrete. Cast iron drain shall be made 6" thickness of good lime concrete.

Joint holes shall be left at each point and filled in with concrete after the drains have been inspected and tested by the Board's Officer.

8. After the drains have been inspected and approved by the Municipal Engineer or a municipal servant deputed by him, the excavated earth shall be carefully replaced in the trench care being taken to pack over and round the drains

[illegible] soft material to a depth of 12 inches. The [illegible] of the earth shall then be filled in 6 inches layers, [illegible] layer well rammed and consolidated.

[illegible] chambers shall be built of first class brick [illegible] good lime mortar on a foundation of at least 6 [illegible] of good lime concrete. The thickness of brick work [illegible] in no case be less than 9 inches.

[illegible] of chamber on stoneware pipe drains the [illegible] shall be formed of semi circular glazed stoneware [illegible] channels with joints made with cement mortar.

[illegible] shall be formed of fine portland cement [illegible] finished with half inch plaster of portland cement [illegible] to a smooth face.

[illegible] drains shall be built into the walls of the [illegible] chamber and continued across the benching in [illegible] three quarter section glazed stoneware bands dis- [illegible] over the main half pipe channel. The interior [illegible] inspection chamber shall be either (a) first class [illegible] brick work, with the joints racked out half inch deep [illegible] to bed with portland, cement mortar or (b) first class [illegible] work with the joint raked out half inch deep and the [illegible] pointed with portland cement mortar.

[illegible] inspection chamber shall be finished as to be per- [illegible] water tight. Inspection chambers on cast iron drains [illegible] a cast iron inspection box or junction box with a [illegible] cover is provided shall be constructed in a [illegible] manner to those on stoneware drains except that the [illegible] may be omitted and the interior of the chamber [illegible] of first class brick work with the joints raked out [illegible] pointed with portland.

[illegible] inspection chamber shall be cast iron, with [illegible] in cast iron frames, securely bedded on the [illegible] of the chamber with portland cement mortar.

11 (1) All drains, mainholes, and inspection chambers [illegible] & anti siphonage pipe shall be tested with smoke [illegible] water or any other method at the discretion of the [illegible] Engineer and shall remain perfectly tight when [illegible] to pressure equal to 2 feet head of water over the [illegible] point of the drains or pipes.

(2) Latrines and urinals in private house of unsewered [illegible] must conform to the standard type of privies prescribed [illegible] Board vide byelaw 18 of building byelaws.

CHAPTER VII

Copy of Gazette Notification No. 2912/23-26-58 59 published in Govt. Gazette dated 10th June 1961

सं० २९१२/२३,२६,५८,५९: इस विषय पर पूर्व प्रकाशित समस्त उपनियमों को संशोधित करके निम्नलिखित नालों, शौचालय आदि को बनाने का नियन्त्रण करने के उपनियम जिन्हें नगरपालिका, देहरादून ने यू०पी० म्युनिसिपैलिटीज ऐक्ट, १९१६ की धारा २९८ (१) बी के अधीन बनाये हैं और जिसकी पुष्टि आयुक्त ने की है, इस विज्ञप्ति द्वारा उक्त ऐक्ट की धारा ३०१ (२) के प्रयोजनों के लिये प्रकाशित किये जाते हैं।

Byelaws

1. In these byelaws the word drain, wherever used for drain on any private premises shall mean sullage and waste water drain only.

(a) All existing sewered privies constructed in connection with any building or land falling within 100 feet from any municipal sewer line shall be converted into a watet closet (after obtaing Board's sanction for the same) within 6 months from the receipt of the notice to this effect from the Executive Officer on the Board vide 23 (b) of the newly framed byelaws.

(b) All privies to be constructed hereafter, in connection with any building land falling within 100 feet of any municipal sewer line shall be of water closet type, vide 23 (c) of the newly framed byelaws.

2. No privy water closets or drain on any private premises shall be constructed or connected with any municipal sewer nor shall any person make any alteration or addition to any existing connection without the permission in writing of the Executive Officer of the Board.

3. The Executive Officer may grant permission on the application of the owner, occupier with owner's consent of any building or his agent duly authorised by a power of attorney, through a licensed plumber.

Every such application shall be accompanied with the following :

(a) A receipt for Rs. 5 deposited into the Municipal treasury as fees for the application.

(b) A key plan of the locality showing the precise situation of the premises concerned

(c) Site plans and section in triplicate of the proposed pipe line and its connection with the Municipal sewer line and the street to be cut (if any) drawn to a scale of not less than 5' to an inch. The scale used shall be marked on the plans and position of North point shall be also indicated. The plans shall be signed by the owner of the premises or his agent duly authorised by a power of attorney

Under Section 298, List II Heading B.

4. Pipe-All drains for private drainags shall be constructed of stone were socketed pipe of C I. Sockted pipes of the following dimensions.

(a) Stone-ware pipes.

Length of pipe exclusive of socket	Thickness of pipe	Internal diameter of pipe	Death of socket	width of space for joining material
			Not less	
2 feet	Not less than	4 inches	than 2"	3/8 inches
2 feet 6 inches	1/12th of the	6 ,,	2½ ,,	3/8 ,,
or 3 feet	internal dia-	9 ,,	2½ ,,	½ ,,
	meter of the	12 ,,	2½ ,,	½ ,,
	pipe			

B Caste-iron pipes

Length of pipe exclusive of socket	Internal diameter of pipe.	Thickenss of metal	weight of one length of pipe	Depth of socket	space for joining materials
			Cwt Qr.Lb.		
3 feet	4 inches	2/3 inches	1 1 14	3 inch	½ inches
	6 ,,	7/16 ,,	2 1 14	3½ ,,	3/8 ,,
	9 ,,	17/32 ,,	4 2 1 4	,,	3/8 ,,
	12 ,,	19/32 ,,	6 2 1 4	,,	3/8 ,,

The stoneware pipes traps bends and junctions shall be capable of standing an internal pressure of not less than 20 lb. per square inch without leaking.

(3) The Executive Officer may also maintain other register in such forms and for such purposes as he consider necessary.

7. Return and information to be submitted by the proprietor—

(1) The proprietor shall on the date on which the tax for any show or performance is paid, submit to the Executive Officer a return in the form appended to these rules.

(2) The Executive Officer may, on an application of made in this behalf, relax the period for the submission of return mentioned in sub-rule (1).

(3) Every proprietor shall submit to the Executive Officer such information as may be required by him from time to time for the purposes of the levy of the tax.

8. Refund–The Executive Officer shall, on an application made in this behalf, refund the amount of the tax paid in respect of any performance or show of entertainment or amusement, if he is satisfied--

[a] that such performance or show did not actually take place and the charges collected from the intending spectators have been refunded in full as far as practicable; or

[b] that the tax paid was not legally recoverable.

9. No claim for refund under clause (a) of rule 8 shall be entertained by the Executive Officer unless an application in this behalf is presented to him before the expiry of thirty days from the date on which the performance or show was withdrawn from display.

PENALTY

In exercise of the powers under section (I) of section 299 of the U.P. Municipalities Act, 1916 (U.P. Act No. II of 1916) the Governor hereby directs that a breach of any of the provisions contained in these rules, shall on conviction, be punishable with a fine, which may extend to Rs. 1000/- (Rupees one thousand) and in the event of a continuing with a further fine which may extend to Rs 25 (Rs. twenty five) for every day, after the date of the first conviction, during which the offender is proved to have persisted in the offence.

FORM

Return to be submitted under rule 7

Name and place of entertainment or amusement performance or show.

Days	Number of show or Performance held	Amount of tax due	Remarks if any
2	3	4	5
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

Total number of shows or performances, held during the week. Total amount due.....

Date..... Signature of the Proprietor

No. 318 B/XI-6-74-418/69 Dated 28-2-1974
Published in U.P.G. Dated 1-3-1974

In exercise of the powers under section (2) of section 129 of the U.P. Municipalities Act, 1916 (Act No. II of 1916) the Governor is pleased to notify that the Nagar Palika Dehradun under clause (iii-a) of sub-section (i) of section 128 of the said Act has imposed Theatre Tax at the following rates with effect from March 1, 1974 :

1. Theatres having capacity of 400 seats or less.	Rs. 3.00 per show
2. Theatres having capacity from 401 to 400 seats.	Rs. 4.00 per show
3. Theatres having capacity of more than 400 seats.	Rs. 5.00 per show

CHAPTER VI

Rules for assessment & collection of THEATRE TAX within limits of Dehra Dun Municipality by the Municipal Board, Dehra Dun sanctioned vide Notification No. 5732-B/XI-6-418-69 dated 25.9.73 published in U.P. Gazette dated 6.10.73

(Pages 970 to 972)

In exercise of the powers under section 296 of the U.P. Municipalities Act, 1916 (U.P. Act no 11 of 1916) read with clause (III-IV) of sub-section (I) of section 128 of the said Act the Governor is pleased to make the following rules for assessment and collection of Theatre Tax within the limits of Dehra Dun Municipality by the Municipal Board, Dehra Dun after their previous publication under Government notification no 2395-B/II-6-418-69, dated August 30 1972 as required by sub-section (i) of section 300 of the said Act:

Rules

1. Short title–These Rules may be called the Dehra Dun Municipal Board Theatre Tax Rules, 1972.
2. Definition–In these Rules, unless there is anything repugnant in the subject or context–
   - [1] 'Act' means the U.P. Municipalities Act, 1916
   - [2] 'Executive Officer' means the Executive Officer of the Municipal Board, Dehra Dun
   - [3] 'Municipal Board' means the Municipal Board Dehra Dun.
   - [4] 'Proprietor' includes a person responsible for the management of any entertainment or amusement and
   - [5] 'Tax' means theatre tax as defined in clause (iii-a) of sub-section (1) of section 128 of the Act.
3. Liability of pay tax–The tax shall be payable by the proprietor on all entertainments or amusements, the shows or performances of which are held or conducted

[illegible] and Municipal limits of Dehra Dun and to which [illegible] the ordinarily admitted on payment:

Provided that no tax shall be payable where (i) the [illegible] for admission to the entertainment or amusement [illegible] five paise or less per head per show or per performance and (ii) the net receipts from such performance [illegible] are devoted to pious, religious or charitable [illegible] in calculating the net receipts of such performance [illegible] expenses up to 25 percent of the gross receipts [illegible] be deducted.

4. Payment of tax–The tax shall be paid–
   - (i) in the case of cinema shows held to conducted regularly within three days from the last day of of each week ending with Sunday; and
   - (ii) in the case of shows or performances other than those referred to in clause (i) at least three days before such shows or performances are held or conducted :

     Provided that in special cases the Executive Officer may for reasons to be recorded, permit the tax in respect of shows or performances referred to in clause (ii), to be paid at any time before they are held or conducted.
5. Place of payment of tax–The tax shall be payable at the head office of the Municipal Board, or such other place as may be specified from time to time by the Executive Officer in this behalf.
6. Register to be maintained by the Executive Officer (1) The Executive Officer shall maintained a register containing–
   - [a] such particulars of the entertainment or amusement in the city as may be considered fit by him,
   - [b] names of the persons liable to pay the tax,
   - [c] probable number of performances or shows of the entertainment or amusement likely to be held in the city every week and the estimated amount of the tax due thereon; and
   - [d] such other particulars as he may deem necessary.

   (2) The Executive Officer may, if he considers it necessary, maintain the register giving particulars or [illegible] separately for such purposes and with such classifications as he may deem necessary.

CHAPTER VI

Rates for assessment & collection of THEATRE TAX within limits of Dehra Dun Municipality by the Municipal Board, Dehra Dun sanctioned vide Notification No. 5732 B/XI-6-418-69 dated 25 9 73 published in U P Gazette dated 6.10 73

(Pages 970 to 972)

In exercise of the powers under section 298 of the U.P. Municipalities Act, 1916 (U.P. Act no 11 of 1916) read with clause (iii-iv) of sub-section (1) of section 128 of the said Act the Governor is pleased to make the following rules for assessment and collection of Theatre Tax within the limits of Dehra Dun Municipality by the Municipal Board, Dehra Dun after their previous publication under Government notification no 2395-B/XI-6-418-69, dated August 30 1972 as required by sub-section (i) of section 300 of the said Act:

Rules

1. Short title.-These Rules may be called the Dehra Dun Municipal Board Theatre Tax Rules, 1972.
2. Definition.-In these Rules, unless there is anything repugnant in the subject or context -
   (1) 'Act' means the U.P. Municipalities Act, 1916
   (2) 'Executive Officer' means the Executive Officer of the Municipal Board, Dehra Dun.
   (3) 'Municipal Board' means the Municipal Board Dehra Dun.
   (4) 'Proprietor' includes a person responsible for the management of any entertainment or amusement and
   (5) 'Tax' means the tax as defined in clause (iii-a) of sub-section (1) of section 128 of the Act.
3. Liability of pay tax.-The tax shall be payable by the proprietor on all entertainments or amusements, the shows or performances of which are held or conducted

Byelaws fixing special Route by which Carcasses of slaughtered cattle should be brought into Dehra

Notification No 184 XXIII 9-24-25 (dated 20-10-34)
(1924, Gazette page 676)

1. That the carcasses of animals from the Slaughter House at Kargi be brought to the town by the road passing Toll Cremation ghat and distillery and then by the Saharan pur Road, passing the Railway Toll Barrier, to the Hardwar Road and then up Lines Road. This rout is fixed for the dry season. During the rains the carcasses be brought by the Rajpurnnur pucca Road through the Anhat Bazar to the Railway Toll Barrier, and thence by the Hardwar Road up Lines Road.

2. The carcasses must be brought into the town from Kargi Slaughter House after the dark in covered cart having closed sides and movable ends of timber planking as approved by the Board;

(U.P. Gazette dated 28-9-29 part III page 348)

PENALTY

In exercise of the power conferred by section 299 (1) of the Act, the Board directs that a person committing any breach of the provisions of byelaws 1 and 2 shall be punishable with a fine which may extend to Rs. 50/- and when the breach is a continuing breach with a further fine which may extend to Rs. 5/- for every day, after the date of the first conviction during which the offender is proved to have persisted the offence.

(११) प्रत्येक प्राईवेट बिक्री स्थान प्रतिदिन साफ किया जायेगा और साफ रखा जायेगा। स्थान से इकट्ठा किया गोबर आदि कहीं पर बखा नहीं किया जायेगा। लाइसेन्स प्राप्त कर्ता इसे प्रतिदिन हटाने तथा ठिकाने लगाने का प्रबंध करेगा।

(१४) किसी लगने वाली अथवा खुले को बोतारी फैलने पर प्रत्येक लाइसेन्स प्राप्त कर्ता स्वास्थ्य अधिकारी द्वारा सूचना दिये जाने पर :

[अ] बिक्री स्थान को अस्थायी तौर पर समस्त पशुओं से खाली कर देगा।

[ब] बिक्री स्थान को कुल समय पर भूसा छिड़कवायेगा या डिसइन्फैक्ट अथवा दोनों करायेगा।

(१५) बिक्री स्थान भेड़, बकरे तथा सूअरों के लिए अलग, अलग बाड़ों में छायादार शैड बनाने होंगे।

नोट :—यह नियम तुरन्त लागू होते हैं और यह उन प्राईवेट पशु बिक्री स्थान पर भी लागू होते हैं जो इन बाईलाज के लागू होने के पूर्व से विद्यमान हैं।

दंड

ऐक्ट की धारा २९९ (१) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए बोर्ड यह घोषित करता है कि २ से लेकर १५ तक किसी भी नियम का उल्लंघन करने पर जुर्माना किया जा सकेगा, जो ५०० रु० तक हो सकेगा और यदि नियम का उल्लंघन जारी रहा तो प्रथम दोष सिद्ध होने के बाद यदि दोषी लगातार दोष करते पाया गया तो और जुर्माना हो हो सकेगा जो १० प्रति दिन तक हो सकेगा।

Byelaws fixing special Route by which Carcasses of slaughtered cattle should be brought into Dehra

Notification No 184 XXIII 9-29-29 (dated 28-10-34)
(1924, Gazette page 676)

1. That the carcasses of animals from the Slaughter House at Kargi be brought to the town by the road passing the Cremation ghat and distillery and then by the Saharan pur Road, passing the Railway Toll Barier, to the Hardwar Road and then up Lines Road This rout is fixed for the dry season. During the rains the carcasses be brought by the Sahawanpur pucca Road through the Arhat Bazar to the Railway Toll Barrier, and thence by the Hardwar Road up Lines Road.

2. The carcasses must be brought into the town from Kargi Slaughter House after the dark in covered cart having fixed sides and movable ends of timber planking as approved by the Board.

(U.P. Gazette dated 28-9-29 part III page 346)

PENALTY

In exercise of the power conferred by section 299 (1) of the Act the Board directs that a person committing any breach of the provisions of byelaws 1 and 2 shall be punishable with a fine which may extend to Rs. 50/- and when the breach is a continuing breach with a further fine which may extend to Rs 5/- for every day, after the date of the first conviction during which the offender is proved to have committed the offence.

---

(११) कोई बीमार पशु किसी स्थान पर न तो लाया जायेगा और न रखा जायेगा। पशुओं से फैलने वाले किसी भी पशु बीमारी के पैदा होने पर इसकी सूचना तुरन्त स्वास्थ्य अधिकारी को देनी होगी जो पशुओं के विशिष्ट की बीमारी को रोकने के लिए आवश्यक कदम उठाने तथा बीमार पशुओं को अलग करने की कार्यवाही करेगा।

(१२) पशु किसी स्थान पर किसी पशु के बीमार पड़ने पर उसे तुरन्त पशु चिकित्सालय में लाया जायेगा।

(१३) किसी स्थान पर पशुओं का निरीक्षण करने के लिए स्वास्थ्य अधिकारी, मुख्चिकित्सक और सफाई इंस्पैक्टर निरीक्षण करने के अधिकारी होंगे और लाइसेन्स प्राप्तकर्ता निरीक्षण के लिये सब प्रकार की सुविधा देगा।

(१४) पशुओं को कुछ समय तक अलग रखने के लिए किसी स्थान पर नये क्रय किये पशुओं को वर्तमान पशुओं से सात दिन से अधिक बाड़े में रखना होगा।

(१५) प्रत्येक पशु किसी स्थान में पशुओं के लिये उचित गऊशाला या शैड बनाने होंगे। यह केवल एक मंजिल होने चाहिए और इनके साथ कोई दीवार अलग अथवा साथ लगाये जाने वाले गोबर स्टाल के अलावा अंदर सोने के लिये नहीं होना चाहिए। खाली स्टाल चारा बनाने अथवा औषालय आदि के लिए प्रयोग नहीं की जानी चाहिए। शैड घर 'शैड' वास स्थान से ३० गज की दूरी पर होना चाहिए और किसी स्थान बनाने से पूर्व स्वास्थ्य अधिकारी द्वारा इस स्थान की पुष्टि की जानी चाहिए।

(१६) पशु शैड तथा पशु शालाओं के अंदर का भाग इस प्रकार बनाया जाना चाहिए जिससे प्रत्येक पशु को आरामदायक स्थान उपलब्ध हो। इस शैड के एक ओर खुला रहना चाहिए अथवा तार की जाली या लकड़ी दीवार से सुरक्षित कर दिया जाना चाहिए।

(१७) प्रत्येक पशु किसी स्थान में प्रत्येक शैड या गऊशाला में पशुओं, चारा तथा पानी आदि उचित संख्या में बान्ध होनी चाहिए।

(१८) पशु किसी स्थान में प्रत्येक शैड अथवा गऊशाला का पक्का ईंटों से बना फर्श होना चाहिए तथा उचित ढाल जो किसी कोलेज पिट या मल-मार्गियों में मिलता ही होना चाहिए। पशु किसी स्थान के अंदर नाली इस प्रकार बनी होनी चाहिए कि प्रत्येक मल मूत्र को फर्श पर फिरे स्वास्थ्य अधिकारी द्वारा उचित ठहराये साधनों द्वारा बहाया जा सके।

(१३) प्रत्येक प्राईवेट किसी स्थान प्रतिदिन साफ किया जायेगा और साफ रखा जायेगा। स्थान से इकट्ठा किया गोबर आदि वहीं पर जमा नहीं किया जायेगा। लाइसेन्स प्राप्त कर्ता इसे प्रतिदिन हटाने तथा ठिकाने लगाने का प्रबंध करेगा।

(१४) किसी लगने वाली अथवा छूत की बीमारी फैलने पर प्रत्येक लाइसेन्स प्राप्त कर्ता स्वास्थ्य अधिकारी द्वारा सूचना दिये जाने पर :

[अ] किसी स्थान को अस्थायी तौर पर समस्त पशुओं से खाली कर देगा।

[ब] किसी स्थान की कुल सतह पर चूना छिड़कवायेगा या डिसइन्फैक्ट अथवा दोनों करायेगा।

(१५) किसी स्थान भेड़, बकरे तथा सुअरों के लिए अलग, अलग बाड़ों में छायादार शैड बनाने होंगे।

नोट :—यह नियम तुरन्त लागू होते हैं और यह उन प्राइवेट पशु किसी स्थान पर भी लागू होते हैं जो इन बाईलाज के लागू होने के पूर्व से विद्यमान है।

दंड

ऐक्ट की धारा २६५ (१) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए बोर्ड यह घोषित करता है कि २ से लेकर १५ तक किसी भी नियम का उल्लंघन करने पर जुर्माना किया जा सकेगा, जो १०० रु० तक हो सकेगा और यदि नियम का उल्लंघन जारी रहा तो प्रथम दोष सिद्ध होने के बाद यदि दोषी लगातार दोष करते पाया गया तो और जुर्माना हो हो सकेगा जो १० प्रति दिन तक हो सकेगा।

[३] ६०१ रु० से २००·०० तक कीमत के पशु : ५० पैसे प्रति पशु।
[४] २०१ रु० से ऊपर तक की कीमत के पशु : १·०० प्रति पशु।

निर्धारित की गयी फीस का भुगतान होने के उपरान्त रजिस्ट्रेशन आफीसर म्युनिसिपल अथवा डाईरेक्ट पशु बिक्री स्थान में हुई कुल पशुओं की बिक्री को अपने हाथ से इन उपनियमों के अन्तर्गत दिए फार्म से बिक्री प्रमाण पत्र को पूरा करेगा तथा प्रमाणपत्र इन्द्राज कराने के लिये आये व्यक्ति को देगा। प्राप्त की गयी फीस का प्रबिक योग काउन्टर फाइल के नीचे दिये स्थान पर ज्यों ही काउन्टर पूरा किया गया हो, रखेगा।

(१७) कोई भी व्यक्ति जो बिक्री दर्ज कराने आये हों यदि रजिस्ट्रेशन आफीसर के आने हुए न हो और न किसी जाने पहचाने व्यक्ति को साथ लाये हों तो बिक्री प्रमाण पत्र तथा उसके अंदरूनी भाग में भी लिखा जायेगा।

(१८) प्रत्येक इन्द्राज पर रजिस्ट्रेशन आफीसर अपने हस्ताक्षर करेगा तथा तारीख डालेगा तथा बिक्री इन्द्राज कराने आये व्यक्ति द्वारा तथा उसके साथ पहचान अथवा बयाह के रूप में आये व्यक्तियों से भी हस्ताक्षर करायेगा अथवा निशानी अंगुठा लगवायेगा।

(१९) काउन्टर फाईल में हुए इन्द्राज की प्रति दिना मूल्य पशु बिक्रेता अथवा खरीदार को रजिस्ट्रेशन आफीसर के हस्ताक्षर से दी जायेगी।

(२०) पशु बिक्री मारकेट में किसी प्रमुख स्थान पर रजिस्ट्रेशन के लिए देय फीस तथा यह कि बिक्रेता अथवा खरीदार को काउन्टर फाइल की प्रति बिना फीस दी जायेगी नोटिस लगाना होगा।

(२१) अधिशासी अधिकारी सेक्रेटरी या बोर्ड द्वारा अधिकार प्राप्त किए कर्मचारी के मांगने पर प्रमाण पत्र प्राप्तकर्ता प्रमाण पत्र को प्रस्तुत करेगा।

(२२) ऐसे अधिकारी आवश्यक जांच करने के उपरान्त प्रपत्र को भर कर काउन्टर फाईल से मिलाप करने के लिए अपने पास रख लेगा तथा हस्ताक्षर कर प्रमाण पत्र प्राप्त करने वाले को वापस कर देगा।

(२३) दूध देने वाले पशुओं से इकट्ठा हुआ दूध केवल तब ही बेचा जा सकेगा जब पशु बिक्री मारकेट के लिये अनुमति प्राप्त करने वाले स्वामी ने फूड एडल्ट्रेशन एक्ट के अन्तर्गत दूध बेचने का लाइसेन्स प्राप्त किया हो।

(२४) जानवरों के पानी पीने और धोने आदि के लिये प्राइवेट पशु बिक्री स्थान का लाइसेन्स उस स्थान पर पानी का कनक्शन लगवायेगा।

(२५) कोई बीमार पशु बिक्री स्थान पर न तो लाया जायेगा और न रखा जायेगा। पशुओं में फैलने वाले किसी भी पशु बीमारी के फैल होने पर तुरन्त व तुरन्त स्वास्थ्य अधिकारी को देनी होगी जो पशुओं से विशेषतः उन बीमारी को रोकने के लिए आवश्यक कदम उठाने तथा बीमार पशुओं को अलग करने की कार्यवाही करेगा।

(२६) पशु बिक्री स्थान पर किसी पशु के बीमार पड़ने पर उसे तुरन्त पशु चिकित्सालय ले जाया जायेगा।

(२७) बिक्री स्थान पर पशुओं का निरीक्षण करने के लिए स्वास्थ्य अधिकारी, पशुचिकित्सक और सफाई इंस्पेक्टर निरीक्षण करने के अधिकारी होंगे और लाइसेन्स प्राप्तकर्ता निरीक्षण के लिये सब प्रकार की सहूलियत देगा।

(२८) पशुओं को कुछ समय तक अलग रखने के लिए बिक्री स्थान पर कुछ अलग पशुओं को वर्तमान पशुओं से सात दिन से अधिक बाड़े में रखना होगा।

(२९) प्रत्येक पशु बिक्री स्थान में पशुओं के लिये उचित गड़ासाला या शैड बनाने होंगे। यह केवल एक मंजिल होने चाहिए और इनके साथ कोई सीढ़ी प्रथम अथवा साथ बनाये जाने वाले सामान स्टाल के ऊपर अथवा अंदर जाने के लिये नहीं होना चाहिए। खाली स्टाल अथवा बनाने अथवा मोचाखाने आदि के लिए प्रयोग नहीं की जानी चाहिए। पशु घर 'शैड' बाड़ स्थान से ३० गज की दूरी पर होना चाहिए और बिक्री स्थान बनाने से पूर्व स्वास्थ्य अधिकारी द्वारा इस स्थान की पुष्टि की जानी चाहिए।

(३०) पशु शैड तथा पशु शालाओं के अंदर का भाग इस प्रकार बनाया जाना चाहिए जिससे प्रत्येक पशु को आरामदायक स्थान उपलब्ध हो। इस शैड के एक ओर खुला रहना चाहिए अथवा तार की जाली या लकड़ी दीवार से सुरक्षित कर दिया जाना चाहिए।

(३१) प्रत्येक पशु बिक्री स्थान में प्रत्येक शैड या गड़ासाला में पशुओं, चारा तथा पानी आदि उचित संख्या में प्राप्य होनी चाहिए।

(३२) पशु बिक्री स्थान में प्रत्येक शैड अथवा गड़ासाला का पक्का ईंटों से फर्श पक्का होना चाहिए तथा उचित ढाल को किसी कोलेज पिट या सूख नालियों में मिलता ही होना चाहिए। पशु बिक्री स्थान के अंदर नाली इस प्रकार बनी होनी चाहिए कि प्रत्येक तरह से पशु को फर्श पर लिये स्वास्थ्य अधिकारी द्वारा उचित ठहराये साधनों द्वारा धोया जा सके।

(३) प्राईवेट पशु बिक्री, स्थान का लाइसेन्स प्राप्त करने के प्रार्थना पत्र में निम्न विवरण देने आवश्यक होंगे :

[अ] प्राइवेट पशु बिक्री के लिये उनकी सीमाओं सहित स्थान।

[ब] प्रार्थी का अपना तथा पिता का नाम व पूरा पता।

[स] यदि प्रार्थी कोई फर्म है तो साझियों के नाम व पते।

[द] आया भूमि, भवन अथवा पशुशाला आदि प्रार्थी की अपनी सम्पत्ति है, यदि किराए पर है तो स्वामी का नाम व पता दें।

[इ] समय जिसके लिये अनुमति (लाइसेन्स) की आवश्यकता है, निजी पशु बिक्री स्थान के लिये।

(४) अनुमति (लाइसेन्स) अथवा लाइसेन्स को पुनः नवीन कराने के लिये प्रार्थना पत्र बोर्ड के स्वास्थ्य अधिकारी को प्रेषित किए जाएंगे और यदि स्वास्थ्य अधिकारी को इस या अन्य नियमों के अंतर्गत सफाई की बिना पर एतराज करे तो प्रार्थना पत्र रद्द किए जाएंगे।

(५) इन नियमों के अंतर्गत प्रत्येक अनुमति (लाइसेन्स) आने वाले मार्च की समाप्ति तक एक वर्ष से अधिक समय के लिए नहीं होगी और निम्न शर्तों के अंतर्गत होगी :

[अ] इन नियमों के अनुसार दिये प्रत्येक अनुमति (लाइसेन्स) पर वार्षिक १० रु० फीस ली जाएगी।

[ब] अनुमति को पुनः नवीन कराने के लिये प्रार्थना पत्र वर्तमान अनुमति की समाप्ति के कम से कम एक माह पूर्व देना होगा।

[स] म्युनिसिपल अथवा प्राईवेट पशु बिक्री स्थानों पर बेचे गए पशुओं की रजिस्ट्रेशन कराकर रजिस्ट्रेशन फीस, जो इन नियमों में दी गई है, भुगतान करनी होगी।

[द] प्रत्येक अनुमति प्राप्त व्यक्ति व कामदार नीचे दिए गए एक फॉर्म पर एक रजिस्टर रखेगा जिसमें पशु के स्वामी के नाम का पता तथा पशु का विवरण, जैसे ही पशु बिक्री के लिये लाया जायेगा, इन्द्राज करेगा।

पशु की क्रम संख्या	पशु के स्वामी का नाम व पता	पशु का विवरण	तारीख जब पशु बिक्री के लिये लाया गया	पशु की बिक्री की तिथि	खरीददार का नाम व पूरा पता	बिक्री धन	अनुमति प्राप्त व्यक्ति के ह०	टिप्पणि
1	2	3	4	5	6	7	8	9

(६) बिना कोई देहराइन समय समय पर ऐसे फार्म निर्धारित कर सकेगा जो इसकी राय में आवश्यक समझी जाएंगे और लाइसेन्स प्राप्त व्यक्ति ऐसी आज्ञा पालन के लिये बाध्य होगा।

(७) प्रत्येक लाइसेन्स प्राप्त कर्ता का यह कर्तव्य होगा कि पशु की बिक्री से सम्बन्धित किसी भी कागज अथवा डाकुमेन्ट के निरीक्षण अधिकारी के सामने पेश करेगा जिनका नीचे दिये गये नियम में वर्णन है।

(८) बिक्री स्थान प्रधान, अधिशासी अधिकारी, स्वास्थ्य अधिकारी, चीफ वेटेरी इन्स्पैक्टर, वैटरनरी सर्जन, टैक्स सुपरिटैन्डेन्ट तथा टरमीनल टैक्स अफसर, लाइसेन्स आफीसर या अन्य आफीसर जिन्हें बोर्ड अधिकार दे, निरीक्षण के लिये खुला रहेगा।

(९) लाइसेन्स प्राप्त कर्ता किसी भी समय उपरोक्त वर्णित अधिकारियों द्वारा, या अन्य अधिकारियों द्वारा, जिन्हें बोर्ड ने इस संबंध में अधिकार दिया हो, के मांग करने पर प्रस्तुत करेगा। यह लाइसेन्स को उचित प्रकार फ्रेम के रूप में लगाकर हर समय पशु बिक्री स्थान पर रखेगा।

(१०) इन नियमों के अन्तर्गत किसी भी नियम अथवा शर्त का उल्लंघन करने पर लाइसेन्स देने वाले अधिकारी को अधिकार होगा कि वह लाइसेन्स को रद्द करने अथवा लाइसेन्स देने से इनकार कर दे।

(११) लाइसेन्स देने वाले आफीसर को लाइसेन्स रद्द करने, निलम्बित करने या इनकार करने की प्रत्येक आज्ञा के विरुद्ध बोर्ड के समक्ष अपील की जा सकेगी बशर्ते कि ऐसी आज्ञा प्राप्ति के १५ दिन के अंदर अपील रद्द कर दी गयी हो।

(१२) प्रत्येक व्यक्ति, जो म्युनिसिपल अथवा प्राइवेट पशु बिक्री स्थान पर पशु को खरीद अथवा बिक्री करता है, बेचते समय रजिस्ट्रेशन आफीसर द्वारा बेचे गये पशु की बिक्री दर्ज करायेगा।

(१३) सूर्य उदय से पूर्व तथा सूर्य छिपने के पश्चात कोई बिक्री इन्द्राज नहीं कराई जा सकेगी।

(१४) कोई बिक्री बिना खरीदार तथा बेचने वाले व्यक्ति तथा बेचे गये पशु को प्रस्तुत किये नहीं लिखी जायेगी।

(१५) प्रतिबन्ध यह है कि यदि बेचने वाला या खरीदार अपने को प्रस्तुत करने में असमर्थ हो तो उसके बदले एजेन्ट या प्रतिनिधि द्वारा बिक्री रजिस्टर में लिखाई जा सकेगी।

(१६) प्रत्येक इन्द्राज किये पशु पर निम्नलिखित फीस देय होगी।

(१) ५० रु० तक कीमत के पशु : २५ पैसे प्रति पशु।

(२) २१ रु० से १०० तक कीमत के पशु : ३७ पैसे प्रति पशु।

2. No person shall manufacture, store for sale or expose for sale ghee, butter or fat or permit the same in the registered business premises not effectively separated from privy urinal, sullage, drain or place of storage of foul or waste matter.

3. All vessels used for the storage or manufacture of the articles meant for sale should have proper covers to avoid contamination, and be of such materials as not to permit any chemical change or otherwise lead to deterioration of contents, such as tin and enamelled vessels, etc.

4. In case of hawkers all vessels should have a 4' board band on their outer surface running all round the girth, painted white in case of butter, red in case of ghee and black in case of fat. This band must be kept exposed to view as much as possible.

5. Ghee, butter or fat meant for sale shall be so kept that it is inaccesible to flies It should not be exposed to dust, dirt or any other offensive matter. Recepatacles containing ghee, butter or fat should be kept in a clean condition

6. For every licence a fee of Rs 5/- shall be charged from wholesalers. Rs. 2/- from retailes and Rs. 1/- from hawkers for the financial year. Paise 25 shall be charged for supplying badges to hawkers

(G.O. No 11770/XI-A-623-1950 dated April 15, 1953)

7. Application for renewal of licence must be made at least one month before the termination of the expiring licence.

8. The Medical Officer of Health, Municipal Board shall have the authority to grant a licence under these byelaws and to refuse, suspend, or cancel as he thinks fit (a) in case of breach of any of the foregoing byelaws or (b) in case of vendor against whome complaints of seling adulterated ghee have been received and the Medical Officer of Health is satisfied that the complaints are true or (c) in case of a vendor who has been convicted by a court for adulteration of butter, ghee, or fat or (d) in case of persons applying for the sale of the Vegetable product for which the Medical Officer of Health has reasonable apprehension that the same will be used for purposes of adulteration or is not required for the genuine needs of the town

9. The Medical Officer of Health, Municipal Board, shall also have the authority to refuse a licence for sale of

fat in the vicinity of a vendor of a ghee or butter and vice versa.

10 Written appeals within ten days of the service of order of the Medical Officer of Health under byelaws 8 and 9 shall be made to the Health Committee.

PENALTY

Breach of any of the provisions of byelaws 1,2,3,4 and 5 shall be punishable for the first offence with fine which may extend to 500/-rupees, and for a second or subsequent offence with a fine which may extend to one thousand rupees or imprisonment of either description not exceeding three months or with both.

सं० ६३३/२३,२६,५८,५६, यू०पी० म्युनिसिपैलिटीज ऐक्ट, १९१६ की धारा २६८ के अधीन नगरपालिका, देहरादून ने इससे संलग्न उपनियमों को खंडित करके निम्न संशोधित उपनियम देहरादून क्षेत्र में पशुओं की बिक्री पर नियंत्रण करने के लिये बनाये हैं और जिनकी पुष्टि आयुक्त ने कर दी है म्युनिसिपैलिटीज ऐक्ट की धारा १० १.२ के अन्तर्गत प्रकाशित किये जाते हैं।

उपनियम

राजकीय विज्ञप्ति सं ४२८४/११.४६ दि० २६ अक्टूबर, १९१६ द्वारा संशोधित तथा सबट विज्ञप्ति नं० २२३/२३, १६, ५३, ५४, दि० ३१ जनवरी, १९५५ द्वारा संशोधित म्यु० कैटिल मार्केट में पशुओं की बिक्री रजिस्टर्ड कराने संबंधी उपनियम को विस्थापित करके निम्नलिखित उपनियम उसके स्थान पर पढ़े जाएं :

१—इन नियमों में :

(१) पशुओं में सींग वाले पशु घोड़ा, टट्टू, खच्चर, गधे, भेड़, बकरी और सुअर सम्मिलित है और (२) रजिस्ट्रिंग आफिसर से तात्पर्य उस व्यक्ति से है, जिसे बोर्ड पशुओं की बिक्री रजिस्टर्ड कराने के लिये नियुक्त करें।

(२) बोर्ड के बनाये अथवा प्राईवेट पशु बिक्री, स्थान के अतिरिक्त बिक्री अन्य स्थान पर, जिसे बोर्ड ने इस प्रयोग के लिये अनुमति प्रदान न की हो, पशु बिक्री की मुमानियत होगी।

11. The person in-charge of a burning ghat or cemetery shall cause it to be kept clean.

12. No person shall interrupt or hinder the performance at the pyre of such lawful funerial rites and ceremonies as the relatives and friends of the deceased wish to perform

13. The board shall maintain occurate site of plans of each cemetery and burning ghat as per list vide no 4 and these places shall be open to inspection by the officials and members of the Board

PENALTY

In exercise of the powers conferred by section 299 (1) of Act II of 1916, the Municipal Board of Dehra Dun directs that any breach of the foregoing byelaws shall be punishable with fine which may extend to Rs 500, and when the breach is a continuing breach, with a further fine which may extend to Rs 5 for every day, after the date of the first conviction, which the offender is proved to have persisted in the offence.

Byelaws for Burning or Baking Bricks, Tiles, Pottery or Lime within the limits of Dehra Dun Municipality

Notification No. 2763/XXIII-5 (5) (35-35) (F. II-I-17 of 1936-37 dated 30-3-1037)

1. No person shall manufacture or burn bricks, tile pottery or lime within the limits of Dehra Dun Municipality without having previously obtained a licence from the Executive Officer, or inc ontravention of the licence granted to him.

2. Applications for licence shall contain the following particulars:

(a) the place of the Prosed manufacture;

(b) the description and the quality of the articles proposed to be manufactured;

(c) the name address of the applicant;

(b) the period for which the licence is required.

3. No licence shall be granted for establishing a new brick kiln or tile factory within the municipal limits if the proposed site (adjacent to) is within 200 yards of the "abadi" and it is objectected to on sanitary grounds

4. Every application for a new licence or for the renewal of an existing licences of a kiln or factory shall be referred to the Medical Officer of Health and if the latter objects on sanitary grounds, the application shall be refused.

5. Every licence under bye-law I shall be for a period of not more than one year ending on 31st March next following.

6. Licence shall contain the particulars mentioned in byelaw 2 and such conditions as the licensing officer may consider necessary to impose in order or obviate or minimise any injurious offensive effect likely to arise from the manufacture.

7. A licence may be cancelled or suspended for breach of any of the conditions imposed under the preceding bye-laws.

8. For every licence granted under these bye-laws a fee of Rs. 1.50 shall be charged.

9. An appeal shall lie to the Board against any order of the licensing officer refusing or cancelling or suspending a licence if made within 15 days after passing of the order.

PENALTY

In exercise of the powers conferred by section 299 (1) of the Act, the Board hereby directs that a breach of any bye-law or condition of the licence shall be punishable with fine which may extend to Rs 100, and in case of continuing breach, with a further fine which may extend to Rs. 5/- for every day, after the date of the first conviction during which the offender is proved to have persisted to the breach

---

Bye-laws for the regulation and control of Butter, Ghee and Fat in the Dehra Dun Municipality

(Notification No 3108/XI-277-35 dated 14th September 1940

1. No person suffering from an infectious disease or loathsome disorder shall handle butter, ghee and fat meant

and be properly drained and their boundaries shall be demarcated by pucca boundary pillars.

4. Burying or burning of corpses should take place only in cemeteries or burning ghats recognized by the board and not elsewhere. The following are the recognized burying or burning grounds.

(1) Cremation grounds for Hindus

[a] Cremation Ghat, Lakhi Bagh.

[b] Cremation Ghat, Rispana near Adhoi Wala.

(2) Burial grounds for Hindus (for Purabees, Jeswaras, Koris, and for all classes of Hindus for cases of smallpox)—

[a] Near Idgah.

[b] Lakhi Bagh, Khala to the south of Marghat

[c] Racecourse Khad

[d] Rispana banks near Chandmari Ground

(e) Mahant grave ground near Saharanpur Road

[f] Adhoiwala Khad

(3) Graveyards for Muslims :—

[a] Qabrustan, Lakhi Bagh

[b] Cabrustan, Kanwali Road

[c] Plot on Leper Asylum Road

[d] Dharampur Qabrustan near Juman contractors' newly constructed houses.

[e] Raipur Road Qabrustan

[f] Qabrustan Hathibarkal for Telis on Katcha Hathibarkala Road.

(4) Graveyards for Christians :—

Cemetery on Leper Asylum Road.

(5) European Cemetary :—

Cemetery on Leper Asylum Road.

(6) Graveyard for Zorastrians on Leper Asylum Road.

5. The person in charge of a cemetery or burning ghat shall report at the municipal office toll barrier within a week about each body entered in the cemetery or burnt at the burning ghat with the following particulars and shall maintain a register for the purpose.

(1) Date and time of death

(2) Name of the deceased and name of father husband or guardian.

(3) Sex

(4) Caste and profession.

(5) Age

(6) Cause of death.

(7) Name of Mohalla.

(8) Place of cremation or burial.

(9) Name of reporter.

6. No one shall burn the dead body of any person, or cause a dead body to be burned, or, ueing the owner perser in charge of the burning ghat shall permit a dead body to be burned otherwise than in accordance with the following conditions :

7. No person shall remove wood or coal that has been employed in the pyre from the burning ground. The owner or in-charge of the ground must see that all such wood or coal is reduced to ashes.

(a) The body shall be burned within eight hours after the arrival at the burning ghat.

(b) No part of the body shall remain unconsumed.

(c) No part of the body shall be removed from the ghat until it is completely reduced to ashes.

8. Four days after the cremation the person in attendance at the burning ghats shall remove the ashes and sweepings remaining after the cremation unless this be done by the relatives or friends of the deceased.

9. The clothes, had bedding or other articles, which have been in contact with and are brought to a burning ghat with the corpse of a person who has died of cholera, smallpox or plague or other infectious contagious disease shall be burnt to ashes at the burning ground or at the cemetery and the person arranging the cremation or burial and the person in attendance at the burning ghat or cemetery shall be responsible to see that this is done. Cholera-corpses must not be dipped in the river or stream for washing before cremation.

10. The remains of dissected corps from public hospital or mortuaries, if not removed by friends or relatives in the customary manner or properly deodorized, shall be taken in a covered receptable to a recognized burning ghat or burial ground and burnt there or buried.

दो आदमियों द्वारा खींचे जाने वाली हाथ ठेली

डेड मील की परिधि में	१.२०
म्युनिसिपल सीमा में डेड मील की परिधि से अधिक अन्य स्थान	२.४०

तीन आदमी से अधिक द्वारा खींचे जाने वाली हाथ ठेली

डेड मील की परिधि में	३.००
म्युनिसिपल सीमा में डेड मील की परिधि से अधिक अन्य स्थान	५.००

समय के अनुसार म्युनिसिपल क्षेत्र में

	एक बैल या भैंसा द्वारा खींची जाने वाली गाड़ी	दो या अधिक बैलों द्वारा खींची जाने वाली गाड़ी	दो या अधिक बैलों द्वारा खींची जाने वाला ठेला	एक बैल द्वारा खींची जाने वाली गाड़ी
१	२	३	४	५
म्यु० क्षेत्र में	६०	६०	६०	३०
दैनिक किराया पूरा दिन जिसमें ८ घंटे का कार्य सीमित है।	५.००	५.००	१०.००	४.००
आधा दिन जिसमें समय ६ घंटे तक सीमित है और चार घंटे का वास्तविक कार्य	६०	६०	६०	३०
	४.००	३.००	६.००	२.५०

भार जो ले जाया जा सकता है

१३. कोई भी लाइसेन्स प्राप्त कर्ता उस विशेष श्रेणी के ठेले या गाड़ी में निम्न लिखत बोझ से अधिक भार किसी ठेले पर ले नहीं जायेगा या ले जाने की आज्ञा नहीं देगा।

अधिकतम भार जो ले जाया जा सकता है

१. एक बैल गाड़ी ...	८ मन
२. दो बैलों वाली गाड़ी ...	१५ मन
३. दो बैलों से अधिक वाली गाड़ी···दो बैलों वाली गाड़ी के लिये निर्धारित भार से पाँच मन भार प्रति अतिरिक्त बैल	

४. तीन से अधिक आदमियों द्वारा खींचे जाने वाली हाथ गाड़ी के लिये १५ मन

दो आदमियों द्वारा खींचे जाने वाली हाथ गाड़ी	१० मन
एक आदमी द्वारा खींचे जाने वाली हाथगाड़ी ...	५ मन
५. चार पहियों वाली भैंसा या बैल ठेला ...	४० मन
६. एक बैल व. भैंसे का दो पहियों वाला ठेला ...	२० मन

PENALTY

In exercise of the power conferred by section 299 (1) of the Act, the Board hereby directs that any breach of the provisions of bvelaws shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day, after the date of the first conviction, during which the offender is proved to have persisted in the offence.

Bye-laws regarding Burial and Burning Ground of the Dehra Dun Municipality

(Notification No. 992 dated 12-12-36)

1. No person shall bury or cause to be buried the body of any person or being the owner or person in-charge of the burial ground, shall permit a body to be buried in the burial ground, otherwise than in accordance with the following conditions.

(a) The body shall be interred within eight hours, after it arrived at the burial ground.

(b) The body shall not be buried in any grave in which another body has already been buried.

(c) The grave shall not be less than 4 feet deep in case of adults and children up to 12 years of age and not less than 3 feet for children below 12 years and shall not be less than two feet distant from the nearest adjacent grave.

2. No dwelling house shall be built and no public drinking well shall be dug within 25th feet of a cemetery or cremation

3. The cemetery must have walls or railing 4 feet hight.

officer's decision shall be final. If the person incharge of the thela or cart refuses to proceed to the municipal office for this purpose he shall not be entitled to demand any hire.

(7) The person in-charge shall not ply for hire when in a state of drunkenness; or make use of insulting, abusive or obscene language or gestures, when plying for hire; or stand or loiter with the cart (elsewhere than at any place which may be appointed by the board as a stand for thelas or cart) upon any public street or place; or refuse to give way (when he may reasonably be required to do so) to any carriage; or wrongfully prevent, or endeavour to prevent, any other thela or cart from being hired, or desert after being hired by time before he has been discharged.

(8) If any property is left in the thela or cart, the person in charge shall take the same, unless sooner claimed by the owner, to the nearest police station within twenty four hours.

(9) The chairman, or the licensing officer may at any time, revoke or suspend a licence for breach of any of the conditions specified in the preceding byelaws or any of the provisions of these byelaws or if the thela or hand cart is not in a state of proper repair.

(10) The board may from time to time, appoint places as stands for thelas and carts to weight at, pending hiring, and dotlicences shall allow any thela or cart to weight for hire at any place other than at such stands or at his own premises.

(11) No person hiring a thela or cart shall require the person in-charge thereof to load thereon or cause to be laden thereon, goods in excess of the maximum load fixed by byelaws 13 below for such thela or cart.

ठेलो, गाड़ी आदि के भार तथा रेट चार्ज करने के नियन्त्रण सम्बन्धी संशोधित सूचो

जो शासन ने विज्ञप्ति •१६२,२३ (२६) (१०), ६३, ६४ ता• १६-१०-६४ द्वारा स्वीकार की

किराये की सूचो

१२. किराये जो माँगे जा सकते हैं उनकी सूची :

दो या दो से अधिक बैलों या भैंसा, ठोटा द्वारा खींची जाने वाली गाड़ी

दूरी की दर से

देहरादून से राजपुर	...	...	४.००
देहरादून से बीरपुर या घंघोड़ा	...	...	४.००
देहरादून सैंकेन्ड गोरखा लाइन	...	...	३.००
एक मील की परिधि में	...	...	१.००
दो मील की परिधि में	...	...	२.००
तीन मील की परिधि में	...	...	२.५०

दो या अधिक बैलों या भैंसा, ठोटा द्वारा खींचे जाने वाले ठेला (चार पहियों वाला)

देहरादून से राजपुर	...	...	१०.००
देहरादून से बीरपुर या घंघोड़ा	...	...	१०.००
देहरादून से सैंकेन्ड गोरखा लाइन	...	...	६.००
एक मील की परिधि में	...	...	३.००
दो मील की परिधि में	...	...	५.००
तीन मील की परिधि में	...	...	७.००

एक बैल द्वारा खींचे जाने वाली गाड़ी

देहरादून से राजपुर	...	...	३.००
देहरादून से बीरपुर घंघोड़ा	...	...	३.००
देहरादून से सैंकेन्ड गोरखा लाइन तक	...	...	२.००
एक मील की परिधि में	...	...	०.७५
दो मील की परिधि में	...	...	१.२५
तीन मील की परिधि में	...	...	२.००

एक बैल या भैंस द्वारा खींचे जाने वाला ठेला (दो पहियों वाला)

एक मील की परिधि में	...	...	१.५०
दो मील की परिधि में	...	...	२.२०
तीन मील की परिधि में	...	...	४.००

एक आदमी द्वारा खींचे जाने वाली हाथ ठेली

डेढ़ मील की परिधि में	...	...	०.७५
म्युनिसिपल सीमा में डेढ़ मील की परिधि से अधिक स्थान			१.०५

cart drawn by ponies, for inspection by the licensing officer at such time and place as the latter may direct. If animals are used for the draught of any such vehicle they shall also be produced for inspection.

4. After such inspection the licensing officer may grant the licence applied for if he refuses to grant the licence, he shall record the resasons for his refusal.

5. For every licence granted under these by-laws a fee according to the following schedule of fees shall be paid

October 18 1954

No. 108/XXIII-16-53-54. The following amendments in byelaws for the regulation of bullock carts, thelas byelaws made by the Municipal Board of Dehra Dun under section 298 of the U.P. Municipalities Act of 1916 and confirmed by the Commissioner are hereby published, as required by Section 301, sub-section (2) of the said Act.

Amendment

(i) Add the following table after rule 5 of the rules for the regulation of bullock carts, thelas and hand-carts printed on pages 125–126.

Licensing fee on vehicles with rubber tyres and ball bearing axles

		Rs.	P.A.
1.	One cart drawn by one bullock	12	00
2	One thela drawn by one bullock	22	00
3	One bullock thelas with four rubber tyre wheels drawn by two bullocks	30	00
4.	(a) one pony cart with iron wheels.	9	00
	(b) one pony cart with rubber tyre wheels	12	00

Maximum load to be carried by the carts and thelas having rubber tyre wheels and ball bearing axle :—

		Maunds-
1.	One bullock ekka or cart.	12
2.	One Jhota Thela.	30
3.	Nne two bullock thela 4 wheels.	60
4.	One pony cart.	18
5.	One pony cart with iron wheels.	12

6. At time the licence is granted, the licensing officer shall cause to be painted prominently on the cart the following particular of the licence,

(1) The licence number.

(2) The period for which the licence is granted and

(3) The maximum load permissible.

7. (a)—The licensee shall take care that the number and other particulars painted on the cart are well preserved and not tampered with. The licensee shall pay 25 paise only for the first painting but in case repainting is required subsequently during the period of licence issued and he brings the cart to the licensing officer voluntarily, no charge for subsequent painting of particulars shall be made.

(No. 5569 dated 18-9-37)

(b)—In case a cart or thela is found plying on roads in the town without particulars properly painted, it shall be treated as unlicens and the owner or driver shall be liable to pay the licensing fee as if the cart or thela was a new one and unlicensed.

8 Each licence granted under these byelaws shall be subject to the following conditions.

(1) The person in charge of the thela or cart shall not refuse, except for reasonable cause, to let the same for hire.

(2) The load shall not exced the amount fixed as a maximum by the board.

(3) The person in charge shall accept for carriage any weight of goods, not exceeding the maximum loads, that the hire may require to be be carried.

(4) The person in charge shall not demand a rate of hire exceeding that fixed by byelaws 12

(5) The person in charge shall assist in loading or unloading the thela or cart and shall require his assistant employed with the thela or cart to give assistance if required by the hirer to do so.

(6) All disputes as to the amount of load to be carried or as to the hire due, or as to any other matter refered to in these byelaws, shall be decided by the licensing officer. The person in charge, if so required by the hirer, shall proceed with him to the municipal office for the purpose of obtaining a decision on a matter so in dispute. The licensing

16. As every license shall be granted only for the period specified in such license, nothing in these byelaws shall be deemed to limit or otherwise affect the power of the Board to refuse a renewal or a new licence in the interest of Public Health, or for any other good and sufficient reason.

17. An appeal shall lie from any order of the Licensing Officer passed under these byelaws to the Health Committee if made within 10 days from the communication of such order.

PENALTY

In exercise of the power conferred by section 233 (1) of the Act, the board hereby directs that any breach of the provision of these byelaws shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing breach with a further fine which may extend to Rs. 5 for every day, after the date of the first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the Regulation of Bullock Carts, Thelas and Hand Carts in the Deira Municipality

(G O No. 1059/XI-48 H dated 5th March, 1917)

Under section 298 H (c) and (d)

For the regulation of thelas and hand carts kept or working or letting vehicles on hire within the limits of the Municipal for the licensing of the same, and for the limiting of the rates which may be demanded for the hire of such vehicles and of the loads to be carried by such conveyance.

1. The proprietor, or, in default of the proprietor the driver of every bullock cart, bullock thela, hand cart and luggage cart drawn by ponies kept or plying for hire within the limits of the Municipality shall take out a licence for the tsame in accordance with these byelaws. These will not apply to carts (chhakras) kept and used for agricultural purposes* *(No. 3535 dated 13-6-36)

(a) No thela, hand cart or bullock cart of any kind shall be let for hire or offered for hire within the limits of the Municipality unless it is licensed. (G O No. 3593/PXII-9-24-25 dated 28 June 1926) 1926 Gazette page 272).

Explanation—In these byelaws the word "bullock" includes a buffalo.

(b) The licensing Officer or officials authorised by him shall have power to detain a thela, hand cart or bullock cart of any kind which may be found on the road within municipal limits without a licence or proper particular of licence, and bring the detained cart to the Municipal Office and keep the cart detained in the office untill the licensing fee due has been deposited, the owner or driver of a detained cart shall have to pay a chawkidari fee at 12 paisa per day for the period of detention.

Bullock thela or bullock-cart shall not be driven by a person whose age is under 18 years.

Confirmed vide notification No 4033/XXII-24 (5) (39-40) dated 27-5-42, published in U.P. Gazette dated 6-6-42

2. The Executive Officer for the time being shall be the licensing officer for the purpose of these byelaws.

Inspection for licensing

3. Any person desiring to take out a licence shall produce his bullock-cart, bullock-thela, hand-cart or luggage-

4. (a) The licence holder shall produce his licence at any time when so required by any person authorised by the Municipal Board in this behalf. He shall at all times keep his licence in a suitable glass frame in some conspicuous part of the said premises.
(No. 5353 dated 7-9-40)

5. For every licence granted under these byelaws for a godown a fee of Rs 15/- shall be charged. For taxidermists a licence fee of Re. 1/– only shall be charged.
(No. 2144 dated 27-4-40)

6. A licensee shall no cause or suffer any skin or hide which by reason of decomposition has become unless for the purpose of leather dressing, to be kept for a longer period than may be necessary in any part of the licensed premises.

7. Every licensee shall the close of every working day cause every floor or payment in the licensed premises to be thoroughly swept and flushed with some disinfecting solution (Cyllin or Hycal)

He shall at the same time cause all filth or refuse deposited on the floor or payment to be collected in suitable vessels receptacles furnished with closely fitting covers and to be forthwith removed therein from the premises.

8. Every licensed shall cause the supply of water in every tank or other receptacles used upon the licensed premises for the washing or soaking of any skin or hide and not being a liming pit to be renewed as often as may be necessary to prevent the emission of noxious or injurious effluvia from the contents of the tank or other receptacles.

He shall cause every such tank to be furnished with a suitable cover and when not required to be opened to be kept covered.

He shall cause every part of the tank or other receptacle when emptied to be thoroughly cleaned, and shall cause all filth which has been removed therefrom to be forthwith conveyed from the premises in suitable vessels or receptacles furnished with closely fitting covers.

9. Every licensee shall cause all waste lime which has been taken out of any pit upon the licensed premises to be forthwith diposited in suitable vassels or receptacles or in a

properly constructed cart or carriage which when filled or loaded, shall be covered in such a manner as to prevent the emission of noxious or injurious effluvia from the contents thereof and shall, with all reasonable despatch be removed from the premises.

Every licencee shall cause every beam, table, bench, knife, hammer or other implement or apparatus used upon the licensed premises for the purpose of unhairing, fleshing beaking, scrapping, rounding, scuding or stocking any hide, butt or pelt or any other process of his trade to be cleansed from time to time as often as may be necessary to prevent any accumulation of filth upon the beam, table, bench, knife, hammer implement or apparatus.

11. Every licensee shall cause all filth which has been splashed upon any part of the internal surface of any well of any building upon the licensed premises to be removed by scrapping or by some other effectual means of cleansing at least twice in every year i.e to say; at least once during the period between the first and twenty first day of March and the first and twenty first day of September, respectively.

12. Every licensee shall cause every part of the internal surface of the walls of any building and every floor of payment upon the licensed premises to be kept at all time in good order and repair, so as to prevent the absortion therein of any liquid filth or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

13. Every licensee shall cause every part of the interior of every tub or other vessel or receptacle used upon the licensed premises to hold a solution of the material known as "puer" to be throughly cleansed by scrubbing or by some other effectual means once at least in every week.

14. In cases in which the fleshing meat is dried for subsequent sale for the manufacture of glue or jujudges etc the drying area shall be covered by wire netting to prevent carrion birds from carrying away the material and dropping it in the vicinity of inhabited areas.

15 The Medical Officer of Health shall be, the Licensing Officer.

(c) All the officials of Health Department, toll mahamirs and other officers of the Municipal Board authorized by the Board may inspect the token at all times.

6. Milk intended for sale should not be kept (a) in any room or place where it would liable to become infected or contaminated by impure air or by any offensive, noxious, or deleterious gas or substance or by any noxious injurious, emanation, exhalation, or effluvium or (b) in any room used as a kitchen or inhabited room or (c) in any room or part of a building which is used for sleeping, or (d) in any room, place or part of a building in which there is any person suffering from any infectious or dangerous disease, or (e) in any room, place or part of a building which has been used by any person suffering from any dangerous disease, unless it has been thoroughly disinfected to the satisfaction of the Health Officer or (f) in any room or part of a building in which there is any urinal or any direct inlet to any drain or (g) otherwise than in covered receptacles.

7. (a) No dairy man shall cause or permit any cow or other animal belonging to him or under his care or control to be milked for the purpose of obtaining milk for sale or for human consumption :—

(b) unless at the time of milking the under and teats of such animal are thoroughly clean and unless the hand of the person milking such animals are thoroughly clean and free from all infections or contamination.

8. No place may be used as a dairy unless it is first approved by the Medical Officer of Health, and no dairy should be established or continued in any locality which is considered unsuitable. The owner shall put up an application to the Board before opening a dairy for permit.

9. No person shall carry, store, sell or offer or expose for sale skimmed or separated milk nor the Board will issue any licences for the same.

10 The cream shall be extracted or stored in premises approved by the Medical Officer of Health.

The Officers of the Health Department not below the rank of the Sanitary Inspector will heve authority to inspect the register.

11. The Medical Officer of Health, Municipal Board shall have the authority to refuse, cancel the badge in case of (a) breach of any of the foregoing byelaws (b) in case of vendor against whom complaints of selling adulterated milk has been received and the Medical Officer of Health is satisfied that the complaints are true. (c) In case of a vendon who has been convicted by a Court for adulteration of the milk.

Any person aggrieved by any order of the Medical Officer of Health may prefer an appeal to the Board within 5 days of the communication to him of such order and the Board shall thereupon offer such inspection as it may deem necessary, pass such orders as it deems fit.

(Sanctioned vide Govt. Notification No. 5308 dated 18-8-42 published in U.P. Gazette dated 29-8-42)

Procedure on the occurrence of a contagious disease

1. In this part :—

(a) 'Dairy' includes any farm house, cattle-shed, cow house, milk stall, milk shop or other place from which milk is supplied or in which milk is kept for the purpose of sale; and

(b) 'dairy man includes any owner or occupier of a dairy as definaled in clause (a) of this byelaw and any person following the trade of dairy man, milk supplier, or milk seller.

2. Any dairy man, or any other person suffering from contagious or dangerous disease, should not handle milk meant for sale nor should such person take part in the process of milking the cow or milk cattle.

3. Every dairy man shall, whenever any milch animal in his dairy is affected with any contagious disease, forthwith give notice to the Medical Officer of Health.

4. Every dairy man shall in order to prevent infection or contamination forth with remove, or cause to be removed, from his dairy and from the proximity of other animals, any animal there in which is found to be suffering from any contagious disease.

5 On the outbreak of any contegious or infections

time to time and as often as may be necssary to secure cleanliness; and

(b) shall cause the floor of every such shed to be thoroughly swept and all dung, rubbish and other offensive matter to be removed at least twice every day; and no rubbish, dung etc shall be stored or dumped within the premises;

(c) shall after the floor is so swept, cause it to be swilled with fresh water.

(4) Every dairy man shall cause the drainage of every cattle-shed in his occupation to be so arranged that all liquid matter which falls or is cast upon the floor shall be drained off by suitable means to be approved by the Medical Officer of Health. The floor of the cattle shed should be paved with bricks and properly drained.

(5) (a) Every cattle-shed, in which milch cattle are kept for the sale of their produce, and which is within a radius of 600 feet from a municipal stand post must be provided with an adequate supply of filtered water to the satisfaction of the Medical Officer of Health for the cattle to drink for washing utensils used for milking and flushing purposes.

(b) Every cattle-shed or dairy shall have to be provided with the water connection through a meter The water charges will be payable at the non-domestic rates.

(6) No cattle kept in cattle-shed premises should be fed or allowed to feed on spent mahwa or animal dejecta or any other substance certified to be deleterious by the Municipal Medical Officer of Health.

Cleanliness of milk shops, milk vessels.

1. Milk includes whole milk, condensed and dried milk. No preseravtive may be added to Milk intended for sale for human consumption

2. Every dairy man, milk seller, milk shopkeeper shall put up a sign-board at least 3'X1' in bold Urdu and Nagri characters. The sign-board shall state:—

(a) It is whole and unadulterated milk, or condensed or dried milk

(b) Whether it is cow's, goat's, sheep's or buffalo's milk.

(c) Itinerant vendors should paint on the container in clear and distinct writing in Urdu and Nagri that the milk is whole skimmed or separated.

(d) No person shall be allowed to sell adulterated milk within the municipal limit and the putting up of sign board for the sale of the adulterated milk and articles mad thereof shall also not be permitted.

3. All milk for sale shall be so kept that they are inaccessible to flies, they should not be exposed to dust, dirt or any other offenrive matter

Receptacles meant for milk or for containing milk, should be kept in clean condition

Every vessel used for containing milk, should be thoroughly cleansed with steam or with bolling water immediately after use

4. Every dairy man who is in occupation of a milk store, or milk shop, shall cause every part of the interior of such store or,shop to be thoroughly cleansed from time to time and as frequently as may be necessary to maintain the store or shop in a thorought state of cleanliness

5. (a) Every vendor, supplier or distributor, or hawker of milk or dairyman,shall obtain a licence from the Medical Officer of Health City Board Dehra Dun on the following rules :

(i) A milk vendor,milk hawker,supplier or distributor shall pay Rs 2 as licence fee and 0-50 paisa as cost of number of badges annually.

(ii) Every dairyman shall pay Rs 5/- annually as licence fee for the dairy. These licence's shall be valid from

April 1, each year and finishing on March 31, of the succeeding year

Each one will be given a number or token for the financial year commencing from 1st April each year and finishing on the 31st March of the following year

There will be no fee for registration, but nominal charge of 20 paise will be levied annually.

(b) All the vendors suppliers or distributors of milk should have their token with them when carrying the milk through the municipal limits.

Office for being stamped as standard weight's unless they have already been stamped in some other Municipality, and shall not use such weights until they have been stamped. A fee of half anna per piece shall be charged for stamping.

5. Every person using Indian standard weights shall be bound to porduce at the Municipal Office when called upon by the Chairman to do so all or any of the weights used by him for inspection and examination and if after such inspection and exmination the weight or weights appear to be unstamped or, if stamped, to have become deficient in weight the Chairman shall have the power to confiscate them and have tham destroyed.

6. Any person using any weights within the limits of the DehraDun Municipality shall be bound to produce any weight in his possession for inspection by any officer of the Board specially authorised by the Chairman in this behalf.

PENALTY

In exercise of the power conferred by section 299 (1) of the Act, the Board directs that a breach of any provisions of the above byelaws shall be punishable with a fine which may extend to Rs.500/-and when the breach is a continuing breach with a further fine which may extend to Rs.10/- for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Byelaws for the regulation of Dairies for the Dehra Dun Municipality under section 293(d) heading F (d) I, sub-heads (a) and (b)

(Notification No. 4747/XXIII dated 9-8-41)

1. Every cattle-shed and cow-house in which cattles are kept must have for purposes of light and ventilation, an opening of not less than 1 foot in width in all sides below the junction of the eave and the wall of the building.

2. Every cattle shed and cow-house must have one storey only and there shall be no construction, tarrangement or fixture permitting of any loft or sleeping place either over the roof or within the interior over the stalls It must not be used as

kitchen or latrine. The shed must be at a distance of 30 yards from a residential room and the site should be approved by the Medical Officer of Health before starting or constructing a dairy.

2. (i) Provided that the erection of sheds for keeping not more than 4 heads of cattle for domestic purpose may be allowed at a distance of not less than 10 feet from a residential building or a kitchen

(addad vide Govt notification No 4649/XXIII-377 (3) 48-49 datad 12-2-52)

3. The intereior fitting of every cattle-shed and cow-house must be so constructed and placed so as to provide, for each animal kept in the shed or house a clear lateral space of at least 5 feet That dairies and all places in which cattle are milked shall have one side open or protected by wire netting or jaffery wall.

The holes in such jaffery wall must be not less than 4 inches square and wire netting must not be less than 1½ inch mesh.

Inspection of milch cattle and cleansing, drainage, and water-supoly of dairies and cattle-sheds in the occupation of persons following the trade of dairy men or milk sellers:

(1) (a) 'Cattle-shed' means any place in which cattle are kept, and cattle sheds also include the private cattle sheds, stables and enclosures and barracks etc.

(b) 'Dairy man' means any person following the trade of cow or buffalo keeper, milk supplier and milk seller.

(2) Every occupier of a cattle shed, every person having the care or control of milch cattle and every dairy man shall afford all reasonable assistance and facility to the Medical Officer of Health, the Sanitary Inspector, and any othr servant of the Board appointed to inspect milch cattle whenever is so required to do by any servent desiring to inspect such cattle.

(3) Every dairy man :—

(a) shall cause every part of the interior of every cattle shed in his occupation to be thoroughly cleaned from

Electrical Engineer who shall submit to the applicant an estimate of the cost of such lopping or felling if the work is carried out by his department.

2. The applicant May thereupon request the Electrical Engineer to have the work executed and the Electrical Engineer shall have such tree lopped or felled, on the applicant's depositing with the City Board the amount of the estimate.

3. Should the applicant desire to execute the work him-self he sall inform the Electrical Engineer who shall then depute a mistri or workman to supervise with regard to the work, and if necessary for the City Board's installations to temporarily disconnect any wires likely to be endangered.

4. The applicant shall pay to the City Board a fee not exceeding one rupee for such service.

5. If the work should take a longer period than one day, then the fee payable shall be one rupee for each day, on which it becomes necessary to diconnect and reconnect any wires or fittines

---

Byelaws prohibtting the Beati·g of Drums, etc. in the Civil Station in the Dehra Municipality.

Under section 298 J (a)

(G.O No. 1750/XI-52 H dated 7th May 1917.)

No one shall beat drums or tomtoms or blow horns or sound any brass or other instrument or utensil or allow the same to be beaten, blown or sounded, within the limits of the civil station after 10 P M. without the special permission of the Executive Officer, Municipal Board, to be obtained in writing two days before.

PENALTY

In exercise of the power conferred by section 299 (1) of the Act, the Board hereby directs that a breach of the above byelaw shall be punishable with a fine which may extend to Rs. 500/—

Byelaws Prescribing the Standard Weights to be used within limits of the Dehra Municipality, and providing for the inspection of the same.

(Under Section 298 H (a)

(Notification No. 3280/XXIII-9 dated 10-7-25)

(1925-Gazette pages 557-58)

1. No shop-keeper, trader or merchant exceping druggists, shall use any weights other than the Indian standard weights noted in byelaw No.3, British standard or metric weights. Any unauthorised weights found in the possession of a shop keeper, trader or merchant shall be presumed to be intended to be used as such.

2. No person shall import, manufacture or sell weights other than Indian standard weights, Britsh standard or metric weights within the limits of the Dehra Dun Municipality.

3. All indian standard weights of one tola or more shall be mede of metal, and the following weights shall be deemed Municipality :

(1)	8 Khaskhas	= 1 chawal
(2)	8 Chawals	= 1 ratti
(3)	8 Rattis	= 1 masha
(4)	3 Mashas	= 1 timasha
(5)	6 do-	= 1 cheh mash
(6)	12 bo.	= 1 tola
(7)	5 Tolas	= 1 chhatak
(8)	2 Chataks	= 1 adhhatak
(9)	4 do	= 1 peo
(10)	8 do.	= 1 adsera
(11)	16 do.	= 1 seer
(12)	2½ Seer	= 1 dhaiya
(13)	5 do.	= 1 panseri
(14)	40 do.	= 1 maund

A specimen of each of the above Indian standard Weights excepting Nos. 1 and 2 shall be kept at the Muncipal Office.

4. Every shop-keeper, trader or merchant who has to use any of the weights referred to in byelaw No. 3 except Nos 1 and 2 shall, before using them, bring them to the Municipal

No. of house.....
Suffering from.....Condition.....
Walking or bed patient.....
The name of attendant physician if any.....

Note—Such Notification shall be considered as confidential and no measures shall be taken which will interfere with the patient's livelihood provided that his or her occupation is not such as to endanger the public health.

3. Reasonable access to such a tubercular patient shall with due regard to the requirements of sex and custom, be allowed to the Municipal Officer of Health of purposes of verification by bacteriological diagnosis or for disinfection of premises when necessary.

4. As far as circumstances permit no patient shall occupy a room inhabited by any other person or persons.

5. Every room occupied by a patient shall as far as practicable be airy and ventilated to the satisfaction of the Medical Officer of Health.

6. An enamelled spittoon with a cover shall be provided for the collection of sputa of patients and these with their contents shall be disinfected daily in a suitable manner approved by the Municipal Board.

7. No patient shall spit except into an impermeable receptacle having lid which he shall disinfect or cause to be disinfected daily. Spitting in public places and on roads is strictly prohibited.

8. The Medical Officer of Health of the Municipal Board shall kept a register showing :—

(a) names of all patients with their addresses;

(b) a record of all houses occupied by each patient with remarks as to the suitability or otherwise of the particular house actually occupied and every patient or his medical attendant shall supply such information as may be required of him for the purpose.

9. (i) Every house occupied for more than 12 hours by a patient shall be disinfected to the satisfaction of the Medical Officer of Health within 48 hours of its being vacated by the patient or in case of the

patient's death and previous to its being occupied by any other person (provided that disinfection will be done by the Municipal Board free of charge in case of poor people)

(ii) For the purpose of these byelaws and subject to the provisions of part (i), the owner of the house or the person in charge of the same for the time being shall be responsible for the disinfection of the house.

(iii) The disinfection shall be done in the following manner : All floors, inner walls and ceilings of rooms including bathrooms as well as any other part of the building appurtenant to the room or space occupied by the patient, must be sprayed with a solution of 2% hycol or perchloride of mercury (1,1000). Rooms shall after disinfection be white-washed wherever possible.

(iv) On payment of a fee of Rs. 2 for each set of rooms or part of it, the disinfection will be carried out by the Municipality within 24 hours of the deposit of fee.

PENALTY

In exercise of the powers conferred by section 290 (1) of the United Provinces Municipalities Act 1916, the Municipal Board hereby directs that any breach of the provision of the byelaws 2, 3, 4, 5, 6, 7 8 and 9 shall be punishable with a fine which may extend to Rs. 500/- and in the event of a continuing breach, with a further fine of Rs. 2 for every day after the date of the first conviction during which the orfender is proved to have persisted in the offence.

Byelaws under section 298 H (m) of the Municipalities Act relating of the lopping or felling of Trees within the Dehra Municipality.

(Gazette dated 17-3-34, page 80-81 (11,1, 16 of 32-33)

1. Any person desirous of lopping or felling any tree, the lopping or felling which is likely to endanger, or cause damage to any electric wires, or poles, or fittings shall inform the

(d) No vehicular traffic shall be allowed to enter the Sarhimal Bazar from the Dispensary Road, but vehicle may leave the main bazar by Samimal Bazar Road. But no parking of vehicles shall be allowed on this road.

(e) Trucks cars, lorries and motor thelas are prohibited to enter Arya Samaj Road Dharhawala Bazar (No. 5952/XXIII dated 11-4-50)

(f) Motor lorries are allowed in the main bazar from the southern side from the Saharanpur Moter Stand side up to the Kotwali (Tehsili School) only. Motor lorries are prohibited from using the portion of Main Bazar referred to in clause (e).

(g) One-way traffic round the Clock Tower (Ghantaghar). Vehicles coming straight from Chakrata Road would proceed northwards of the Clock Tower via Gandhi Road & Rajpur Road crossing and would not enter straightway the Gandhi Road and the Main Bazar.

Similarly vehicles coming from the last would not enter straight towards the north but to proceed their way via the west.

All vehicles traffic destined for the Chakrata Road, Main Bazar or Digvijai Talkies would proceed via east instead of proceeding straight.

9. All vehicles will stop at the signal of the traffic constable for the purpose of regulating traffic etc.
(No. 5065 dated 6-8-38)

10. No person shall drive Motor or Buses within ...municipal limits at a speed prescribed below on the following roads or portion of the roads.

Motor cars 20 miles per hour

Motor thela & Bus 15 miles per hours.

(1) Chakrata Road, Rampurmandi Road from Crown Co. to Bindal Bridge and Bazar.

(2) From Punjab National Bank to Lakhibag Chowki upto Kanwli Road crossing at a speed of 10 miles per hour.

Provided that the speed of motor vehicles shall not exceed 15 miles per hour on the following roads or portions of roads.

1. Karanpur Bazar road,
2. Chakrata Road from Crown & Co. upto Indian Insurance Office.
3. Main bazar from the Punjab National Bank upto Saharanpur motor Stand and thence upto the Kaonli road crossing.

Published in U P Gazette dated 31 Jan. 1942 Part III SPG/3-2-42 sanctioned in notification No. 2045/XXIII-24 (5) 39-40 dated 27-1.42

Penalty

In exercise of the power conferred by section 299 (1) of the Act, the Boards hereby directs that a breach of any of the provisions of the above byelaws shall be punishable with fine which may extend to Rs. 500/-.

Byelaws to safeguard the public from being infected with Tubercle in the Dehra Dun Municipality

(Notification No. 6717/XXIII-6 (5) 35-36 published in U.P. Government Gazette Part III dated 19th August 1939)

1. In these byelaws the word "patient" denotes any person for the time being suffering from tuberculosis of lungs or Larynx.

2. The medical attendant and the patient himself or the head of his or her family resident in a Municipality and the owner or keeper or person in charge of every lodging house, private house, dharamshala sarai, private hospital or similar institution therein shall within 48 hours of having the knowledge of such a case in his family or among persons staying on the said premises report the same personally or by an agent or in writing in accordance with the provisions of the following byelaws to the Medical Officer of Health or to any other person authorized by the Board in this behalf:-

Name .....

Father's Husband's or Guardian's Name .....

Approximate age ..... Sex .....

Mohalla or Ward .....

convert at his discretion by written request addressed to the sanctioning authority the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in this regulation.

(8) The withdrawal may be allowed to the subscriber not earlier than three months preceding the month in which the marriage actually takes place.

(9) The subscriber shall furnish a certificate to the sanctioning authority with the period of one month from the date of marriage, and if he is on leave, within one month on return from leave, that the money withdrawn has actually been utilised for purposes for which it was intended. If the subscriber fails to furnish the required certificate the amount withdrawn realised for a purpose other than that for which sanction was given, the entire amount together with interest thereon at the provided for in Regulation 2-A of the Regulation as to the grant of advances Provident Fund printed on page 450 of Municipal Manual Volume I (1952 edition)" to the month of withdrawal shall be re-deposited forthwith into the fund in one lump sum.

(10) Any amount withdrawn from the Fund which is found to be in excess of that actually utilised by the subscriber for the purpose shall be redeposited forthwith the fund together with interest due thereon at the rate provided for in Regulation 2-A of the Regulation as to the grant of advances from Provident Funds" printed on page 450 of Municipal Manual Volume I (1952 edition) from the month of such withdrawal."

5-C. (1) Final withdrawals may be permitted in the case of such municipal servants as have either rendered not less than 20 years' service (including broken periods or service, if any), or have less than eight years to attain the age of superannuation.

(2) The concession will be permissible only in respect of the dependent children of the subscriber for the following types of education;

(i) for education outside India whether for an academic technical, professional or vocational course, and

(ii) for medical, engineering and other technicat or specialised course in India beyond the High School

stage, provided that the course of study is not less than three years.

(3) The amount of the withdrawal will be limited to three month's pay or half the balance standing to the credit of the subscriber in the fund, whichever, is less.

(4) The withdrawal will be permissible six monthly, i.e. twice in a financial year.

(5) The subscriber should satisfy the sanctioning authority within a period of six months from the date of drawing the money that it has been utilized for the purpose for which it was intended: otherwise, the whole amount of withdrawal together with interest will be liable to recovery in one lump sum

(6) Any amount withdrawn from the Fund, which is found to be in excess of that actually required by the subscriber for the purpose, should be re-deposited forthwith into the Fund together with the interest due thereon."

(Sanctioned vide Commissioner's Letter No. 2565/XIII-3-5-/63-64 dated 15-2-65).

(Original of File No. 'I-II-(GI)-23 (64-65)

6. (1) When the pecuniary circumstances of a subscriber are such that the concession is absolutely necessary a temporary advance not exceeding three months' pay half the total amount at the credit of the subscriber in the Provident Funn at the time of application, whichever is less may be allowed at the discretion of the Chairman of the Board

(2) When the advance has already been granted to a subscriber a subsequent advance shall not be granted to him until at least 12 months have elapsed since the complete repayment of the last advance taken.

(3) If in any special cases it is considered necessary to waive any one or both of the restrictions laid down in the above mentioned Regulations 1 & 2, previous sanction of the Prescribed Authority must be obtained and the Prescribed Authority may waive the same subject to any conditions as it may deem necessary to impose.

build or acquire the house of the type proposed and that I do not already own any house other than the one which is intended to be built or acquired at the place of my duty or at ..... my intended place of residence after retirement and other than a share/shares in a joint property at ..... which is not suitable for independent residential purposes I further declare that if the house is not purchased or built or redeemed in accordance with the provisions of the said regulations or if I commit any breach of any of the aforesaid terms and conditions I shall repay to the ... Fund for credit to my account the whole of the amount permitted to be withdrawn from the Fund in pursuance of the regulations together with interest thereon at the rate provided for therein.

Dated this day 195 .

Place.....

(Signature)

ANNEXURE II.

To

The Municipal Board.....

I hereby declare that the house built/acquired/redeemed by me with the amount withdrawn by me from the amount standing at my credit in the — Fund under the provisions of the Board's regulations has not been transferred by me by way of sale, mortgage, exchange or gift or on lease for a term exceeding three years or otherwiwse howsoever, and that if called upon to do so, I undertake to produce before the sonctioning authority tax receipts, title deeds and such othex documents as may be specified by the said authority, showing that the house remains in my sole and absolute ownership.

Dated at this.....day of.....19 .

Signature.....

Designation.....

Witnesses to signature
(with address)

1.....

.....

2.....

.....

5-B. Final withdrawals may be permitted for the purpose of meeting the marriage expenses, subject to the following terms and conditions :

(1) The withdrawal may be permitted in case of only such subscribers as have either rendered not less than 20 years service (including broken periods, if any) or have less than ten years to attain the age of superannuation, whichever is earlier.

(2) The withdrawal will be permitted only for the marriage of the subscriber's daughter and sons

(3) The amount of w thdrawal in respect of each marriage of a daughter will be normally limited to six months, pay of the subscriber or one half of the amount standing to his credition the fund, whichever is less In special cases, however, withdrawal may be allowed upto ten months. pay of the subscriber with the previous sanction of the Prescribed Authority subject to the condition that it should not exceed onehalf of the amount standing at the subscriber's credit.

(4) The amount of withdrawal in respect of each marriage of a son will normally be limited to three month's pay of the subscriber or one-half of the amount standing to his credit in the fund, whichever is less. In special cases, however, withdrawal may be allowed upto six month's pay of the subscriber with the previous sanction of the prescribed authority subject to the condition that it should not exceed one-half of amount standing to his credit.

(5) If two or more marriages are to be celebrated simultaneously, the amount admissible in respect of each marriage will be determined as if the advances are sanctioned separately one after the other.

(6) In respect of the same marriage a subscriber may either withdraw the money in terms of this regulation or regulation No. 6 of these regulations or the "Regulation as to the grant of advances from Provident Fnnd" printed on page 450 ot the Municipal Manual Volume 1 (1952 edition).

(7) A subscriber who has drawn before the date of coming into effect of this regulation or draws in future a refundable advance either under regulation No. 6 or the "Regulations as to the grant of advances from provident Fund" printed on page 450 the Municipal Manual, Volume (1952

vi) Before withdrawals are permitted for the repayment of loans taken from private parties expressly for the purpose of acquiring or redeeming the house, the applicant has acquired or will acquire an unencumbered title to the house, thus acquired.

(vii) The applicant has signed an undertaking as in Annexure I or where this form is not suitable in the form as may be prescribed by the Board with the approval of the prescribed authority indicating the main terms and conditions of the withdrawal sanctioned

(3) No withdrawals, as mentioned in Clause (1) will ordinarily be permissible to employees who have taken previously an advance for house building."

Confirmed by the Government vide his Letter No. 2037/XXIII-26/58-59, dated 6.3.59.

File No II-II-31/57-58.

ANNEXURE I

To,

The Municipal Board _____

In consideration of the Municipal Board, hereinafter referred to as "the Board" having agreed at my request to permit for the purpose of building or acquiring a suitable house including the site thereof or repayment of any outstanding amounts of loans expressly taken for that purpose, withdrawal of the sum of Rs ___ (Rupees) only from the amount standing to my credit in the _____ Fund under the provisions of the Board's regulations, I hereby undertake to observe and perform the terms and conditions contained therein in so far as they are applicable to me and, in particular to comply with the following terms and conditions, namely :

That the amount for which the withdrawal is applied for shall be actuall utilised for the purpose of building or acquiring a suitable house including the site thereof or repayment of outsanding amounts of loan expressly taken for the aforesaid purpose within 5 years of the date of my superannuation;

(2) that if the amount permitted to be so withdrawn is in excess of the actual expenditure incurred or the amount of loan repaid by me for building or acquiring a suitable house

including the site thereof the excess amount together with interest thereon at the rate provided for in the regulations shall be refunded to the Board for credit to my Provident Fund forthwith without demur in one lump sum whether the same shall have been demanded or not;

(3) that the house proposed to be built or acquired by me with the amount so withdrawn shall be situated at my place of duty or at _____ where I intend to reside after retirement;

(4) that in the event of my building a house, the construction of the house, shall be commenced within six months of the withdrawal of the aforesaid amount and shall be completed within a period of one year from the date of commencement of construction or within such further extended period as the Board may in its solute discretion allow. In the event of a ready-built house being purchased, any outstanding amount of loan previously obtained by me for such purpose from private parties shall be repaid within three months of drawal of such amount or such extended period as may be permitted by the Board;

(5) that in the event of my building a house the right to build on the site on which the house is proposed to be built will be acquired by me forthwith;

(6) that the approved plans and permits, where necessary, from the local authorities for the purchase of building materials to the extent required shall be furnished by me,

(7) that in the case of a drawal for the purchase of a ready built house, I would secure an undisputed title to the house and site before the purchase price is paid;

(8) that so long as I am in service, I shall submit every year a declaration in the form prescribed by the Board on or before 31st December that the house so built or acquired continues to be in my sole ownership and possession;

(9) that while in service the house so built or acquired shall not be transferred by me by way of sale, mortgage, exchang or gift or on lease for a term exceeding three years or otherwise howsoever without the previous permission of the sanctioning authority in writing.

I hereby declare that my private savings together with the amount permitted to be withdrawn will be sufficient to

has received notice of an assignment or encumbrance affecting the disposal of the amount or any portion of it In such a case the Board will hand over to the subscriber only that portion of the amount which is not affected by the assignment of encumbrance and shall obtain the orders of the Commissioner regarding the disposal of the balance.

"5-A (1) (e) : Withdrawals may be permitted either for the purpose of building or acquiring a suitable house, including the site, for repayment of outstanding amounts on account of loans taken within the ten years of the date of attaining the age or super annuation expressly for the aforesaid purpose from the Provident Fund account of an employee of the Board.

Provided that such withdrawals shall not exceed the actual cost of the house, including the cost of the site or the amount of the loan taken in that behalf which may be still outstanding for repayment, whichever is less but in no case withdrawals exceeding the amount actually contributed by the employee to the Fund together with interest accured thereon shall be allowed.

Provided further that if the amount withdrawn exceeds the actual expenditure of the amount repaid as aforesaid, the excess shall be refunded to the Fund forthwith in one lump sum together with the interest thereon, at the rate prevailing and declared by the Postal Department on the deposits of the Fund from the month of such withdrawal and shall be credited to the Provident Fund account of the employee concerned.

(b) The house proposed to be built, acquired or redeemed by the servant of the Board with help of amount withdrawn as aforesaid shall be situated at the place of his duty or his intended place of residence after retirement

(c) Withdrawals will be permitted for the building, acquisition or redemption of one house only and further in those cases only where the employee does not already own a house other than such share in a joint property as is not suitable for independent residential purposes wheresoever

(d) The withdrawals will be sanctioned subject to the specific condition that the employee furnishes an undertaking in Annexure I to comply with the conditions laid down there in as also in these regulations.

(e) The employee shall submit a declaration on or before 30th September each year in the form contained in Annexure II and satisfy the sanctioning authority, if called upon to do so, by the production of tax receipts, title deeds, etc that the house remains in his sole ownership and that while he is still in service of the Board he has not parted with the title or possession thereof by way of transfer, sale, mortgage gift, exchange, lease for a term exceeding three years or otherwise however, without the previous permission of the sanctioning authority The amount withdrawn shall be repayable forthwith in one instalment together with interest thereon calculated in the manner described above by the employee of the Board if the house is sold or encumbered at any time before retirement without such permission

(f) In the case of construction of a house, the withdrawal will be permitted only in equal instalments (not less than two and not more than four in number) the instalments after the first being authorised by the sanctioning authority after verification regarding progress of construction of the house.

Note.—The Annexures I and II may be suitably amended according to requirements and to suit any particular case with the approval of the prescribed authority.

(2) Before sanctioning the withdrawals the sanctioning authority should satisfy itself that—

(i) The amount is actually required for the purpose of building, acquiring or redeeming a suitable house as mentioned above;

(ii) The employee possesses or intends to acquire forthwith the right to build on the site on which the house is proposed to be built

(iii) The amount withdrawn together with such other private savings, if any, as the servant of the Board may have would be sufficient to build, acquire or redeem the house of the type proposed.

(iv) The applicant has an approved plan and permits, where necessary from the local authorities for the purchase of building materials to extent required and at controlled rates, if any,

(v) In the case of withdrawals for the purchase of a ready built house, the applicant secures an undisputed title to the house and the site before the purchase price is paid.

month by month in favour of such servant together with the deduction from his salary. The contribution will be charged in the Municipal accounts to the sub-head 'Provident Fund' under the major head "Miscellaneous".

Provident that in addition to the contribution made under this regulation the Board may, if it deems fit., make further contributions to be credited to the fund in favour of any servant as follows ;—

After 5 years' approved service 1 month's pay.

,, 10	,,	,,	2	,,	,,
,, 15	,,	,,	3	,,	,,
,, 20	,,	,,	4	,,	,,
,, 25	,,	,,	5	,,	,,
,, 30	,,	,,	6	,,	,,
,, 35	,,	,,	7	,,	,,
,, 40	,,	,,	8	,,	,,

Note :—The period during which a servant of a local body was not eligible to subscribe to the Provident Fund and did not actually so subscribe should not be counted in computing the period of approved service which entitles him to a bonus, vide G. O. No. 2226, dated 17-7-36, received with Endorsement No. 909 dated 7-8-36 from the Examiner Local Funds, Accounts, U. P. (11-11-14 of 36-37).

These bonuses are cumulative, that is, a servant who has received a bonus after serving ten years may after serving 15 years receive second bonus and so on.

An application for a bonus shall be made within six months from the date at which the depositor becomes eligible for a bonus. Applications received after the expiry of this period may be entertained and claims investigated in exceptional cases, if the Chairman is satisfied the delay was justifiable (G. O. No. 2277/XI-5-H 1 dated 31-9-26 For the purposes of this regulations, means the pay of the applicant on that date.

Provided also that if a Board's servant is transferred on temporary duty to another Board or employer, the latter may be made to bear the charge on account of the provident fund contribution payable by the Board which together

with the employee's own subscription should be remitted monthly to the lending Board for credit to the servant's account"

4 The sums credited monthly under Regulations 2 and 3 to the provident fund ledger maintained by the Board shall be paid duly into the Post Office Savings Bank. The payments in respect of the monthly deductions and contributions shall so far as possible, be made into the Bank, between the 1st and fourth of each month, and the payment in respect of the further contribution shall be made as soon as possible after the Board has sanctioned the same, in order that interest may accrue.

4-A (1) Each depositor shall as soon as possible, after he joins the fund, be called upon the Executive Officer to furnish a declaration in the prescribed form attached, showing the heirs to whom, and the manner in which, the amount to the credit of the depositor shall be paid on his death.

(2) A depositor may renew his declaration at any time A fresh declaration shall be operative only on being received by the Executive Officer.

(3) All such declarations as are in force shall be carefully recorded in the personal custody of the Executive-Officer.

[Commissioner's Letter No. 3050 dated 19-5-26].

5. The deposits and contributions with interest thereon at the credit of any servant may be withdrawn

(i) On the decase of the depositor, when the amount shall be paid to the surviving heirs, if any mentioned in the latest declaration from filled by him or if no declaration has been made or the heirs mentioned in the declaration are not alive, to the surviving heirs.

[Commissioner's Letter No. 3080 dated 19-5-26].

(ii) On his ceasing to be a servant of the Board either by resignation or by transfer to service under some other local fund or by transfer permanently to Government service when the amount shall be paid to the servant himself.

Provided that if he be transferred to service under some other local fund maintaining a Provident Fund for its servants, the amou t to the credit of the servant shall be transferred to the Provident Fund of that local fund

Provided also that the whole amount to the credit of the subscriber shall not be paid to him on retirement if the

Regulations regarding maintenance of record of age of Municipal employees

1 The age of an employee as entered in his Matriculation Examination, High School Examination or other equivalent examination certificate, if there is one, shall be taken to be his correct age for the purpose of his retention in or retirement from Municipal service In cases where the employee has not passed the High School or any equivalent examination, the age entered in his Vernacular Final Examination or Junior High School Examination or any equivalent examination certificate shall be accepted as the correct age.

2. In cases other than one referred to in Regulation 1 the age given at the time of recruitment shall be deemed to bhe the correct age for the purpose

Provided that if there is any reason to doubt the accuracy of the date of birth recorded in such certificates or the Service Book of the employee, the matter shall be referred to Govt for orders.

Provided that if the age recorded in the Service Book of an employee recruited before the enforcement of these regulations on the basis of the information given by the employ the time of recruitment indicates only the year of birth the date of birth shall be taken to be the 1st July of that year and in cases where the month and year have been given, the sixteenth of that month shall be deemed to be correct date of birth

Provided further that in the case of the persons who are recruited after the enforcement of these regulations and do not hold any of the aforesaid certificates, the appointing authority may before making the first appointment either accept the age as given by them or in cases of doubt require them to produce such evidence in proof of their age as it may consider desirable and in the evant of their inability to produce such evidence, the appointing authority may refer their cases to Civil Surgeon of the district in which the municipality is situated for medical examination for ascertaining thoir age.

By Order
S. Masudul Hasan,
Sachiv.

UNDER CLAUSE (I)
The Management of Provident Funds

1. In the following regulations :-

(a) "salary" includes all fixed monthly allowance by way of pay or personal allowances, but does not include allowances granted to meet specific expenditure, such as travelling, horse, conveyance or house-rent allowances whether daily, monthly, or yearly;

(b) "servant" includes every non-pensionable employee holding a substantive office under the Board;

(c) "depositor" mass a servant on whose behalf a deposit is made under these regulations;

(d) "savings band" means the Post Office Saving Bank, or a savings bank account specially opened by the State Bank of India.

(e) "interest" means (1) the interest which is paid on for such institutions, or in the special savings bank accounts opened by the State Bank of India; and (2) the interst which is paid on investment made under Regulation 15.

Explanation :—An employee on probation in a substantive appointment will not be considered a servant for the purpose of these regulctions until he is confirmed.

2. Every servant appointed or promoted, on or after the date of the establishment of the fund in the Municipality to an office of which the salary is not less than Rs 10 shall be required to subscribe at the rate of 12 ½ per cent or 12 paise in the rupee, on his saby to a provisent fund of which an account will be opened at the Post Office Savings Bank. A servant who was so appointed or promoted before the said date may be permitted by the Board to subscribe to the fund The deduction shall be made upon every salary bill presented, and shall be credited at once to the fund. In the calculation of this deduction fractions of a rupee of salary should be omitted.

3. The Board shall make a contribution to the deposit account of each depositor equal to one-half of the amount of the deduction made from his salary under the preceding regulation. Such contribution shall be credited to the fund

(c) he has paid or assigned to the Board a sum equal to 3 months' pay where his pay exceeds Rs. 15, and in other cases a sum equal to one month's pay, or

(d) he has been given by the authority competent to appoint his successor not less than three months' notice or a sum equal to three months' pay in lieu of notice where his pay exeeds Rs. 15/- and in other cases not less than one month's notice or a sum equal to one month's pay in lieu of notice.

Provided that nothing in this regulation shall be deemed to exempt any servant to whom the provisions of sub-section (1) of section 85 apply or are applied from the liability imposed on him thereunder.

प्रतिलिपि को० सं० २१०४ एक। ११-ए-३१३-६४ का असाधारण सरकारी गजट उत्तर प्रदेश दिनांक ११ जून, १९६५ को प्रकाशित हुआ।

विज्ञप्ति

यू०पी० म्युनिसिपैलिटीज एक्ट १९१६ (यू०पी० एक्ट सं० ए-१९१६ की धारा २९७ की उपधारा (२) के अधीन अधिकारों का प्रयोग करके और विज्ञप्ति सं० १०३२५ एच०११ ए०५३१-६४ दिनांक ३१ दिसम्बर १९६४ के अधीन प्रकाशित नगरपालिका बोर्डों के कर्मचारियों की सेवा बनाए रखने तथा उनकी सेवा निवृत्ति से सम्बद्ध विनियमों का अतिक्रमण करके उत्तर प्रदेश के राज्यपाल विनियम बनाते है। ये विनियम उक्त एक्ट की धारा ३०० की उपधारा (१) की अपेक्षानुसार विज्ञप्ति सं० ८०६एफ ११-ए-३७१-५७, दिनांक २६ मार्च १९६५ में पहले प्रकाशित किए जा चुके है।

विनियम

१—यह विनियम नगरपालिका बोर्डों के कर्मचारियों की सेवा में बनाए रखने तथा उनकी सेवा निवृत्ति विनियम १९६५ कहलाएगा।

२—यह गजट में प्रकाशित होने के दिनांक से प्रचलित होगा।

३-(१) उप विनियम (२) की उपबन्धियों के अधीन रखते हुए नगरपालिका बोर्डों के उन समस्त कर्मचारियों की, जिनकी आयु ३० जून १९६४ को ६० वर्ष से कम थी अथवा जो उस दिनांक के बाद नियुक्त किये गये है, सेवा से निवृत होने की आयु साठ वर्ष होगी, जिसके पश्चात साधारणतया किसी को भी नगरपालिका बोर्डों की सेवा में नहीं रहने दिया जायेगा।

(२) नियुक्त प्राधिकारी किसी कर्मचारी की ५८ वर्ष की आयु पूरी कर लेने पर तीन महीने का नोटिस देकर सेवा से निवृत होने की अपेक्षा

कर सकता है यदि सम्बन्धित कर्मचारी शारीरिक दृष्टि से स्वस्थ तथा कार्यदक्ष न हो।

प्रतिबन्ध यह है कि इस उपनियम की कोई बात नगरपालिका बोर्ड के उन कर्मचारियों पर लागू न होगी जिनकी आयु ३१ दिसम्बर १९६९ को ५० वर्ष या उससे अधिक थी।

(३) नगरपालिका बोर्डों का कोई कर्मचारी ५८ वर्ष की आयु पूरी कर लेने पर नियुक्ति प्राधिकारी को तीन महीने का नोटिस देकर स्वस्थता से सेवा निवृत हो सकता है। ऐसे कर्मचारी की दशा में जिसके विरुद्ध अनुशासनक कार्यवाही विचारधीन हो, यह अपेक्षित हो यह नोटिस तभी प्रभावी होगा जब वह नियुक्ति प्राधिकारी अधिकारी द्वारा स्वीकार कर लिया जाए। यदि कर्मचारी ने एक बार नोटिस दे दिया हो तो वह नियुक्ति प्राधिकारी की अनुज्ञा के बिना वापिस नहीं लिया जायेगा।

४—सेवा की अवधि विशिष्ट कारणों से जिन्हें नियुक्ति प्राधिकारी अभिलिखित करेगा, ६२ वर्ष की आयु तक बढ़ाई जा सकती है।

(१) एक बार में एक वर्ष से अनधिक अवधि के लिये या

(२) जब तक कि सम्बद्ध कर्मचारी शारीरिक दृष्टि से स्वस्थ तथा कार्यदक्ष न हो, नहीं बढ़ाई जायेगी।

NAGARPALIKA VIBHAG

In pursuance of the provisions of Article 348 (3) of the Constitution of India, the Governor of U.P. is pleased to order the publication of the following English translation of Notification No. 5344-F/XI-A-712-60 dated Mafch 25, 1964

March 25. 1964

No 5344-F/XI-A-712-60. In exercise of the powers under sub-section (2) of section 297 of the U.P. Municipalities Act 1916 (U.P. Act No II of 1916), read with section 21 of the U.P. General Clauses Act 1904 (U P. Act No. I of 1904) and in supersession of the existing Regulations on the subject which were published with Notification No. 4442/XI-422, dated November 17, 1941 and printed on page 454 of the Municipal Manual Volume I, 1952 Edition, the Governor has been pleased to make the following Regulation regarding maintenance of the correct record of the age of the Municipal Employees. the same having been previously published with Notification No. 2968/XI - A - 712 - 60 dated September 26, 1963,

service of the Board whose age on the 1st April next following will exceed 60 years.

2. The list shall be considered by the Board at a meeting or in the case of employees whose appointment is in the hands of another authority, by such authority and definite orders shall be passed by the Board or such authority referred to above, as to the retention or retirement of employee mentioned therein.

3. No Municipal employee shall ordinarily be retained in the service of a Board after he attains the age of 60 years, and in no case after he attains the age of 65 years. Extensions upto a total maximum period of five years may, for special reasons to be recorded by the Board in the relevant resolution or where the Board is not itself the appointing authority by the appointing authority in its order be allowed after the age of 60 years, provided that, (i) no extension shall be granted for any period exceeding one year at a time or within a year of the date on which the preceding extension was granted and (ii) no extension shall be granted unless the employee concerned continues to be sufficiently fit and efficient.

Sanctioned under Govt. Notification No. 4442/XI-422 dated 1-11-1941 (page 228 of the Municipal Byelaws).

"Provided that in the case of school teachers no extensions shall be granted except on the recommendation in writing of the President of Education Committee"

"Published in U P. Gazette dated January 9, 1943 by notification No. 5445/XI-41 dated January 6, 1943. File No. II-1/3/38-39

"Provided further that an extension beyond the age of 60 years may be granted by the Board, if it is necessary in public interest with the previous approval of the Provincial Government."

(Published in U P. Gazette dated Oct. 13 1945 under Notification No. 4886/XI-368-37 dated Oct. 11, 1945.

Provided further that the Board shall review the cases for such employees as were retired between the ages of 56 and 60 after April 1, 1946, to give them the benefit of the amended regulation

(No. 4916 dated 12-9-46.)

4. The age of the employees entered in his Matriculation High School or other equivalent certificate, if there is one, and in other cases that given at the time of his recruitment shall be deemed to be the correct age for the purpose of the retention in, and retirement from Municipal service. If the age of the employee appears to be doubtful, the Board shall make such enquiry as is necessary; and shall then record a formal finding as to the age of the employee concerned; and the age so determined shall be deemed to be the correct age for the purpose of these regulations.

(Notification 4442/X 424 dated 17-11-41)

List of Municipal employees whose age during the financial year will exceed 55 years.

Number	Name of officer (confirmed by the Commissioner vide letter No 2823/XXII-8 (14) 14-43 dated 15-7-43	Designation	Salary	Date on which he will attain the age of 60 or the previous extension will expire.	Length of service				Remarks & recommendations as to retention or retirement by submitting authority.	Order passed by the Bd. or the appointing authority
					Y.	m.	Y.	m.		

5. The period of office of a servant of the Board shall not determine until -

(a) his resignation has been accepted in writing by the authority competent to appoint his successor, or

(b) he has given such authority at least three months notice where his pay exeeds Rs. 15, and in other cases at least one month's notice, or

A. Be it known that I, (A.B) am held and firmly bound to the said Municipal Board in the sum of Rs.. .. ,to be paid to the said Municipal Board, for which paoment I bind myself and my heirs, executors and administrators firmly by these presents and to further secure which payment I thereby (mort age or assign by way of mortgage) upto the said Municipal Board as set out in the schedule hereto attached.

Or B. Be it known that we (A, B, C, D, & E, E) are held and firmly bound to the said Municipal Board, in the sum of Rupees ..... to be paid to the said Municipal Board, for which payment we bind ourselves jointly and severally and our heirs, executors and administrators firmly by these presents and to further secure which payment we hereby (mortgage or assign by was of mortgage) upto the said Municipal Board ..... as set out in the schedule hereto attached.

Or C. Be it known that we (C, D & E, F) are held and firmly bound to the said Municipal Board in the sum of Rupeas ..... to be paid to the said Municipal Board, for which payment we bind ourselves jointly and severally and our heirs, executors and administrators firmly by these presents and to further secure which payment we hereby (morigage or assign by way of mortgage upto the said Municipal Board ..... as set out in the schedule hereto attached.

The condition of the above written bond in such that if I / A B / A B shall faithfully and diligently perform my / his / his duties as a .. and shall from time to time and all times when required so to do account for render and deliver to the said Municipal Board or as may be directed by the said Municipal Board all m meys, securities for money and property whatsoever for or with ?

which I / A B / A, B may be accountable or chargeable or which I / A, B / A, B may receive or be entrusted with and shall not embezzle, withhold, destroy or otherwise injure any such money, securities for money and property as aforesaid then the above written bond shall be void, otherwise it shall remain in full force;

Provided always that if the said (obliger) shall at any time or from time to time be transferred to any other Municipal Board or Boards within the said distinct of - then and in that case these present shall be read and constiued as if

instead of "the Municipal Board of ....." the name of such Municipal Board within the district ..... under which the said (obliger) may be at any time serving were therein written and the condition of the above written bond shall apply in the case of any such Municipal Board within the distinct of ..... ".

And so that any forgiveness or forbearance on the part of the said Municipal Board towards A.B. in respect of the failure to perform his duties or otherwise comply with the condition of this bond shall not in any wise exonerate the said ..... or either of them or their heirs, executors or administrators or the property hereby mortgaged from liability under the above written bond.

SCHEDULE

Signed by the above named ..(Two witnesses are required) in the presence of.....

Note (1) Where immovable property is mortgaged the bond must be registered.

(2) Where the name of the office to be held by the employee is mentioned in the bond, the bond will hold good only in respect of that office. If the employee is likely to serve in more than one capacity either on promotion or otherwise, the form will require alteration.

(3) When there is only one surety, the wording of the bond in case C will need alteration.

UNDER CLAUSE (J)

Leave and Leave Allowances

The grant of leave to servants of the Board of the amount of remuneration to be paid to the persons, if any, appointed to act for them whilst on leava, shall be regulated by the rules applying to uncoenated officers under the Government Fundamental Rules.

UNDER CLAUSE (K)

Retention and Retirement of Employees

1. On or before the 1st September in each year a list shall be prepared in the appended form of all employees in the

the Director of Public Health, as the case may be. No servant of Board shall draw travelling allowance in excess of the amount admissible to officers of Government of similar standing and position.

(Sanctioned vide Commissioner's Letter No. 1033/XXIII-8 (14) 42-43 dated December 18, 1942).

Under Clause (i)

Security from Employees

1. "Security" in these regulations include cash, Government paper or other stock or bond hypothecating property,

Note-Ancestral property of a joint family and such other property as is not liable to sale for the enforcement of a bond shall not be accepted as security from a Municipal servant or from his surety.

(Sanctioned vide G.O. No. 6720/XI-724/144 dated 29-1-45)

2 Security shall be funished by the servants mentionded below to the satisfaction of the Chairman and to the amount respectively entered against their names :-

(No. 1343 dated 22-12-44)

Designation of Servants			
Head Cashier Rs. 1000/-Cash with Rs 4000, Landed Property			
Asstt. Cashiers 500/-	,,	2500	
Overseer	—	—	Rs. 100
Bill Collectors	—	—	,, 200
Meter Readers	—	—	,, 50
Toll Muharrir (temporary or permanent)			250
Toll Muharrirs Saharanpur Road & Mussoorie Road			,, 500
Pount Keeper	—	—	,, 50
Slaughter House Inspector	...	...	,, 25
Time Keeper	...	...	,, 25
Toll Peons	...	—	,, 25
Conservancy Contractors	—	—	,, 300
Toll Inspector	—	...	,, 100
Hackney Carriage Inspector (No. 3787 dt. 11-5-42)			,, 100
Tax Inspactor	...	—	,, 100
Storekeeper (Letter No. 272 dated 23-10-43)			,, 200

Sanctioned by Commissioner's Letter No. 4460 dated 25-8-43. Sanctioned by Commissioner vide Larter No. 272 dated 20-10-43 (No. 379 dated 27-10-38)

Motor or Truck Drivers and Mechanics Rs. 100

3- Every servant affected by the preceding regulation shall be bount to execute a bond in one or other of the forms appended to these regulations.

4- The Executive Officer shall be responsible for seeing that due security is given by the servants mentioned in regulation 2 and shall, before the Ist of April in each year make sure that all sureties are solvent, and, if necessary, call for fresh security.

5 Every servant bound to furnish security under these regulations shall forthwith give notice with the Executive Officer of the de.th of any one of sureties, in order that arrangements may be made without delay for taking fresh security.

6. Any servant failing to furnish the security required by these regulations for more than one month, after he has been called upon to do so, shall be liable to forfeit his appointment.

7. Securities shall be kept in the Municipal Office in a strong box the keys of which shall remain with the Executive Officer.

SECURITY BOND

Whereas the Municipal Board of.....
.....has agreed to appoint

me A.B. A,B.	son of resident of	(the preamble should be varied according as the is for bond (A. personal security B. personal security with sureties, or C. sureties only)

in the district of.....to be a .....
in the .....department

on	my giving gsecurity our giving security our becoming sureties	for the faithful and diligent performance of	my duties his duties his duties	as—

(A, B & C are alternative clauses, one of which should be used accordingt o the circumstances.)

284 (1)	To require that excavations, etc, made in contravention of byelaws or the conditions of a permission shall be filled up or shall be drained.	E. O. & M.O.H.
287	To enter and inspect any building or land (Bd's Res No. 4 dated 25-11-20 and No. 180 dated 31-5-41)	E.O. M O.H. Sy. Ins. Overseers T.S. and A T.S.
291	To apply to the Collector to recover rent of land.	E.O.
293	To charge fees for the use or occupation of immovable property vested in, or entrusted to the management of, the Board, and to levy or recover such charge	E.O.
294	To charge fees for licences, sanctions and permissions.	E.O.& M.O.H
297 g (i)	To sanction items of expenditure within budget provision up to Rs 250/-	Chairman.
297 g (ii)	To sanction items of expenditure within budget provision upto Rs 1000/-	Committee concerned.
297 (1) g (iii)	To sanction items of expenditure within budget provis ion upto Rs 25. (Sanctioned by the Commissioner, Meerut Division, vide letter No. 317/ XXIII-8 (14) dated 28-10-1942)	President. Education Committee.
297	To sanction expenditure within budget provision upto Rs. 150/-	Executive office.
297 g (vi)	To sanction items of expenditure within budget provision Rs. 10 (Bd's-Res. No 27 dated 31-1-24)	M.O.H.
307	To cause a work to be executed and to recover the expenses thereof	E O & M O H
308	To require an occupier to pay rent to a board instead of to the defaulting owner, and to require an occupier to furnish information regarding the rent payable by him, etc.	E. O.

309	To approve the execution of a work by an occupier	E O
312	To recover the cost of removal by sale of materials removed, to restore the materials to the owner under certain conditions, or to sell them when not claimed by the owner	
313 (2)	To give notice to a trustee or an agent to apply moneys received on behalf of an owner to the discharge of obligations of the owner	
314	To institute prosecutions by making complaints and authorize other persons to make such complaints and give such information.	E.O. & M. O. H. (in so far as concern their depts)
315	To compound offences in cases where the Municipal dues have been paid or the orders of the Baord or sub-committee have been complied with (Powers delegated by the chairman vide his order 20-3-33)	E. O.
316	To compound offences in cases where the orders have been complied with in so far as concerns health department. (Powers delegated by the Chairman.)	M.O.H.
317	To receive information from a police officer	E.O.

Under clause (h)

Absentee and other Allowance

1 Absentee and acting allowances drawn by the servants of the Board shall be regulated by the rules applying to uncovenanted officers under the Government Fundamental Rules

2. Except with the previous sanction of Government or Commissioner or in the case of Medical Officers of Health or

257 (2)	To require the removal of a roof and wall, if inflammable.	Executive Officer	Appealable
258	To search for inflammable material and to seize any quantity in excess of the quantity permitted.	"	
260	To issue notices regarding dangerous quarrying and to put up hoardings and fences to prevent imminent danger	"	"
261	To give permission for the displacing of payment, etc. and to recover expenses incurred by the Board by reason of such displacement, etc.	"	"
263	To require by notice building, etc., in a dangerous or ruinous state to be demolished or repaired, or wells, tanks, etc., to be repaired and enclosed and to take immediate action where the danger is imminent.	"	Appeal lies against an order to repair or enclose a tank.
264	To require unoccupied building or land which occasions a public nuisance to be secured or enclosed.	"	Appealable
265	To give written permission for the temporary obstruction of a street and to remove any abstruction from a street, and to recover the cost of removal.	"	
266	To give permission for the removal of earth, etc. from open spaces.	"	
267	To require provision, alteration, removal, closing cleansing and screening of private drains, ces-pools, dustbins, latrines, etc.	E.O.& M.O.H	Appeal lies against an order under clanse (a) of sub-section (1 requiring an owner or occupier to close or remove, or under clause (b) of sub-section (1) to provide a latrine urinal,

			water closet, drains, cess-pool or dustbin other receptacle for filth, su'lage-water rubbish or refuse.
268	To require the provision and cleansing of latrines and urinals for factories, etc.	E.O & M.O.H	
269 (in part)	To require the cleansing, repairingr covering filling up or draining off of wells, tanks etc.	"	Appealable
270	To inspect dains, privies etc. and to cause the ground to be opened.	"	
271	To require the cleaning of filthy buildings or lands.	"	
273 (1) (a)	To provide receptacles and places for the temporary deposit of offensive matter.	"	
275 (1)	To arrange for the disposal of dead bodies of animals.	"	
275 (2) (in part)	To charge and recover fees for such disposal.	E.O.	
276	To give permission for and to prescribe conditions regarding the discharging of sewage, etc.	E.O.& M.O.H.	
277	To enter and inspect a building and to direct that a building be disinfected, etc.	E.O & M.O.H	Appealable
278	To issue orders regarding buildings unfit for human habitation.	"	
280	To remove to a hospital a cholera or small-pox patient, etc.	E.O & M.O.H	
281	To take actions against persons suffering from loath some disease	M.O.H	
28 ω	To require an owner or occupier to clear away noxious vegetation.	E.O.& M.O.H	

209	To give premission for projections	E.O.	Appeal lies from orders refusing permission
211 (in part)	To issue a notice for the removal of a projection in a case where no compensation is payable	E.O.	Appealable
213	To give permission for erection and repair of buildings, etc., and to issue orders regarding hoardings etc.	E.O.	
214	To require hedges and trees to be trimmed.	E.O.	
215	To remove, and recover the expense of removal of or, to issue a notice requiring the removal of an obstruction caused by fallen house, etc.	E.O.	
216	To requir the provision of troughs and pipes for rain water.	E.O.	
217 (1) (b) & (c)	To affix the name of a street or house number to a building or to require the owner or occupier, to affix a number plate, and to cause or require such names and numbers to be altered.	E.O.	
218	To attached posts and brackets to building for lamps, telegraphs and telephone wire, etc.	E.O.	
220	To give permission for the use or occupation of public street or place.	E.O.	
223	To provide fencing and lighting during repairs of public street etc.	E.O.	
225 (1)	To enquire private wells, etc., to be cleansed.	E.O. & M.O.H.	
225 (2)	To require a person to desist from using a private well, etc. or to close or fence the same.	M.O.H.	Appealble

226	To inspect and disinfect without notice any well or tank in the event of the prevalence of cholera or other epidemic.	M.O.H.	Appealable
227	To require the removal or closing of drains, latrines, etc. near a source of water supply.	E.O. & M.O.H.	Appealable
229	To supply water by agreement	E.O.	
230	To charge for the supply of water.	E.O.	Appealable
236	To remove or otherwise deal with unauthorized buildings over drains, etc. or to issue notice for the removal of such buildings, etc.	E.O.	
240	To authorise an officer to seize flesh brought within Municipal limits in contravention of a Byelaw and to issue orders as to the disposal of such flesh.	E.O.& M.O.H.	
242	Improper feeding of animal kept for dairy purpose. (Bd's Res. No. 37 d/26-1-22).	M.O.H.	
243	To inspect placee for the food, drink and drugs. (Bd's Res. No. 4d/25-11-20/).	M.O.H. V.A.S. & Sv. Insprs.	
244 (1) & (2)	To seize articles exposed for sale which appear to be unfit for the consumption of man and drugs suspected of being adulterated or spent; and to produce such drugs before a Magistrate.	E.O. M.O.H. V.A.S. & S. Ins,	
245 (1)	To issue a notice regarding offensive trades.	E.O. & M.O.H.	Appealable
240	To authorise a person to destroy or confine dogs suspected to be suffering from rabies etc.	E.O. M.O.H. & V.A.S.	Appealable
250 (2)	To authorise person to destroy or confine unmuzzled dogs.	E.O. & M.O.H.	
256	To give permission for the use of poblic land for halting animals or vehicles.	E.O.	

441

148 (1)	To receive notice of a building newly built, rebuilt or enlarged.	E.O.
150 (2)	To exercise the option of levying the tax from the lessor.	E.O.
151 (1) & (2)	To remit or refund a tax in case of a building, tenement of land remaining vacant and unproductive of rent.	E.O.
152 (1)	To receive notice of the re-occupation of a building or land.	E.O.
158	To call for information affecting liability to taxation.	E.O.
159	To enter premises with a view to discovering vehicles & animals liable to taxation.	Executive Officer and H. C. Inspectors
166	To present bills for taxes and other dues.	Executive Officer
168	To cause a notice of a demand to be served.	E.O.
169	To issue a distress warrant.	E.O.
172 (1) & (2)	To sell goods distrained	E.O.
173	To apply to a Magistrate for the issue of a warrant.	E.O.
176	To issue for a demand.	E.O.
178 (1)	To receive a notice of the intention to erect, re-erect or make a material alteration in a building etc.	E.O.
179 (1)	To determine when information regarding such notice is satisfactory.	E.O.
179 (2)	To require plans specifications and further information.	E.O.
182	To inspect work requiring sanction (Bd's Res. No. 4 D/25-11-20)	E.O , M.O.H Sy. Is, & Overseers.

166	To direct by a notice that the erection, re-erection or alteration of a building etc, shall be stopped or that a building, etc. be altered or demolished.	E.O.	Appeal lies against order directing alteration or demolition of building part of a building or a well.
191 (1)	To give permission and to prescribe conditions for the connection of private drains.	E.O. and M.O.H.	
191 (2)	To require that a drain made in contravention of a Byelaw or of the terms of permission or without permission shall be closed, etc.	,,	Appealable
192 (1)	To enforce a drainage connection with a public.	,,	Appealable
193	To receive applications, call for objections, to issue orders thereon to construct drains and recover cost of construction and compensation.	,,	Appeal lies against an order recorded under sub-section (3)
194	To give permission for diversion of drain and to prescribe condions for diversion.	,,	Appealable
196 (c) & (d)	With the consent of an occupier to undertake house scavenging or the removal of night-soil or other offensive matter or rubbish and to relinquish such undertaking	,,	
201 (1)	To complanin to a Magistrate on the negligence of a customary sweeper.		
202 (1)	To complin to a Magistrate of the failure of an agriculturist to provide for proper house-scavenging	,,	
203 (3)	To receive notice of intention to make a street	E.O.	
204	To postpone the intended work or require further particulars.	E.O.	

Section	Natures of Powers or Duties	Name of officers to whom power delegated	Re
60 A (a)	To grant and issue under his signature every permit or licence other than a permit or licence for a market or slaughter house which can be granted by a Board in respect of byelaws framed under parts B,D, F,G, and Iof list I and part I of list II of section 298.	M.O.H.	
60 A (b)	To suspend or withdraw any such permit or licence.	M.O.H.	
60 (1) (c)	To coll ect cash upto Rs. 50/- and cheques of any value made out in the Executive Officer's name and to issue receipts for the same (Commissioner's Letter No 331 dated 30-10-29)	Tax Collector	
60 (1) (d)	Commissioner's Letter No. 62709 dated 24-9-1936 (on No III-III/13 (29-30) authorising all Bill Collectors and Meter Readers to collect Municipal taxes and	Bill Collectors & File Meter Readers	
60 (1) (e)	To grant leave of absence to the holder of any post to which he has powers to appoint,	M.O.H	
75	To appoint permanent and inferior staff,	Executive Officer	
75 (a)	To appoint servants on a monthly salary exceeding Rs 30/- (conservancy, public health, vaccination and the registration of births and deaths.	M.O.H.	
75 (b)	To appointment of servants on a monthly salary exceeding Rs. 30/- but not exceeding Rs 75/- with the sanction of the Chairman (conservany, public health, vaccination and the registration of births and deaths).		
76	To punish or dismiss per manent and inferior staff	E.O.	

143

76 (a)	To punish or dismiss permanent or inferior staff on a monthly salary not exceeding Rs. 30/- (conservancy, public health, vaccination and registration of births and deaths).	M.O.H.	
76 (b)	To punish or dismiss permanent or inferior staff on a monthly salary exceeding Rs. 30/- but not exceeding Rs. 75/- but in such case each order of dismissal or order imposing a fine exceeding in amount one month's pay of the person fined, or order of suspension for a period exceeding one month, or order of reduction by way of punishmsnt shall be appealable to the Chairman [conservancy, public heal] [th, v a c c i n a t i o n and] [registration of births and] [deaths]	M.O.H.	
79 (i)	To pay leave allowances to officer or servant.	Executive Officer	
96 (2) (a)	To sanction expenditure, contracts and refund within Budget provision upto Rs 150/-	E.O.	
(b)	Chairman can sanction expenditure contracts and refund above Rs 150/- but not exceeding Rs 250/- (G.O No 2012/XI-A dated 2-3-1950 read with G.O No 4172)XI dated 28-6-50)	E.O.	
142	To give public notice of the plae where an assessment list may be inspected	E.O.	
143 (1)	To give public notice of the time fixed for considering valuations and assessments and to give notice to owners or occupiers of property	E.O.	
143 (2)	To receive objections to valuations and assessments,	E.O.	
147 (2)	To give notice to persons interested in an alteration proposed in an assessment list of the date on which the alteration will be made.	E.O.	

3. To provide childrens play centres at suitable places specially in congested and unprivileged quarters where apparatus for recreation and exercise of samaller children fixed.

4. To encourage swimming and boating among the general public and to create facilities for such amenities in the existing tanks, rivers, pools or canals, and create new opportunites for allied activities.

6. To encourage tests, tournaments, competition and periodical fairs for the encouragement of physical fitness and recreation.

6. To open new akharas and revive the old ones, in each mohalla and in each village for the encouragement of Indian system of exercises, wrestling, dands, baithaks, mugdars and asans etc

7. To help the existing and provide new opportunity for folk dances, rhythmic exercises and other health giving recreational activities specially for girls and women.

8 To encourage and help roller skating, cycling, hiking scouting, girl guiding, youths' clubs, youths' hostel movement, young farmers, clubs and other besides which promote physical welfare of the people.

9. To organise and encourage spors, games and recreation for the handicapped sick, destitutes, deaf and dumb and other disabled people of the towns and rural areas.

10. To employ trained physical culture organisers youth leaders, and instructors for both men and women to organise the leisure, recreation games, sports and other activities, directed to promote physical fitness among the general masses.

11. To help, organise and create such opportunities and bodies which go to promote physical fitness and recreation of the masses as sponsored by the Council of Physical Culture, Uttar Pradesh.

12 To provide funds and raise donations and subscriptions for meeting the organistions enumerated above

13 Municipal Engineer and Education Superintenent will act as Secretary and Joint Secretary respectively for the Physical Culture Committee. The latter will be responsible for the Committee's activities relating to physical culture

development in the masses and the former will be concerned with all the other of the committee.

14. Medical Officer of Health will also serve on this Committee.

G.O. No. 740/XI-1050-52 Dated Aug. 4 1953.

XI. Powers and Duties of the Zacha Bacha Aspatal Committee —

1. It shall exercise all administrative and executive functions in respect of the Asapital, except as otherwise provided under the Act and shall give due attention to publicity work.

2. It shall have the power to sanction expenditure upto Rs. 1,00J/- within the sanctioned budget.

3. It shall scrutinize the demand about the staff and make recommendations about it and in respect of other proposals as necessary to the Board.

4. It shall assign duties to the staff in consultation with the M.O.H.

5 It shall examine the statements and reports called for and submitted by the Lady doctor in regard to the Aspatal; It shall forward to the Board an annual report on the working of the Aspatal, giving full particulars, by April 15 every year. A copy of that report shall be sent by the Board to the Deputy Director of Medical Health Service, U.P. and other Authorities as considered proper.

6. The M.H,O. shalljbe the Ex-Officio Secretary of this Committee and the Lady Doctor Zacha Bacha Aspatal shall assist him in conducting the meeting.

Delegation of Powers

The powers conferred by the sections specified in the first column of the schedule attached to there regulations are delegated to the officers for Committees named in the third column. Provided that where provision is made in column 4 appeal shall lie to the Board if filled within 10 days of the communication of the order or of the date on which the order under the provisions of the Act deemed to have been communicated.

Regulation No 69 in case it is so urgent that its transaction at that meeting is considered necessary by the majority of members present.

(8) The provisions of the U P. Municipalities Act, 1916, and the regulations framed by the Board to regulate the conduct and proceedings of the meetings of the Board shall apply mutatis mutandis to the meeting of the Committee

(9) Minutes of the proceedings of every meeting of the Committee shall be forwarded to the Board for information and for such orders as the Board may see fit to pass.

(10) Municipal Engineer and Education Superintendent will act as Secretary and Joint Secretary respectively of the Physical Culture Committee. The latter will be responsible for the Committee's activities relating to development of physical culture in the masses and the former will be concerned with all other functions of the Committee.

(11) as Municipal Medical Officer of Health will also serve on the Committee.

b. The District Organiser, Prantiya Rakshan Dal will also be an ex-officio member of the Committee

(12) The following powers duties, and functions shall be exercised, performed and discharged by the Committee:-

1. To provide field's and play grounds where children, adults, girls and women may organize sports, games and athletics

2. To provide pavellions, gymnsium, swimming pools, running tracks, etc., where games and sports may be organized and watched by the public.

3. To provide children's play centres at suitable places, specially in congested and unpriviledged quarters where apparatus for recreation and exercise of small children should be fixed.

4. To encourage swimming and boating among the general public and to create facilities for such recreation in the existing tanks, rivers, pools and canals, and new opportunities for allied activities.

5. To organise tests, tournaments competitions and periodical fairs for the encouragement of physical fitness and recreation.

6. To open new akharas and revive the old ones, in each mohalla for the encouragement of Indian system of exercises, wrestling, dands, baithaks, mugdars, asans, etc

7. To help the existing arrangements and provide new opportunities for folk dance, rhythmic exercises, and other health giving recreational activities specially for girls and women.

8. To encourage and help roller skating, cycling, hiking, scouting, girl guiding, youth's hostel movements, youth's club and other organisations which aim at promoting physical welfare of the people.

9. To organize and encourage sports, games and recreation for the handicapped, destitutes, deaf and dumb and other disabled people of the town

10 To employ trained physical culture organisers, youth leaders and instructors for both men and women, to organize the leisure, recreational games, sports and other activites directed to promote physical fitness among the general masses.

11. To disseminate scientific knowledge among the public about health giving foods and their nourishing value.

12. To open pure milk centres and model health food canteens for the public

13. To help and organize such bodies and create such opportunities for promotion of physical fitness and recreation of the masses, as are sponsored by the Prantiya Raksha Dal.

14- To provide funds and collect donations and subscriptions for meeting the obligations enumerated above.

Sanctioned vide G.O. No. 740 (1)/XI-A-1050-52 Dated 4-8-53. (File No. II-II-25-45-48)

Regulations regarding Fstablishment of Physical Culture Committee and its Powers and Functions:

1. To provide play spaces and play grounds where children, adults, and women may organise sports, games and athletics

2. To provide pavillions, gymnasiums, swimming pools, Olympic running tracks and such other facilities where games and sports may be organised and watched by the public of the towns and the rural areas.

VIII. Duties of the Hackney Carriage Committee:-

(1) The power to grant, reject and suspend o. withdraw licences of Hackney Carriage in accordance with the rules framed under the Hackney Carriage Act (to be exercised by Licensing Officer or Committee to be appointed by the H.C Committee under Rule 3 framed under Section 3 of the Hackney Carriage Act.)

(2) The power to hear appeals from the orders of the Licensing Officer or Committee rejecting, suspending or with draw ng licenses if prefered within 15 days from the date of communication thereof.

(3) The Licensing Officer shall be the Secretary of the Committee.

(Commissioner's Letter No 225/XXIII-24(5)/39-40 dated 22-3-41 sanctioning the Regulations)

IX. Powers & Duties of the Assessment Committee:—

"The Committee shall be one empowered by regulation to exercise powers under Sub-section 143, Section of the Act and shall evercise the powers of the Board detailed in Cause (a) (b) and (c) of Section 3 of Section 143, Section 144 and Clause (a) (b) (c) (d) (e) and (f) of Sub-Section 1 of Section 147 of tbe Act.

The Tax Superintendent shall be the Secretary of the Committee.

(All such communications if sent by post under postal certificates to tee known address of the owner or his agent shall be deemed to have been delivered within 2 days of the despatch)

X. The 'Building Committee' shall exercise the following Powers of the Board:—

(1) The power under section 180 shall be exercised by the Building Committee subject to a right of applicant to the Board within 10 days of the receipt by the applicant of the Committees Order, to hear papeals against E.O.'s order.

(2) The powers of the Board under Section 186, 205 and 208.

(3) The power of the Board under section 222 (6) Provided that an appeal shall lie from any order passed by the Committee to the Board if filed within 30 days of the communication of the order or of the date on which the order is under the provisions of the Act deemed to have been communicated. Provided also that any such order may be revised by the Board.

(4) To deal with all matters contained in the Byelaws made under section 298.

M.E. shall be the Secretary of the Committee.

Regulations framed by the Municipal Board, Dehra Dun, for establishment of a Physical Cultnre Committee for promotion of physical culture.

(1) There shall be a Committee of the Board to be called the physical Culture Committee.

(2) The members of the Committee shall be appointed in the month of January each year, or the nearest convenient date thereafter to hold office for one year, or until fresh members or the Chairman are appointed in the year following, whichever period is shorter, but in case the general election of the Board is held in any other month than December, the Committee shall be constituted within two months after the constitution of the new Board.

(3) The number of members of the Committee (including its Chairman shall ordinarily be seven.

(4) If at any meeting of the Committee the Chairman of the Committee is absent, the members present shall elect one of their member to be the Chairman of the meeting.

(5) The Committee shall ordinarily meet at least once a month unless there is no business to transect.

(6) Not less then ten clear day's notice, signed by the Secretary of the Committee specifying clearly the time and date and business of a proposed meeting, shall be given to each member of the Committee for attending the meeting.

(7) Notwithstanding anything contained in the proceeding regulations the Chairman of the Committee shall have the power to bring forward any motion of proposition not specified or business not stated in the notice given under

(5) to see that the refund rules are carefully worked, and that every possible facility is provided for the claiming and the payment of refunds;

(Copy of Regulations sanctioned by the Commissioner Meerut Division, Meerut, vide his Letter No. 474/XX-III-6(5) 35-36, dated 8-7-1938).

(6) to sanction expenditure and refund upto Rs. 2,000/- within budget provision.

(7) Toll and Terminal Tax Superintendent shall be the Secretary of this Committee.

VI. Duties of the Office and Staff Committee:-

(1) To advise the Board about staff employed under section 71 of the Act;

(2) to consider proposals of new posts whose creation under section 71 of the Act may be found necessary and to advise the Board thereon;

(3) to examine the scale register from time to time and to see that it is properly maintained;

(4) to see that the service books of all employees are properly maintained and leave account is regularly and correctly kept;

(5) to consider applications for grant of a bonus in accordance with the Provident Fund Regulations and make recommendations to the Finance Committee to provide necessary funds in the Budget and to the Board for sanction;

(6) to examine the Provident Fund Accounts of employees for time to time with a view to find out if the accounts were correctly maintained and advance allowed in accordance with the Provident Fund Regulations;

(7) to consider application for the grant of a gratuity to employees on retirements in terms of sub-clause (3) (4) of Section 79 of Act and to make recommendations to the Board thereon;

(8) The Office Superintendent shall be the Secretary of the Committee.

141

VII Duties of Water Works Committee:-

(1) To consider and frame proposals for expenditure of all allotments for water works and to call for estimates for same from the Water Works Superintendent To sanction any water works and indents upto Rs. 1,000/- or contracts upto Rs 250/- for which budget provision exists after calling tender or quotations for small works, subject to and rule made by the Government;

(2) to see that staff employed on the water works including Filteration Plant, Road Watering Lorries and Road Rollers, discharge their duties properly;

(3) to manage and control the workshops attached to the Water Works and P H. Department.

(4) to prepare programme for the road watering for Board's sanction and to see that the watering arrangements of the roads according to the approved programme, is efficiently carried out;

(5) to see that the pipe line the mains and the distribution sluices and every things alse connected with water supply are kept in efficient condition;

(6) to periodically visit and inspect the various works under the water works;

(7) to see that the measurement books are properly maintained and to report to the Board from time to time on works going on and work done;

(8) to examine and check the completion certificates for water works and to examine the bills;

(9) to maintain a schedule of rates and periodically revise it;

(10) to see that tools and plants purchased and issued for use of the Water Works Department are properly kept and the register of issues is properly maintained;

(11) to make proposals for Board's sanction for establishing public water posts or hydrants subject to the water supply rules;

(12) to sanction expenditure and refund upto Rs. 2,000/- within budget provision.

(13) the Water Works Superintendent shall be the Secretary of the Committee.

(5) to check the registration of the birth and death statistics;

(6) to watch the working of the Vaccination Act and to check the returns and work of the vaccinators;

(7) to advise the board generally on all matters connected with sanitation, conservancy and public health.

(8) to exercise the powers, perform the duties, and discharge the functions of the Board under sections 193 and 194 of the Act as per following schedule.

Powers to hear appeals against notice issued under section 267 Municipalities Act are delegated to the Public Health Committee.

(Sanctioned under Commissioner's Letter No 2661/XXIII-8 (14 J/35-38 dated 4-3-1942)

(9) To sanction expenditure and refund upto Rs. 2,000/- within budget provision.

(10) M O.H. shall be the Secretary of this Committee.

IV. The Duties of the Education Committee shall be

(1) to device means for the spread of primary education and as far as practicable to help in the maintenace of secondary and oriental schools.

(2) to consider, allow or disallow, in accordance with conditions prescribed by the Education Committee applications for grants-in-aid to primary and preparatory schools or subject to any order of the Government or Resolution of Board in this behalf, secondary and oriental schools not managed and directly controlled by the Board and satisfy themselves that an adequate standard of tuition is observed and grants are worthil applied in such institutions.

(3) to supervise and inspect the work of the servants of the Board employed in the educatioual section.

(4) to consider and come to a decision upon upon such recommendations as are made by Inspecting Officers and the Supervisor or Superintendent employed by Board.

(5) to encourage and devise means for the education of girls.

(6) to prepare the Annual Budget of the Education Committee;

(7) to draw up a list of holidays to be observed in municipal schools;

(8) to fix dates for the examinations and to make rules or give directions for the conduct of examination in Municipal schools

(9) to advise the Board generally on matters relating to education;

(10) to delegate any of its powers to the Chairman or the Secretary of the Education Committee and to the Superintendent of Education and to make rules generally for the conduct of their business.

(11) in accordance with the Resolution of the Board passed under section 73 of the Act, to appoint, suspend, fine or dismiss and servant of the Board under their direct control and to direct or control the transfer of teachers from one municipal school to another; and to consider and pass orders on application for leave, and to recommend to the Board teachers for bonuses under the Provident Fund Rules.

(Board's Resolution No. 359 dated 30th September 1940)

(12) To sanction expenditure and refund upto Rs. 2,000/- within budget provision.

(13) The Education Superintendent shall be the Secretary of this Committee.

V. The Duties of the Committee for Terminal Tax and Toll shall be:-

(1) to periodically visit and inspect the various barriers and to check the muharrirs' accounts,

(2) to see that copies of the toll schedule are duly exhibited at the barriers;

(3) to see generally that the collecting staff are duly observing the rules regarding the collection and assessment of terminal tax and toll.

(4) to see that the arrangements to prevent smuggling or evasion of payments of terminal tax and tolls are sufficient

". The Duties of the "Committee of Public Works" shall be as follows :-

(1) to consider and frame proposals from the expenditure of all allotments for public works;

(2) to call for estimates for the same from the Engineer, Overseer or the Public Works Superintendent, to examine them and to sanction contracts upto the amount prescribed under section 96 (2) of the Act and to approve the deviations in all works irrespective of any limit of amount provided the deviations are within the sanctioned amount of the contract and to make recommendations as to the order in which Such works should be carried out;

(Sanctioned by the Commissioner vide his Letter No. 581 Dated 13-XIII-45, File No. II-I-5/45-46)

(3) to see that the measurement books are properly maintained, and to report generally on works going on and work done;

(4) to examine and cheque the completion certificates for public works;

(5) to examine bills;

(6) to allot such funds as may from time to time be placed at its disposal for such works as have been approved by the Board;

(7) to call for tenders for contracts for the execution of all public works which are to be given out on contract, and to advise as to the security to be taken on the acceptance of a tender;

(8) to maintain a schedule of rates and to revise it perio dically.

(9) to see that detailed plans and estimates for every work other than a petty work, the probable cost of which is less than Rs. 50/- are prepared and previously sanctioned by the proper authority; (No. 4568 dated 31-8-43)

(10) to see that works sanctioned are started and exec uted according to the detailed plans and es imates, and where they are given out on contract according to the conditions of the deed of contract; and to advise as to the penalty to be exacted from the contractor for any breach of these conditions;

(11) to see that the stock books and the registers of tools and plants, etc. are kept up, and that the stock and property of the Public Works Department are periodically verified;

(12) to satisfy itself that the watering and lighting arrangements are efficiently carried out;

(13) to advise the Board generally in all matters connected with public works;

(14) to exercise the powers, perform the duties, and discharge the functions of the Board under sections 179 (1) (2), 204, 209, 213, 216, 229 of the Act, as per schedule attached;

That the powers of the Board under section 61 (1) (a) to hear appeals against notices issued by the Executive Officer under section 211 are delegated to the Public Works Committee.

(Commissioner Letter No. 1819/XXIII-8 (147) 35-96 dt 12-142)

(15) To sanction expenditure and refund upto Rs. 2000/- within budget provision.

(16) M.E. shall be the Secretary of this Committee.

III. The Duties of the Committee of Public Health shall be :-

(1) to see that all rules byelaws and orders relating to conservancy are observed and that the servants employed by the Board for the purposes of conservancy discharge their duties regularly and satisfactorily.

(2) to report from time to time upon the sufficiency (or the excess) of the conservancy staff, and to see that the sanctioned establishment is not exceeded without special orders.

(3) to advise the Committee of Finance as to the quantity and description of stores required for the due carrying out of the operations of the conservancy department;

(4) to inspect and report on the state of :-

(a) Public Wells,
(b) Talaos,
(c) Latrines,
(d) Conservancy carts and apparatus generally,
(e) etc,

(v) In case the number of nominations to in excess of the number of seats on a committee, the President shall call upon any nominee or nominess to with draw his nomination whereupon any nominee or nominees may withdraw his or their nominatio?

In the event of the absence of a nomine from such a meeting of the Board, the consent in writing of a nominee shall be sufficient proof to the that he has no objection to his withdrawal.

(vi) If the requisite number of nomination are wi thdrawn the Board shall declare the Committee to have been duly constituted In case, however, the requisite number of nominations are not withdrawn, the Pres dent shall declare that election to such a Committee or Committees shall take place on a date with ordin-ar ily shall not be later than the 10th of December.

(vii) The result of elections so held shall be duly declared in the second scheduled meeting of the Board in December every year and in any case before the 31st December every year.

(viii) After the committees have been declared to have been duly constituted the Board shall elect Chairman of the thus constitutes Committees soon after in the same meeting.

In the event of the Board failing to elect a Chairman to any Committee, the Committee shall elect its own Chairman in the first scheduled meeting held soon after the constitution of the said Committee.

(ix) The period of Office of a Committee shall ordinarily be one year ending the 31st December every year, provided, however, in case of exceptional circums tances just as in case of the dissolution of Board and the re-election of Board in mid term under orders of the State Government or such other circumstances the dates for nominations and elections shall be changed by the Board by a special resolution but such election too shall hold good till the end of that year only.

बहस के दौरान श्री निताई घोष ने प्रधान जी की अनुमति लेकर सुझाव रखा कि क्योंकि इस प्रस्ताव पर बहस काफी देर से हो रही अतः प्रस्ताव के पक्ष में तथा विपक्ष में

मत लिए जायें। प्रधानजी ने आदेश दिया कि जो माननीय सदस्य प्रस्ताव के पक्ष में हो अपना मत दें। इस प्रकार प्रस्ताव के पक्ष में सदस्यों ने मत दिया और विपक्ष में कोई मत न होने के कारण प्रस्ताव पास हुआ।

ह० राम स्वरूप
प्रधान

Under Clause (g)

Duties of Committees

I. The Duties of the "Committee of Finance" shall be as follows;—

(1) To prepare the annual estimates of income and expenditure;

(2) to allot funds within the sanctioned budget estimates for expenditure under the various heads;

(3) to satisfy itself that no expenditure has been, or is being, incurred except under proper sanction and in accordance with the budget estimates and allotments;

(4) to examine the monthly accounts before presentation to the Board.

(5) to inspect the work of the collecting establishment, other than the toll establishment, and to check their accounts;

(6) to see that the provisions of Section 96 to 98 of the Act, as to contracts are duly carried out;

(7) to see that the stock books and store accounts for all departments and the registers of tools and plant are maintained, and that all Municipal stock and property is periodically verified, in the manner prescribed by the Rules in the Municipal Account Code;

(8) to advise the Board generally on all such matters connected with finance as may from time to time be referred to it

(9) to sanction expenditure and refund upto Rs. 2000/- within budget provision:

(10) Accountant shall be the Secretary of this Committee

Association and District Cricket Association, Dehra Dun, one each.

18. Any person may be a member of one or more of the committees.

Note:- The word "person" is used as under section 105 of the Act. Person other than members of the Board may be elected as members of committees.

19. The members of each committee shall be appointed in the month of December in each year, to hold officer, subject to the provision of clause (c) of sub-section (1) of section 104 for one year or, until fresh members are appointed in the following December, which ever period is the shorter.

20. If, when a meeting is held, the Chairman is absent, the members present shall elect one of their members to be chairman of the meeting..

31. Minutes of the proceedings of every meeting of a committee shall be laid before the Board for information, or for such orders as the Board may see fit to pass in accordance with the regulations made under clause (g).

Note :- For the meaning of the words "for information -- clause (g)' see note on Regulation 12 [4] above and also notes on regulation under clause [g].

Board's Special Res. No. VI dated 2-7-35

The proceedings of Sub-committees be laid before the Board for information merely. The aggrieved parties will have a right of appeal to the Board as they have had hereto (1-11/1 of 35-36)

बोर्ड के प्रस्ताव सं० ३ ख स्पेशल दिनांक ३-६-६१ की प्रतिलिपि सर्वश्री काशीनाथ गुप्ता तथा महावीर प्रसाद जैन के निम्नलिखित नोटिस आफ रेगुलेशन पर विचार करना ।

Whereas the Board had adopted a procedure for the establishment of Committees and which is laid down in Regulation (19) above.

Whereas also the Board had delegated certain of its powers to the various Standing Committees by regulations framed under section 297 (i) (g) (ii).

Whereas in consequence of the judgement of the District Magistrate in appeal No. 2 dated 1961 under section 318 Sri R Hussain versus Smt Saroj Bala Jain a situation has arisen that immediate steps be taken to keep the working of Board going on;

And whereas it would take long to revest the powers so delegated to the Committee and then again vest those in the Committee it is hereby resolved as under,

(1) The Regulation (19) as printed at page 379 of the book Byelaws is cancelled.

(2) All the twelve Standing Committees as dissolved by resolution No. 1 dated ....shall be constituted be nove under section 104 (1) of the Act for the year 1961 and the same shall hold office till the 31st December 1961.

(3) The said regulation (19) is redrafted as below:-

With effect from November 1961 the procedure to be adopted for the constitution of the Standing Committees shall be as laid down below.

(i) The Executive Officer of the Board in his capacity as Returning Officer shall call upon the members of the Board to file nominations for the various committees for the ensuing calendar year on some date during the third week of the month of November.

(ii) The nominations so received shall be brought to the notice of the Boaro in the second scheduled meeting of the Board during the month of November each year

(iii) In the event of there being less nominations than the number of seats on committee, the Board shall declare the members so nominated as to have been duly elected and for the remaining seats fresh nominations shall be called.

(iv) In case of the nominations being equal to the number of seats for the respective committees, the Board shall declare the committee to have bee duly constituted.

139

(1) Every member who desires to put any question concerning the affairs of the Board shall send his question or questions in writing to the Executive Officer of the Board at least a week before the next ordinary meeting of the Board.

(2) The questions so received shall be numbered serially by the Executive Officer in the order of their date of receipt and shall be inserted in the agenda of the meeting in the order of their serial number.

(3) On the receipt of the questions, the Executive Officer shall place them before the President and the President may direct any officer of the Board or the chairman of any committee to prepare answers to the questions received.

(4) Questions must not be argumentative or hypothetical or defamatory of any person or section of the community.

(5) The president may disallow any question which does not conform to Regulation 4, above and in any such case the questions shall not be entered in the minutes.

(6) At the next meeting of the Board the President, or, with his permission, the Executive Officer, or any officer of the Board with whose department the question may directly be concerned or the chairman of any committee shall read answers to the questions duly received before the meeting.

(7) The questions and the answers thereto shall form part of the proceedings of the meeting and shall be published along with proceeding unless the Board otherwise directs in any particular case.

(8) The member putting the questions may withdraw the same at any time before the answer is read at the meeting, but in any such case the question shall be expunged from the minutes.

(9) If the member who has given due notice of any question has not withdrawn the question before the meeting is held, but is not present at the meeting, the Present may allow the question to be put by any other member president and the answer to the same to be read.

Under Clause (d)

Establishment of Committees

16. There shall be the following Standing Committees of the Board.—

(1) Water Works Committee.
(2) Public Works Committee.
(3) Finance Committee.
(4) Public Health Committee
(5) Education Committee.
(6) Terminal Tax and Toll Committee.
(7) Assessment Committee.
(8) Office and Staff Committee.
(9) Hackney Carriage Committee.
(10) Building Committee
(11) Physical Culture Committee.
(12) Zecha Bacha Committee.

The meetings of each Committee will be held in the following order :—

Meeting of the Committee No	
1.	1st and 3rd Wednesday.
2.	Every Tuesday.
3.	3rd Monday.
4.	1st and 3rd Friday.
5.	1st and 3rd Thursday.
6.	2nd and 4th Thursday.
7	2nd and 4th Wednesday.
8.	4th Monday.
9.	2nd Friday.
10.	1st Monday, 4th Friday, 1st Saturday, 3rd Saturday
11.	2nd Monday

amended vide Board Reso No 33 spl dt 11-12-54

The Physical Culture Committee will be convened whenever the Chairman of the Committee considers necessary. He shall fix the date and time of the meeting in consultation with the members of the Committee

Note—The time of the meetings and the manner of convening meetings shall be the same as prescribed for the Board's meetings.

17. The number of members constituting the standing Committees including Presidents, excepting the Physical Culture Committee, shall not exceed 11, 6 members including President shall constitute the Physical Culture Committee. Of the 6 members 4 will be elected by the City Board and the remaining 2 shall be the nominees of the District

(3) Communications from the Local Government and Officers of that Government shall be read.

(4) Reports of committees and members shall be taken into consideration and orders, where necessary, passed.

Note :—The words "where necessary" are inserted as committees may be given final powers and no orders of the Board may be required.

(5) Motions and propositions of which notice has been given in the manner prescribed by Regulation 2 (2) shall be discussed and voted upon.

(6) Notice shall be given of any motion or proposition which it is proposed to bring forward at the next meeting.

(7) Appeals from orders of committees, officers, etc. shall be disposed of.

(8) Any other business.

13. Notwithstanding anything contained in Regulation 12, the President shall have the power to bring forward any motion or proposition not specified, or business not stated in the notice given under Regulation 2 and which is so urgent that its transaction at the meeting is considered necessary by the majority of the members present.

(14) (1) Unless a poll is demanded by any member present at a meeting a declaration made at the meeting by the president that a resolution has been passed shall be sufficient warrant for the making of an entry to that effect in the Minute Book kept under section 94 (1) of the Act.

(2) If a poll is demanded by any member present it shall be taken by show of hands, and the result of such poll shall be deemed to be the resolution of the Board at the meeting. (See G.O.)

Copy of G.O. No. 3781-F/XI-A-775-1983 dated 5-10-1963 from Sri D.P. Arya, U.P. Sachiv, Uttar pradesh Shasan, Nagarpalika (KA) Vibhag, Lucknow, to all District Magistrates U.P.

I am directed to say that a case has come to the notice of Government in which a Municipal Board by a resolution let out one of its buildings on a nominal rent. During the audit of the accounts, the audit party raised objection and observed that the rent fixed for the building was inadequate and should

be enhanced suitably. To meet the audit objection, the Board re-assessed the rent, but the tenant refused to pay the rent at the enhanced rate. The matter was brought to the notice of Govt., who referred it to the Examiner, Local Fund Accounts, UP, Allahabad, for examining it with reference to the Surcharge Rules. The Examiner has now informed Govt. that action under the Surcharge Rules is not possible in the case as the names of the members, who voted in favour of the resolution sanctioning the letting out the property were not mentioned in the Proceedings Book. In the circumstances, I am to request that suitable instructions may please be issued to the Presidents of all Municipal Boards in your district to write invariably in the Minutes Book the names of the members who vote for and against a resolution of the Board.

The receipt of this letter may please be acknowledged.

सी० बी० डी० नं० १५ (ए)

सिटी बोर्ड, देहरादून

देहरादून सिटी बोर्ड के प्रस्ताव नं० ६ ता० २८-११-६३ ई० की

प्रतिलिपि

६ राजकीय पत्र सं० १७८४ (क) ११७२, १९६३ ता० ४-१०-६३ नोट करना जिसमें सरकार ने यह सलाह दिये हैं कि यदि किसी प्रस्ताव में मत लिये जायें तो प्रस्ताव के पक्ष में तथा विपक्ष में मत देने वाले सदस्यों के नाम भी लिये जाया करें।

राजकीय पत्र नोट हुआ तदनुसार कार्यवाही की जावे।

ह० राम स्वरूप

प्रधान

16 At an adjourned meeting no business shall be transacted other than the business left unfinished at the meeting from which adjournment took place, but nothing in this regulation shall be deemed to prevent an adjourned meeting taking place on the same day as any other meeting.

Asking of Questions

Every member of the Board shall have the right of interpellation which may be exercised subject to the following conditions and restrictions:—

128

Chapter XVIII

REGULATIONS

Regulations made by Boards under section 297 (I) of the Act.

Under Clause (a)

Time of Meetings

1. (a) There shall ordinarily be two meetings of the Boards in each month one on the 1st Friday after the 10th of the month and the other on the lastSaturday of the month at 3.30 p.m. during the months of October to March and at 4.30 p.m. during the months of April to September, unless there is a holiday on any such day or days in which case the meeting may be held on such day or days as the Chairman may fix.

(b) The Chairman may convene an emergent meeting if necessary on any day and time.

Under Clause (b)

Manner of convening Meetings and of giving notice thereof

2 (1) [a] Not less than three days before a meeting other than an emergent meeting a notice to attend the meeting, signed by the Executive Officer, or, in his absence, by the President or a Vice-President, shall be circulated to each member of the Board.

[b] 24 hours notice shall ordinarily be required for an emergent meeting and 48 hours notice for postponed meetings of the Board and standing Committees

(2) A notice to attend a meeting shall specify every motion or proposition to be brought fotward at the meeting along with, in th case referred to in sub-section 6 of section 94 of the Act the further particulars required by sub-section and shall state generally any other business to be transacted thereat.

3. Every notice to attend a meeting shall state the place, the day and the hour of meeting.

4. So far as circumstances admit, the Executive Officer shall as soon as may be before a meeting, circulate to the members all correspondence relating to any business to be transacted at the meeting, unless the President or Vice-Presieent shall otherwise direct.

Under Clause (c)

Conduct of Proceedings at Meetings and the Adjournments of Meetings

5. Any member who desires to bring forward at any time any motion or proposition shall give notice of his intention to do so at the previous meeting, or shall, at least one week before the meeting, inform the President in writing of such intention.

6. Any member may submit a point of order to the President, but there shall be no discussion no any such point, unless the President thinks fit to ask members present for their opinion thereon.

7. Every motion or amendment shall be presented or taken down, in writing.

8. The President may require that any motion or amendment proposed shall be seconded before it is discussed.

9. In proposing or discussing any question, each member shall speak from his place and address the President

10. No member, except the proposer, in reply shall, without the permission of the President speak twice on any motion or amendment.

11. All questions from one member to another, relating to the business of the meeting, shall be put through the President.

12. The course of business shall, unless the President regulate it otherwise, be ordered as follows :-

(1) The minutes of the last meeting shall be read.

(2) If the meeting be the first, held in the month, the accounts of the past month shall be presented for the consideratio andord ers of the Board.

rised by the Board may inspect the token at all times.

4. All skimmed or separated milk for sale be so kept that they are in accessible to flies, they should not be exposed to dust, dirt or any other offensive matter.

Receptacles meant for containing skimmed or separated milk should be kept in clean condition and all such vessels should be throughly cleaned with steam or with boiling water immediately after use.

5. Every owner or occupier of the premisss which are used for cream separating shall comply with the following conditions:

(a) The floors and the walls from inside up to a height of 3 feet should be of impervious material, the doors and windows of which should be fly-proof, and that there exists no cow-house, stable public latrine, open sewage, cess-pit or public dust-bin within a distance of 25 feet from the building.

(b) He shall not use any such building for residential purpose.

(c) He shall not keep cream and milk in dirty utensils or in utensils which are not protected from flies or dust.

(d) He shall not employ any person suffering from any contagious or infectious disease in the premises.

(e) He shall keep the premises adequately lighted and ventilated and shall got them white washed at least once in six months.

(f) On the close of every working day, he shall get every floor and payement, etc. upon the premises throughly washed and cleaned, similarly all untensils, vessels and implements which have been in use during the day should be thoroughly cleaned and washed with steam and boiling water.

(g) He shall keep all such premises open to the inspection of the Chairman, Executive Officer, Medical Officer of Health, the Chief Sanitary Inspector and the Sanitary Inspectors of the Board and shall Comply with all the directions consistant with the purpose of these byelaws issued to them by the Medical Officer of Health.

137

(h) He shall not use any lamp or other light which by reason of construction or condition is likely to cause smoke or spot.

(i) He shall keep a regular register in which he shall maintain a daily record of the quantity of milk purchased, quantity of cream separated and quantity of separated or skimmed milk disposed of with particulars of persons or firms to whom it has been sold and the register shall be open to the inspection by the officers of the Boards.

Disposal of Dead bodies of Animals

Copy of Gazette Notification No. 2637-XXIII-3-55-56 dated June 21 1958, published in Uttar Pradesh Gazette, dated June 28 1958

In supersession of all byelaws previously published in the subject, the following byelaws made by the Municipal Board of Dehra Dun regulating disposal of dead bodies of animals under section 298 (2) list (1) (b) of the U.P. Municipalities Act, 1916 and confirmed by the Commissioner are hereby published as requird by section 301 sub-section (2) of the said Act:

Byelaws

1. No person shall throw, skin or causs to be thrown or skinned the dead body of any animal in any river, water course channal,canal or any open space within the limits of the Dehra Dun Municipality.

1. (a) The Dead Cattle Utilisation Centre shall be the only place for flaying the bodies of dead animals.

Penelity

In exercise of the powers conferred by section 299 (1) of the U.P. Municipalities Act, 1916 and with the sanction of the State Government the Board hereby directs that a breach of byelaw No. 1 shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of first conviction during which the offender has proved to have persisted in the offence.

7. Any person granted a licence for manufacturing, storing or selling "fat" shall not be granted a licence for manufacturing, storing or selling ghee in the same local area. (Gazette dated 30-9-33 part 1)

8. A licence holder shall render all possible facilities for the inspections of his shops, godowns or any other place used for storage, manufacture or sale of the articles for which he holds a licence and also for the taking samples for analysis at all reasonable times to the Medical Officer of Health or to any other officer authorized by a Local Authority or Government for the purposes.

9. A licence holder who is not a hawker shall put up a sign board written in English, Hindi characters indicating the kind of product sold in his Shop every letter of which shall be at least 2"X2" in dimensions. The notice board shall always be maintained in good order, and be put up just on the most prominent door of the shop abutting the thoroughfare, so that may be distinctly visible to customers.

A hawker of butter, ghee, or fat shall carry a metallic badge issued by a Local Authority, showing clearly the number and the nature of the article for which the licence has been granted (Gazette dated 30-9-33 part 1)

10. A fta should be sold by its appropriate name Solidified vegetable oils shall not be sold as "vegetable ghee" but either as "vegetable fat" or under such trade names as "vegetable product" "vanaspati" etc. as may be declared in application for a licence. Any misleading trade name shall not be approved by a Local Authority.

11. A fee of Rs. 2/- per annum will be charged from each wholesale dealer and Re 1/- per annum from each other vendor for the grant of a licence which will cover a period of one year ending with 31st of March.

12. In conformity with the above rules, a Local Authority may, if necessary, frame byelaws and my cancel or suspend any licence in case of any breach of the above rules or any byelaws.

These byelaws shall be confirmed and notified by Government before, they are enforced.

13 The provision of these rules will come into operation within the Dehra Dun Municipality from 1st September,1936

Penalty for Selling Articles of Food without a Licence

Whoever sells or offers or exposes for sale or manufactures or stores or offers for sale any article of food or drug without obtaining such licence or in contravention of the terms of such licence as may be prescribed by section 16 shall be punished for the first offence, with fine which may extend to two hundred rupees and for a second or subsequent offence, with fine which may extend to one thousand rupees or imprisonment of either description not exceeding three months or both

No. 8440-XXIII-37 (3)-(48 49) In supersession of all belaws previously published on the subject, following byelaws made by the Municipal Board of Dehra Dun, under section 298 (f) of the U.P. Municipalities Act 1916, and confirmed by the Commissioner are hereby published, as required by section 301, sub-section (2) of the said Act.

Byelaws for Sale of Skimmed or Separated Milk

1. No person shall store sell, expose for sale or hawk about for sale any skimmed or separated milk within Dehra Dun Municipality, unless it has been coloured with 'Haldi' so as to give it a distinct colour

2. No, person shall import skimmed or separated milk within the limits of Dehra Dun Municipality, for the purpose of sale unless it is coloured with Haldi.

3. (a) Every vendor, supplier distributor or howker of skimmed or separated milk shall obtain a licence from the Medical Officer of Health, City Board, Dehra Dun on payment of Rs. 2 as licence fee and paise 50 as cost of number of badge annually

(b) The licence shall be valid for one year from April 1, each year, upto March 31 of the succeeding year and shall be renewable on April 1, each year.

(c) All the vendors/suppliers or distributors of skimmed or separated milk should have their token, with them when carrying the milk through Municipal Board limits.

(d) All the Officials of Health Department, Toll Mohamirs and other Officer of the Board autho-

requisition shall be punished with imprisonment for a term which may extend to one month or with fine not exceeding fifty rupees or with both.

PENALTY

In exercise of the power conferred by section 299 (1) of the Municipalities Act, 1916, the Board hereby directs that breach of any of the Hackney Carriage rule printed at page 355 to 366, will be punishable with fine, which may extend to Rs. 500 and when the breach is a continuing one, with a further fine which may extend to Rs. 5 perday after the first conivction during which the offender is proved to have persisted in the offence.

Prevention of Cruelty to Animals Act XI of 189..

(G.O. No. 3675-548 B, dated 19th December 1896.)

In exercise of the powers conferred on the Local Government by section 1, sub-section (2), Act XI of 1890 the Pervention of Cruelty to Animals Act and notification No. 3053-VI 548 B, dated 25th November 1895, the Lieutenant Governor and Chief Commissioner directs that, with effect from the 1st of January 1897, the aforesaid Act shall be extended to the Municipalities of Mussoorie and Dehra Dun and to the road running between Dehra Dun and Mussoorie via Rajpur.

In exercise of the powers conferred by section 6 sub-section (2) of the said Act, the Lieutenant Governor and Chief Commissioner is authorised to appoint the cattle pounds at Mussoorie, Dehra Dun and Rajpur the infirmaries for the treatment and care of animals in respect of which offences against section 6 sub section (1) have been committed.

Extension of Sewerage and Drainage Act.

(G O. No. 418—XI—199 D, dated 9th February 1904)

It is hereby notified that the Local Government in exercise of the powers conferred by section 5 of the North Western Provinces and Oudh Sewearge Act III of 1894, has been pleased to extend the said Act to the area included within the limits of the Municipality of Dehra with effect mofrte 5th February 1904.

Rules under the United Provinces Prevention of Adulteration Act.

(Gazette dated 8-11-30 page 1192 Part I))

1. These rules may be cited as Butter, Ghee and Fat Licensing Rules, 1930.

2. In these rules, unless the context otherwise requires, the word "butter" shall mean the substance known as butter made exclusively from milk or cream or both, with or without addition of salt and with or without the addition of a vegetable colouring matter; the word "Ghee" shall mean the pure clarified milk fat of cow or buffalo or of cow and buffalo, the word "fat" shall mean all substances including "cocogem; either of vegetable or of animal origin, whether hydrogenated or not, whether mixtures or otherwise, which resemble "ghee", but are not exclusively derived from milk.

3. No person shall sell or offer or expose for sale or manufacture or store for sale any of the following articles of food, except under licence granted by a Local Authority :—

(1) Butter (2) Ghee and (3) Fat.

4. A Medical Officer of Health or any other officer specially authorized by a local authority shall maintain a rigister containing the name and address of every person granted a licence in a local area for the purpose of manufacturing, storing or selling butter, ghee and fat, separately and also the address of the business premises

Any vendor of butter, ghee, or fat giving wrong name,and address to an Inspector of food shall be liable to prosecution under section 176 Indian Penal Code (Gazette dated 30-2-33 page 954 part 1).

5. Every manufacturer or wholesale dealer in butter,ghee and fat shall keep a register showing the quantity and destination of each consignment of such substances sent out from his manufacture or place of business, and this register shall be open to the inspection by any officer of the Local Authority.

6. Any person granted a licence for manufacturing, storing or selling ghee shall not be granted a licence to manufacture, store or sell fat in the same local area. (Gazette dated 30-9-33 page 954 part I).

134

police or other officer duly authorised to keep order and prevent abstruction of the streets in the neighbourhood of the place,

(10) Carry a greater number of passengers or a greater weight of luggage that he is licensed to carry; or except with the permission of the Board or any Magistrate, any person suffering from a contagious or infectious disease or a dead body

(11) Having become aware that he is conveyed in a carriage any person suffering from a contagious or infectious disease, or the dead body of any person, omit to notify immediately thereafter the fact to the Inspector of Nuisances or other person authorised by the Board to receive such notices

(12) Having agreed or having been hired to be in attendance with a carriage at an appointed time or place, neglect or omit to punctually attend with such carriage at such appointed time or place, unless delayed or prevented by some reasonable and sufficient cause.

26—A Every driver shall keep with him an order book in printed form which will be supplied by the Board on payment in which he shall cause the time and date of every advance order or engagement to be entered by the person who has made such order or engagement.

26. The Licensing Officer shall as soon as possible, after granting the licence, deliver to the licensee on payment of the cost fixed by the Board a printed schedule in Vernacular only of the rates of fares chargeable

The licensee shall cause the above framed schedule to be affixed to the inner side of the splashed Board of the carriage and he shall not allow the carriage to ply for hire unless the framed schedule has been affixed to it. (1921 Gazette page 134; 1922 Gazette page 242; 1923 Gazette page 15; 1925 Gazette page 511)

28. Every driver or owner of a hackney carriage shall immediately after the termination of the hiring, carefully search such carriage and if any property be discovered, shall take the same, unless sooner claimed by the owner, to the nearest police station within twenty four hours

29. A driver of a hackney carriage is entitled to claim his

discharge from any hirer after having been employed by such hirer for a whole day of nine hours, or at any time in case of his being sick or his horse being lame or sick; provided that in either case he supplies another hackney carriage to the hirer, if required to do so; and another can be found. A driver on owner may refuse to let his carriage under the same circumstances or if he is asked to ply beyond the limits to which these rules apply.

30. The orders of the Licensing Officer appointed under these rules may be appealed against within fifteen days to the Municipal Board whose decision shall be final or the Cantonment Committee in the case of the Licensing Officer appointed by them.

31. If any dispute arises between the hirer of any hackney carriage and the owner or driver to such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall upon application made in that behalf by either of the disputing parties be heard and determined by any Magistrate or bench of Magistrates within the local limits of whose Jurisdiction such dispute has arisen; and such Magistrate, or bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of any Magistrate or bench in any case under this section shall be final

When any such case is heard by a bench, and difference of opinion arising between the members of such bench shall be settled in the same manner as differences of opinion arisen between the members in the trial of criminal cases.

32. If at the time any dispute mentioned in Section 9 arises, any Magistrate or bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the court of such Magistate or bench for the purpose of making an application made under that section.

Any driver neglecting or refusing to comply with such

21. Fares of distances beyond the limits to which these rules apply shall be settled by private agreement.

First class, six mile per hour.

Second class five miles per hour.

22 The minimum speed, when a hackney carriage is hired by time, shall be:—

23. The number of passengers and the weight to be carried in a Hackney Carriage shall be as under :—

(U.P. Gazette Dated 20-6-25 page 511.)

Description of Carriage	Local	
	Passengers	Luggage
First class	4 adult passengers exclusive of driver & Syce	Not exceeding ½ mds.
Second Class (Two wheeler)	3 " " " driver	" " 1½ "
Third Class	3 " " " "	" " 1½ "

Provided that in the case of carriages of the2nd, third and fourth class 1 maund of luggage may be allowed for every passenger short of the full number upto a maximum of 5½ maunds when there are no passengers.

Explanation:-Two children may be counted as one adult passenger

24. Licences issued under these rules shall not be granted for a longer period than one year. All licences shall terminate on the close of the financial year

25. Licence may be suspended or withdrawn by the Licensing Officer under these rules, for a breach of any of the prohibitions contained in the rule 29A below or for a breach of any other provision of these rules of which the licensee may be convicted under section 7 of the Act.

Published in U.P. Gazette dated 8-8 42 vide notification No. 501/XXIII—24 (5) (39-40) dated 30-7-42.)

26. The owner of any carriage, or any driver licensed under these rules shall not:—

(1) Employ or permit an unlicensed driver to driver a hackney carriage

(2) Cruelly beat, ill-treat, overdrive, torture or procure or permit to be cruelly beaten illtreated, overdriven or tourtured, any animal drawing a hackney carriage; or harness or drive, or permit to be harnessed or driven in a hackney carriage,any animal which from sickness, age, wounds or other causes, is unfit to be harnessed or driven.

(3) Refuse to let his carriage on hire without good excuse, or desert from the hiring, when hired by time before discharge by the hirer.

(4) Be under the influence of any intoxicant whether liquor or drugs of any description while incharge of the carriage or make use of insulting or abusing language or gestures, or wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person or wrongfully prevent or endeavour to prevent the driver of another hackney carriage from being hired, or induce such drivers to desert from the hiring before discharge by the hirer.

(5) When plying for hire and not actually hired, cause hackney carriage to loiter in any public place, or when standing or plying for hire call ou, or otherwise importune any person to hire such carriage to the annoyance of such person or any other persons.

(6) Demand more than the fare prescribed by these rules or refuse to admit and convey in a hackney carriage the number or persons and amount of luggage for which it is licensed except on reasonable and sufficient grounds

(7) Omit to produce the driver of any licensed carriage or any animal used in any licensed carriage, or the carriage, harness and appurtences thereof, when ordered by a Magistrate or the Licensing Officer to do so.

(8) Employ, for drawing a hackney carriage, an animal which has not been passed by the Inspecting Officer, for use in the class to which such hackney carriage belongs.

(9) When conveying any person to or from any place or being in waiting with a carriage at any place refuse to comply as regards the manner of taking up or setting down any passenger or of waiting for such purpose, with the direction of any

19. The Municipal Board shall appoint places where hackney carriages may be allowed to wait for hire; and no hackney carriage shall wait for hire except at the stands so appointed.

The following fares for journeys within the limits to which these rules apply may be charged by the proprietor or driver of a hackney carriage, and shall be paid by any person hiring the same.

२०. किराये पर चलाये जाने वाली सवारियों के किराये की तालिका

फासले के लिए ताँगों के किराये

	द्वितीय श्रेणी		तृतीय श्रेणी			
	एक तरफा तय	आना जाना (डबल भाड़ा)	पहले आधे घन्टे के बाद जो रोके जाने पर प्रति घण्टा चार्ज	डबल पहले आधे घन्टे के बाद जो रोके जाने का प्रति घण्टा शुल्क		
रेलवे स्टेशन	रु०	रु०	रु०	रु०	रु०	रु०
(१) रायपुर, प्रेमनगर राजपुर, बीरपुर, मंधोड़ा, छावनी, पुलिस स्टेशन, फारेस्ट रिसर्च इन्सटीट्यूट।	५.००	८.००	०.५०	१.५०	६.००	०.५०
(२) डाकखाने से उपरोक्त स्थानों के लिए अथवा रेलवे स्टेशन।	४.००	७.००	०.५०	२.५०	४.००	०.५०
(३) फारेस्ट रिसर्च इन्सटीट्यूट से कलेमेन्टाउन	५.००	८.००	०.५०	३.५०	६.००	०.५०
आर्डीनेन्स फार्म रेलवे स्टेशन से कलेमेन्टाउन						

नोट—(१) ११ बजे रात्रि और ५ बजे प्रातः तक उपरोक्त ताँगा किराया, उपरोक्त रेट का ड्योढ़ा होगा।

(२) डबल भाड़ी के रेट में एक घन्टे का हाल्टिंग चार्ज भी शामिल है।

(३) निम्नलिखित रेट उपरोक्त फासले की रेट सूची में शामिल नहीं हुए:—

समय के आधार पर किराया				म्युनि० सीमा के फासले के हिसाब से ताँगा किराया	
		(५ घन्टे)			
घन्टी पहला घन्टा बाद के घन्टे आधा दिन पूरा दिन किराया				द्वितीय श्रेणी	तृतीय श्रेणी
	रु०	रु०	रु०	रु०	रु०
२	३.५०	१.५०	१०.५०	१५.००	१ मील की दूरी पर	१.००	०.७५
१	२.००	१.१०	७.५०	—	२ मील की दूरी पर	१.५०	१.२५

नोट—(१) ११ बजे रात्रि और ५ बजे प्रातः तक ताँगों का किराया ड्योढ़ा होगा।

नोट—दूरी से सम्बन्ध नहीं रखने वाले समय के रेट से चार्ज किया जायेगा।

(२) ताँगा केवल आध समय तक चलता रहेगा और शेष समय होल्टिंग के लिए होगा।

(4) Every licensed driver shall wear conspicuously on his person the ticket or badge delivered to him by the Licensing Officer under clause (3) above.

(5) Every licensed drive shall produce his licence whenever required to do so by any person mentioned in rule 6 above.

11. No licence shall be granted until the tax prescribed, under notification No. XXIII-27 dated the 2nd July,1918.has been paid except in the case of drivers licences which shall be granted on payment of Rs. 3
No. 3998 dated 15-6-41

Rates of Tax

(i)	Ist class	30 00	Half yearly or Rs 5/-PM
(ii)	II class	24 00	" " Rs 4/-PM
(iii)	III class	18 00	" " Rs 3/-PM

Note (1) These rates will take the place of licence fees.
Note (2) In calculating the fees the periods of less than 15 days will be ignored and periods of 15 days or more during a calender month, will be treated as a full month

(a) Licences shall expire on 30th September,or 31st March

(b) The fee for a licence shall be paid at the time that the Licence is granted No licence shall be given until the fee prescribed therefore has been paid.

12. The fees received under these rules except the fee of conveyance licensad by the Cantonment Committee which shall be credited to the Cantonment fund shall be brought to account and credited to the Municipal fund in accordance with the procedure laid down in rules 31-32 of the Muncipal Account Code.

13. No licence, badge or ticket granted under these rules shall be transferrable.

14. It shall be the duty of the Licensing Officer to examine and ascertain as early as possible every month that the animals, harnesses, and other appurtenances of every licensed carriage are in proper condition. A licence may at any time be suspended or withdrawn when this is not the case.

15. Hackney carriages of every class including tongas shall carry 2 carriage lamps of an approved pattern properly fixed with clear glasses, and shall be properly fitted with a carriage bell in working order(Gazette dated 29-6-35 page243

134

These lamps shall be kept properly trimmed and shall be lighted at all times when it is necessary, for the safety of foot passengers or of other vehicles, to carry lights.

The lamp shall also be painted every year with the corresponding licensed number of the carriage by the Board along with the year of the licence.

16. The owner, or some other responsible person, shall always be present at the premises where the hackney carriages are kept to supply carriages when required. Such officers as the Municipal Board may authorize may at any time inspect the different carriage yards, Premises and stablings and direct that they be kept properly cleaned and in good order. If inspection be not permitted, or if the directions given be not complied with, the licence shall be suspended or withdrawn.

17 When a hackney carriage is licensed, the owner shall cause the number of the licence and the class thereof to be distanctly inscribed immediately.

Painting of numbers and other particulars to be done by a painter appointed by the Board and a fee of Re 1/- for painting the same shall be charged from the licences.

Note—That all second class tongas and bareilly carts should have the number and class painted conspicuously on both side panels. The letter and figure should be at least two inches in length (U.P. Gazette dated 20-6-25 page 510)

18. When a carriage is hired it shall be assumed that the hiring is by time (unless the contrary is agreed upon) provided that distance rates shall apply to places specified in the schedule and that where a vehicle is hered for such a distance any detention of over 15 minutes after the completion of such distance shall be paid for at time rates in addition to the distance rates for such journey.

Provided that in any case where a hackney carriage is hired any time between the hour of 10 in the evening and the hour of 5 in the morning the owner or driver shall be entitled to demand for the hire of such carriage in respect of the time or distance over which the hiring thereof has extended between the hours above specified a rate of fare which shall amount to one and a half time the rate of fare fixed by the preceding rule.

(e). The owner of a licensed Hackney Carriage may at any time during the currency of his licence produce a horse or pony before the Licensing Officer for the purpose of having it branded for use in his vehicle. The Licensing Officer, if satisfied that the animal is suitable for use in such vehicle, shall thereupon brand the animal

(f) The changes for branding shall be paid by the licensee 50 paisa to be deposited in Municipal Treasury.

6. The driver shall produce his licence for the Hackney Carriage whenever required to do so by—

(1) any Magistrate;
(2) any person authorized by the Board in this behalf;
(3) any person hiring the carriage.

Board's Special Resolution No. V dated 26-3-35

The Executive Officer, Toll and Tax Superintendent, the Senior and Junior Hackney Carriage Inspectors be authorised to check the licences.

7. The particulars specified in the licence granted under rule 5 (a) "shall be legibly painted on both sides of the carriages in English by a painter appointed by the Board."

In the case of tongas, each shall bear painted legibly on the side in English the maximum number of passengers and weight of luggage permitted by the licence, and the licence shall be placed in a disc in front of the splash board

(No. 5070 dated 23-8-41.)

8. Carriages shall be classified as follows :—

First class:—Will include rubber tyred 4 wheeled carriage.

Second class:— (a) 4 wheeled carriages(b) Rubber tyred Bareilly Carts and good Tongas.

Provided that when any horse is not of the prescribed height, but is nevertheless, in the opinion of the Licensing Officer, suitable for a carriage of the class in which registration is applied for registration my be made in that class.

Third class:—Bareilly Cart or superior tumtum drawn by ponies of 13·2 hands or over and ordinary Tongas.

Note—All drivers of first class carriages must wear livery approved by the Licensing Officer.

9. Notice of the transfer of ownership of any Hackney Carriage shall be given in writing to the Licensing Officer by the transferee within one week from the date of transfer. The Licensing Officer shall thereupon call in and cancel the licence of the original owner; and if there appears no reason to the contrary issue a fresh licence to the person to whom the ownership has been transferred, for the unexpired portion of the period of the original licence on payment of the fee for the unexpired period calculated monthly.

No. 3588 dated 25-5-40

10. (1) Any person desiring to be licensed as a Hackney Carriage driver shall apply in person to the Licensing Officer, who after ascertaining that he is competent to drive a Hackney Carriage, may on receipt of the fee prescribed by the following rule; grant him a licence as a driver; provided that the licence may be refused if the Licensing Officer is of the opinion that it would be inexpedient to grant it to the person applying. *The person whose application for a licence is sanctioned shall produce his photo before the licence is issued and the licence shall be kept in a book form with the drivers photo pasted therein. The booklet shall be supplied on payment of 25 paisa each.

*No. 5070 dated 23-8-41.

(Published in Gazette dated 22-8-42 vide Notification No. 5222/XXIII.98 (40-41) dated 13-8-42).

(2) This licence shall be in Form 40 of the Municipal Account Code The Licensing Officer shall enter the details of every such licence granted under this rule in his Register of Licences (Form 42.) prescribed by rule 5 (b) above in a separate volume thereof.

(3) The Licensing Officer shall as soon as possible after granting the licence deliver to the driver on payment of the cost 5s 2/- fixed by the board a brass ticket or badge on which the number of the licence granted and the period for which the licence has been ; granted shall be inscribed (U. P. Gazette dated 5-5-28 page 224)

HACKNEY CARRIAGE ACT XIV OF 1879

(G O No. 1270-XI-53 B, dated 24th July,1895.)

Under section 3, of Act XIV of 1879 (an act for the regulation and control of Hackney Carriages in certain Municipalities and Cantonments.)the Lieutenant Governor and Chief Commissioner is pleased to apply the said Act tot.he Municipality of Dehra Dun.

G O. No. 1270-XI-56 B. dated 28th April, 1896.)

Under section 5, Act XIV of 1879 (an Act for the regulation and control of Hackney Carriages in certain Municipalities and Cantonments,) the Lieutenant Governor and Chief Commissioner is pleased to authorise the Municipal Board of Dehra Dun to extend the rules framed under section 3 of the said Act to the road from Dehra Dun to Rajpur in the Dehra Dun District.

(G O. No. 1273/XI-56 B, dated 8 April, 1896)

Under section 5, of Act 1879 (an Act for the regulation and control of Hackeny Carriages in certain Municipalities and Cantonments,) the Lieutenant Governor and Chief Commissioner is pleased to extend the rules framed by the Municipal Board of Dehra Dun and confirmed by the Local Government under section 3 of the said Act to the Guriha and Body Guard Cantonments in the Dehra Dun District.

Rules for the Regulation and Control of Hackney Carriages plying for hire within the limits of the Dehra Dun Municipality

Under 7 section 3 of Hackney Carriage Act XIV of 1789.

1. No Hackney Carriage of any kind shall be left to ha or offered for hired within the limits of the Dehra Dun Mu cipality, except under a licence granted in accordance w these rules. But if a Hackney Carriage licensed by t Cantonment Comittee of Dehra Dun enters the Municipal solely for the purpose of carrying a fare from the Conti ment into the Municipality, it shall not be required to ta out a licence under these rules either for so doing for t return journey.

Note—The second clause of these rules will be necessa only in the case of a Municipality with adjoini Cantonment.

2. No person shall act as driver of a Hackney Carriage within the limits of the Dehra Dun Municipality who is not licensed to do so under these rules.

3 Hackney Carriages, and drivers of Hackney Carriages, shall be license by an officer appointed for the purpose by the Municipal Board

Provided that conveyance localated within Cantonment limits shall be licensed by an officer appointed by the Cantonment Committee for that purpose.

4 The owner of any carriage who is desirous of having it licensed has a Hackney Carriage, shall apply to the Licensing Officer stating the class in which he desires that the carriage may be licensed and he shall submit the carriage, and the harness and horses to be used therewith, for the inspection of the Licensing Officer at such time and place as the said Officer shall appoint.

Explanation—For the purpose of hire rules owner means the person in whose name any carriage is licensed Licensing Officer includes any committee, which the Municipal Board has entrusted the duties of a Licensing Officer.

5. (a) The Licensing Officer shall, after such inspection, grant or refuse the license If the application be granted the Licensing Officer shall full up a licence in form 13 of the Municipal Account Code, and on receipt of the fee prescribed by rule 11 below, shall deliver the licence, duly signed to the Hackney Carriage. No separate receipt shall be given to the licensee for the fee. Where the fee exceeds Rs 20 the one anna stamp required by the Indian Stamp Act 1899, shall be affixed to the licence.

(b) The Licensing Officer shall, before the delivery of a licence for a Hackney carriage, immediately brand one the hoofs of the horses or horses, for which the licence is issued, with the serial number of the licence

(c) No horse or pony shall be used in a Hackney Carriage, unless it has been branded for use in the same.

(d) Every branded horse or pony shall be produced again before the Licensing Officer in the sixth month after the original branding in order that the brand may be renewed.

FORM A. [See Rule 19]

Birth registered during the month of _____ and liable tocompulsory vaccination during the month of _____

in vaccination circle of _____ Municipality

Consecutive number from the 1st January 19	Reporting agency and date	Name of circle*	Name of Mohalla and number	Date of birth	Name of father or guardian	Name of child, if any fixed	Caste and sex of child: Christian: European or Anglo-Indian: Male	Female	Indian: Male	Female	Hindu: Male	Female	Mohammadan: Male	Female	Other class: Male	Female	Signature of re-ording officer	Date when a child should be vaccinate	Legal notice issued one week before the required date of vaccination	Primary: Age at time of vaccination	First Time: Date of operation	No. of the lymph used	Secondary vaccination: See-Time: Date of operation	No. of the lymph used	Third Time: Date of operation	Number of the lymph used	Final Result: Successful	Unsuccessful	Unknown	Date of verification by vaccinator	Signature of vaccinat or	Initial of inspecting officer	Cause of non vaccination: Postponed on medical certificate: From First Time	To-	Extended to	Died (date)	Left the town or excused on account of scars of small-pox (date of verification)	Unaccounted for (date of verification)	Re-vaccination: Age at time of revaccination	First Time: Date of operation	Number of the lymph used	Secondary re-vaccination: Date of operation	Number of the lymph used	Final result: Successful	Unsuccessful	Unknown	Date of verification by vaccination	Signature of vaccinator	Initials of inspecting officer
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50

Total . . . Total . . .

(286)

*Vaccination circle should include one or two registration circles.

Note :-As Soon as a child is vaccinated entries are made in columns 21, 22 and 23. If on inspection at the end of seven days the vesicles are found to be good, letters is inserted in column 28 and entries are also made in columns 31 and 32. If unsuccessful column 28 is left blank. If a second vaccination is attempted entries are made in columns 24 and 25, and if a third attempt is made in columns 26 and 27, but these are recorded as secondary vaccinations. The Total number of primary vaccination is obtained by totalling the number of entries in columns 22, 24 and 26. The total number of persons primarily vaccinated as obtained by totalling the entries in columns 28 29 and 30. The total number of successful primary cases is obtained from column 28, that unsuccessful cases from column 29 and unknown from column 30.

Similary, the total of persons revaccinated is obtained from the total of entries 45, 46 and 47, the total number of re-

FORM B

Showing children brought into the _____ Municipality and liable to compulsory vaccination

Consecutive number from the 1st January 19	Reporting agency and date	Name of circle*	Name of Mohalla and number	Date of birth	Name of father or guardian	Name of child, if any fixed	Caste and sex of child: Christian: European or Anglo-Indian: Male	Female	Indian: Male	Female	Hindu: Male	Female	Mohammadan: Male	Female	Other class: Male	Female	Signature of re-ording officer	Date when a child should be vaccinate	Legal notice issued one week before the required date of vaccination	Primary: Age at time of vaccination	First Time: Date of operation	No. of the lymph used	Secondary vaccination: See-Time: Date of operation	No. of the lymph used	Third Time: Date of operation	Number of the lymph used	Final Result: Successful	Unsuccessful	Unknown	Date of verification by vaccinator	Signature of vaccinat or	Initial of inspecting officer	Cause of non vaccination: Postponed on medical certificate: From First Time	To-	Extended to	Died (date)	Left the town or excused on account of scars of small-pox (date of verification)	Un counted for (date of verification)	Re-vaccination: Age at time of revaccination	First Time: Date of operation	Number of the lymph used	Secondary re-vaccination: Date of operation	Number of the lymph used	Final result: Successful	Unsuccessful	Unknown	Date of verification by vaccination	Signature of vaccinator	Initials of inspecting officer
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50

Total . . . Total . . .

(287)

Vaccination circle should include one or two registration circles.

(284)

FORM (B) DEHRA DUN MUNICIPALITY [See Rule 11]

No. ---
Date ---

Certificate of unfitness for vaccination issued on the ---- 19 ----
No ----
or

Name of Child	Child			Parent or Guardian				Cause of unfitness / instructions	Public Vaccinator
Name of parent & place of above	Name	Sex	Age	Name	Caste	Place of above	Instruction		
							Child to be presented for re-inspection on	I hereby certify that the above named child was presented to me for vaccination this day and found unfit for vaccination for a period of ---- by reason of ---- Countersigned ---- Superintendent of Vaccinations ---- Public Vaccinator	

N.B.—The instruction entry should denote (1) a fixed date of the current vaccination season or (2) a period of the next vaccination season.

(285)

FORM C. (See Rule) 17)

Public Notice, dated----

The public are hereby informed that the vaccination season of 19 - commenced on the and this is to give notice that, in obedience to the law, every unvaccinated child more than 6 months of age, resident within the Dehra Dun Municipality should be presented by its parent or guardian, to the Public Vaccinator for inspection with a view to its vaccination, if found in good health.

Executive Officer, Municipal Board.

FORM D. (See Rule 19)

Notice issued under Section 17 of the Vaccination Act on the of 19 .

To----

The above named (name) is required to present to the Public Vaccinator the undermentioned child (or children) between the hours of and on the day of 19 at for examination with a view to the vaccination of such child (or children)

Name|or description of child (or children)

Superintendent of Vaccination.

132

with animal lymph of a child residing beyond the circle limits for the operation and inspection being performed at the child's home the public vaccinator shall demand a fee of four annas.

15. **The preparation and keeping of certain registers.** Registers in the forms appended to these rules shall be maintained:—

(1) Register of infants born within the circle on or after the 1st January 1952 with record of vaccination or reason for non-vaccination, in every mohalla of the Municipality.

(2) Register of the names of children brought into Municipal limits after the 1st January, 1892 who have not been vaccinated or have not had small-pox, such children having resided in the Municipality for a month, and being of boys, under the age of 14 years if girls under the age of 9 years.

16. **The general register of vaccinations performed in the circle and forms of monthly returns will be supplied by the Superintendent, Printing and Stationery, U.P. Allahabad, on indents submitted through the Civil Surgeon.**

17. At the commencement of every vaccination season the Executive Officer shall cause notices to be affixed for public information in conspicuous places throughout the circle in Hindi in form (C) appended to these rules.

The preparation of reports and returns.

18. A monthly statement of results shall be submitted by the Superintendent to the District Superintendent of Vaccination during the five months of vaccination season, in the prescribed departmental form. At the same time a copy should be sent to the Municipal Board. The Superintendent shall submit to the District Superintendent of Vaccination and the Municipal Board a statement of results for the season after its termination, together with a concise report upon the working of the Act during the season.

Miscellaneous

19. If at any time of the vaccination season the Superintendent shall have proof that parent or guardian has failed to procure the vaccination of a child liable to vaccination under the Act he shall cause to be delivered to such parent or guardian or to be attached at the house, a notice in the accompanying form (D)

20. The Board shall provide the vaccinator with such uniforms as may be prescribed by the Director of Public Health, United Provinces from time to time.

(283)

(A) DEHRA DUN MUNICIPALITY [See Rule 10]

CERTIFICATE OF VACCINATION ISSUED ON ... OF ... 19 ..

Fly-leaf

Register No

Register No | Vaccinated Child: Name, Sex, Age | Parent or guardian: Name, Caste, Place of above | Result of operation | Case examined on the ... and found ... | Result | Date of Presentation | Record of Instruction

Note—The child herein mentioned is to be presented with this certificate for examination on ... Public Vaccinator.

Certified that the above is a true account of the vaccination records.

This certificate was given to ... with instructions to ... Public Vaccinator.

Supdt. ... Public Vaccinator.

The entry in the column of results should be (1) "successful" or (2) "unsuccessful" or (3) "unnecessary for the third time".

The instructions should be (1) "to preserve the certificate," or (2) "to present the child for revaccination," or (3) to consider for further vaccination of the child unnecessary.

In the last case (3) the instruction entry shall be countersigned by the Superintendent.

"I hereby certify that I have examined.....and find him qualified for the office of public vaccinator."

Dated at
The of 19 (Superintendent of vaccination

Before granting such certificate the Superintendent of Vaccination shall be assured of the soundness of the candidate's knowledge in regard to :—

(1) The vaccination operation.
(2) The characteristics of a good vesicle and cicatrix.
(3) The chief symptoms of small pox.
(4) Elementary sanitation and prevention of epidemic diseases.
(5) The Vaccination Act, and Rules.
(6) The forms and certificates required under the rules.

The authority with which the appointment, suspension and dismissal of public vaccinators shall rest

5. The public vaccinators shall be appointed, rewarded and promoted and may, for recorded misconduct or bad work be punished, suspended or dismissed on the recommendation of the Superintendent.

The time of attendance of a public vaccinator at the vaccination station and the public vaccinator's place of residence.

The hours of daily attendance of a public vaccinator at the vaccination station shall be fixed by the Municipal Board.

7. A public vaccinator shall be a permanent resident of the circle and shall be absent there from only for such periods of leave as may be granted with the approval of the Superintendent.

No leave shall ordinarily be granted to vaccinator during the working season. In case it is necessary to grant leave during the working season it shall either be leave without pay, leave on medical certificate or casual leave.

The distinguishing mark or badge to be worn by the vaccinators.

Public vaccinators shall at all times,when engaged in the duties of their office, wear a badge in the from of a brass plate with the words "Public Vaccinator, Dehra Dun Municipality" engraved on it.

The facilities to be afforded to people for procuring the vaccination of children at their own houses.

9. Public vaccinators shall vaccinate children of the circle at the houses, at the request of the parent or guardian or at any other place within the circle by direction of the Superintendent. They may also visit and vaccinate children residing beyond the circle at the request of a parent or guardian and with the permission of the Superintendent.

The grant and form of certificates of successful vaccination, of unfitness for vaccination, or of insusceptibility to vaccination.

10. Certificates of vaccination shall be in form (A) hereto annexed.

11. Certificate of unfitness for vaccination shall be in form (B) hereto annexed.

12. The public vaccinator shall issue to the parents or guardian a certificate of vaccination in form(A) on account of every child vaccinated on the day of examination, and he shall also issue to the parent or guardian a certificate in form (B) of unfitness for vaccination on account of every child found on the day of its examination. All cases of reported unfitness for vaccination shall be referred by the vaccinator to the Superintendent, whose countersignature to every certificate issued in form (B) will be necessary.

Before final delivery to the parent or guardian of any certificate, the public vaccinator shall complete and sign the entries of its fly-leaf, which shall remain bound in the book of such certificates. Every public vaccinator shall be provided with books of the above forms (A) and (B).

The nature of the lymph to be used and the supply of a sufficient quantity of such lymph.

13. The lymph to be used by the public vaccinator shall be bovine lymph supplied on payment to the Superintendent by the Superintendent, Government Vaccine Depot, Patwa Dangar, Jeolikote (District Naini Tal) during the season.

Scarifiers, vaccine needles and points shall be purchased direct from the manufacturers. Arrangements will also be made for the purchase from bazars of suitable metal boxes instead of wooden boxes.

Fee to be levied for vaccination with animal-lymph.

14. No fee shall be charged for vaccination with animal lymph within Municipal limits, for the successful vaccination

Income	Fees Chargeable
	Rs.
Upto Rs. 100 per mensem	Nil
From Rs. 101 to 200 per mensem	10
From Rs. 201 to Rs. 400 per mensem	15
Over Rs. 400 per mensem	30

These fees are inclusive of any visit which the Lady Doctor may have to make on the advice of midwife. In case any party wishes to get the case confined by the Lady Doctor herself, the above fees shall be raised by the 50 percent subject to a minimum of Rs. 50 This shall include visits for 10 days also after confinement.

NOTE:— No fee shall be charged from the employees of Municpal Board for attendance by mid wives on their wives only.

3. All disputes regarding charges from the amounts of shall be referred by the M.O H. to Zacha Bacha Aspital Committee whose decision shall be final.

4. The fee shall be recoverable under Chapter whose VI of the Muncipalities Act."

5. Besides the above fee nothing shall be payable either to the Lady Doctor, midwife or any Ether employee of the Centre.

CHAPTER XVII

Vaccination Act No. XIII of 1880.

(G O No 299—V—136—B, dated 14th May, 1891)

In continuation of notification No. 33-V-136-B, dated 2nd February 1891, it is hereby notified that the Hon'ble the Lieutennat-Governor and Chief Commissio er has been pleased, under section 3, Act, XIII of 1880 (the Vaccination Act) to extend the provisions of that Act to the Dehra Municipality.

Rules under section 19 of Act XIII of 1880 Vaccination Act) for the Dehra Duu Municipality.

(G O. No 134/V-136-B, dated 19th February 1892)

1. The area of the Dehra Dun Municipality shall be considered one circle for the purpose of these rules.

Appointment of a place in the circle as a public vaccination station.

2. The Municipal Board will provide a Vaccination Office in a convenient situation,and a notice board will be set up at this office and maintained there bearing the words'Vaccination Station' and setting forth, public information,the names of the public vaccinators and the hours of their daily attend nce at the station for vaccination duty, and also notifying that the public vaccinators will on due requset made, attend for the vaccination of children at their houses in the circle,and that no charge will be made for vaccination, whether performed at the station at the child's home.

3. The Medical Officer of Health of Dehra Dun shall be Superintendent of Vaccination within the limits of the Dehra Dun Municipality.

4. Each of the public vaccinators shall have passed either the annual promotion examination of class VII of an English School or the Vernacular Final Examination, shall have under gone a course of training in Vaccination,elementary sanitation, for six months unber a Superintendent of Vaccination and shall possess a certificate of qualification granted by him in the following form :-

बाजा विशेष रूप से सम्बोधित अधिकारी (सैनेटरी अथारिटी) से प्राप्त न कर ले और जिन शर्तों के साथ-साथ उसे उस यंत्र का वादन करने के लिए बाजा प्रदान की जायेगी। यदि उसके विरुद्ध किसी भी बाजा का उल्लंघन किया जायेगा तो उसकी की हुई बाजा रद्द की जा सकेगी।

Byelaws regulating the conditions of work of customary sweepers and prescribing certain amenities for them under section 288 (2) j-miscellaneous (a) and (b) and section 299 of U.P. Municipalities Act of 1916

Byelaws

1. Definition :—

(a) privy means a private latrine, water closet, commode or bath.

(b) abchak means a drain attached to the house meant for flow of sullage or dirty water.

2. Every privy shall have a standard type of pan approved by the Medical Officer of Health capable of proper cleaning which shall be provide by the occupier or owner of the house or building.

3. Every occupier of a building or house shall provided sufficient water for cleaning of the pans and drain of the privy and for the abchak of the building.

4 The sweeper shall collect and carry night soil in closed buckets or closed hand carts of the type approved by the Medical Officer of Health in a manner which may avoid spillage, soiling and fly nuisance. Under no circumstances shall it be allowed to be carried in baskets or open buckets

5. The sweeper shall dispose of the night soil in a pail depot or carry it to the Municipal night soil cart, or godown provided by the Board for the purpose.

6 Every house holder or occupier of a building shall be responsible for keeping the latrine, drain cesspool and abchak in his or his dependant's usein a clean condition.

7. No place other than the prescribed place be used for the deposit or disposal of night soil.

8. If the occupier of the building is helpless either through the refusal by customary sweeper or otherwise in keeping his privy, drain or cesspool in clean condition he may report the matter to the Medical Officer of Health who will help him for getting his privy cleaned through any sweeper who shall be paid by the complainant at the rate of paise 25 per day in city area and paise 50 per day in civil and village abadi area.

9. In case of privies, drains, abchaks and cesspools attached to a certain house or building are found dirty, the sweeper concerned shall be liable to prosecution if on enquiry it is proved to the satisfaction of the Medical Officer of Health that the same is due to the neglect of the swaeper concerned.

10. The Medical Officer or Health shall be the prosecuting authority under these byelaws.

Penality

In exercise of the powers conferred by section 299 (I) of U P. Municipalities Act 1916, any contravention of the above byelaws shall be punishable with fine which may extend to Rs 50 and in case of continued breach with a further fine which may extend to Rs 5 per day after the date of first conviction during which the offender is peoved to have persisted in the offence.

Sanctioned under the Notification No. 4900/XXIII-161 (50-51) dated Feb. 16, 1952.

Byelaws for the establishment and maintenance of a Maternity Centre under Section 295 (2) (k) of the U.P. Municipalities Act.

1. For the purpose of these byelaws the Maternity Centre shall bear the name "Zacha Bacha Asptal".

2. A Lady Doctor, Midwives and other necessary staff shall be available at the Centre at all times during day and night for attending at cases of confinement, for postnatal and entnatal help and advice on payment of the fee at the following rates:—

in proper order before the charge of the Hall is made to the official concern of the Board.

8. Any damage done to the property of the Hall shall be repairable at the cost of the party concerned and the cost of repairs, if in excess to the amount of security deposited by the party concerned, such excess shall be recoverable from him under Chapter 6 of the United Provinces Municipalities Act 1946.

9. The increase devided under the rule 4 above shall be spent on it all relating to the Hall and for no other purposes.

Sanctioned under Government Notification No. 685/XXIII-7 (42-43) dated December 1, 1947.

PENALTY

In exercise of the powers conferred by sec. 299 (1) of the Act Board hereby direct that any breach of by laws 7 or 8 shall be punishable with a fine which may extend to rupees five hundred only, and if the breach is a continuing breach with a further fine which may extend to five rupees for every day after the date of the first conviction.

(Added by notification No. 2186/XXIII-74 56-57 dated May 13, 1958)

नगरपालिका कार्यालय प्रांगण को प्रयोग करने के लिए उप नियम

सं० ६११/२३-१-५५-५६—इस विषय पर पूर्व प्रकाशित समस्त उप-नियमों को रद्द करके निम्नलिखित सिटी बोर्ड लाँडूर कन्टोनमेन्ट को प्रस्ताव करने के उपरान्त, जिन्हें म्युनिसिपल बोर्ड देहरादून ने यू०पी० म्युनिसिपैलिटियों के अधिनियम १९१६ ई० की धारा २९८ (१) के अधीन बनाये हैं और जिनकी पुष्टि कमिश्नर ने की है, इस विभाग द्वारा उक्त एक्ट की धारा (२) के प्रावधानों के लिए प्रकाशित किये जाते हैं—

उप नियम

१— कोई भी व्यक्ति चाहे वह स्वयं हो या किसी राजनीतिक पार्टी या इस प्रकार की कोई सम्बन्धित संस्था की ओर से हो, किसी बोर्ड के कन्टोनमेन्ट की बिना लिखित एक्जिक्यूटिव आफिसर या प्रधान महोदय की आज्ञा से प्रयोग नहीं कर सकेगा।

२— उक्त मैदान के प्रयोग करने के लिए प्रार्थना-पत्र, जो कि फीस टिकट के रूप में होना और जो आफिस से प्राप्त हो सकेगा, ६ दिन पूर्व उक्त मैदान की आवश्यकता होगी एक्जिक्यूटिव आफिसर को या प्रधान सिटी बार्ड को आज्ञा लेने के लिए देना होगा।

३— यदि प्रावण्ड पहले से बोर्ड के कार्य के लिए सुरक्षित न किया गया हो तो यह कार्यसचिव महोदय या प्रधान की की आज्ञा से सुरक्षित किया जा सकता है।

४— यह प्रावण्ड साधारण रूप से निःशुल्क प्रयोग करने के लिए उन सब सार्वजनिक बैठकों तथा अन्य कार्यक्रमों में, जैसे कि राजनीतिक, सामाजिक, धार्मिक संस्थाओं को दिया जा सकेगा (उक्त कार्यों के लिए सरकी—वृत्ति प्रदान नहीं की जा सकेगी किन्हीं विशेष कारणों से उक्त प्रावण्ड को प्रयोग करने के लिए आज्ञा दी जा सकेगी यदि किसी प्रकार का इस पर प्रतिबन्ध हो।

५— किसी भी बोर्डिंग या कार्यालय में कोई भी कर्मचारी, जो कि जिला अधिकारियों से या सिटी बोर्ड से उक्त कार्यक्रमों में जाने के लिए प्राधिकृत होगा किसी भी दशा में प्रवेश करने से नहीं रोका जा सकेगा।

प्रावण्ड को प्रयोग करने की आज्ञा मैजिस्ट्रेट द्वारा लगाये प्रतिबन्धों के सहित, जो कि समय-समय पर शहर में लगाये जाते हैं, दी जा सकेगी।

६— निम्नलिखित कार्यों प्रार्थना-पत्र के साथ लिये जायेंगे:—

(१) प्रथम तीन घण्टों के लिए यदि बिजली का प्रयोग हो तो ३ रु० और यदि ३ घण्टों से अधिक समय हो तो १ रु० प्रति घण्टा के हिसाब से लिये जायें।

(२) १० रु० अमानत के सुरक्षित रखे जायेंगे जो कि बाद में वापिस कर दिये जायेंगे, यदि बोर्ड का कोई नुकसान न होगा।

७— यदि किसी प्रकार का कोई नुकसान बोर्ड की सम्पत्ति को सम्बन्धित पार्टी द्वारा हो जाये या किसी प्रकार का एक, जो पार्टी से प्राप्तव्य हो, तो उसकी अमानत में, जो उसने पूर्व अमानतके रूप में जमा करा रखा है, से काट लिया जायेगा और यदि किसी कारण यह धन, जो कि अमानत से पूरा करने के बाद भी अवशेष रह जाए तो म्युनिसिपैलिटीज एक्ट १९१६ के भाग ६ के अनुसार प्राप्तव्य होगा।

८— किसी प्रकार की सजावट करने वाला रंग या कोई रंग, जो कि म्युनिसिपल आफिस के कर्मचारियों में दुर्भिक्षा डाले का प्रयोग नहीं किया जायेगा विशेष दशा में इस प्रकार की आज्ञा धारा रंग १० बजे सुबह से शाम तक या किसी भी कार्य दिन को प्रयोग नहीं किया जायेगा, अवश्य कि उसकी

Rules for the prevention of contamination of Sources of Water-supply of Dehra Dun Municipality

(Notification No 7599 XI dated 24-2-40)

1. No person shall throw any corpse into Bindal Nadi three miles upstream of the headworks or do any such act whatsoever whereby the river water may be fouled or contaminated so as to render it unfit for human consumption in the opinion of the Medical Officer of Health, Municipal Board, Dehra Dun

2. No person will within the limit of other sources of watersupply of the Municipal Board, Dehra Dun, commit nuisance or do any such act whereby the water might get fouled or contaminated.

Pensity

In exercise of the powers conferred by Section 299 of the Act, the Local Government hereby directs that a breach of any provisions of rule 1 above shall be punishable with a fine which may extend to Rs. 50/-.

Byelaws for the use of "Jugmander Dass Municipal Memorial Hall" by the Public framed under section 298 (2) J (d) of the United Provinces Municipality Act, 1916.

1. Application addressed to the Chairman or Executive Officer, City Board Dehra Dun for reservation of the Hall should ordinarily be made at least three days before the Hall is actually required

2. Application should accompany security money at the following rates which will be refundable if no damage is done to the furniture, etc, lying in the Hall :—

(a) For one day	—	Rs. 10/-
" two day	—	Rs 20/-
" three day	—	Rs 25/.

3. Hall shall only be reserved with the permission of the Chairman or Executive Officer, if it has not been reserved previously or is not required by the Board for its own use.

4. Hall any ordinarily be available for the use free of charge for all public meetings and functions, viz political, social and religious and may not be refused if required for the above purposes. But if the Hall is required for a show or any similar performance where entry to the Hall is by means of tickets, the Board shall charge 25 per cent of the total receipts derived by sale of tickets, etc. and in special circumstances the Board may reduce this charge which shall not be less than 10 per cent of the admission fee. This charge shall not include the charges laid down in sub paragraph 5)

Rs 15.00 will be charged extra from those persons who book the hall for a show or any similar performance where entry to the Hall is by means of tickets.

गजट नोटिफिकेशन सं० ६५२ /२३ १२-१ (६८.७०) दिनांक २० सितम्बर ६६ द्वारा वर्तमान नियम ५ में निम्न संशोधन हुआ।

१. केवल बिजली के लिए (बिना पंखा के) पहले १ घन्टे के लिए रु.५० और उसके बाद प्रत्येक १ घन्टे या उसके भाग के लिए १.६० पै०।

२. बिजली तथा पंखों सहित, पहले घन्टे के लिए २ रु० और प्रत्येक १ घन्टा व उसके भाग के लिए २ रु०।

३. एम्पलीफायर लगाये जाने की दशा में ३ रु० प्रतिघन्टा अतिरिक्त

नोट–१. उपरोक्त रेट केवल उसी विडिंग के लिए है जो बोर्ड की ओर से इस कार्य लगाई हुई है। यदि जनता बोर्ड द्वारा अतिरिक्त बत्तियां तथा पंखा आदि के लगाने पर उनका खर्च पृथक वसूल किया जायेगा।

२. भविष्य में कभी बिजली विभाग द्वारा बिजली के फ्लैट रेट बढ़ाये जाने पर अथवा बोर्ड द्वारा उपरोक्त हाल में अतिरिक्त पंखे या लाइट प्वाइन्ट आदि लगाये जाने तथा अन्य किसी कारण यदि उपरोक्त चार्जेज कम समझे जायेंगे तो वास्तविक खर्चा वसूल किया जायेगा।

४. जब भी हाल असम्य चर्चा दशा के लिए प्रयोग होगा तो ऐसी दशा में बिजली के चार्जेज नहीं लिये जायेंगे।

6. Hall shall not be given for the stay or use of the marriage parties or for such other similar residential purpose,

7. It shall be the duty of the party applying for reservation of the Hall that the furnitures, etc. of the Hall is placed

लोगों के अतिरिक्त, जो वायरलेस या उच्च ध्वनि प्रसारक यन्त्रों का व्यापार करते है और जिनको केवल परीक्षण (टैस्टिंग) तथा प्रदर्शन (डिमोन्स्ट्रेशन) के लिये आज्ञा दी जा सकती है प्रचार या अन्य कार्य हेतु नहीं करने का अधिकार नहीं होगा।

(५) उन दशाओं में जबकि लाउड स्पीकर या अन्य ध्वनि प्रसारक यन्त्रों की आज्ञा स्थाई रूप से मोटर या दूसरी गाड़ियों में लगाई जाने दी जावे या जब ऐसे लाउड स्पीकर अन्य ध्वनि प्रसारक यन्त्र गाड़ियों में लगे हो तो गाड़ियों को चलते रहना चाहिये। और जब तक लाउड स्पीकर व अन्य उच्च ध्वनिउत्प्रसारक यन्त्र प्रयोग हो रहे हो तो (गाड़ियां) किसी एक स्थान पर नहीं खड़ी की जा सकती।

(६) लाउड स्पीकर या अन्य उच्च ध्वनि-प्रसारक यन्त्रों का अनुज्ञा-पत्र हस्तान्तरित नहीं किया जावेगा और एक समय में एक सप्ताह से अधिक के लिए अनुज्ञा-पत्र नहीं दिया जावेगा।

३—कर्म सचिव महोदय अपनी आज्ञा या इन उपनियमों के अन्तर्गत लगाई हुई शर्तें वापिस ले सकते है या उनमें परिवर्तन कर सकते है यदि वे ऐसा करना जनता की सुविधा या जनता के हित में आवश्यक समझें।

प्रत्येक आज्ञा जो इन उपनियमों के अन्तर्गत दी जावेगी आकस्मिक प्रसग (एमरजेन्सी) के साथ मैजिस्ट्रेट के आदेशों के अधीन होगी।

४- कोई व्यक्ति जो कर्म सचिव महोदय के आदेश से प्रभावित हो इन अधिनियमों के अंतर्गत आदेश तिथि से १० दिन के अन्दर बोर्ड को अपील कर सकता है।

५—प्रत्येक आज्ञा के लिये निम्नलिखित शुल्क लिया जायेगा :—

(१) १ दिन या उ दिन तक — १ रु० प्रतिदिन

(२) वायरलेस और अन्य उच्च ध्वनि प्रसारक यन्त्रों के व्यापारियों से — ५० रु० प्रति वार्षिक

नोट :—नेशनल स्माल इन्डस्ट्रीज कारपोरेशन लिमिटेड न्यू देहली की पम्फलिटी वैन से कारोज और स्माल स्केल इन्डस्ट्रीज वालों पर शुल्क नहीं लिया जायेगा बशर्ते—यदि कर्म सचिव महोदय चाहे तो अपने अधिकार से कोई फीस या आंशिक फीस वापिस कर सकते है, यदि वे इस बात से सन्तुष्ट हो कि अनुज्ञा-पत्र प्राप्त कर्ता लाउड स्पीकर प्रयोग करने से ऐसे कारणों से वन्चित रह गया है—जो उसकी शक्ति के बाहर है।

दण्ड

उक्त एक्ट की धारा २२६ (१) के अधीन प्रदत्त अधिकारों का प्रयोग करते हुए बोर्ड ने यह आज्ञा दी है कि उपरोक्त उपनियमों का उल्लंघन होने पर ५०० रु० तक का दण्ड दिया जा सकता है और यदि अपराध फिर भी जारी रहे तो पहले अपराध के सम्बन्ध में न्यायालय द्वारा दण्ड दिये जाने के उपरान्त प्रतिदिन ५ रु० का दण्ड दिया जा सकेगा।

No. 51/XXIII-26-58-59—The following amendment in the byelaws for the regulation of loudspeakers and other electrically and mechanically operated means of producing loud noise within the limit of City Board, Dehra Dun published with notification No 1193/XXIII-26-58-59, dated December 31, 1958 (as subsequently amended) which has been made by the City Board, Dehra Dun under Section 298 of the U. P. Municipalities Act 1916 and confirmed by the Commissioner is thereby published as required by Section 301 sub section (2) of the said Act.

AMENDMENT

For existing byelaws printed on page 252-A, substitute the following in byelaw No. 1, 2 and 5

(1) No loudspeaker or any other electrically or mechanically operated means of producing loud noise shall be used within the limit of Dehra Dun Municipality.

Provided that loudspeakers can be used in the public meeting with the permission of the Executive Officer Secretary City Board, Dehra Dun.

Provided also that loudspeakers can be used for official purpose without any permission.

(2) Any application for obtaining permission shall be submitted to the Executive Officer/Secretary who with due regard to public safety and convenience in his discretion refuse or grant permission, impose any condition in respect of the use of such loudspeakers or other apparatuses.

(3) The following shall be the scale of fees to be charged for each permission viz :

(1) For permission granted for the 1st hour. Re. 1.

(2) For permission granted for the subsequent hour or part of it 0.50 P. provided that the Executive Officer may in his discretion refund any fees or portic there of if he is satisfied that the permission holder has been deprived of the use of his loudspeaker for reasons beyond his control.

Explanation—Public meeting includes any meeting open to the public generally and convened to consider or deliberate over some issue of public interest.

disease every dairy man shall, if so required by notice from the Medical Officer of Health :—

(a) cause his dairy to be temporarily emptied of all animals and,

(b) cause the whole interior surface of the dairy to be disinfected or lime-washed or both.

PENALTY FOR VIOLATION OF DAIRY BYELAWS

PENALTY

In exercise of the powers conferred under section 299 (1) of the United States Municipalities Act, the Dehra Dun Municipal Board directs that a breach of any of those bye-laws shall be punishable with a fine which may extend to rupees two hundred

---

Byelaws for the regulation & control of loudspeaker

ध्वनिवर्द्धक पुनरीक्षक उपनियम के उपनियम

३१ दिसम्बर १९५८ ईसवी

सं० ११९३ इस विषय पर पूर्व प्रकाशित समस्त उपनियमों को खंडित करके निम्नलिखित ध्वनि वर्द्धक (लाउडस्पीकर) उपनियम, जिन्हें नगरपालिका ने दून० नगरपालिका विधान १९१६ की धारा २९० (१) के अधीन बनाए है और जिसकी पुष्टि आयुक्त ने की है। इस विहित द्वारा उक्त एक्ट की धारा १०१ (२) के प्रयोजनों के लिये प्रकाशित किया जाता है।

उपनियम

आयुक्त मेरठ डिविजन की विज्ञप्ति सं० १९४१। १३, १७, ३, ४८, ४६ दिनांक १७ मार्च १९८३ में प्रकाशित ध्वनिवर्द्धक यन्त्रों के देहरादून म्युनिसिपल सीमा में उपयोग व नियंत्रण के नियन्त्रणार्थ उपनियमों के स्थान पर देहरादून नगरपालिका द्वारा बनाये गये पुनरीक्षण उपनियम।

(१) कोई भी व्यक्ति लाऊड स्पीकर और अन्य बिजली द्वारा तथा संगीत द्वारा संचालित उच्च ध्वनि प्रसारित (आवाज) करने वाले यन्त्रों का चाहे वे अचल हों या मोटर व अन्य सवारियों में लगाये गये हों, देहरादून

नगरपालिका की सीमा में बिना कार्यसचिव महोदय की आज्ञा लिये तथा ऐसी शर्तों पर जो इन अधिनियमों के अन्तर्गत लगाई जा सकती है प्रयोग नहीं करेगा, लेकिन जिलाधीश महोदय उनके अधिकार प्रदत्त अन्य अधिकारी द्वारा प्रयोजित किसी अभियान के लिये आज्ञा अनिवार्य नहीं होगी।

(२) [अ] लाउड स्पीकर या अन्य आवाज करने वाले अन्य यन्त्रों का प्रयोग करने की आज्ञा प्राप्त करने के लिये साधारणतः प्रार्थना पत्र ७२ घन्टे पहले कार्य सचिव महोदय को प्रस्तुत करना होगा और कार्यसचिव महोदय को अधिकार होगा कि वे जनता की सुरक्षा व सुविधा को ध्यान में रखते हुये आज्ञा प्रदान करें या अस्वीकार करें या कोई प्रतिबन्ध लाऊड स्पीकर व अन्य आवाज करने वाले यन्त्रों के लिये लगायें।

[ब] जो आज्ञा किसी प्रार्थी को उक्त धारा (अ) के अन्तर्गत दी जायेगी जब तक पूर्णतया अधिकृत न हो, निम्नलिखित प्रतिबन्धों के अनुसार होगी।

(१) कोई भी व्यक्ति लाऊड स्पीकर या अन्य आवाज करने वाले यन्त्रों का उपयोग किसी भी औषधालय, न्यायालय, शिक्षण संस्था, राजकीय व अन्य कार्यालय व अन्य भवन से २०० गज की दूरी तक प्रयोग करने का अधिकारी न होगा और ऐसी शिक्षण संस्था से, जो परीक्षाओं के केन्द्र है से ६०० गज की दूरी तक लाऊड स्पीकर तथा उच्च ध्वनि प्रसारक यंत्र प्रयोग नहीं किये जायेंगे और ऐसे समय जब की परीक्षायें हो रही हो माइक्रोफोन, लाऊड स्पीकर या अन्य उच्च ध्वनि प्रसारक यन्त्रों की ध्वनि ६०० गज की दूरी से अधिक म्युनिसिपल क्षेत्र में स्थित स्थानों में भी बहुत धीमी रखी जायेगी।

(२) किसी भी व्यक्ति को लाऊड स्पीकर या उच्च ध्वनिप्रसारक यन्त्रों का प्रयोग शरद ऋतु में प्रातः ८ बजे से १० बजे तक और सायंकाल ५ से ८ बजे तक तथा ग्रीष्म ऋतु में ११ से १२ और सायंकाल ४ से ६ बजे के अतिरिक्त किसी अन्य समय प्रयोग करने का अधिकार नहीं होगा।

(३) कोई व्यक्ति लाऊड स्पीकर या उच्च ध्वनि प्रसारक यन्त्रों को अपूर्व अवसरों के अतिरिक्त, जो कार्य सचिव महोदय के विवेक (डिस्क्रीशन) में होगी, निम्नांकित सीमा से अधिक तेज प्रयोग करने का अधिकार नहीं होगा। दुकानों पर पांच वाट, विवाह शोक इत्यादि उत्सवों पर मकान के अन्दर (२ लाऊड स्पीकर बिना मैटिस २० वाट) होल के सार्वजनिक उत्सवों पर (२ लाऊड स्पीकर बिना मैटिस ३० वाट) मुख्य उत्सवों पर १० वाट (लाऊड स्पीकर की संख्या के आधार पर) विशेष आज्ञा से २५ वाट तक।

(४) कोई व्यक्ति लाऊड स्पीकर या अन्य उच्च ध्वनि प्रसारक यन्त्रों का प्रयोग किसी दुकान, रेस्टोरेन्ट या व्यापार के दूसरे स्थानों के केवल उन

6A (A) The following may be recognized as legitimate occasions for advances:-

Com. letter No. 40 dated 13-9-40.

(a) To pay expenses incurred in connection with the illness of a subscriber or a member of his family.

(b) To pay expenses in counection with marriages, funerals or ceremonies which by the religion of the subscriber it is incumbent upon him to perform, and in connection with which it is obligatory that expenditure should be incurred.

Note:- Advances though not confined rigidly to the objects laid down in clause (a) and (b) above, will be made with due regard to the principles contained in these clauses and regulated with regard to the amount of subscription lying to the credit of the applicant.

(2) Advance will be recovered at the discretion of the Chairman in not less than 12 instalments or more than 24. A subscriber may, however at his option make repayment in less than 12 instalments, or may repay two or more instalments, at the same time. Recoveries will be made monthly commencing from the first payment of a full month's salary after the advance is granted but no recovery will be made from a subscriber while he is on leave of any kind.

2 (1) Advance granted under the new regulation 6A (i) (a) for building purposes will be recovered in 96 instalments. A subscriber may, however at his option make repayment in less than 96 instalments or may repay at two or more instalments at the same time Recoveries will be made monthly from the first payment of a full months salary after the advance is granted by the Board.

3 (i) After the principal of the advance has been fully repaid interest shall be paid thereon at the rate of one-fifty per-cet. of the principal for each month or of broken portion of a month during the period between the drawal and complete repayment of the principal.

Provided that Mohammadan subscribers whose deposits in the fund carry no interest shall not be required to pay into the fund any additional instalments on account of interest on advances granted to them from the fund.

(ii) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but if the period referred to in clause (i) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments.

(iii) Recoveries made under this regulation shall be credited as they are made to the subscriber's account in the fund.

(4) The instalments will be paid by compulsory deductions from salary and will be in addition to the usual subscription.

6B Payments towards a policy of insurance may at the option of subscribers, be substituted for a deducted from subscriptions to the provident fund, subject to the following conditions:-

(i) Only the subscriber's own contribution may be operated upon for payment of premia.

(ii) If the payments to be so deducted or substituted are of less amount than the subscription under regulation 2 of these regulations, the balance shall be paid by the subscriber as a subscription to the provident fund.

(iii) An insurance policy shall be on the subscriber's own life, in which case it is immaterial what form the policy takes, i e, it may be a life or an endowment or a double endowment policy so long as it is not a "pure endowment" policy in which no element of life risk is involved, which cannot be acpeted, and it shall be such as is legally assignable to the Chairman of the Board.

Notes:- (1) A guarantee policy which ensures the payment of the sum assured in the event of the policy-holder being retired by the Medical Board shall be accepted for the purposes of this rule.

A contingent annuity, which, in the event of his death, ensures a certain income to the insurer's wife or children, or both, shall also be accepted for the purposes of this rule

(2) If a policy of insurance is effected by a subscriber on his own life for the benefit of a sole beneficiary specifically named therein a formal assignment by both the insured and the sole beneficiary shall be permissible. An assignment of a policy effected by a subscriber on his own life for the benefit of more than one beneficiary whether existent or not at the

	16.09	73	6.01
40	15.87	74	5.72
41	15.64	75	5.44
42	15.40	76	5.17
43	15.15	77	4.90
44	14.90	78	4.65
45	14.64	79	4.40
46	14.37	80	4.17
47	14.10	81	3.94
48	13.82	82	3.72
49	13.54	83	3.52
50	13.25	84	3.32
		85	3.13

सेवानिवृत्ति अथवा पी.पी.ओ. की तिथि से एक वर्ष के भीतर राशिकरण आवेदन पत्र प्रस्तुत करने पर पेंशन के 1/3 भाग के राशिकरण के प्रयोजन हेतु स्वास्थ्य परीक्षा से छूट अनुमन्य होती है।

पेंशन के राशिकृत भाग को सेवानिवृत्ति की तिथि से 15 वर्ष अथवा राशिकरण के फलस्वरूप पेंशन की राशि से जब से कमी की गयी हो उसके 15 वर्ष बाद पुर्नस्थापित कर दी जायेगी।

<u>सरांशिकरण की गणना –</u>

उदाहरणार्थ – कोई अधिकारी/ कर्मचारी 60 वर्ष की सेवा पूरी करने पर 31 दिसम्बर 1998 को सेवानिवृत्त होता है और पेंशनर द्वारा अपनी पेंशन के एक तिहाई भाग का राशिकरण करने हेतु आवेदन पत्र दिया जाता है तो उसे देय राशिकरण की राशि क्या देय होगी।

दिनांक 31 दिसम्बर 1999 को 61 वर्ष की आयु पूर्ण होगी। राशिकरण की तालिका के अनुसार 61 वर्ष की आयु पर राशिकरण की दर 9.81 है।

अधिकारी/कर्मचारी की पेंशन 845.00 रूपये निर्धारित होती है।
अतः राशिकरण की राशि 845/3 =
281.66 = 282X9.81 X 12 = 33197.04
या रू0 33197.00

181.

द्वारा समर्पित पेंशन की धनराशि से गुणा किया जाता है। इस प्रकार प्राप्त होने वाले गुणनफल के समतुल्य धनराशि ही पेंशनर को राशिकरण के रूप में देय होती है। यह धनराशि पूर्ण रूपयों में पूर्णांकित की जाती है।

---

1 मार्च 1971 से प्रभावी राशिकरण तालिका, वित्त मंत्रालय भारत सरकार द्वारा जारी एन.एन.नं.2 (1) पांच 71 दि. 6.3.1971 एवं उत्तर प्रदेश सरकार द्वारा जारी पृष्ठांकन संख्या जी–2/687/(X–5) 1957, दिनांक 21.3.1971 द्वारा निर्धारित

1.00 रूपये वार्षिक पेंशन पर राशिकरण मूल्य

अगली जन्मतिथि पर आयु	राशिकरण मूल्य–क्रय किये गये वर्षों की संख्या पर	अगली जन्मतिथि पर आयु	राशिकरण मूल्य क्रय किये गये वर्षों की संख्या पर
17	19.28	51	12.95
18	19.20	52	12.66
19	19.11	53	12.35
20	19.01	54	12.05
21	18.91	55	11.73
22	18.81	56	11.42
23	18.70	57	11.10
24	18.59	58	10.78
25	18.47	59	10.46
26	18.34	60	10.13
27	18.21	61	9.81
28	18.07	62	9.48
29	17.93	63	9.15
30	17.78	64	8.82
31	17.62	65	8.50
32	17.46	66	8.17
33	17.25	67	7.85
34	17.11	68	7.53
35	16.92	69	7.22
36	16.72	70	6.91
37	16.52	71	6.66
38	16.31	72	6.30

3200/– था तथा 1.8.98 के पूर्व वह रूपये 3125.000 वेतन पा रहा था तो इसकी औसत उपलब्धि निम्न प्रकार होगी ––

मूलवेतन – 1.3.98 से 31.7.98 (3125X5) = 15,625.00

मूलवेतन – 1.8.98 से 31.12.98(3200X5) = 16,000.00

योग = 31,625.00

औसत वेतन = 31,625 ÷ 10 = 3,162.50

$$= \frac{3162.50 \times 33}{66} = 1581.25 \text{ अर्थात् } 1581.00$$

यदि उक्त तिथि को उसने 25 वर्ष की सेवा पूर्ण की हो तो पेंशन निम्नवत् होगी

$$\frac{3162.50 \times 25}{66} = 1198.00$$

भाग –4
सारांशिकरण (कम्युटेशन)

9. (1) प्रत्येक अधिकारी/कर्मचारी, जिसे इन विनियमों के विनियम 7 के अन्तर्गत निवृत्ति वेतन मिलता है, उसे अपने सेवा–निवृत्ति वेतन (पेंशन) के धनांक का 1/3 भाग तक किसी भाग के सारांशिकरण (कम्युटेशन) कराने का अधिकार होगा तथा इस सम्बन्ध में उत्तर प्रदेश सिविल पेंशन कम्युटेशन रूल्स इस प्रतिबन्ध के साथ लागू होगें की उक्त कम्युटेशन रूल्स के नियम 18 के तात्पर्य के लिये मुख्य नगर अधिकारी जिले के मुख्य चिकित्सा अधिकारी के पास परीक्षण हेतु भेजेगें तथा इस हेतु शासन/मुख्य चिकित्सा अधिकारी द्वारा निर्धारित शुल्क प्रार्थी द्वारा उनके कार्यालय में जमा की जायेगी।

पेंशन के राशिकरण हेतु शासन द्वारा एक तालिका जारी की गयी है जिसमे दो स्तम्भ (कालम) है, प्रथम पेंशनर की आयु दर्शाता है और दूसरे में राशिकरण की वह दर अंकित है, जो प्रति एक रूपये प्रतिवर्ष की समर्पित पेंशन के लिये देय होती है। राशिकरण के आगणन हेतु किसी पेंशनर से आवेदन पत्र प्राप्त होने पर उसके आगामी जन्म दिवस पर आयु के वर्ष आगणित किये जाते है। तदोपरान्त उक्त तालिका में इस आयु के सम्मुख अंकित दर को 12 से गुणा किया जाता है एवं इस प्रकार प्राप्त होने वाले गुणनफल को पुनः पेंशनर

निवृत्ति वेतन में रूपये से कम कोई धन हो तो वह अगले पूर्ण रूपये में बदल दी जायेगी।

(2) उत्तर प्रदेश सरकार के सेवा निवृत्त राज्य कर्मचारियों अर्थात् पेंशनरों को मंहगाई या अन्य प्रकार की स्वीकृत की गयी राशि के अनुसार नगर निगम देहरादून में पेंशनरों को देय होगी।

(3) कोई विशिष्ट अतिरिक्त पेंशन स्वीकृत नही की जायेगी।

(4) पद "अक्षम और प्रतिकर पेंशन" का वही अर्थ होगा जो सिविल सर्विस रेगुलेशन्स में उसके लिये दिया गया हो।

रिटायरमेन्ट बेनीफिट रूल्स तथा सिविल सर्विस रेगुलेशन का प्रयोग –

8. (1) इन विनियमों में दी गयी स्पष्ट व्यवस्था को छोड़कर इन विनियमों के अन्तर्गत देय उपादान, निवृत्ति वेतन, जिसमें पारिवारिक सेवा–निवृत्ति वेतन, भी सम्मिलित हैं, – तथा सामान्य भविष्य निधि के सम्बन्ध में उत्तर प्रदेश रिटायरमेन्ट बैनीफिट रूल्स, 1961 तथा समय समय पर उनके किये गये परिवर्तन तथा इस सम्बन्ध में जारी किये गये सरकारी आदेश लागू होगें। यदि किसी विषय में इन विनियमों में स्पष्ट व्यवस्था न हो तो उस सम्बन्ध में सिविल सर्विस रेगुलेशन्स के आधार पर मुख्य नगर अधिकारी का निर्णय अन्तिम होगा।

(2) इन विनियमों के अन्तर्गत देय निवृत्ति वेतन (पेंशन) सम्बन्धित अधिकारी को उनकी मृत्यु के दिन तक दी जायेगी। यदि अधिकारी/कर्मचारी सेवा–निवृत्त होने से पूर्व ही मृत हो जाये तो कोई निवृत्ति वेतन (पेन्शन) उसे देय नहीं होगी।

पेन्शन का आगणन –

पेन्शन की धनराशि मूल नियम 9 (21) (1) में परिभाषित सेवा–निवृत्ति के अन्तर्गत दस मास के औसत वेतन का 50 प्रतिशत होगी, बशर्ते निगम का अधिकारी/कर्मचारी 33 वर्ष की अर्हकारी सेवा पूर्ण कर ली हो। यदि पेंशन अर्हकारी सेवा की अवधि कम हो तो पेंशन की धनराशि उसी अनुपात से कम हो जायेगी –

उदाहरणार्थ – यदि कोई अधिकारी/कर्मचारी 31.12.98 को 33 वर्ष की सेवा पूर्ण करने पर सेवा–निवृत्ति होता और उनका वेतन उस तिथि से रूपये

3. मृत्यु के दिन को 25 वर्ष से से कम आयु की अविवाहित पुत्रियाँ।

(ख) पारिवारिक पेंशन–निम्नलिखित दशाओं में अनुमन्य होगी:–

क) सर्वप्रथम विधवा/ विधुर को आजीवन या पुनर्विवाह, जो भी पहले हो तक मिलेगा।

ख) विधवा/विधुर की मृत्यु पुनर्विवाह की दशा में ज्येष्ठतम नाबालिग पुत्र को 21 वर्ष की आयु तक मिलेगी।

टिप्पणी – जहां दो या दो से अधिक विधवायें हों तो पेंशन ज्येष्ठतम उत्तरजीवी विधवा को देय होगी। शब्द ज्येष्ठतम का तात्पर्य विवाह के दिनांक के वरिष्ठता से है।

(ग) इस विनियम के अधीन दी गयी पेंशन एक ही समय में अधिकारी/कर्मचारी के परिवार के एक से अधिक सदस्यों को देय नहीं होगी।

(घ) विधवा/विधुर का पुनर्विवाह/मृत्यु हो जाने पर पेंशन उनके अवयस्क सन्तानों को उनके प्राकृत अभिभावक (नैचुरल गार्जियन) के माध्यम से दी जायेगी। किन्तु विवादास्पद मामलों में भुगतान विधिक अभिभावक (लीगल गार्जियन) के माध्यम से दिया जायेगा।

(ङ) इस सम्बन्ध में राज्य सरकार द्वारा समय समय पर पेंशन नियमों में संशोधन करने पर सम्बन्धित नियम नगर निगम देहरादून कर्मचारी सेवानिवृत्त सुविधा तथा भविष्य निधि विनियम, 1999 पर भी स्वतः लागू होंगे।

भाग –3

सेवा–निवृत्त पेंशन

7 (1) अधिवर्ष निवृत्ति, अशक्त या अन्य प्रकार से निवृत्ति वेतन या उपादान की धनराशि उत्तर प्रदेश के राज्य कर्मचारियों पर लागू प्रक्रिया और सूत्र के अनुसार संगणित – समुचित धनराशि होगी और यह धनराशि पूरे रूपये में अभिव्यक्त की जायेगी तथा जहां भी नियमानुसार गणना करने पर मासिक

(8) किसी अधिकारी/कर्मचारी द्वारा किया गया पूर्व नामांकन अथवा उसको रद्द किये जाने का नोटिस जहां तक वह अखंडनीय "वैलिड" हो मुख्य नगर अधिकारी अथवा उनके द्वारा मनोनीत अधिकारी द्वारा प्राप्त किये गये दिनांक से प्रभावी होगा।

(9) यदि कोई अधिकारी/कर्मचारी जिसके परिवार हो अपने परिवार के एक अथवा अधिक सदस्यों का मृत्यु सम्मिलित सेवा निवृत्ति उपादान (डैथ-कम- रिटायरमेन्ट ग्रेच्युटी) पाने का नामांकन पत्र द्वारा अधिकार दिये बिना मृत हो जाये तो उपादान (ग्रेच्युटी) विनियन (2) के उपनियम (4) में दी हुई श्रेणी के क्रम (क) से (घ) तक में दिये सभी लिखित सदस्यों को विधवा पुत्रियों को छोड़ समान भाग में वितरित कर दिया जायेगा, यदि इस प्रकार के जीवित सदस्य न हो, और एक अथवा अधिक विधवा पुत्रियाँ हो अथवा अधिकारी/कर्मचारी के परिवार में उपरोक्त उपनियम 2 (4) श्रेणी के क्रम (ड) से (झ) तक में वर्णित का एक या उससे अधिक सदस्य हों तो उपादान (ग्रेच्युटी) का धन उन सभी व्यक्तियों में बराबर भागों में बांट दिया जायेगा।

भाग -2

पारिवारिक पेंशन

6 (क) पारिवारिक पेंशन -

(1) पारिवारिक पेंशन की दरें निम्न प्रकार होगी :-
मूल वेतन का 30 प्रतिशत किन्तु न्यूनतम रूपये 1275.00 प्रतिमाह। यह दरें राज्य सरकार द्वारा समय समय पर संशोधित दरों के अनुरूप परिवर्तनीय होगी।

(2) (क) पारिवारिक पेंशन के लिये
परिवार की परिभाषा -

1. पत्नी/पति
2. मृत्यु के दिन को 21 वर्ष की आयु से कम के पुत्र : सौतेले तथा सेवानिवृत्ति से पूर्व विधिवत गोद ली गई सन्तान भी सम्मिलित है।

(ख) कि ऊपर कही हुई परिस्थिति के उत्पन्न होने पर नामांकन निरर्थक हो जायेगा।

(4) किसी अधिकारी/कर्मचारी द्वारा उस समय का किया हुआ नामांकन जब उसके परिवार नहीं था अथवा नामांकन में उपनियम (3) के खण्ड (क) के अन्तर्गत की हुई व्यवस्था अब उसके परिवार में केवल एक ही व्यक्ति था, जैसी भी दशा हो, उस समय निरर्थक हो जायेगी, जब उसके परिवार हो जाये अथवा परिवार में कोई अतिरिक्त सदस्य हो जाये।

(5) (क) प्रत्येक नामांकन (क) से (घ) तक के किसी प्रपत्र में जो भी व्यक्ति विशेष की स्थिति में उचित हो, किया जायेगा।

(ख) कोई अधिकारी/कर्मचारी किसी समय अपने नामांकन को मुख्य नगर अधिकारी अथवा उसके द्वारा मनोनीत किये गये अधिकारी को लिखित नोटिस भेजकर रद्द कर सकता है, किन्तु प्रतिबन्ध यह है कि वह अधिकारी/कर्मचारी उस नोटिस के बाद एक नया नामांकन पत्र इन विनियमों के अनुसार नोटिस दिये जाने की तिथि से 15 दिन के अन्दर मुख्य नगर अधिकारी को प्रेषित कर दे।

(6) किसी नामांकित व्यक्ति, जिसके अधिकार को उसकी मृत्यु के पश्चात् दूसरे नामांकित व्यक्ति को पाने की व्यवस्था नामांकन पत्र में उपनियम (3) के खण्ड (क) के अन्तर्गत न की गयी हो अथवा किसी ऐसी घटना हो जाने पर, जिसके कारण उसका नामांकित उपनियम (3) के खण्ड (ख) अथवा उपनियम (4) के अन्तर्गत निरर्थक हो जाता हो तो सम्बन्धि अधिकारी/कर्मचारी मुख्य नगर अधिकारी को पूर्व नामांकन को रद्द करते हुए इन विनियमों के अनुसार नये नामांकन पत्र के साथ लिखित नोटिस भेजेगें।

(7) प्रत्येक अधिकारी/कर्मचारी द्वारा इन विनियमो के अन्तर्गत भरे गये अपने नामांकन पत्र अथवा उसको रद्द करने का नोटिस सम्बन्धित अधिकारी द्वारा मुख्य नगर अधिकारी अथवा उनके द्वारा मनोनीत किये गये अधिकारी को भेजा जाना चाहिये। मुख्य नगर अधिकारी अथवा उसके द्वारा मनोनीत अधिकारी नामांकन पत्र प्राप्त करने पर तुरन्त प्राप्ति का दिनांक लिखकर प्रतिहस्ताक्षरित करेगें तथा अपनी अभिरक्ष में रखेगें।

3. 5 वर्ष अथवा उससे अधिक किन्तु 20 वर्ष से कम =परिलब्धियों का 12 गुना
4. 20 वर्ष या उससे अधिक अर्हकारी सेवा की प्रत्येक पूर्ण छमाही के लिये परिलब्धियों से 1/2 के बराबर होगी जिसकी अधिकतम सीमा अन्तिम आहरित अर्द्ध परिलब्धियों के 33 गुने के बराबर अथवा रूपये एक लाख जो भी कम हो से अधिक नहीं होगा।

टिप्पणी – यह दरें राज्य सरकार द्वारा समय समय पर राजकीय कर्मचारियों के लिये संशोधित दरों पर परिवर्तनीय होगी।

नामांकन (नोमिनेशन)

5. (1) प्रत्येक नगर निगम कर्मचारी जिसे यह विनियम लागू हो ज्यों ही वह किसी स्थायी सेवा निवृत्ति वेतनीय पद पर धारणाधिकार (लियन) प्राप्त करें उसे एक अथवा अधिक व्यक्तियों को उपादान (ग्रेच्युटी) जिसे विनियम–4 के उप विनियमों के अनुसार प्राप्त करने के लिये नामांकित करेगा। प्रतिबन्ध यह है कि नामांकन करते समय अधिकारी का परिवार हो तो नामांकन परिवार के किसी एक सदस्य को अथवा अधिक सदस्यों का कर सकता है लेकिन प्रतिबन्ध यह है कि परिवार के सदस्यो के होते हुए परिवार के अतिरिक्त किसी व्यक्ति को नहीं कर सकता है।

(2) यदि कोई अधिकारी/कर्मचारी नामांकन में कोई परिवर्तन करना चाहता है तो वह परिवर्तन उस अधिकारी/कर्मचारी द्वारा अपने सेवाकाल में ही किया जा सकता है, किन्तु यदि आवश्यक हो तो सेवा निवृत्ति के बाद भी मुख्य नगर अधिकारी की पूर्व स्वीकृति से उसे नामांकन पत्र में अपने पहले किये हुए नामांकन में परिवर्तन अथवा नया नामांकन प्रस्तुत करके किया जा सकता है।

(3) प्रत्येक अधिकारी/कर्मचारी को नामांकन पत्र में निम्नांकित व्यवस्था करनी होगी –

(क) कि किसी निर्दिष्ट नामांकित व्यक्तियों का अधिकारी/ कर्मचारी की मृत्यु से पूर्व मृत्यु हो जाने की दशा में उस नामांकित व्यक्ति का अधिकार नामांकन पत्र में दिये हुए किसी निर्दिष्ट व्यक्ति को ही की जावे किन्तु प्रतिबन्ध यह है कि यदि नामांकन करते समय अधिकारी के परिवार में एक से अधिक सदस्य हों तो इस प्रकार निर्दिष्ट किया हुआ व्यक्ति उसके परिवार के किसी सदस्य के अतिरिक्त न हो।

भाग –1

(डैथ–कम–रिटायरमेन्ट ग्रेच्युटी)

(मृत्यु सम्मिलित सेवा निवृत्ति उपादान)

4. (1) जिन अधिकारियो / कर्मचारियों पर यह विनियम लागू होगें उनकी सेवानिवृत्ति पर उपादान "ग्रेच्युटी" दिया जायेगा जो उनकी परिलब्धियों के 16 1/2 गुने से अधिक न होकर वह धन होगा जो उनके द्वारा की गयी सेवा के प्रत्येक छमाही अवधि के अन्तिम आहरित उपलब्धियों के 1/4 के बराबर होगी।

(2) यदि कोई अधिकारी / कर्मचारी सेवा निवृत्ति के बाद पेंशन केस निस्तारित होने के पूर्व मृत हो जाये तो उसे देय उपादान की धनराशि उसके द्वारा मनोनीत किये हुए व्यक्ति या व्यक्तियों को किया जायेगा। यदि कोई व्यक्ति मनोनीत न किया गया हो तो इसी विनियम के उप विनियम –2 में दी गयी परिभाषा के अनुसार परिवार के सभी सदस्यों को बराबर–बराबर देय होगा।

(3) उपनियम (1) और (2) के अन्तर्गत मिलने वाला उपादान 1,00,000 (एक लाख मात्र) से अधिक नही होगा तथा शासन द्वारा राज्य कर्मचारियों के लिये समय समय पर निर्धारित अधिकतम सीमा तक ही उपादान देय होगा ।

प्रतिबन्ध यह है कि ––

(क) उप विनियम (1) से (3) तक वर्णित निवृत्ति उपादान केवल उन्हीं अधिकारियों / कर्मचारियों को अनुमन्य होगा जिन्होंने पांच वर्ष की अर्हकारी सेवा पूरी कर ली हो। उदाहरणार्थ यदि मूल नियम 9 (21) (1) वित्त हस्त पुस्तिका खण्ड द्वितीय भाग–2 से 4 में परिभाषित वेतन रूपये 3700 और पेंशन अर्हसेवा 30 वर्ष 6 माह है तो सेवा निवृत्ति उपादान (ग्रेच्युटी) $\frac{3700 \times 61}{4} = 56425$ रूपये होगी।

(ख) मृत्यु ग्रेच्युटी–मृत्यु उपादान (ग्रेच्युटी) की दरें निम्न प्रकार है ––
सेवा अवधि के अनुसार ––

1. एक वर्ष से कम=परिलब्धियों का दोगुना।
2. एक वर्ष अथवा
   उससे अधिक किन्तु
   5 वर्ष से कम = परिलब्धियों का छः गुना

(2) नियोजन मौलिक और स्थायी हो, और

(3) सेवा कार्य के लिये भुगतान नगर निगम देहरादून से किया जाता रहा हो।

(7) "अर्हकारी सेवा" का तात्पर्य ऐसी सेवा से है कि जो सिविल सर्विस रेगुलेशन के अनुसार सेवानिवृत्ति वेतन प्राप्त करने के योग्य बनाती हो।

(8) "सेवा निवृत्ति" से तात्पर्य है किसी अधिकारी/कर्मचारी का नगर निगम की सेवा से सेवा अवधि पूर्ण करने पर, असमर्थ (इनवैलिड) होने पर, बाध्य किये जाने पर, 20 वर्ष की सेवा पूर्ण करने पर अथवा सेवा सम्बन्धी किसी नियम के अनुसार स्वेच्छा से निवृत्ति ग्रहण करने अथवा स्थायी नियुक्ति वाले स्थायी पद के टूटने पर उसकी नियुक्ति दूसरे स्थायी पद पर न हो सकने की दशा में सेवा निवृत्ति होने से प्रतिबन्ध यह है कि अधिकारी/कर्मचारी 20 वर्ष की सेवा पूर्ण करने के साथ–साथ 45 वर्ष की आयु भी पूर्ण कर ली हो।

3. <u>अधिकारी/कर्मचारी जिन्हें विनियम प्रभावी है</u>

यह विनियम लागू हों :–

(1) उन सभी अधिकारियों/कर्मचारियों पर जिनकी नियुक्ति इन विनियमों के प्रभावी होने के बाद नगर निगम द्वारा अधिनियम की धारा 106 के अन्तर्गत स्थायी रूप से सृजित किये गये पदों पर स्थायी रूप से हों।

(2) (क) उन सभी कर्मचारियों/अधिकारियों पर भी लागू होंगे, जो नगर निगम बनने के दिनांक 9.12.1998 को अधिनियम की धारा 577 (ङ) के अनुसार स्थायी रूप से नियोजित पद पर निगम के कर्मचारी/अधिकारी हो गये हैं प्रतिबन्ध यह है कि म्यूनिसिपल बोर्ड द्वारा जमा किया गया भविष्य निधि अंशदान जिसमें बोनस तथा उससे अर्जित किया गया ब्याज सम्मिलित हो, नगर निगम द्वारा खोले गये "निवृत्त वेतन निधि" में जमा कर दिया जायेगा और म्यूनिसिपल बोर्ड के अधीन की गयी सेवायें इस कार्य के लिए निगम के अन्तर्गत की गयी सेवायें समझी जायेंगी। यदि इन विनियमों को अंगीकार करने वाला कोई कर्मचारी/अधिकारी प्राविडेन्ट फण्ड में जमा किया गया धन वापस ले चुका है तो उसे देय अंशदान नगर निगम द्वारा खोले गये निवृत्ति निधि में जमा करना होगा।

(ख) अकेन्द्रीयत सेवा के जो अधिकारी/कर्मचारी इन विनियमों के लागू होने के

बाद केन्द्रीयत सेवा में जाते है वह भी केन्द्रीयत सेवा में जाने के 90 दिन के अन्दर विकल्प द्वारा इन विनियमों को बनाये रख सकते हैं किन्तु शर्त यह है कि यह विकल्प अन्तिम होगा और केन्द्रीयत सेवा में तैनाती की नगर परिषद/नगर निगम से उन्हें अपने मूल वेतन व समय–समय पर लागू मंहगाई भत्ते पर 12 प्रतिशत की दर से या जो भी दर भविष्य में संशोधित हो की दर से पेंशन अंशदान प्रत्येक माह नगर निगम, देहरादून को भेजना होगा।

प्रतिबन्ध है कि इस खण्ड के अन्तर्गत किये गये वह विकल्प (आपसन) मान्य होगें जो इन विनियमों के प्रभावी होने के दिनांक के बाद इस हेतु अन्तिम रूप से निर्धारित दिनांक तक चाहे सेवा में रहते हुए या सेवा से निवृत्त होने के बाद किये गये हों यदि कोई अधिकारी/कर्मचारी या उसका आश्रित इन विनियमों के प्रभावी होने में किसी विलम्ब होने के कारण विकल्प (आपसन) करने के बाद अपना भविष्य निधि नगर निगम अंशदान सहित वापिस ले चुका हो तो वह अधिकारी अथवा उसका आश्रित भी उन विनियमों के अन्तर्गत देय सुविधा प्राप्त कर सकेगा, यदि वह उठाये गये नगर निगम के अंशदान को प्रोविडेन्ड फण्ड वापिस लेने के दिनांक से पुनः जमा करने के दिनांक तक के डाकखाने में बचत खाते में समय–समय पर निर्धारित ब्याज सहित एक बार में निर्धारित तिथि तक जमा कर दें। किन्तु यदि किन्ही परिस्थितियों में नगर निगम अंशदान का कोई भाग निर्धारित तिथि तक जमा करने से रह जावे तो वह बाद में मुख्य नगर अधिकारी की स्वीकृति से जमा किया जा सकता है।

स्पष्टीकरण –

(1) इन विनियमों को अंगीकार करने वाले अधिकारी के भविष्य निधि के खाते में जमा धन उसके ऊपर बकाया अग्रिम तथा उसके बीमा की किश्तों में दिये गये रूपये तथा उस पर जोड़े गये ब्याज को मिला होने वाले धनांक का एक तिहाई भाग नगर निगम/म्यूनिसिपिल बोर्ड तथा अन्य स्थानीय निकाय या सरकार केन्द्रीय अथवा राज्य सरकार का अनुदान समझा जायेगा। यदि किसी अधिकारी या कर्मचारी को इस वितरण में आपत्ति हो तो वह इन विनियमों को अगीकार करने वाले प्रार्थना पत्र के साथ अपनी आपत्ति मुख्य नगर अधिकारी को भेज सकता है, जो अन्तिम रूप से नगर निगम का अंशदान निश्चित और निर्धारित करेंगे।

(2) यदि किसी अधिकारी/कर्मचारी के न्यूनतम अंशदान (सब्सक्रिपसन) से अधिक अशदान किसी भविष्य निधि में जमा किया हो, तो इस प्रकार के अधिक अशदान का धन उसके सामान्य भविष्य निधि में जमा किया जायेगा तथा शेष धनराशि का 1/3 भाग नगर निगम का अनुदान होगा।

171

(3) "परिलब्धियाँ (एमालूमेन्ट्स) से तात्पर्य –

(क) वेतन, वित्तीय, हस्त पुस्तिका खण्ड – 2 के भाग 2 से 4 में दिये, फन्डामेन्टल्स रूल्स 9 (21) में दी परिभाषा के अनुसार तथा प्रतिबन्ध यह है कि यदि कोई अधिकारी के सेवानिवृत्ति अथवा मृत्यु जैसी भी दशा हो, के समय छुट्टी पर हो तो वह परिलब्धियाँ (एमोलूमेन्ट्स) जो उसे प्राप्त होती यदि वह उस समय अवकाश पर न होता, परिलब्धियाँ समझी जायेंगी।

(4) "परिवार" में किसी अधिकारी/कर्मचारी के नीचे लिखे सम्बन्धी सम्मिलित होगें।

(क) धर्मपत्नी, पुरूष अधिकारी के सम्बन्ध में

(ख) पति, स्त्री अधिकारी के सम्बन्ध में

(ग) पुत्र

(घ) अविवाहित अथवा विधवा पुत्रियाँ

इसमें सौतेले बच्चे और गोद लिये बच्चे भी सम्मिलित होगें।

(ङ) भ्राता –18 वर्ष से कम आयु का तथा अविवाहित और विधवा बहनें (जिनमें विभातृ भ्राता तथा विभातृ बहनें सम्मिलित होंगी)

(च) पिता,

(छ) माता,

(ज) विवाहित पुत्रियाँ (जिनमें सौतेली लड़कियाँ भी सम्मिलित होंगी)

(झ) पूर्व मृत पुत्र के बच्चे।

(5) "अधिकारी" एवं "कर्मचारी" से तात्पर्य है देहरादून नगर निगम के किसी ऐसे अधिकारी/कर्मचारी से है जो नगर निगम के अन्तर्गत किसी स्थायी सेवानिवृत्ति वेतनीय (पेंशनेबुल) पद पर नियुक्त हो तथा वह पद उस श्रेणी में आता हो, जिसको यह विनियम लागू हो अथवा उसको ऐसे पद पर धारणाधिकार हो या उसका ऐसे किसी पद पर नियुक्त रहने का धारणाधिकार हो, (होल्ड होल्ड लियन) यदि उसका वह अधिकार निलम्बित न कर दिया गया हो (हैड हिज लियन नाट बीन सस्पेन्डेड)।

(6) "निवृत्ति वेतनीय पद" (पेंशनेबुल पोस्ट) से तात्पर्य ऐसे पदों से है जिसके सम्बन्ध में निम्नलिखित तीन बातें पूरी होती हैं।

(1) पद नगर निगम सेवा नियमावली के अन्तर्गत नगर निगम, देहरादून के किसी संवर्ग में हो।

नगर निगम देहरादून।
1999 ई0

प्रस्ताव सं0- 3 दिनांक 29-1-2000

उत्तर प्रदेश नगर निगम अधिनियम,1959 की धारा -8-क क(1)(ख) के अन्तर्गत कार्यकारिणी समिति के अधिकारों का प्रयोग करते हुए नगर निगम देहरादून कर्मचारी सेवानिवृत्ति सुविधा तथा भविष्य निधि विनियम 1999 "मेरे द्वारा अनिधिनियम की धारा 548(1) (एफ) तथा (जी) के प्रादिधानों के अन्तर्गत बनाये गये है तथा मै, एतद्द्वारा नगर निगम की शक्तियों का प्रयोग करते हुए अधिनियम की धारा 548(1) तथा (3) के अन्तर्गत सरकारी गजट मे प्रकाशन हेतु बनाये गये विनियमों की पुष्टि करता हूँ।

नगर निगम, देहरादून कर्मचारी सेवा निवृत्ति सुविधा तथा भविष्य निधि विनियम 1999
(उ0प्र0 नगर निगम अधिनियम 1959 की धारा 548 (1) (एफ) और (जी) के अन्तर्गत)-

1. (1) यह विनियम नगर निगम देहरादून कर्मचारी सेवा निवृत्ति सुविधा तथा भविष्य निधि विनियम, 1999 होगा।

(2) यह विनियम नगर निगम घोषित होने की तिथि से प्रभावी समझे जायेगें और उन कर्मचारियों पर लागू होगें जिनकी नियुक्ति नगर परिषद/नगर निगम, देहरादून में अकेन्द्रियत सेवा के पद पर हुई है।

2. परिभाषायें :-

जब तक विषय व संदर्भ में कोई प्रतिकूल बात न हो इन विनियमों में —

(1) "अधिनियम" अथवा "एक्ट" से तात्पर्य है उत्तर प्रदेश नगर निगम अधिनियम 1959

(2) "औसत परिलब्धियों" से तात्पर्य है सेवा निवृत्ति के दिनांक से पूर्व 10 मास में प्राप्त परिलब्धियों का औसत धन। यदि इन 10 मासों मे छुट्टी का समय भी सम्मिलित हो तो उस समय के लिये अगर वह छुट्टी पर न रहा होता तो स्थायी नियुक्ति के लिये जो परिलब्धियाँ प्राप्त (एडमिसिविल) होती, ये परिलब्धियां समझी जायेगी।

प्रतिबन्ध यह है कि अधिनियम की धारा 577 (ड) में वर्णित किसी अधिकारी के विषय मे यदि वह नियत दिन के पूर्व स्थायी हो चुका हो तो औसत उपलब्धियों, निकालने के नियत दिन के पहले तथा नियत दिन और उसके पश्चात् नगर निगम के अन्तर्गत की गयी सारी सेवा के समय स्थायी नियुक्ति का समय तथा इस समय में मिला वेतन स्थायी वेतन माना जायेगा।

Certified to be true copy of Resolution No. dated 29-1-2000 (K.K. Rai) 29-1-2000

169

CORRIGENDUM

(i) substitute Rs. 2 per month in place of Re. 1 per year for meat and fish shops;

(ii) Rs. 2 per month for Re. 1 per year for pork shops,

(iii) Re 1 per month for Re. 1 per year for hawking fee for meat and fish;

(iv) Re 1 per month in place of Re. 1 par year for hawking fee for pork;

(v) Licensing fee for hotels to be fixed at paisa 50 per bed per month in city and Re. 1 per mensem per bed in civil area.

Notification No 6769/XXIII-37 37 (5) (48-49) dated may 5, 1950

Additions to the Exemption of water Tax list

1. The exemption shall be confined to buildings owned by educational institutions;
2. That exemption proposed in (1) above shall be restricted to the building or portion of the building which is used for non-residential purposes such as for holding Classes or constructions made for school purposes
3. The exemption shall not apply to portions intended for use as quarters for the staff or as hostels for the residence of the student-boarders;
4. The concession rate shall apply to water consumed in schools or hostels including Superintendent's quarters if the latter form part of the hostel buildings or they are built in the same compound attached to the hostels
5. The concession rate shall not apply to water consumed in quarters for the residence of the members of the staff
6. The free water allowed to educational institutions till now be stopped.

(Sanctioned under commissioner's letter No. 2044/XXIII dated 2-2-38)

विज्ञप्ति सं० १०९/२१ (३७६)/७२-७४ दिनांक मार्च २ १९७४

नगरपालिका देहरादून ने विज्ञप्ति सं० २६१२/२३-२६ (६८-२६) दिनांक ३० मई १९६१ द्वारा प्रकाशित तथा क्रमांक-२ पर संशोधित करने सीवर कनेक्शन उपनियमों में उ०प्र० नगरपालिका अधिनियम, १९१६ की धारा २६८ (१) (डी) के अन्तर्गत निम्नांकित संशोधन किया है जिसमें जिन प्रसाद पाण्डे, आयुक्त मेरठ मण्डल, मेरठ ने उक्त एक्ट की धारा ३०१ (२) के अन्तर्गत पुष्टि प्रदान कर दी है। यह संशोधन एतद् द्वारा प्रकाशित किया जाता है।

संशोधन

सीवर कनेक्शन बाईलाज की धारा २३ (डी) के पश्चात निम्न धारा २३ (ई) जोड़ी जाये—

२३ ई:-सीवर कनेक्शन बाईलाज के उपनियम २३ (डी) धार्मिक और धर्मार्थ और शैक्षिक संस्थाओं पर लागू नहीं होगी। यह सुविधा केवल उन्हीं संस्थाओं को दी जायेगी जो कि सोसाईटी रजिस्ट्रेशन एक्ट के अन्तर्गत रजिस्टर्ड हो या स्वयं मालिक हों।

प्रस्तावित संशोधन

नगरपालिका देहरादून की सीमाओं के भीतर वाहनों पर पार्किंग फीस लिए जाने सम्बन्धी उपनियम को बाईलाज बुक के पृष्ठ पर छपे २४८ है, ये संशोधन :

१) वर्तमान नियम २ में ७ सवारियां तक मोटर कार में बैठने के संबंध में वर्तमान दर में निम्नलिखित संशोधन किया जाये।

Rs. 12/- per year per motor car or tempo taxi or Scooter rikshaw.

२) नियम २ (ए) निम्न प्रकार जोड़ा जाये :

2-A. In addition to the fees payable under rule 2 every person using the stand so declared for the purpose, for taxi car shall also pay Re 1/- per trip per taxi car.

Provided that the additional fee shall be payable only on trips to places beyond a radius of 7 miles from the stand.

Sanctioned vide notification No. 317/XXI (1980) (72-74) of 16-XI-74.

4. Requisite condition for the above class contractors :

Class of contractor	Maximum amount of estimate of which they can tender	Conditions for registration.
A	upto Rs. 5000/-	Certificate from Engineer, etc. General security Deposit of Rs. 1,000/-
B	upto Rs. 2,500/-	Certificate from Engineer, etc. and General Security of Rs 500/-
C	upto Rs 1,000/-	Certificate from Engineers, etc and General Security Deposit Rs. 200

5. The cost of tender from be as follows plus paisa 50 for each copy of drawing supplied or attached to the tender from :

Upto Rs. 5,000	Rs.	1/- each.
" Rs. 5,000/- to Rs 10,000/-		2/- "
" Rs. 10,001 to Rs 15,000		3/- "
" Rs. 15,001 to Rs. 20,000		4/- "
" Rs 20,001 to Rs. 30,000		5/- "
" Rs. 30,001/- to Rs. 50,000		6/- "
" Rs. 50,001/- to Rs. 75,000		7/- "
" Rs. 75,001/- to Rs. 1 25,000		8/- "
" Rs 1,25,001 and more		10/- "

Note :—If any case the tender of the contractor is rejected due to no fault of contractor or due to other procedural defect in the case, the price of the tender may be refunded to contractor on application.

6. No earnest money is to be deposited for works up to Rs. 5,000. Contractors other than those duly registered under these byelaws shall deposit Rs. 5 percent upto Rs. 5,000 and for the amount in excess Rs 2 per cent as earnest money along with their tenders. Registered contractors shall deposit with their tenders the difference between the amount above said and those of the general Security.

The Contractors whose tenders have been accepted shall deposit Rs 5 per-cent upto Rs. 5,000 and amount in excess Rs. 2 per-cent, as security along with the agreement All deposits of earnest money and security shall be in the form of bank receipts duly pledged to the Executive Officer.

7. Licence shall expire on March 31. Every year. On application of registered contractors their licence may be renewed by the E.O.

8. No. application for registration of names of contractors to be entertained unless it is accompanied with the registration fee, testimonials, bank reference as mentioned above.

9. No. contractor shall be enlisted in the list of approved contractors until his name is recommended by the Municipal Engineer and approved by the Board and has paid the security deposit prescribed in this behalf.

Copy of Govt. Notification No. 3331/XI-13H-46 published on 7th June 1974.

Amendment in Conservancy Tax

2 Substitute a comma for the full stop at the end of the proviso to paragraph I and thereafter add the following :

"but if the Municipal Agency is employed the owner of occupier to remove night soil, a tax of 0.75 paisa per mensem shall be levied."

3 After the existing proviso to paragraph I add the following new proviso:

"Provided further that if the number of persons (including servants) occupying a house or building exceeds 30, the Board may levy additional tax in terms of Paragraphs II (b)"

१४ इन उपविधियों के किसी भी उपबन्धों का उल्लंघन करने पर लाईसेन्स अधिकारी किसी भी समय लाईसेन्स को रद्द या निलम्बित कर सकता है।

१५ प्रत्येक लाइसेन्स के लिये १००/- रु० का शुल्क लिया जायेगा।

१६ (१) लाइसेन्स जारी किये जाने वाले वर्ष में ३१ मार्च को समाप्त होने वाली अवधि के लिये वैध होगा।

(२) लाइसेन्स अधिकारी ऐसी शर्त अथवा निरीक्षण करने के पश्चात जैसा कि वह आवश्यक समझे अधिकार उस वर्ष की ३१ मार्च को समाप्त होने की अवधि तक के लिये लाईसेन्स का नवीनीकरण कर सकता है, किन्तु अनिवार्य यह है कि—

क) नवीनीकरण के लिये आवेदन पत्र उस वर्ष के लिये जिसके लिये वह अपेक्षित हो ठीक पूर्ववर्ती वर्ष के (१ अप्रैल) को या उसके पूर्व प्रस्तुत किया जाये।

ख) आवेदक द्वारा उपविधि १६ में निर्धारित शुल्क अग्रिम भुगतान किया जाये।

तथा

ग) खण्ड (क) में उल्लेखित दिनांक के पश्चात नवीनीकरण के लिए दिये गये आवेदन पत्र के साथ शास्ति के रूप में ५ रु० का और भुगतान किया जाये।

(३) यदि कोई व्यक्ति इसके पूर्व की गई व्यवस्था के अनुसार लाइसेन्स का नवीनीकरण नहीं कराता ही तो उसे लाइसेन्स के सम्बन्ध में नया लाईसेन्स जारी नहीं किया जायेगा।

१७ कोई ठिकेदार उसी व्यापारी से लाइसेन्स लिये बिना वैध नहीं होगा जिसके पास वैध लाईसेन्स होगा।

१८ कोई व्यापारी केवल उन्हीं व्यक्तियों को लाइसेन्सधारक ठिकेदार रखेगा जिसके पास म्युनि० की सीमा के भीतर उसके प्रयोग के लिये अधिसूची अधिकारी/सेक्रेटरी/बेंकीलेन्स जैसी की स्थिति हो द्वारा जारी किया गया परमिट हो।

१९ लाइसेन्स स्वीकार के प्रयोग से लिये उन उपविधियों में निर्धारित शर्तों का पालन करने हेतु ठिकेदार तथा व्यापारी संयुक्त रूप से एवम् पृथक-२ रूप से उत्तरदायी होंगे।

२० अधिसूची अधिकारी/सेक्रेटरी अथवा अन्य कोई अधिकारी को निरीक्षक (इन्सपेक्टर) की शक्ति दी जा न हो, तो इस संबंध में बोर्ड के विशेष

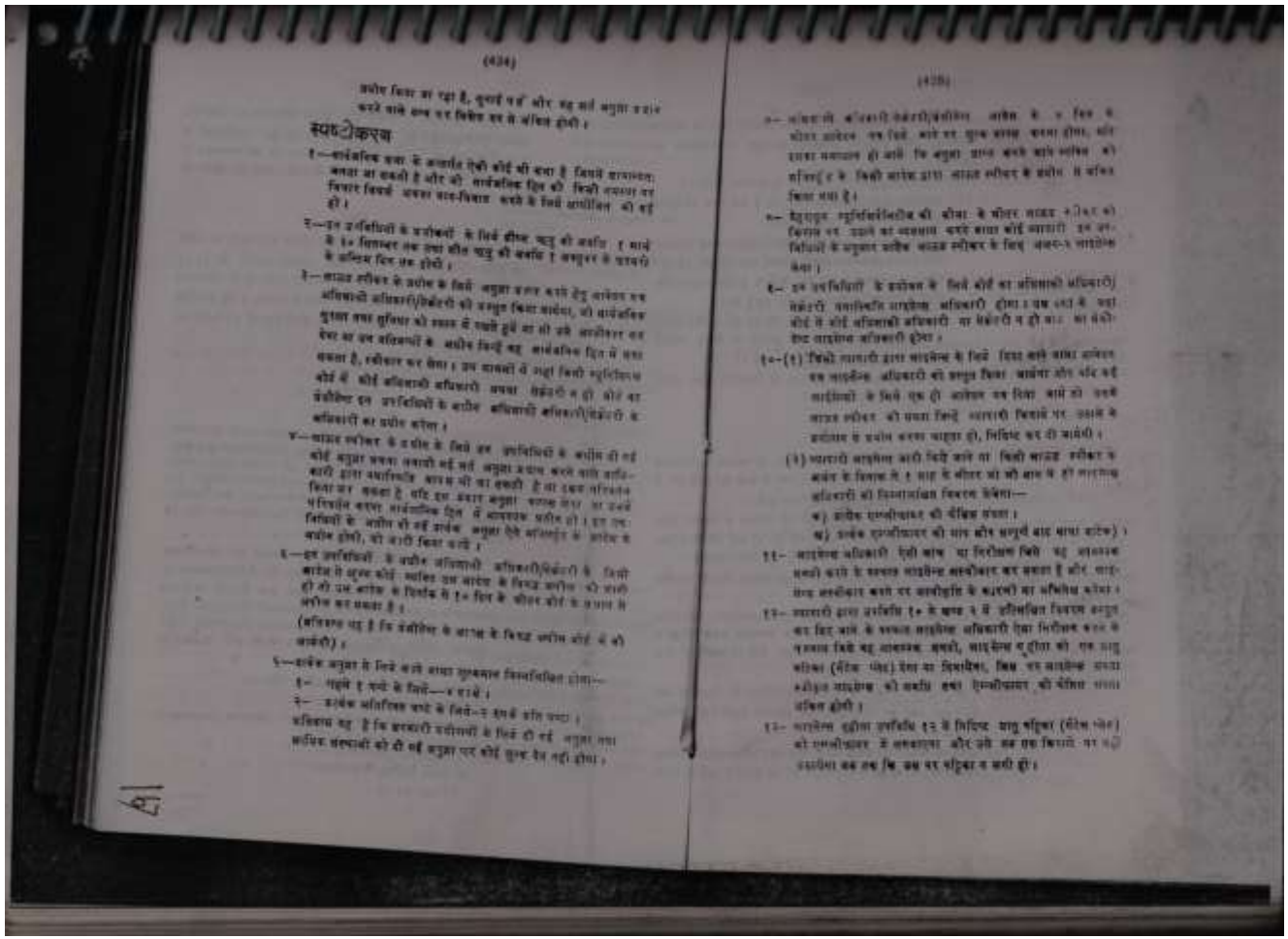
संकल्प द्वारा प्राधिकृत हो अथवा कोई पुलिस अधिकारी या मजिस्ट्रेट जिसका क्षेत्र अधिकार हो, कोई लाइसेन्सधारक को इन उपविधियों में से किसी का उल्लंघन करने दोषी किया जा रहा हो, उसे न्यायालय के समक्ष अभियोग पत्र सहित प्रस्तुत करने के लिये अभिगृहीत किया जा सकता है।

दृष्ट

इन उपविधियों के उल्लंघन में लाइसेन्स स्वीकार को किराये पर उठाने का प्रयोग करने वाले व्यक्ति पर अर्थ दण्ड लगाया जायेगा, जो १००० रु० तक हो सकता है और यदि अपराध निरन्तर जारी रहे तो अतिरिक्त अर्थ दण्ड लगाया जायेगा को प्रथम दोष सिद्ध के दिनांक से यह प्रमाणित हो जाने पर कि अपराधी ने निरन्तर अपराध जारी रखा है २० रुपये तक प्रतिदिन हो सकता है।

No. 9864/XXIII.37 (3) 48-49 Inaupersession of all byelaws previously published on the subject the following byelaws made by the Municipal Board of Dehra Dun under Section 298 (1) of the United Provinces Municipalities Act 1916, and confirmed by the Commissioner are hereby published, as required by Section 301, sub-Section (2) of the said Act.

1. No, person shall be entitled to tender for Municipal works of estimated costs less than Rs. 5,000 unless he holds the contractor licence from the Board and his name is entered in the list of approved Municipal Contractors. No person shall be enlisted as Municipal Contractor unless he has got a licence from the Municipal Engineer.
2. Contractors shall be classified as follows :
   A, B and C Class.
3. Following registration fee shall be payable in advance by every contractor :
   A Class Rs. 20
   B Class Rs. 15
   C Class Rs. 10



(434)

प्रयोग किया जा रहा है, पुनर्वास पर और वह मार्ग अनुसूचित जनजाति करने वाले क्षेत्र पर विशेष रूप से अंकित होगी।

स्पष्टीकरण

१—सार्वजनिक उद्देश्य के अन्तर्गत ऐसी कोई भी बात है जिससे सामान्यतः जनता या सकती है और जो सार्वजनिक हित की किसी दृष्टिकोण पर विचार विमर्श अथवा वाद-विवाद करने के लिये आपेक्षित की गई हो।

२—इन प्रविधियों के प्रयोजनों के लिये शीघ्र पशु की अवधि १ मार्च से १० सितम्बर तक तथा शीत पशु की अवधि १ अक्टूबर से फरवरी के अन्तिम दिन तक होगी।

३—भाड़ा स्वीकार के प्रयोग के लिये अनुज्ञा प्रदान करने हेतु आवेदन पत्र अधिकारी अधिकारी/सेक्टरी को प्रस्तुत किया जायेगा, जो सार्वजनिक सुरक्षा तथा सुविधा को ध्यान में रखते हुये या तो उसे आवेदन पत्र देकर या उन प्रविधियों के अधीन जिन्हें वह सार्वजनिक हित में उचित समझता है, स्वीकार कर लेगा। उन मामलों में जहां किसी म्यूनिसिपल कोर्ट में कोई अधिकारी अधिकारी अथवा सेक्टरी न हो कोई वह प्रेसीडेन्ट इन प्रविधियों के अधीन अधिकारी अधिकारी/सेक्टरी के अधिकारी का प्रयोग करेगा।

४—भाड़ा स्वीकार के प्रयोग के लिये इन प्रविधियों के अधीन दी गई कोई अनुज्ञा उसमें लगायी गई शर्तों अनुसार प्रयोग करने वाले व्यक्ति द्वारा यथास्थिति भाड़ा भी जा सकती है या उसमें परिवर्तन किया जा सकता है, यदि इस प्रकार अनुज्ञा प्रदान करने या उसमें परिवर्तन करना सार्वजनिक हित में आवश्यक प्रतीत हो। इन प्रविधियों के अधीन दी गई प्रत्येक अनुज्ञा ऐसे अभिलेख के आदेश के अधीन होगी, जो जारी किया जाये।

५—इन प्रविधियों के प्रयोग अधिकारी अधिकारी/सेक्टरी के किसी आदेश से अन्य कोई व्यक्ति उस आदेश के विरुद्ध अपील भी कर सकता है तो उस आदेश के दिनांक से १० दिन के भीतर कोई के समक्ष ऐसी अपील कर सकता है।

(अधिकार यह है कि अपीलीय के आदेश के विरुद्ध अपील कोई में भी जा सकती)।

६—प्रत्येक अनुज्ञा में लिये जाने वाला शुल्कमान निम्नलिखित होगा—

१— पहले ६ पशुओं के लिये—४ रुपये।

२— प्रत्येक अतिरिक्त पशु के लिये—२ रुपये प्रति पशु।

परन्तु यह है कि सरकारी प्रयोजनों के लिये दी गई अनुज्ञा पर अतिरिक्त सरकारी को दी गई अनुज्ञा पर कोई शुल्क देय नहीं होगा।

(435)

७— प्रत्येक भी अधिकारी अधिकारी/सेक्टरी आदेश के ७ दिन के भीतर आवेदन पत्र दिये जाने पर शुल्क वापस करना होगा, यदि इसका समाधान हो जाये कि अनुज्ञा प्राप्त करने वाले व्यक्ति को परिच्छेद ८ के किसी आदेश द्वारा भाड़ा स्वीकार के प्रयोग से वंचित किया गया है।

८— म्यूनिसिपल म्यूनिसिपैलिटीज की दीवार के भीतर सार्वजनिक स्थानों पर उतारने का व्यवसाय करने वाला कोई व्यापारी इन प्रविधियों के अनुसार प्रत्येक भाड़ा स्वीकार के लिए अवधि-२ लाइसेन्स लेगा।

९— इन प्रविधियों के प्रयोजन के लिये कोई का अधिकारी अधिकारी/सेक्टरी यथास्थिति लाइसेन्स अधिकारी होगा। एक स्थान के लिए कोई से कोई अधिकारी अधिकारी या सेक्टरी न हो तो वह का प्रेसीडेन्ट लाइसेन्स अधिकारी होगा।

१०-(१) किसी व्यापारी द्वारा लाइसेन्स के लिये दिया जाने वाला आवेदन पत्र लाइसेन्स अधिकारी को प्रस्तुत किया जायेगा और यदि कई लाइसेन्सों के लिये एक ही आवेदन पत्र दिया जाये तो उसमें भाड़ा स्वीकार की संख्या जिन्हें व्यापारी किराये पर उठाने के प्रयोजन से प्रयोग करना चाहता हो, निर्दिष्ट कर दी जायेगी।

(२) व्यापारी लाइसेन्स जारी किये जाने पर किसी भाड़ा स्वीकार के आवेदन के विषय में ७ दिन के भीतर जो भी आपत्ति हो तो लाइसेन्स अधिकारी को निम्नांकित विवरण देकर—

क) प्रत्येक एम्बीडायर की पंजिका संख्या।

ख) प्रत्येक एम्बीडायर की नाम और अनुमति प्राप्त व्यापारी।

११- लाइसेन्स अधिकारी ऐसी जांच या निरीक्षण जिसे वह आवश्यक समझे करने के पश्चात लाइसेन्स अस्वीकार कर सकता है और लाइसेन्स अस्वीकार करने पर आपत्तिकर्ता के कारणों का अभिलेख करेगा।

१२- व्यापारी द्वारा प्रविधि १० के खण्ड २ में उल्लिखित विवरण प्रस्तुत कर दिए जाने के पश्चात लाइसेन्स अधिकारी ऐसा निरीक्षण करने के पश्चात जिसे वह आवश्यक समझे, लाइसेन्स शुल्क की एक रसीद (मैसेन फोर्म) देगा या दिलायेगा, जिस पर लाइसेन्स अथवा अधिकृत लाइसेन्स की संख्या तथा एम्बीडायर की पंजिका संख्या अंकित होगी।

१३- लाइसेन्स शुल्क प्रविधि १२ के निर्दिष्ट पशु पंजिका (मैसेन फोर्म) को एम्बीडायर से अंकवाएगा और उसे उस एक किराये पर न उठायेगा जब तक कि उस पर पंजिका न अंकी हो।

६—लाइसेन्सिंग आफिसर को अधिकार होगा कि वह उक्त वर्णित शर्तों में से किसी भी शर्त का उल्लंघन होने पर लाइसेन्स रद्द कर देंगे।

७—लाइसेन्सिंग आफिसर के निर्णय के विरुद्ध पन्द्रह (१५) दिन के अन्दर कोई के समक्ष अपील की जा सकती है, जिसका निर्णय अन्तिम होगा।

दण्ड

यू०पी० म्युनिसिपैलिटीज एक्ट, १९१६ की धारा २६६ (१) द्वारा प्राप्त अधिकारों का प्रयोग करते हुए उपरोक्त किसी भी उपनियम को भंग करने वाले व्यक्ति को अर्थदण्ड दिया जायेगा जो कि १००-०० रु० तक हो सकता है अपराध के निरन्तर होते रहने की दशा में प्रथम बार दण्ड दिए जाने की तिथि से पन्द्रह रु० प्रतिदिन की दर से अर्थ दण्ड दिया जायेगा।

ध्वनि विस्तारक यंत्र (लाउड स्पीकर) के प्रयोग को विनियमित एवं नियन्त्रित करने हेतु संशोधित उपनियम

२६ सितम्बर १९७४ ई०

सं० १००३/ए०सी०-११७३-३२-७४ नगरपालिका देहरादून के समस्त पूर्व प्रकाशित लाउड स्पीकर उपनियमों को रद्द कर यू०पी० म्युनिसिपैलिटीज ऐक्ट १९१६ की धारा २६८ (२) एच (एम) के अन्तर्गत निम्नांकित उपनियम ध्वनि विस्तारक यन्त्र (लाउड स्पीकर) के प्रयोग को विनियमित एवं नियन्त्रित करने हेतु बनाये है, जिनकी पुष्टि मे जिला प्रशासन पाण्डे, आयुक्त मेरठ मण्डल मेरठ ने कर दी है, उक्त ऐक्ट की धारा २०१ (२) के प्रयोजन हेतु एतद् द्वारा प्रकाशित किये जाते है।

उपविधियां

परिभाषा—इन उपविधियों मे जब तक प्रसंग द्वारा अन्यथा अपेक्षित न हो—

१— व्यापारी का तात्पर्य उस व्यक्ति से है जो लाउड स्पीकर किराये पर उठाने का व्यवसाय करता हो।

२— किरायेदार का तात्पर्य उस व्यक्ति से है जो लाउड स्पीकर को किराये पर लेता हो।

३— सरकारी प्रतिष्ठान का तात्पर्य सरकार अथवा किसी स्थानीय अधिकारी के प्रयोजनों से है।

४— लाउड स्पीकर के अन्तर्गत ध्वनि को तीव्र स्वर में प्रसारित करने के लिये विद्युत एवं यान्त्रिक यन्त्र कोई भी युक्ति सम्मिलित है।

५—धार्मिक संस्था के तात्पर्य मस्जिदों, मन्दिरों, गिरजाघरों तथा गुरुद्वारों से है।

६—(१) म्युनिसिपैलिटी देहरादून की सीमाओं के भीतर किसी भी लाउड स्पीकर का प्रयोग बिना उस अनुज्ञा के आधीन तथा उसके अनुसार जिसका व्याख्या आगे की गई है, नहीं किया जायेगा।

(२) सरकारी प्रयोजन के लिए जिला मजिस्ट्रेट अथवा अधिशासी अधिकारी नगरपालिका की अनुज्ञा से तथा ऐसी शर्तों के आधीन जिसे वह आरोपित करना उचित समझे, लाउड स्पीकर का प्रयोग किया जा सकता है।

(३) सार्वजनिक सभाओं शादियों, मुशायरों, कवि सम्मेलनों, संगीत कन्सर्टों, खेल-कूद तथा खेल प्रतियोगिताओं, मंच नाटकों, (स्टेज ड्रामाज) तथा धार्मिक शोभायात्रों और चुनाव प्रचार तथा निम्न ४ के प्रयोजनों के लिए लाउड स्पीकरों का प्रयोग शीत-ऋतु में ८ बजे से ११ बजे पूर्वाह्न तथा ५ बजे से १० बजे अपराह्न ग्रीष्म तथा ग्रीष्म ऋतु में ७ बजे से ११ बजे पूर्वाह्न तथा ५ बजे से ११ बजे अपराह्न के बीच बोर्ड के अधिशासी अधिकारी सेक्रेटरी की अनुज्ञा से किया जा सकता है। उक्त समय के अतिरिक्त समय में लाउड स्पीकर का प्रयोग करने के लिए जिला मजिस्ट्रेट की अनुज्ञा आवश्यक होगी।

(अ) किसी सार्वजनिक औषधालयों, शिक्षण संस्था, राजकीय व अन्य सार्वजनिक कार्यालयों तथा ऐसे स्थलों से २०० गज की दूरी से लाउडस्पीकर प्रयोग करने की अनुमति नहीं होगी। परीक्षा केन्द्रों से ४०० गज की दूरी में लाउड-स्पीकर को प्रयोग करने की अनुमति नहीं दी जायेगी।

(ब) कोई व्यक्ति उक्त ध्वनि प्रसारक यन्त्रों का प्रयोग किसी दुकान, रेस्टोरेन्ट, होटल या व्यापार के स्थानों पर नहीं कर सकेगा। केवल उन व्यक्तियों से जिन्होंने इन उपविधियों के आधीन लाइसेन्स प्राप्त किया हो तथा जो केवल परीक्षण (टेस्टिंग) के लिए ध्वनि विस्तारक यन्त्र प्रयोग करे।

४ प्रत्येक लाउडस्पीकर में उसकी ध्वनि को निम्नतम स्वर (पिच) पर बनाये रहने के लिए गति अधिनियन्त्रक (गवर्नर) लगा रहेगा।

(५) किसी भी दशा में कोई लाउड स्पीकर इस प्रकार से न प्रयोग किया जायेगा कि उसकी ध्वनि उस गृहद्वार के बाहर जहाँ उसका

Disposal of dead bodies of animals

Copy of Gazette Notification No. 2637-XXIII-3-55-56 dated June 21, 1958, Published in Uttar Pradesh Gazette, dated June 28, 1958.

In supersession of all byelaws previously published on the subject, the following byelaws made by the Municipal Board of Dehra Dun regulating disposal of dead bodies of animals under section 298 (2), list (1) (b) of the U.P. Municipalities Act 1916, and confirmed by the Commissioner are hereby published as required by section 301, sub-section (2) of the said Act.

Byelaws

1. No person shall throw, skin or cause to be thrown or skined the dead body of any animal in any river, water course, channel, canal or any open space within the limits of the Dehra Dun Municipality.
2. (a) The dead Cattle Utilisation Centre shall be the only place for flaying the bodies of dead animals.

Penalty

In exercise of the powers conferred by section 299 (1) of the U.P. Municipalities Act, 1916 and with the sanction of the State Govt. the Board hereby directs that a breach of byelaw no. 1 shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

सब्जी एवं फलों के व्यापार तथा विक्रय करने संबधी उपनियम

सं० ४६/२१-१३३४-७०-७२ नगरपालिका देहरादून ने इस विषय पर पूर्व प्रकाशित उपनियमों को रद्द करके यू० पी० म्यूनिसिपैलिटीज एक्ट, १९१६ की धारा २९८ (२) एफ (ए) के अन्तर्गत देहरादून नगरपालिका की सीमा में सब्जी एवं फलों के व्यापार तथा विक्रय करने सम्बन्धी निम्नांकित उपनियम बनाये हैं जिसकी पुष्टि कमिश्नर गढ़वाल मण्डल, मेरठ ने, कर दी है। अतः उक्त एक्ट की धारा ३०१ (२) के प्रयोजन हेतु एतद द्वारा ये उपनियम प्रकाशित किये जाते हैं।

उपनियम

१- परिभाषा सब्जी फल—निम्नलिखित उपनियमों में सब्जी एवं फल का तात्पर्य हर प्रकार के सब्जी सब्जियों एवं फलों से होगा, जिसमें हर प्रकार की ताजे एवं सूखे फल तथा मशरूम, प्याज, आलू, अरबी, शकरकन्दी, सिंघाड़ा व [illegible] भी शामिल होगा।

२- नगरपालिका, देहरादून की सीमा में कोई भी व्यक्ति बिना लाईसेन्स लिये तथा निम्नलिखित शर्तों को पूरा किये सब्जी तथा फल आदि की थोक बिक्री या फुटकर व्यापार नहीं कर सकेगा।

(अ) प्रत्येक थोक व्यापारी को प्रतिवर्ष ३१ मार्च से पूर्व लाईसेन्स लेने के लिये नगरपालिका देहरादून के कार्यालय में प्रार्थना पत्र प्रस्तुत करना होगा।

३- प्रत्येक सब्जी एवं फल विक्रेता में सब्जी एवं फल निर्यातक करने वाले व्यक्ति आढ़ती तथा कमीशन एजेन्ट भी सम्मिलित होंगे, जिनको प्रतिवर्ष २००-०० रु० लाईसेन्स फीस नगरपालिका, देहरादून के खजाने में जमा करनी पड़ेगी।

४- प्रत्येक फुटकर सब्जी एवं फल व्यापारी को १-०० रु० प्रतिवर्ष लाईसेन्स फीस के रूप में नगरपालिका के खजाने में जमा करनी पड़ेगी।

(ब) कोई भी सब्जी एवं फल विक्रेता अपनी दुकान एवं रेड़ी, खरीद फरोख्त की हालत में सड़ी-गली सब्जी एवं फल जिससे मनुष्य को कोई हानि पहुंचे, बिक्री नहीं करेगा। इसमें सभी ताजे फल एवं ताजी सब्जियां सम्मिलित होंगी, जो कुछ दिनों तक दुकान में रखी गयी हों, और प्रयोग योग्य न हों।

(द) समस्त सब्जियों एवं फल जो बाजार/आढ़त में बिक्री/निर्यात के लिए लाए जायेंगे, वह साफ टोकरियों/पिटारों में होने चाहिए।

(ध) समस्त कटे हुए तरबूज व खरबूजे, अंगूर आदि अन्य कटे एवं तोड़े हुये फलों को जाली एवं साफ कपड़े से ढक कर रखना चाहिए।

५ लाईसेन्सिंग अथारिटी कार्यकारी अधिकारी होंगे, जो लाईसेन्स सम्बन्धी प्रार्थना-पत्रों पर अपनी इच्छानुसार लाईसेन्स स्वीकार करेंगे या उक्त शर्तों/प्रतिबन्धों की पूर्ति न होने पर लाईसेन्स सम्बन्धी प्रार्थना पत्र अस्वीकार कर देंगे।

991

या प्रमोद विहार स्थल में किसी भी इमारत, झांपा या स्मारक अथवा किसी कला की वस्तु या सजावट के सामान को किसी औजार या किसी वस्तु का जो कि पेड़ पौधा लगाने उसकी उन्नति के लिये या प्रमोद या विहार स्थल की सुरक्षित रखने या किसी पेड़ कलम झाड़ी पौधे को बनाने के काम आती हो, उसको न स्थानान्तरण करने का प्रयत्न करेगा और न उसको क्षति पहुंचायेगा।

६— कोई भी व्यक्ति किसी भी समय प्रमोद या विहार स्थल के किसी भी भाग पर फलों की लता या झाड़ी या किसी स्थान को कि फल लगाने के लिये या किसी झाड़ी को लगाने के हेतु तैयार किया जा रहा है, उस पर न तो चलेगा, खड़ा होगा, न बैठेगा और न लेटेगा।

७— प्रमोद स्थल में किसी भी समय कोई व्यक्ति पेड़ कलम झाड़ी या पौधे के पुष्प या कली या पत्ती नहीं तोड़ेगा।

८— कोई भी व्यक्ति प्रमोद या विहार स्थल के अन्दर कचरा या ऐसी वस्तु नहीं फेंकेगा, जिससे किसी व्यक्ति को नुकसान पहुंचे या चोट लगने का भय हो।

९— बिना प्रधान नगरपालिका की पूर्व आज्ञा के कोई व्यक्ति प्रमोद या विहार स्थल के अन्दर बाद, संगीत, बाजा, ढोल आदि नहीं बजा सकता। प्रमोद या विहार स्थल के अन्दर गाना बजाना या शोर मचाना, जिससे वहां बैठे अन्य व्यक्तियों के आनन्द में बाधा आती हो वर्जित है।

१०— प्रमोद या विहार स्थल के अन्दर गाली या गन्दे शब्दों का प्रयोग करना वर्जित है।

११— प्रमोद या विहार स्थल के अन्दर नगरपालिका की पूर्व आज्ञा के कोई भी खेल सभा या मेला तथा पर्व आदि नहीं मनाया जा सकता।

१२— कोई भी व्यक्ति प्रमोद या विहार स्थल के किसी भाग को कपड़े एकत्रित करने फैलाने या रखने अथवा सुखने के प्रयोग में नहीं ला सकता।

१३— कोई भी व्यक्ति अपनी साईकिल, बच्चों की गाड़ी आदि म्युनिसिपल प्रमोद या विहार स्थल के अन्दर नहीं ला सकता।

१४— कोई भिक्षुक, कुष्ठ रोगी, ठेली खोंचे वाला, तेल मालिश वाला चन्दा एकत्रित करने वाला किसी भी दशा में म्यू० प्रमोद या विहार स्थल में प्रविष्ट नहीं कर सकता।

दण्ड

उ०प्र० म्युनिसिपेलीटीज एक्ट की धारा २९९ (१) द्वारा दिये गये अधिकारों का प्रयोग करते हुये बोर्ड आदेश देता है कि उपरोक्त किसी उपनियम का उल्लंघन करने वाले को (पांच सौ रुपये) ५०० रुपया तक अर्थ दण्ड दिया जा सकता है तथा अपराध जारी रखने पर ५ रुपये तक प्रतिदिन चालान के पहले दिन से जिस समय तक अपराध साबित होगा, दण्ड दिया जायेगा।

Prohibiting of killing of beautiful birds

No. 1809/XXIII-3-55-56—In Supersession of all byelaws previously published on the subject, the following byelaws made by the Municipal Board of Dehra Dun for prohibiting of killing of beautiful birds under Section 298 (1)of the UP Municipalities Act. 1916,and confirmed by the Commissioner are hereby published as required by Section 201,sub-Section (2) of the said Act.

Byclaws

1. Under these byclaws 'Beautiful Birds' mean birds, whom people tame for recreation as pairrots, ducks, swans, pigeons peacocks, pidkis, pheasants, weaverbirds etc.

2. No person shall slaughter any of the birds referred to in No. 1, above and other songstere, harmless or ornamental tiny or big birds.

3 The word 'slaughter' occurring in byelaw no. 2 above, means to kill any bird or to eat its eggs raw or cooked.

4. Besides the birds mantioned in byelaw 1 above, crows, kites, owls, vultures and other birds which appear to be dangerous for the abovesaid birds, but are useful from health point of view, shall not be killed.

Penalty

In exercise of the powers confirmed by Section 299(1) of the U P Municipalities Act. 1916, the Board hereby directs that a breach of any of the above byelaws shall be punishable with fine which may extend to Rs. 500 and if the breach is a continuing one with a further fine which may extend to Rs 5 for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

(ब) इन मार्गों की स्वच्छता सम्बन्धी सुविधाएं व स्तर और यह भी दर्शाया जायेगा कि वह स्वीकृत मानचित्र में निर्धारित बातों के अनुसार है।

२—प्रार्थी मकान पूरे होने के एक मास के अन्दर बोर्ड अथवा इस सम्बन्ध में बोर्ड अधिकृत अधिकारी को कार्य समाप्ति प्रमाण-पत्र के लिये प्रार्थना-पत्र प्रस्तुत करेगा और संलग्न विवरण सूची-पत्र नं० १ व २ के अनुसार उसके निर्माण के विषय में सम्पूर्ण सूचनाएं देगा। यदि बोर्ड अथवा उक्त अधिकारी स्थान का निरीक्षण करने के उपरान्त सन्तुष्ट हो कि प्रस्तावित भवन अथवा उसका भाग उस प्रकार से स्वीकृत मानचित्र के अनुसार उस अभिप्राय से निर्मित पूर्ण है, जिसके लिये उसका निर्माण अथवा पुनर्निर्माण हुआ है, तो वह प्रार्थी को कार्यपूर्ति प्रमाणपत्र स्वीकार कर देगा अन्यथा वह प्रमाण-पत्र की प्राप्ति के १५ दिन के अन्दर प्रार्थी को पत्र में स्पष्ट दर्शाये कारणों से सूचित करेगा कि प्रार्थना-पत्र अस्वीकार कर दिया गया है।

४—यदि बोर्ड अथवा बोर्ड द्वारा अधिकृत अधिकारी कार्यपूर्ति प्रमाण-पत्र के लिये प्राप्त ऐसे प्रार्थना-पत्र को १५ दिन के अन्दर उपरोक्त नियमों के अनुसार स्वीकार अथवा अस्वीकार नहीं करता तो प्रार्थी उक्त अवधि की समाप्ति पर भवन अथवा उसके ऐसे भाग को प्रयोग करने अथवा कराने का जैसा भी निर्णय हो पूर्ण अधिकारी होगा।

अस्थाई निवास का प्रमाण पत्र

जब बोर्ड की यह सन्तुष्टि हो कि कोई भवन अथवा भवन के किसी भाग में स्वच्छता, पानी एवं रसोई सम्बन्धी सभी व्यवस्थाओं की दृष्टि से वह रहने के योग्य हो गया है तो वह ऐसे मकान के पूर्ण होने तक उसमें वास का अस्थाई प्रमाण-पत्र स्वीकार कर सकता है। जब तक स्वच्छता, पानी व रसोई सम्बन्धी व्यवस्था पूर्ण नहीं होगी, कोई अस्थायी प्रयोग प्रमाण-पत्र जारी नहीं किया जायेगा।

दण्ड

यू०पी० म्युनिसिपल ऐक्ट की धारा २१८ (२) आई (एच) के अन्तर्गत प्रदत्त अधिकार का प्रयोग करते हुये बोर्ड यह घोषित करता है कि उपरोक्त किसी भी उपनियम का उल्लंघन करने पर जुर्माना का दण्ड दिया जावेगा, जो ५०० रु० तक हो सकता है और यदि फिर भी उल्लंघन जारी रहा तो प्रथम दोष सिद्ध होने के बाद, यदि दोषी लगातार उल्लंघन करते हुये पाया गया तो जुर्माना ५ रु० प्रति दिन तक किया जायेगा।

सुभाष पार्क के नियन्त्रण संबंधी उपनियम

सं० २८३६/२३/१८३, ६०/६१ इस विषय पर पूर्व प्रकाशित समस्त उपनियमों को खण्डित करके निम्नलिखित देहरादून नगरपालिका की सीमा में स्थित सुभाष पार्क के नियन्त्रण सम्बन्धी उपनियम, जिन्हें नगरपालिका, देहरादून ने यू०पी० म्युनिसिपलीटीज एक्ट, १९१६ की धारा २१८ (२) के (ए) (डी), के अधीन बनाये है और जिसकी पुष्टि आयुक्त ने की है, इस विज्ञप्ति द्वारा उक्त एक्ट की धारा ३०१ (२) के प्रयोजनों के लिये प्रकाशित किये जाते है।

उपनियम

१—प्रमोद स्थल या बिहार का तात्पर्य देहरादून नगरपालिका के उद्यान से से है, जो सुभाष पार्क तथा पूर्वी परेड ग्राउन्ड कहलाती है तथा म्यु० पार्क तथा पूर्वी परेड ग्राउन्ड कहलाती है आदि पर भी यही नियम लागू होंगे।

२—प्रमोद स्थल या बिहार जनों के लिये प्रातः १० बजे रात्रि से ५ बजे प्रातः तक बन्द रहेगा, किन्तु प्रधान, सिविकल सर्जन कमेटी, नगरपालिका समय समय पर अपने आदेश से विशेष परिस्थिति में सार्वजनिक कार्य के लिये उसके विरोत भी प्रयोग करने की आज्ञा दे सकती है। शेष कालीन जनता निम्न समयानुसार प्रमोद या बिहार स्थल में प्रविष्ट कर सकते है।

गर्मी के मौसम में अर्थात् मार्च से जुलाई तक ४ बजे सायंकाल से १० बजे रात्रि तक तथा प्रातः ५ बजे से ८ बजे तक।

वर्षा ऋतु में अर्थात अगस्त से अक्टूबर तक ४ बजे सायं से ९ बजे रात्रि तक तथा प्रातः ५ बजे से ९ बजे तक।

जाड़े के मौसम में अर्थात् नवम्बर से फरवरी तक ३ बजे सायंकाल से ८ बजे रात्रि तक तथा प्रातः ६ बजे से ९ बजे तक।

३—जिस द्वार अथवा उपद्वार अथवा अन्य मार्ग द्वारा नियम की व्यवस्था बनाई गई हो वहां से प्रत्येक व्यक्ति प्रमोद या बिहार स्थल में प्रवेश करेगा और बाहर जा सकेगा।

४—नगरपालिका द्वारा प्रमोद या बिहार स्थल के किसी भाग में प्रतिष्ठापित किसी सूचना पट, फिटिंग को कोई व्यक्ति नहीं हटा सकता है और न उसके रंग को विकृत कर सकता है, इत्यादि।

५—कोई भी व्यक्ति प्रमोद या बिहार स्थल की दीवार, पहार दीवारी, झाड़ियों की मेंड या बाड़, जो प्रमोद या बिहार स्थल को घेरे हुये है, उसका

४- सार्वजनिक कौन्टेजियस : घृणोत्पादक या संक्रामक रोग से ग्रसित व्यक्ति को किसी भी प्रयोजन से भूतलादि में रात अथवा दिन के किसी भी समय प्रवेश करने की अनुमति न दी जायेगी ।

५- ऐसी सभी इमारतों के कमरे, मार्ग : पैसेजेज और सीढ़ियां प्रतिवर्ष कम से कम एक बार चूने से पोती जायेंगी और ऐसी इमारतों का सब लोहे या लकड़ी का सामान, जैसे बल्लियों : बीम्स : पटाव : छज्जे, दरवाजे तथा खिड़कियां इत्यादि प्रति वर्ष कम से कम एक बार साफ की जायेंगी, रंगी जायेंगी अथवा उन पर वार्निश की जायेगी और वे हमेशा साफ और धूल रहित रक्खी जायेंगी ।

६- इमारत के हाल के दरवाजे तथा खिड़कियां प्रत्येक दिन प्रातकाल तीन घन्टे तक और प्रति दो खेल प्रदर्शन : शोज : के बीच में कम से कम आधे घन्टे तक खुली रक्खी जाएगी । हाल उतनी बार और उसी प्रकार जैसा स्वास्थ्य अधिकारी निर्देश दे साफ किया जाएगा, धोया जायेगा, विसंक्रमित किया जायेगा ।

७- नगरपालिका में महामारी के फैलने की स्थिति में अथवा स्वा० अधिकारी के सन्तोष के अनुकूल सफाई न रख सकने पर एक्जीक्यूटिव आफिसर उस अवधि तक के लिये जो वह उचित समझे खेल प्रदर्शन को स्थगित कर सकता है ।

८- (१)स्वा० अधिकारी और चीफ सैनीटरी इन्सपेक्टर अथवा नगरपालिका सैनेटरी इन्सपेक्टर जिन्हें स्वा० अधिकारी इस सम्बन्ध में अधिकृत करे इमारत तथा उसके भूतलादि के समस्त भागों को चाहे के प्रयोजन के लिये किसी समय भी प्रवेश कर सकते है ।
(२) स्वा० अधिकारी द्वारा सफाई तथा जन स्वा० के सम्बन्ध में दिये गये अनुदेशों का पालन प्रबन्धक वर्ग दिये गये समय के भीतर करेगा ।

९- बाइसकोप अथवा सिनेमा के खेल प्रदर्शनों से भिन्न नाटय तथा अन्य मनोरंजनों के सम्बन्ध में एक्जीक्यूटिव आफिसर के अनुकूल आग लगने पर, खेल करने वालों तथा जनता के लिये बाहर निकलने का पर्याप्त तथा समुचित प्रबन्ध होगा और बिजली के अतिरिक्त आग बुझाने के लिए पर्याप्त पानी की सप्लाई उदाहरणार्थ नल तथा गैसों इत्यादि का पास से प्रबन्ध रहेगा ।

दण्ड

यू०पी० म्यु० एक्ट की धारा २६:१: द्वारा प्राप्त अधिकारों का प्रयोग करके तथा राज्य सरकार की स्वीकृति से बोर्ड एतद् द्वारा निर्देश देता है कि इन उपनियमों के उल्लंघन करने पर ५०० रु० तक का दण्ड दिया जा सकता है और यदि अपराध निरन्तर जारी रहे तो प्रथम दोष सिद्ध होने के उपरान्त ५०० प्रति दिन के हिसाब से दण्ड दिया जायेगा

सरकारी गजट, उत्तर प्रदेशीय सरकार द्वारा प्रकाशित शनिवार दिनाँक १८ सितम्बर ६४ में भवन प्रयोग निषेध सम्बन्धी उपनियमों को प्रतिलिपि

६ सितम्बर १ ६४ ई०

सं० ५११७, २३-२६ (१०) ६३-६४ इस विषय पर पूर्व प्रकाशित समस्त उपनियमों को खंडित करके यू०पी० म्युनिसिपैलिटीज एक्ट, १९१६ की धारा २६८ (२) आई (एच) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए देहरादून नगरपालिका ने नगरपालिका की सीमा में भवनों में सफाई सम्बन्धी उपकरणों की व्यवस्था पूर्ण होने से पूर्व भवन प्रयोग निषेध करने सम्बन्धी निम्नलिखित उपनियम बनाये है और जिनकी पुष्टि आयुक्त, मेरठ मण्डल, मेरठ ने की है, उक्त ऐक्ट की धारा २०१ (२) के प्रयोजनार्थ प्रकाशित किये जाते है ।

उपनियम

निवास सम्बन्धी प्रमाण पत्र

१—कोई भी व्यक्ति स्वयं अथवा किसी व्यक्ति को नये भवन अथवा नये भवन के किसी भाग या पुराने मकान के किसी नये भाग को किसी भी अभिप्राय से उस समय तक प्रयोग नहीं करेगा या करने देगा जब तक कि वह बोर्ड या बोर्ड द्वारा अधिकृत अधिकारी से उस मकान अथवा उसके किसी भाग के विषय में कार्य पूर्ति प्रमाण पत्र प्राप्त न कर ले ।

२—कार्य पूर्ति प्रमाण पत्र में निम्न बातें होगी :
(अ) मकान के वह भाग जो (निवास) रहने के प्रयोग में आ सकते है ऐसा प्रत्येक भाग अन्य भागों से पृथक रहेगा ।

क्षेत्र के बाहर नहीं। (२) पीने के लिये पर्याप्त मात्रा में शुद्ध जल का प्रबन्ध न किया गया हो तथा (३) दुग्ध उत्पादन के लिये आवश्यक सफाई के प्रबन्धों के प्रभारी स्वास्थ्य अधिकारी। हैल्थ आफिसर इन्चार्ज : संतोषानुसार यथाविधि व्यवस्था न की गई हो।

(ख) यदि २५० एकड़ से अधिक भूमि का सीवेज फार्म बनाया जाये तो यह आवश्यक होगा कि उसका प्रबन्ध किसी कृषि विशेष : चाहे वह पूर्णकालिक हो या अंशकालिक के निर्देशानुसार कराया जाये जो फसलों की बारी : रोटेशन : निश्चित करेगा तथा सीवेज फार्म पर खेती करने के लिये भिन्न भिन्न फसलों की उपयुक्तता मालूम करे।

१०— यदि फार्म का प्रबन्ध किसी स्थानीय निकाय द्वारा किया जाता हो तो उसका पूर्ण लेखा रखा जायेगा जिसके अन्तर्गत क्षेत्र का वह क्षेत्रफल जिस पर खेती की गई हो प्रत्येक प्रकार की फसल की पैदावार की मात्रा और उसका मूल्य तथा विशेष समस्याओं के प्रतिवेदन भी होंगे।

दण्ड

११— यू०पी० म्युनिसिपैलिटिज ऐक्ट १९१६ की धारा २९९ को उपधारा (१) द्वारा प्राप्त अधिकारों का प्रयोग करके राज्य सरकार यह निर्देश देती है कि उक्त नियमों के किसी भी प्रतिबन्ध का उल्लंघन करने पर अर्थ दण्ड जुर्माना किया जायेगा जो पांच सौ रुपये तक हो सकता है और यदि उल्लंघन निरन्तर जारी रहे तो अतिरिक्त दण्ड भी दिया जायेगा, जो प्रथम अपराध सिद्ध होने के दिन से प्रत्येक ऐसे दिन के लिये जिसके बारे में यह सिद्ध हो जाये कि उससे अपराधी लगातार अपराध करता रहे पांच रुपये तक हो सकता है।

प्रदर्शनी अथवा नाट्यशाला को नियन्त्रित करने सम्बधी उपनियम

सं० २२००/२३-३-५५-५६ इस विषय पर पूर्व प्रकाशित समस्त उप-नियमों को खंडित करके निम्नलिखित सरकस, प्रदर्शनी अथवा नाट्यशाला को नियन्त्रित करने के उपनियम, जिन्हें नगरपालिका देहरादून ने यू०पी० नगरपालिका विधान १९१६ की धारा २९८ के अधीन बनाये है, आयुक्त की पुष्टि के पश्चात उक्त ऐक्ट की धारा १०१:२: के अधीन प्रकाशित किये जाते है।

१— कोई व्यक्ति नगरपालिका के भीतर उन क्षेत्रों के अधीन जो इसमें नियत है और केवल नगरपालिका के एक्जीक्यूटिव आफिसर की पूर्व अनुमति के बिना ऐसा प्रदर्शन के अतिरिक्त किसी स्थान का प्रयोग सर्कस, प्रदर्शनी, अथवा नाट्यशाला के लिये न करेगा।

२— सर्कस तथा नाट्यशाला में खेल अथवा प्रदर्शनी के प्रारम्भ होने के ७ दिन से अन्यून समय के पूर्व वह व्यक्ति, जो ऐसे खेल अथवा प्रदर्शनी का प्रबन्ध करे, उक्त नगरपालिका के एक्जीक्यूटिव आफिसर को, जहां खेल अथवा प्रदर्शनी होने वाली हो, इमारतें, टेन्ट अथवा अन्य संरचना: सटक्चर: बैठने के स्थान, रोशनदान और सफाई की सुविधाओं का, जिनकी व्यवस्था की गई हो तथा अन्य प्रबन्धों का भू-गृहादि: प्रीमिसेज: को स्वच्छ रखने के लिये किये गये हो, पूरा विवरण देगा। एक्जीक्यूटिव आफिसर का समय समय ऐसी अन्य सूचनायें जो वह मांगे दी जायेंगी।

३— प्रत्येक सरकस प्रदर्शनी अथवा नाट्यशाला में सफाई के निमित्त निम्नलिखित प्रबन्ध किये जायेंगे :

(१) स्वास्थ्याधिकारी द्वारा स्वीकृत स्थानों पर, उन्हीं के द्वारा स्वीकृत प्रकार टाइप और डिजाइन के पेशाब घरों तथा पाखानों की व्यवस्था स्त्रियों तथा पुरुषों के लिए अलग अलग की जायेगी।

(२) [क] भू-गृहादि में व्यक्तियों के बैठने के लिए अधिकतम आवास के निमित्त प्रति २०० या उससे कम व्यक्तियों के लिये एक पाखाना और प्रति ५० या उससे कम कम व्यक्तियों के लिये एक पेशाबघर होगा।

[ख] पृथक पाखाना तथा पेशाबघरों पर पृथक या सही पेशाबघर इंगित किया जायेगा।

(३) स्वास्थ्य अधिकारी के सन्तोषानुसार समस्त पाखाने तथा पेशाबघर स्वच्छ तथा बदबू रहित रखे जायेंगे।

(४) भू-गृहादि में रोगाणुनाशक : डिसइन्फैक्टनरस : तथा दुर्गन्धहर पदार्थ पर्याप्त मात्रा में उपलब्ध रहेंगे और स्वास्थ्य अधिकारी द्वारा नियत प्रकार से अथवा उनके निर्देश से और जितनी बार वे कहें, प्रयोग में लाये जायेंगे।

(५) वाटर क्लोज : जल प्लावित : पाखाने और पेशाबघरों की दशा, धोने के लिये उचित क्षमता : कैपेसिटी : को एक पृथक टंकी की व्यवस्था स्वास्थ्य अधिकारी के निर्देश के अनुसार की जायेगी।

अन्य किसी प्रकार के रहने के मकानों की अनुमति नहीं दी जायेगी ।

२—सीवेज अथवा सलेज फार्म के लिये ऐसी उपयुक्त भूमि चुनी जायेगी और उसका इस तरह किया जायेगा कि उसकी अच्छी तरह सिंचाई हो सके और खेती की जा सके । म्युनिसिपल क्षेत्र के अथवा म्युनिसिपैलिटि की सीमा के बाहर किसी भी आबादी को उसकी ओर स्थापित नहीं किया जायेगा जिधर से वायु का वेग हो । स्वस्थ रूप रेखा : टोपोग्राफ, धुस्तर : लेयर आफ सोयल: जमीन के नीचे की मिट्टी : सब सोयल, जमीन के नीचे जल की सिंचाई : सब सोयल वाटर टेबल तथा प्राकृतिक अनोत्सारण : नैचुरल ड्रेनेज की जाँच के लिये भूमि का प्रारम्भिक सर्वेक्षण : सोयल सर्वे किया जायेगा । समस्त भूमि को भली भांति तैयार किया जायेगा । उसका विस्तार इस प्रकार होगा कि उसमें पानी जमा होने वाले पोखरे : स्टेगनैंट्रिंग पूल्स, गड्ढे : पिट्स अथवा खड्ड, डिप्रेसन्स : न रहने पायें । साथ ही सड़कों और रास्तों का भी समुचित प्रबन्ध किया जायेगा । पानी देने के लिये नालियों, डिस्ट्रिब्युटिंग चैनल्स : तथा कुलाबों : इन रेगुलेटर्स : की प्राप्त व्यवस्था की जायेगी ताकि फसल को केवल परिमित मात्रा में पानी पहुंचाया जा सके । जमीन को कुछ काल तक रखने और उसे पानी से धोने के लिये भी पर्याप्त मात्रा में भूमि की व्यवस्था की जायेगी जो किसी भी दशा में कृषि उत्पादन क्षेत्र के २५ प्रतिशत से कम न होगी जिससे मिट्टी में अत्यन्त खाद होने के कारण फसल जल न जाये ।

३—यदि भूमि की सिंचाई से पूर्व समस्त सीवेज अथवा सलेज में से ठोस चीजें निकालना और सीवेज छिराना सम्भव न हो तो उससे पूर्व छानने की क्रिया भली भांति की जायेगी ।

४—सीवेज या सलेज का पानी खेतों की सिंचाई के लिये आवश्यकता नुसार और सुविधानुकूल किया जायेगा, ताकि सीवेज या सलेज के दोष वायु स्पर्श से दूर हो सके । इस बात का भी ध्यान रखा जायेगा कि जल एक स्थान पर इकट्ठा न हो, मिट्टी में अत्यधिक खाद न हो, मक्खियाँ और मच्छर पैदा न हो दुर्गन्ध न निकले, देखने में भद्दापन न लगे, कीचड़ व सलेज इकट्ठा न हो तथा कोई किसी प्रकार की गन्दगी न हो । सिंचाई के काम में लाने से पहले गाढ़े गन्दे पानी को पानी मिला कर पतला करना होगा । सीवेज फार्म आरम्भ करने से पूर्व भूमि की सम्पूर्ण विशेषताओं तथा उपलब्ध सीवेज की शक्ति को ध्यान में रखते हुए एक विस्तृत फसल योजना तैयार की जायेगी ।

५—ताजे मल : वाईट सायल : तथा आयन्त गाढ़े पानी या कचरे का खाद के लिये तब तक प्रयोग नहीं किया जायेगा जब तक की उसे अनुमोदित वैज्ञानिक ढंग से साफ कर : इफ्लोरियल : न बना लिया जाये ।

६—फार्म पर कार्य करने वाले मजदूरों को हाथ पैर धोने के लिये पर्याप्त मात्रा में स्वच्छ पानी व्यवस्था करनी होगी तथा उनके स्नान करने और कपड़े और जूते बदलने का भी समुचित प्रबन्ध करना होगा ।

७—फार्म चलाने वाली संस्था को चाहे वह कोई स्थानीय निकाय हो अथवा निजी संस्था, निम्नलिखित व्यवस्था अनिवार्य रूप से करनी होगी :

(क) फार्म में काम करने वाले मजदूरों को ऐसे औजार देने होंगे जिसमें कम से कम ५ फीट लम्बे हैन्डिल लगे हों जिससे उनके हाथ और कपड़े व्यर्थ ही गन्दे न होने पायें तथा

(ख) फार्म में काम करने वाले मजदूरों के लिये रबर के लम्बे जूतों सम बूट्स : का प्रबन्ध करना होगा, जिससे उनकी कृमियों (हुकवर्म) से रक्षा हो सके ।

८—(क) ऐसी तरकारियों के अतिरिक्त जो उबालने या पकाने के पश्चात ही खाने योग्य होती हों, कोई भी तरकारी, चाहे वह हरी पत्ती की किस्म की हो अथवा जड़ के किस्म की, फार्म पर न उगाई जायेंगी ।

(ख) ऐसी चीजों की फसलों के अतिरिक्त जो उबालने या पकाने के पश्चात खाने योग्य होती हो, कोई भी फसल सीवेज अथवा सलेज फार्मों पर नीचे दी गई व्यवस्था से अन्यथा न उगाई जायेंगी ।

(१) केवल वह, उस दशा में जब इस प्रकार उगाया गया समस्त फसल संविद के आधीन किसी मिल को बेचा जाता हो अथवा उसका प्रयोग पूर्णतः गूद बनाने के लिये किया जाता हो ।

(२) फलों के वृक्ष : लताएं नहीं : जो पृथ्वी के धरातल से काफी ऊपर फैलते हों जैसे केला, पपीता, अमरूद, संतरा, नीबू इत्यादि फार्म पर उगाये जा सकते है, बशर्ते की ऐसे फलों को खाने के प्रयोजन से फार्म से बाहर भेजने के पूर्व पूर्णतया और अनिवार्य रूप से धोने का समुचित प्रबन्ध हो ।

९—(क) कोई भी डेरी फार्म : दूध का फार्म : सीवेज अथवा सलेज फार्म के साथ काम न चलाया जायेगा, यदि (१) डेरी फार्म उपर्युक्तनियम १ के अन्तर्गत रहने के लिये मकान बनाने के लिये प्रतिबन्धित

इसके साथ श्री रफाकत हुसैन फारूकी के नोट ता० २०-४-५८ कि मोती बाजार मिशन स्कूल के चौराहे से अण्डा बाजार बाया हनुमान चौक तथा अण्डा बाजार से कचहरी रोड तथा सहारनपुर रोड क्रासिंग तक भी नये मीट की दुकान के लाइसेन्स न दिए जाए।

कमेटी के प्रस्ताव सं० ८८ ता० २१-१-५८ में बताये गए स्थानों तथा श्री रफाकत हुसैन फारूकी द्वारा बताये स्थानों के लिए मीट की दुकानों के लिए लाइसेन्स न दिए जायें। आगे निश्चय हुआ कि बाहत बाजार तथा तिलक रोड की मेन रोडों पर यह नये लाइसेन्स न दिये जायें।

१४३. प्रस्ताव सं० १७ स्पे० ता० २६-६-५४

असेसमेन्ट कमेटी के प्रस्ताव सं० २ ता० २१-५-५४ पर विचार करना कि बोर्ड के निम्न प्रस्ताव सं० २७ स्पे० ता० १७-१-५३ को रद्द करके यह निश्चय किया जावे कि खाली पड़ी भूमियां असेसमेन्ट से मुक्त होने के कारण कमेटी के प्रस्ताव नं० १७१ ता० २६-११-५८ के अनुसार उनको खाली भूमियों से म्यु० कर जब कर : गृहकर व मलकर, वसूल न किए जावे जिनसे कोई आय नहीं होती।

मूल प्रस्ताव को रद्द करना है :

निश्चय हुआ कि खुली भूमियों पर जिनसे किराए की आय नहीं होती टैक्सों से छूट केवल उसी दशा में दी जावे जब वैकेन्सी रिपोर्ट आवे अन्यथा नहीं।

बोर्ड के प्रस्ताव सं० २७ स्पे० ता० १७-१-५३ को रद्द करते हुए निश्चय हुआ कि खुली पड़ी भूमियों से आय न होने पर म्यु० कर वसूल न किये जावे श्री काशीनाथ असहमत रहे।

१४४. प्रस्ताव संख्या ५ ता० २०-६-५८

स्वा० समिति के प्रस्ताव संख्या २३५ ता० १८-७-५८ पर विचार करना कि म्यु० औषधालयों में काम करने का समय निम्न प्रकार नियत किया जावे।

गर्मियों में—सुबह ७ बजे से ११ बजे तक, शाम को ५ बजे से ७ बजे तक
जाड़ों में—सुबह ८ बजे से १२ बजे तक, शाम को ४ बजे से ६ बजे तक।

इसके साथ प्रधान जी का नोट ता० २-६-५८।

प्रधान जी का नोट पढ़ा गया। निश्चय हुआ कि कमेटी के प्रस्ताव में लिखे समय निर्धारित किये जाते है।

१४५. बोर्ड प्रस्ताव सं० २८ दिनांक २१-५-७१

बोर्ड के कर्मचारियों तथा अन्य लोगों के स्वर्गवास हो जाने पर नीति निर्धारण करने के सम्बन्ध में उपसमिति की रिपोर्ट पर विचार करना।

उपसमिति की रिपोर्ट

१-यदि अवकाश के दिन किसी की मृत्यु हो तो उसके बदले किसी दूसरे दिन बोर्ड बन्द नहीं होना चाहिए।

२-मृत्यु यदि देहरादून से बाहर होने पर दाह संस्कार देहरादून हो तो बोर्ड बन्द होना चाहिए।

३-भूतपूर्व तथा वर्तमान सदस्य और प्रधान की मृत्यु होने पर बोर्ड बन्द रहना चाहिए। यही रिवाज कर्मचारियों के विषय में भी अपनाया जाना चाहिए।

उपसमिति की रिपोर्ट स्वीकृत है तदनुसार कार्यवाही की जावे।

उत्तर-प्रदेश सरकार के गजट भाग ३ दि० ४ नव० १९६१ से प्रकाशित विज्ञप्ति सं० ४९५३ डी ९-वो २-एस० ५७ दि० २८ अक्तू० १९६१ की प्रतिलिपि

२८ अक्तुबर १९६१ ई०

सं० ४९५३-डी। ९-वो, २ एस, ५०····—विज्ञप्ति सं० ३०९९-डी ९-वो, २ एस० ५७ दिनांक ५ जून १९६१ के अनुक्रम में सर्वनर महोदय ने यू०पी० म्यूनिसिपैलिटीज ऐक्ट १९१६ की धारा ३००/१/की अपेक्षानुसार पूर्व प्रकाशन के पश्चात म्यूनिसिप बोर्ड के आधीन सीवेज अथवा सलेज फार्मों के विनियमन के निम्नलिखित नियम बनाये है।

नियम

१-(क) प्रत्येक सीवेज तथा सलेज फार्म : गन्दे पानी से, जिसमें मल हो, सींचे जाने वाले खेत व किसी आबादी इन डेजिग्नेटेड एरिया : के बाहर कम से कम ६ फर्लांग की दूरी पर स्थित होगा।

(ख) फार्म के भीतर अथवा फार्म के चारों ओर उक्त दूरी के भीतर केवल फसल निगरानी के लिए अस्थाई झोपड़ियों के अतिरिक्त

pyjamas and safas manufactured out of cloth from U P. Handicrafts (vide G.O. No. 742 dated 10-2-44) they be supplied with closed collar coats, pyjamas and Gandhi caps made of Khaki Drill, 25/4-10-50.

Resolved that they be supplied with closed collar coats, pyjamas and Gandhi caps as per Office note.

135 **Resolution No. 56 dated 15-11-50.**

To consider Chairman's note recommending application of Municipal byelaws regarding construction of houses, streets and drains to houses, streets and drains upto a 2 mile radius of the Municipal boundary.

56/15-11-50

Resolved that under Section 212 (a) the byelaws governing constructions of houses, street and drains be made applicable to houses, streets and drains upto a two miles radius of the Municipal boundary.

136 **Resolution No. 131 of 20-12-49**

To consider the note of Principal, Technical School requesting to increase the quantity of Kerosene oil for the Motor Technical Class from 1 gallon to 1¼ gallons per month. 31/20-11-49

Resolved that the monthly quota of kerosene be increased by ¼ gallon.

137 **Resolution No 25 of 10-12-46**

To consider Junior Vice-Chairman's report dated 9-12-49 regarding reducing the cost of manure from the Niranjanpur pit and for increasing the cost of the kacha manure as recommended by the M. O. H.

25-40-12-49

Resolved as per note of the M O H dated 19-11-49 that the cost of manure be fixed as Rs 4/- per 100/- cubic ft. and transport charges at paisa 75 per mile For kacha manure the cost be fixed as Rs. 5/- per truck or 150 cubic ft. and paisa 75 per mile as transit charges.

138 **Resolution No. 28 of 20-12-49**

To consider resolution No. 35 dated 15-12-49 of the Terminal and Toll Committee recommending the fuel

quota of the Saharanpur Octori outpost be increased from 18 maunds to 20 maunds from 16-12-49. 28/20-12-49

Resolved the recommendation be accepted.

139 **Resolution No. 7 of 22-7-48.**

To consider the Terminal and Toll Tax Committee resolution whether octroi be charged on goods inclusive of packing or exclusive of the same. 7/22-7-48

Resolved that goods be charged inclusive of packing, etc. as is the practice with the Railways and other departments. Existing practice of charging goods inclusive of packing be continued.

१४० बोर्ड प्रस्ताव न० ३८ तारीख ७-४-७२

परेलपार्क में हैण्डलूम कपड़े की प्रदर्शनी लगाने के लिए आये प्रार्थना पत्रों पर विचार करना।

प्रार्थना पत्र अस्वीकार किये जाते हैं। भविष्य में परेल पार्क में किसी प्रकार की व्यापारिक प्रदर्शनी की स्वीकृति न दी जाये।

१४१ बोर्ड प्रस्ताव सं० ११ स्पेशल ता० ४-१०-७२

११ स्पे०—आफिस नोट ता० २६-७-७२ पर विचार करना कि अनाधिकृत इन्क्रोचमेन्ट हटाने के लिये तथा रोकने के लिये तथा सुरक्षा सिपाहे के लिये बादशाह के अन्तर्गत १ ली तथा बादशाह ३ का अधिकार अधिशासी अधिकारी को दिया जाये।

१ ली तथा बादशाह ६ का अधिकार अ० अ० को दिया जाता है।

१४२ बोर्ड प्रस्ताव संख्या ३ दिनांक २-६-१ ५८

स्था० समिति के प्रस्ताव सं० ८८ दिनांक २१-३-२० पर विचार करना जिसमें कमेटी ने सिफारिश की है कि निम्नलिखित स्थानों के लिये मीट की दुकान के नये लाइसेन्स न दिये जायें।

१—घण्टाघर से लेकर गांधी रोड तथा रेलवे स्टेशन तक।

२—घण्टाघर से लेकर नक्खीबाग पुलिस चौकी काशा पत्थर बाजार

३—घन्टाघर से लेकर बिन्दाल पुल तक बाया चकराता रोड।

४—घण्टाघर से सुकलिप्टस रोड तक बाया रायपुर रोड।

५—जाखन बाजार सहारनपुर रोड क्रासिंग से बिन्दाल बैंड तक बाया कांवली रोड।

125 Rates of Manadi

To consider Office note dated 15-12-49 in respect of Board resolution dated 28-10-32 regarding fixation of Manadi from paisa 50 and 25 to Re. 1 and paisa 50 and Re. 1 respectively or the above resolution be cancelled and manadi may be had at the available rates.

37/20-12-49

Resolved that the resolution No. 27 and 276 dated 28-10-32 and 2-8-42 respectively be cancelled and the rates of big and small manadi instead be fixed at Re 1 and paisa 50 and Re 1 respectively.

126 Building Byelaw

To frame Byelaw of Building after adding an amendment to Byelaw 26 as no suggestion or objection to that effect has been received from the public

4 Spl/8-3-50.

"A space of four feet should be left in front of the building which are adjacent/about to roads and lanes. If the buildings in question are on such roads and lanes, which lead to a park five feet space in front of those buildings be left on which a chabutra, chaja can only be built."

Resolved that the amendment in the building byelaw be enforced as per Govt. notes

127 Toll Tax on Blankets

To consider Toll Committee's resolution No. 9 dated 13-8-48 whether Toll tax be imposed on blankets, as there exists no provision in the schedule.

9 Spl/21-8-48

Resolved that as no provision exists in the Toll schedule regarding charging of Toll tax on new and old articles Toll tax in future be charged on blankets, no matter the blankets be new or old.

128 Toll tax on Packing Cases

To consider Toll and Terminal Tax Committee's resolution to impose Toll tax on Packing cases under General Head.

27 Spl/25-3-50

Committee's recommendation accepted; Toll tax on Packing cases be charged under General Head.

191

129 Toll Tax on Pipiya

To consider recommendation of the Toll and Tax Committee's resolution dated not to charge Toll Tax on "Nareal Pipiya".

26 Spl/25-3-50

Resolved that Toll Tax on Pipiya be charged at General rates.

130 Temporary Posts

To note G. O. No 2284/11 dated 20-4-50 that while clarifying the G. O. No. 3046 dated 3-8-49, temporary appointments for a period of less than one month be sanctioned on reasonable grounds.

39/2-6-50

G. O noted.

131 Resolution No. 34 dated 26-5-49

To consider S. W. W's notice dated 5-3-49 suggesting to fix charges for testing private meters at Rs. 3/- to 5/- per meter.

34/26-5-49.

Resolved that 2/- per meter be charged as testing fee for new meters and Rs. 3/- per meter for old meters from 1-4-49.

132 Resolution No. 87 of 17-9-49

To consider the note of W. W.'s dated 14-8-49 suggesting the hire charges of tanks be fixed at Rs. 10/- per month instead of Rs. 1 paisa 50 per week. 67/17-9-49

Resolved that rent of tanks upto 800 gallons capacity is fixed @ Re. 2 paisa 50 per week or lesser part of a week

133 Resolution No. 7 Spl of 28-7-50

To consider D M's letter No. 3118 dated 11-2-50 enclosing G. O's No. 1870 dated 8-7-50 and 152/- dated 18-5-34 and asking the Board to exempt Agricultural seed and implements from Municipal Octroi and taxes.

7 S./25-7-50

Resolved that these be exempted provided shop are accompanied by a letter of authority from the Agricultural Department.

134 Resolution No. 25 of 4-10-50

To consider Office note dated 27-8-50 suggesting that instead of Odoities and Jemadars being given achkans,

114 Approach to Govt. by Mpl. Employees.

To Noted G.O. No. 237/11 dated 22-4-50 that employees under Mpl. Employees Conduct Rule 13 should approach the Govt with matters relating to their services, through proper channels and note otherwise or directly, failing which action be taken against them 17/13-5-50

115 Preference for National Movement Workers.

To note G.O. No 15 dated 29-11-49. that preference be given to persons who had taken part in the National Movement, in case they fulfil educational qualifications and the restriction on age be relaxed 14/13-5-50

Noted

116 Arrest or Search of Mpl Employees.

To note G.O. No. 1284 of 3-5-50 that no employee of the City Board be arrested or searched without previous sanction of the Chairman. 49/17- -50

117 Inspection of Oil Mills.

To consider letter No. 9 F/5931 dated 1-3-50 received From the Director of Medicine and Health that under Rule 243 and 244 of the Mpl. Act the Sanitary Inspectors be authorised to enter into and inspect Oil Mills to check adulteration 20/13-5-50.

Noted The Sanitary Inspectors are authorised under Rules 243 and 244 of the Mpl. Act 1916 to enter and inspect places of where edibles are prepared or manufactured and articles of food if found unwholesome for health The Sanitary inspectors are also authorised to destroy such articles of food.

118 Resolution No. 268 dated 1-8-1942

Resolved that the umbrella be given to the Sewer Line Mistri every alternate year. 268/1-8-1942.

119 Rates of Water from one meter for domestic and industrial purposes.

To consider note dated 25-4-50 from Supdt. Waterworks that he be authorised to fix rates of water consumed from one meter for domestic and industrial purposes. 60/13-5-50

The Supdt. Water Works is hereby authorise with reference to Superintending Engineer's letter mentioned in his note, to fix rates of water consumed by one meter for domestic or any other purposes.

120 Projection Byelaws.

To note Commissioner's letter No. 7759 dated 1-6-50 that Projection Byelaws be strictly enforced if Chajjas and other projections are built agrinst rules and no such projections be allowed to remain. 23/8-7-50

Commissioner's letter read. The Executive Officer should act, very strictly.

121 Settlement of Audit Objections.

Resolved that every department head is responsible for getting audit objections of their respective departments, settled. Every reply to the audit objection be given before the auditor comes for auditing.

122 Plans for Mpl. Works.

To consider Chairman's note dated 10-5-50 that the plans of all the Mpl. Works be prepared by the Mpl Engineer or the Overseers. 68/7-6-50.

Resolved that the plans of all the Mpl. works be prepared by the Mpl. Engineer.

123 Transport Contracts.

To consider and note Regional Transport Officer's letter No. 1/30 dated 6-6-50 in which the Govt has instructed that contracts at transport be given to such contractors who are in possession of permits and vehicles of their own. 4/15-7-50

Noted.

124. Planting and felling of Trees.

To consider and G.O. No. 670/9 dated 17-4-50 that no trees planted along the roads be felled down with a view to have financial gain and if such trees are felled down, new saplings be planted on those very places. 19/8-7-50.

Noted.

106 Resolution No. 428 dated 30-8-41

G.O. No. 1958 dated 24-7-41 saying that in the rules for the assessment and collection of taxes on buildings and lands the financial year be adopted and no remission can be allowed if the period of 90 consecutive days is spread over two financial years. 428/30-8-41.

107 Rates for Hand Road Rollers.

To consider Municipal Engineer's note of 17/11/50 rates for Hand Road Rollers @ Rs. 5/- per day within Municipal limits and Rs 7.50 paisa per day outside the limits to be charged from the contractors; with acting Chairman's note of 6/1/50 thereon 26/28-1-50

Resolved that in the opinion of the Board it is inadvisable to allow such articles to be sent outside Municipal limits.

The hire charges of the Hand Road Roller within Municipal limits is fixed @ Rs 2/- per day within Municipal limits with amendments to Board's Resolution No. 43 dated 29-10-1939. The rate be charged from 1-2-50

108 Cycle Allowance for Gasti Muharrirs.

To consider toll & Terminal Tax Committee's resolution No. 38 of 19-1-50 recommending that cycle allowance be sanction to all Gasti Muharrirs. 16/28-1-50.

The recommendation of the Committee accepted, Cycle ahowance to all the Gasti Muharrirs is sanctioned provided they use them for the work of the Board.

109 Meat or Mutton Shops on main road and bazar

To consider note dated nil from the Medical Officer of Health on the applications for opening two mutton shops in Sarnimal Bazar and paltan Bazar, that some policy be adopted for permitting new mutton shops 92/12-5-50

Resolved that no licence for meat or mutton shops be sanctioned for shops on main bazar and main roads, and as these two meat being the main road and main bazar no licence be issued.

191

110 Previous sanction of the Govt.

To note G.O. No. 1068/11 dated 13-4-50 that previous sanction of the Govt. for the expenses incurred in conferences within Municipal areas, should always be obtained. 10/13-5-50

Noted.

111 Licences for Sale of Fish and Mutton.

To consider appeal dated 13-3-50 received from seven shop keepers, against the orders of M.O.H. in connection with the draft amendment to withholding licences for sale of fish from 1-4-50 in Machhi Bazar 68/25 3-50

Resolved that licences of old shopkeepers be renewed from 1-4-50 till the Board has a market of its own but under the sanctioned draft amendments dated 24-12-48 No new licenses be given for the sale of fish or mutton

112 Overalls for Mpl Motor Workers.

To consider application dated 21-2-50 from the staff of Municipal Motor Workshop together with office notes thereon requesting the Board to give them overalls twice a year and to use them when at work 29/18-3-50

Resolved that two overalls every year to each of the three applications of the Mpl. Motor Workshop be given. These be used only when on duty and will remain Board's property.

113 Exemptions for Articles Imported for Govt. use.

G O No 5161/1 dated 15-4-40 and resolved that under rule 153 (3) of the Mpl. Act 1916 the toll and Terminal Tax on articles imported for the use of Govt and which afterwards become the property of Govt on entering the Mpl. limits, are exempt from such tax with office note dated 14-12-49 and letter No. 13417 dated 25-2-50 received from the Regional Accounts Officer, Meerut. 188 Spl./13-5-50.

G.O. noted and as such no tax be charged on Govt. rations.

asking to mention in the Annual reports all such cases as were within the jurisdiction of the E.O. but in which interference was made by the Chairman or Board.
594/20-10-44.

95. Resolution No. 488 dated 29-4-44.

G O. No. U-909/XI dated 8-8-44 saying that is not obligatory on the Board to maintain drains etc. which do not vest in them and which should be repaired and maintained by the P W D. 488/29-9-44.

96. Resolution No. 388 dated 19-8-44

G.O. No. 944 dated 19-5-44 read with G O. No 4554 dated 4-8-44 that power of Board to dispose of immovable property cannot be delegated to the Chairman as Board is the competent authority. 388/19-8-44.

97. Resolution No. 7 dated 5-5-49

Noted G.O. No 2884/XI dated 12-4-49 that Nazul land can be given at concessional rates on lease or sale only to religious or charitable institution such as Hospitals' Orphanages or Schools and the concessional rates in case of sale should not exceed half the market value and in case of lease it should not exceed the half annual rent
7/5-5-49.

98. Resolution No. 7 dated 10-9-49.

Noted G.O. No. 2252 dated 26-7-49 that exemption of Govt. goods under Section 132 (3) mean not only of Provincial Govt. goods but of Central Govt. goods also.
7/10-9-49.

99. Resolution No. 47 dated 29-10-49.

Resolved that as recommended by the O &S.Committee cycle allowance be given to all the Safai Naiks and Assistant Safai Naiks in case they use cycles on office duty. 47/29-10-49

100. Resolution No. 3 dated 10-12-49.

Noted G O No. 6536 dated 18-9-49 saying that certificates given by Vaid & Hakims registered with the Indian Medicine Board should be accepted like certificate from registered doctors. 3/10-12-49.

101. Resolution No. 92 dated 14-1-50

Resolved that free medical aid be given to the Municipal employees in terms of Govt servants, medical attendant rules provided such free service does not interfere with the work of Municipal Dispensaries Servies of Zacha Bacha Hospital nurses be also made available free of charge to the employees for the purpose. 92/14-1-50.

102. Resolution No. 689/Spl. dated 8-12-41.

G.O. No. 4117 dated 11-11-41 directing that the seizure, detention and confiscation of unlicetion vehulces in the Rules for the Assessment & Collection of Tax is ultra vires and not covered by the provision of Sec. 299 Bye-laws be amended accordingly. 689 Spl/8-12-41.

103. Resolution No 909 dated 31-1-42.

G O No. 1/XI-543 dated 10-1-42 directing that the budget provison of unspent amounts should repeat in the subsequent years budget etc Noted. Since the budget is submitted before the closing of the financial year the actual unspent balances cannot be known until the year is closed and so cannot be shown separately saved in the closing balances which will be the opening and not balances of next financial year.
909/31-1-42.

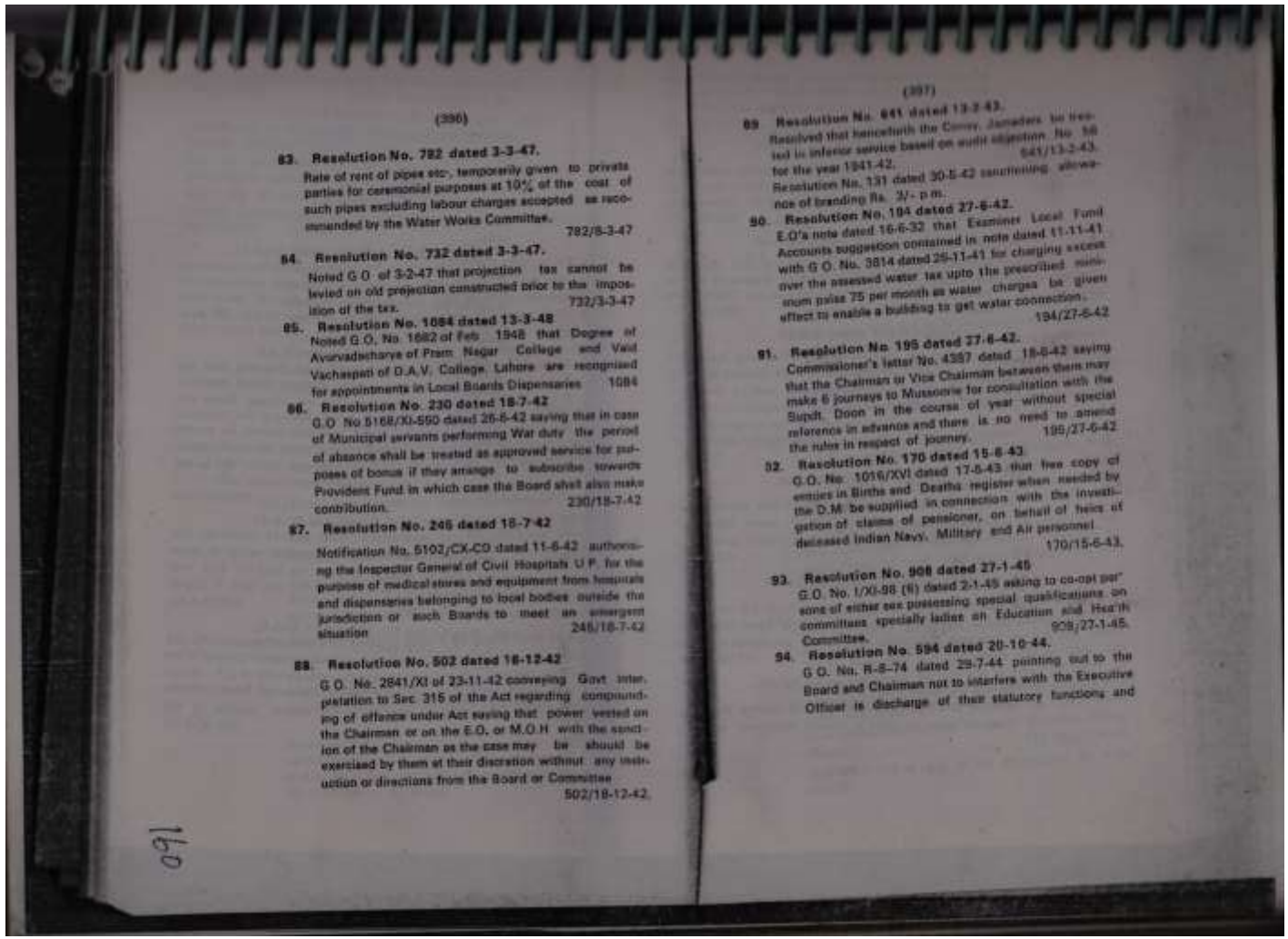
104 Resolution No 268 dated 24-4-42.

G.O. No. 1064/XI-268 dated 25-4-42 clarifying that house which come within the taxable radius of water tax becomes liable to pay the tax from the date next instalment falls due and not from the date it comes within this radius. 268/25-4-42.

105. Resolution No. 105 dated 30-5-42.

G O. No 2023 dated 15-7-41 Boards resolution No 426 dated 20-8-46 extending the Concession allowed to the District Board employees under para 66 of U.P. Medical Manual to the employees of Municipal Board calculating 33% or more receiving annual charges of the Hospital. 105/30-5-42.

Noted.



83. Resolution No. 782 dated 3-3-47.

Rate of rent of pipes etc., temporarily given to private parties for ceremonial purposes at 10% of the cost of such pipes excluding labour charges accepted as recommended by the Water Works Committee.

782/8-3-47

84. Resolution No. 732 dated 3-3-47.

Noted G.O. of 3-2-47 that projection tax cannot be levied on old projection constructed prior to the imposition of the tax.

732/3-3-47

85. Resolution No. 1084 dated 13-3-48

Noted G.O. No. 1662 of Feb. 1948 that Degree of Ayurvadacharya of Prem Nagar College and Vaid Vachaspati of D.A.V. College Lahore are recognised for appointments in Local Boards Dispensaries 1084

86. Resolution No. 230 dated 18-7-42

G.O. No 5168/XI-550 dated 26-6-42 saying that in case of Municipal servants performing War duty the period of absence shall be treated as approved service for purposes of bonus if they arrange to subscribe towards Provident Fund in which case the Board shall also make contribution.

230/18-7-42

87. Resolution No. 246 dated 18-7-42

Notification No. 5102/CX-CO dated 11-6-42 authorising the Inspector General of Civil Hospitals U.P. for the purpose of medical stores and equipment from hospitals and dispensaries belonging to local bodies outside the jurisdiction or such Boards to meet an emergent situation

246/18-7-42

88. Resolution No. 502 dated 18-12-42

G.O. No. 2841/XI of 23-11-42 conveying Govt interpetation to Sec. 315 of the Act regarding compounding of offence under Act saying that power vested on the Chairman or on the E.O. or M.O.H with the sanction of the Chairman as the case may be should be exercised by them at their discretion without any instruction or directions from the Board or Committee

502/18-12-42.

160

89. Resolution No. 541 dated 13-2-43.

Resolved that henceforth the Conve. Jamadars be revised in inferior service based on audit objection No. 58 for the year 1941-42.

541/13-2-43.

Resolution No. 131 dated 30-5-42 sanctioning allowance of branding Rs. 3/- p.m.

90. Resolution No. 194 dated 27-6-42.

E.O's note dated 16-6-32 that Examiner Local Fund Accounts suggestion contained in note dated 11-11-41 with G.O. No. 3814 dated 25-11-41 for charging excess over the assessed water tax upto the prescribed minimum paisa 75 per month as water charges be given effect to enable a building to get water connection.

194/27-6-42

91. Resolution No. 195 dated 27-6-42.

Commissioner's letter No. 4387 dated 18-6-42 saying that the Chairman or Vice Chairman between them may make 6 journeys to Mussoorie for consultation with the Supdt. Doon in the course of year without special reference in advance and there is no need to amend the rules in respect of journey.

195/27-6-42

92. Resolution No. 170 dated 15-6-43.

G.O. No. 1016/XVI dated 17-5-43 that free copy of entries in Births and Deaths register when needed by the D.M. be supplied in connection with the investigation of claims of pensioner, on behalf of heirs of deceased Indian Navy, Military and Air personnel

170/15-6-43.

93. Resolution No. 908 dated 27-1-45

G.O. No. I/XI-98 (R) dated 2-1-45 asking to co-opt persons of either sex possessing special qualifications on committees specially ladies on Education and Health Committee.

908/27-1-45.

94. Resolution No. 594 dated 20-10-44.

G.O. No. R-8-74 dated 29-7-44 pointing out to the Board and Chairman not to interfere with the Executive Officer in discharge of their statutory functions and

69. **Resolution No. 17 dated 1-12-48**
Noted G.O. No 111228 dated 23-11-48 saying that in future expenditure on addresses should not exceed the limit of Rs. 200/- 17/1-12-48

70. **Resolution No. 4/Spl dated 13-12-48**
Resolved that security money for outside connection be fixed Rs. 20/- instead of Rs. 5/- Notification No. 9636 dated 14-4-50. 4/13-12-48.

71. **Resolution No. 28 dated 10-1-49**
Noted G O No. 7021 & 9699 of 22-10-48 & 23-12-48 that local Boards should stop payment of salary and Provident Fund of all such officials who have gone to Pakistan. 28/10-1-49.

72. **Resolution No. 34 dated 24-3-49**
Resolved that Rs 2/- be charged as testing fee for new meters and Rs. 3/- for old meters from 1-4-49 34/24-3-49.

73. **Resolution No. 33/Spl dated 10-7-48**
Resolved that as recommended by the O & S Committee, Cycle allowance to officials be given at Rs. 5/- per month. 33 Spl/10-7-48

74. **Resolution No. 25 dated 10-7-48**
As recommended by the Health Committee rates for catching dogs and pillas be fixed as 37 & 19 paisa each dog and pilla respectively 25/10-7-48.

75. **Resolution No 7 dated 18-9-48**
Resolved that there should be no details in consy. tax demands of the garden and the consy. tax should be charged at the total assessment of the buildings as the rubbish of gardan and houses is thrown on the roads or dustbins and the consy. tax is charged for this reason and not to do service for individual houses. 7/18-9-48

76. **Resolution No. 2 dated 30-10-48**
Noted G O. No. 2260/II-B dated 7-7-48 saying that before giving appointments to the displaced persons the

authorities should satisfy themselves about their testimonials and previous service etc. 2/30-10-48

77. **Resolution No. 574 dated 4-10-47**
Noted Commissioner's endorsement No. 5712 of 9-9-47 on G.O No 4487 dated 1-9-47 that expenditure upto Rs. 200/- prescribed by rules for presentation of addresses is connected with the presentation of the addresses and note on tea party 574/4-10-47.

78. **Resolution No. 540 dated 27-9-47**
Noted G O No 5 11 dated 23-8-47 that no flag other than National Flag should be hoisted on any public building. 540/27-9-47.

79. **Resolution No 254 dated 14-6-47**
Noted Notification No 1658 dated 28-5-47 recognising diplomas of Ayurvedic and Unani Tibbia College, Delhi and of Ayurvedic College, Gurukul Kangri. 254/14-6-47

80. **Resolution No. 9 dated 29-5-48**
G O. 94/XI dated 10-5-48 saying that M.O.H being out of active touch with medical clinic work should not be required to give medical certificates to employees and if authorities doubt the validity of a private practitioner's certificate the Civil Surgeon's opinion be obtained on Board's expense. 9/29-5-48.

Noted and be acted upon accordingly.

81. **Resolution No. 547 dated 30-11-46**
G.O. No. R.D. 166 dated 12-10-46 that proposals for lease of Nazul land should be submitted before the commencement of the lease as it is not possible nor desireable to make a change in the middle of term. 547/30-11-46.

82. **Resolution No. 546 dated 30-11-46**
G O. No. 3442 dated 14-11-46 saying that distance between a factory manufacturing article of food and a building in which an offensive trade is carried on should be raised from 100 ft. to 100 yards. 546/30-11-46

tractor or due to other procedural defect in the case the price of the tender from may be refunded to contractor on application (2) the contractor will be supplied material against cash payment (3) each tender should remain valid for only two months from the date of tender, (Reso. No. 35 dated 10-1 49).

60. Uniforms for Road Gangmen and Asphalt Gangman

Office report dated 3-12-43 to sanction giving of uniforms to permanent road gangmen periodically.

File No. XV/28-43-44

Resolved that one set of blue shirt and pyjama be given to Asphalt gangmen and one half sleeve shrit and half pyjama, blue or khaki, be given to Road gangman every year in Summer and warm bandies in Winter.

61. Water Top Repairs.

Resolved in supercession of Board's Resolution No. 306 dated 27-3-1938 that the renewal charges of leather washer in private connection are hereby fixed 50 paisa instead of 25 paisa. 621/5-12-45.

62. Capacity of Manure Carts.

Chairman's note dated 27-10-44 suggesting to cancel Board's resolution No. 8 dated 30-1-30 determining the capacity of 3 single bullock carts equal to two double bullock carts for sale of manure etc as volume of all carts, single or double bullocks, is just the same.
434/30-10-42

Chairman's not dated 27-10-42 approved and Board's Resolution No. 8 dated 30-1-32 be cancelled This will apply of rubbish and manure from 1-10-42.

63 Dehra Dun Board declared A class Board.

Dehra Dun City Board declared A class Board vide notification No. 226/IX 718-348 dated 29-3-49.

64. Articles unfit for human consumption.

That articles unfit for human consumption be seized and destroyed 20/13-5-50

651

65 Hire charges of Level and Staves.

To consider M.E.'s note dated 6-5-48 suggesting to fix hire charges of level and staves at Rs. 5/- per day against a cash security of Rs. 100/- for private individuals.
15/39-3-48

Municipality Engineer's suggesting approved and be acted upon.

66 Import of Property for Trials.

Papers regarding non-payment taxes by Police officials on property seized and imported by them for trial, with letter No. T-141, dated the 3-11-43, from the Superintendent of Police saying that such property in criminal cases be exempted from payment of taxes, for reasons given in the above letter 658/Spl /27-11-43.

Superintendent of Police's views approved. Exemption from payment of terminal and toll tax on property involved in a case detected dy the Police, be given by the Chairman as and when such cases occur.

67 Lease Charges.

Chairman's note dated 19-7-42 suggesting to fix Rs. 3.75 as expenditure for preparation of plans and cost of tracing cloth etc in connection with execution of lease of land to be charged from the lessee, besides the charge of 56 paisa for lease from fixed by Board's resolution No. 975 dated 28-2-42 334/29-12-42.

The Charge of Rs. 3.75 paisa per lease proposed by the Chairman sanctioned. This be recovered in future from every lessee. The charge of 56 paise for the lease from will be in addition to the above.

68 Uniform to Sweepers.

1. Male sweepers—	(a) Two Kurtas, (b) Two pyjamas, and (d) Two caps.	Every year.
2. Female sweepers	(c) Two Salwars, (d) Two Kurtees, and (e) Two Dopattas.	Every year

Sanctioned vide Govt. G O. 5530/XI-A-1193/1950 dated 13-7-50.

Recommendations accepted. No tax on such goods be charged.

52 Authorising members of Toll Committee to inspect goods and to collect receipts.

As already laid down in rule 4, the members of the Committee are authorised to check imports of goods and take the left half of the duplicate receipt.

593/3-2-41

53 Fixing selling price of meter domes.

Water Works Committee Resolution No. 69 dated 22-1-41 recommending to fix the selling price at Rs. 5/- per dome for the meters to the public. 657/1-3-41

Recommendation accepted.

54 Inspection of Hocknhy Carriage yards premises etc.

Resolved that all the members of Hackney Carriage Committee and H.C. Inspectors be authorised to inspect yards, premises and stablings of the Tongawalas.

36/26-4-41

55 Giving of umbrellas to Water Works staff.

W.W. Superintendent's note dated 24-6-41 suggesting to give umbrellas to the Water Works out-door staff after every 3 years. 361/26-7-41.

Approved. Umbrellas be given every 3rd year.

56 Interpreting the area built upon.

The Board interprets that the words "built upon" used in proviso to byelaw 30 means area enclosed by constructions whether roofed over or not it does not include boundary walls. 405/11-8-41

57 Uniforms for Ward Attendant & Chaukidar I.D.H.

Copy of Board's Resolution No. 455, dated 11-11-1942 Health Committee Resolution No. 156 dated 2-11-42 recommending to give winter uniforms consisting of 1 pyjama, 1 coat and 1 turban to the I.D.H. ward attendant and Chaukidar, each, every alternate year

455/11-11-42.

Recommendation of the Health Committee accepted. The Uniforme be given accordingly.

58 Defending of Suits againsts the Board.

Read-Mr. Talati, Government Advocate's letter in the pending civil suit Hardwari Mal, Harnath Dass versus the Board enquiring if there is any rule or Resolution of the Board indicated in Schedule II of the Act last item "general" requiring prior sanction of the Board for defending any suit or class of suits that may be filed against the Board and the office report thereon to say that no such rule or resolution exists. (File No. XV/21 (34-32). 3/30-5-34.

Chairman be authorised to defend suits in terms of Government Pleader's draft.

Resolved that the Board holds that under Sec 50 (e) II of the Municipalities Act. 1916 read with the said item "General" of the said Schedule the Chairman and in his temporary absence the Senior Vice Chairman and the Junior Vice Chairman in the absence of the above two under Section 55 (b) of the Act have all the residuary powers, duties and functions of the Board including the Board the duty to defend such suits without reference to the Board and the Board hereby resolves that it fully approves of the actions taken by the Chairman in defending the said pending suit on its behalf.

59 Objections from Building Contractors.

To consider P.W. Committee Resolution No. 359 dated 21-11-17 recommending the following suggestion to meet objection of contractors of the Board (1) that if any tender is rejected due to no fault of the contractor or due to other procedural defect in the case the price of tender form be refunded to the contractor on application (2) to allow contractors to take cement upto the extent of the permanent security deposit instead of charging them cash) (3) that each tender should remain valid for only two months from the date of receipt with notice U/S. 94 (5) of the Municipalities act.

798/13-12-47

Resolved in partial modification of Board's Resolution No. 426 dated 9-8-47 that (1) if in any case the tender of the contractor is rejected due to no fault of the con-

42. **Exemption from water charges and consevvancy tax security to the Municipal Staff.**

Permanent Municipal employees be exempted from depositing security for water charges and conservancy tax. 415/2-10-39

43. **Uniforms to Water Works Staff.**

W.W. Committee Resolution No. 49 dated 15-12-39 recommending to sanction the giving of uniforms to 8 beldars and 4 fitters of the Water Works Deptt. 551/11-1-40,

Sanctioned.

44. **Rates for supply of pucca Manure.**

Health Committee Resolution No. 71 dated 22-2-40 recommending the following rates for the sale of manure in purchaser's own carts: 659/5-3-40

(1) Upto 40 carts ordered at a time at 37 paisa per cart,

(2) From 41 to 300 carts ordered at a time at 25 paisa per cart.

(3) From 301 to 1000 carts ordered at a time at 18 paisa per cart.

(4) Above 1000 carts ordered at a time at 37 paisa each. Subject to the minimum of 40 carts at 37 paisa each,

Rates recommended by the Committee approved The manure be taken away with a reasonable time. Item 4 (b) deleted. The time in each case be fixed by the H.O H. If the manure is not removed within the time fixed by the M.O.H. the money paid in advance will be forfeited.

45. **Uniforms to Godown Mistris.**

Health Committee resolution No. 87 dated 18-3-40 recommending to sanction another set of uniform for both the Godown Mistri and his assistant as one is very insufficient. 726/30-3-40

Health Committee's recommendation accepted.

46. **Treatment of Diptheria at the I.D. Hospital.**

Health Committee Resolution 26 dated 18-7-41 on the letter of the Director of Public Health, U.P. regarding

151

treatment of Diptheria cases at the I.D. Hospital free of charge, accepting the Chairman's note that free treatment be given to indoor patients and those who refuse to be admitted should be charged for the treatment with the modification that persons using private wards should also be charged for provided they are in a position to pay- (File No. III-III/38 of 1938-39 P.H.D-)

242/27-7-50

Health Committee's resolution No. 26 dated 18-7-41 approved

47. **Concession to marriages towards the tax on buildings.**

Vacant houses occupied for at the most 15 days for marriage and other social purposes shall not be treated as occupied for house and water tax purposes. Other charges will be realized as mentioned in the E.O s note dated 18-7-40. 265/27-7-40.

48. **Power of Education Committee under Sec. 73**

Resolved by majority that the powers of Sec. 73 of the Act be delegated to the Education Committee 437/7-11-40.

49. **Exemption from meter rent for 3 days**

W.W. Committee resolution No, 43 dated 23-10-40 recommending to accept E.O.'s note to the effect that no meter rent be charged up to 3 days if a building is vacated by 3rd of a month unless the monthly reading has been taken after vacating the house. 420/7-11-40. Approved.

50 **Rate of Baldi Water**

Resolved that all consumers of Baldi water be charged at Re. 1/- per 1000 gallon on the meter reading: 461/2-12-40

51 **Exemption of Mussoorie and Jharipant Students goods from toll tax**

Terminal Tax & Toll Committee Resolution No. 38. dated 29-12-40 recommending that boxes containing goods of students of Jharipani and Mussoorie be treated as household effects and no tax be charged. 516/23-12-40

34. Sunday to be observed holiday by road gangmen.

EO's recommendation on the application of road gangmen for giving them holiday on Sunday. E.O.'s recommendation accepted Sundays may be allowed as holidays, unless the exigencies of work prevent.
142/13-6-38

35. Supply of umbrellas and uniform to paid apprentice Jamadars.

M.O.H.'s suggestion to supply uniforms and umbrellas to paid apprentice Jamadars like permanent Jamadars
209/25-6-38

M.O.H.'s suggestion accepted.

36. Hire rates of roller etc from contractors

Resolved that the following hire charges for the Road Roller & Tar Boiler are fixed. 426/1-9-45

Road Roller: Rs. 15/- to Rs. 25/- per diem or part hereof; exact amount if the Executive Officer considers it necessary to fix at higher rate than the minimum of Rs. 15/- to be fixed by the Chairman, exclusive of entire running costs viz. daily wages of driver and cleaner, fuel, oil, water and all such other materials as are requir. ed for its upkeep and Rs. 10/- per diem of part thereof for Municipal contractors for use on Municipal works exceeding Rs 250/- or for works less than the above value of Rs 7/- per diem or part thereof plus other costs as above subject to deposit of security money Rs 200/- except in a case of Govt. Department and Municipal contractors, refundable after the roller is returned in working order.

Tar Boiler :—Rs 10/-per diem or part thereof exclusive of entire running costs subject to a security deposit of Rs. 150/- for hire other than Govt Departments and Municipal contractors, refundable after the Tar Boiler is returned in working order.

Resolved further that conditions of hire given in the draft rules hold good and will be acted upon in all transactions

37. Hire charges for boring apparatus.

Health Committee resolution No. 9 dated 22-6-39 recommending to fix 75 paisa per day hire charges for the horing apparatus if and when lent to individuals and public. 117/27-5-39

Recommendation accepted and charges fixed at 75 paisa per day.

38. Rent for a private wards at the I.D. Hospital.

The minimum rent of a private ward shall be 50 paisa per day, but persons having income of Rs. 100/- p.m. and more but not exceeding Rs. 250/- shall have to pay Re. 1/- per day, and those whose income exceeds Rs. 250/- p. m. shall have to pay Rs. 2/- per day. If on account of any epidemic, there is no room in the general wards, the M.O.H. is authorised temporarily to convert any private ward into a general ward 168/24-6-39

39. Charge for Cholera & Typhoid vaccine.

Private practitioners be charged for Typhoid and Cholera vaccine, when charging their fees for the work. Injections will be given free of charge at the Municipal office.
33/26-10-37 & 195/24-6-39

40 Supply of umbrellas to Ward Attendant and Chaukidar of the I. D. Hospital

Health Committee Resolution No. 26, dated 20-7-39 recommending to sanction the giving of umbrellas to Ward Attendant and Chaukidar at the I. D. Hospital (one each) every third year. 237/27-7-39.

Sanctioned.

41. Special T.A. to Water Works Staff.

W. W. Committee resolution No. 31 dated 18-8-39 recommending to sanction Rs. 2.50 paisa as special T.A. for going to the Bandal and return the same day to W. W. Asstt, Supdt and other Water Works Staff as the T.A. permissible under the rules is very inadequate. 304/31-8-39

Special T.A. sanctioned. This will be given during the rainy season from 15th June to 15th October.

25 **Exemption to outdoor Municipal staff from vehicle tax.**

Read—Executive Officer's note date 27-11-36 regarding exemption of tax on cycles kept by the out-door workers of the Municipal Board. 8/6-1-37.

Members of Municipal Staff employed on out-door duty shall be exempted from wheel tax on vehicles used by them for Municipal work.

26 **Rates of hire charges for latrines etc.**

Rates be fixed as follows:— III/24-4-37.

1. Latrine seat with pan — 6 paisa per day.
2. Night soil bucket — 6 paisa per day.
3. Latrine complete with four seats and pans — 37 paisa per day. 113/13-6-38
4. Latrine complete with two seats and pans — 25 paisa per day.
5. Latrine complete with one seat and pan — 12 paisa per day.

27. **Uniform to Peons.**

Read—Application from peons for supply of uniform together with E.O's note dated 24-4-37 thereon. 34/26-5-37.

Peons may be given two summer uniforms each in every alternate year. Those who were given one uniform last year may be given one this year.

28. **Removal of hedge cutting by rubbish contractors**

Health Committee's Resolution No. 3 dated 16-9-37 recommending that the Resolution No. 6 dated 20-12-1918 by rescinded and the work of removal of hedge cuttings be done by Municipal carts. 11/25-10-37

The recommendation is approved and be given effect to from 1-4-38, and this should be mentioned in the tender notices for removal of rubbish.

29. **Factory working gown to Mistri and his assistan.**

Health Committee's Resolution No. 2 dated 18-3-38 recommending to sanction supply of one factory-working gown each to the Mistri and his assistant every year for repairs to night soil crafts. 24/26-3-38

Sanctioned

157

30. **Construction on public street.**

The Building Committees, P.W. Committee and E.O. to note that whenever any question arises before them as to what is the width of a public road, or if it should be allowed to be reduced or not, the question should be referred to the Board, particularly when any sanction would involve the reduction of the width of the public road from what is actually or as shown in the road map. 44 (b) 30-4-38

31. **Charges for catching rabid dogs, & uniform to Jallads.**

Health Committee's Resolution No. 3 dated 20-4-38, recommending that E.O.'s note proposing to reduce rate for catching dogs less than 10 a month from 37 paisa to 18 paisa and to give allowance for rabid or stray does at 25 paisa per dog and 18 paisa per pup caught by Jallads and for giving them uniforms be adopted from 1-4-38. (Reso. No. 25 dated 10-7-48). 50/30-4-83.

Health Committee's resolution accepted.

(Sweepers are authorised to catch rabid dogs and to be paid at the above rates vide resolution No. 190 dated 25-6-36).

32. **Supply of uniforms to Jamadars.**

Health Committee's Resolution No. 4 dated 20-4-38 recommending that Boards Resolution No. 38 dated 24-4-38 may also apply to the case of Jamadars and they may be given two uniforms in every alternate year. 51/31-3-38.

Health Committee's recommendation accepted.

33. **Charges of testing minor water fittings.**

W.W. Committee's Resolution No. 4 dated 21-4-38 recommending for adoption by the Board, the W. W. Superintendent's not for fixing 50 paisa thb minimum testing fee for any minor works. 55/30-4-38.

Water Works Committee's recommendation accepted. Also 50 paisa per tap for minor repairs. 308/13-6-38.

Superintendent who is responsible for this as reported by the Secretary. The staff should be given clearly to understand that they will be responsible for all mistakes of this nature. (File No. V-II/3 of 1930-31) 10/19-7-30

It is accepted that the Head of the Department will be responsible for any mistake of this nature and he will be bound to make good the losses of the Board in future The amount of Rs. 6/- may be written off this time.

16. **Qualification of Toll Moharrirs.**

The minimum qualification for appointment of Toll Moharrirs should be Vernacular Middle passed or an equivalent thereof. 1/25-4-31

17. **Wages of removing unclaimed carcasses.**

Health Committee's Resolution No. 4 dated 20th August 1931 recommending for sanction the wages of swee-pers for removal of carcasses of unclaimed horses at Rs. 2.25 paisa cash horse. 20/31-8-31

Sanctioned.

18. **Cost of bait for poisaning dogs.**

Health Committee's Resolution No. 5 dated 20th August 1931 recommending for sanction the cost of sweet meats for poisoning unclaimed dogs at 10 paisa per dog over and above the rewards for catching them. (XV-1/30 of 1931-32) 21/31-8-31

Sanctioned

19 **Comparative capacity of rabish carts.**

Health Committee's Resolution No. 5 dated 21st Jan., 1932 recommending that 3 single bullock carts be counted equal to 2 double bullock carts in connection with the sale of manure with reference to a report dated 12th January, 1932 from the medical Officer of Health. (VII-II/I of 1931). 8/30-1-32

Sanctioned.

20 **Authorising S. Is. to seize unwholesome article (under Sec. 244 (1) of the Act.)**

Note dated 27th March, 1932 from the Medical Officer of Health requesting that the power under Sec. 244 (1)

be delegated to Sanitary In-pectors to destroy over-ripe, rotten, and unwholesome fruits and other articles of consumption. 1/30-4-30

Resolved that the Sanitary Inspectors be empowered to seize such articles but that they should be destroyed after inspection by the Medical Officer of Health.

Sanctioned.

21. **Authorizing M.O.H. to exercise powers of prosecution.**

Health Committee's Resolution 2 dated 19th May, 1932 recommending that the powers under Sec. 314 of the Municipalities Act, 1916 and section 12 of the U. P Prevention of Adulteration Act be delegated to the Medical Officer of Health. 3/28-5-32.

Sanctioned.

22. **Fixing rate of Manadis.**

The rates of fixed at 1-50 for small manadi, 3-00 for large manadi, as it takes, 2 days, and 0-25 for personal attendance at the time of auction. (Res. No. 37 dated 20-12-19) 30/6-5-60.

23. **Realisation of auction money.**

In future in all Municipal auctions the persons whose bids are accepted should be required to either pay the whole amount in advance or to give a reliable security. 11/26-11-34.

24. **Authorizing M.O.H. to reduce or relax, laborat-ary test fees.**

Resolution No. dated 20 Feb. 1936 of the Health Committee recommending that the proposed revised schedule of fees for chemical, bacteriological and other examinations be accepted and that the M. O. H. be empowered to relax or reduce to fees according to the merits of the case and that recommendations of members in such cases be given full consideration. (File No. III-III/25 of 1935-36 H.D.) 35/2-3-36

Sanctioned.

6 Sub-mission of encroachment certificates.
Overseers, Road and Building be authorised to submit encroachment certificates 2/23-6-23

7 Conservancy Tax for removal of rubbish also
Conservancy Tax is charged not only for the removal of night soil, but also for the removal of rubbish etc, (Further confirmed by Resolution No. 157 dated 24-6-39) 23/4-9-23

8 Fixing intervals for supply of uniforms to staff.
Resolved that winter uniforms should be renewed every 3rd year and summer uniforms every alternate year.

(Resolution No. 32 dated 4-1-35 and No. 18 dated 31-10-35) 15/3-1-24

9 Prosecution by Police Sub-Inspectors under Sec 248.
Letter No. 1915 dated 6-11-24 from the Superintendent of police, Dehra Dun, asking to authorize under Sec. 314 Municipalities Act 1916 Police Officer of such rank as may be determined by the Board to challan cases under Sec. 248, Municipalities Act, regarding begging (II-II/21 of 24-25) 1/29-11-24

Resolved that Sub-Inspectors of Police be authorized under Sec. 314 Municipalities Act to prosecute such cases under Sec. 241

10 Fixing period of furnishing Statement of tax due
Office reported dated 23rd April, 1925 requesting the Board to prescribe time for the preparation of the periodical statements by the Hackney Carriage Inspectors as required by Rule 36 of the Municipal Account Code Volume II 37/30-4-25

The periodical statements be prepared half yearly.

11 Fixing time for passing of night soil carts.
The recommendation of the Medical Officer of Health that the time for carrying night soil in carts be fixed at 10 p.m. to 4 a.m. in summer and 10 p.m. to 5 a.m. in winter be accepted and a regulation made accordingly. 2/5-10-25

157

12. Collection of slaughter house coupons by S. Is.
Resolved that the Sanitary Inspectors be empowered to collect the slaughter house coupons. (File No. II-1/5 of 1930-31). 1/19-7-30.

13. Exemption for Conservancy Tax.
Audit Objection statement No. 4 for the year ending 1928-29 asking to put up authority regarding the exemption of the A.P. Mission Girls' High School and No. 12 Convent from Conservancy tax together with a note dated 4th July 1930 from the Secretary, Municipal Board, stating that the A.P. Mission Girls' School people were trenching the night soil from the school adjoining residential quarters on scientific principles and the method of trenching was approved by the then Civil Surgeon and therefore the Board had exempted the school on the consideration that no service was rendered in the removal of the stuff. 5/19-7-30.

As regards the house in the Convent School it was exempted on the ground that it was merely an outhouse in the Convent Compound and was used as godown for storing old furniture etc. together with the Civil Station Building and Assessment Committee's Resolution No 1 dated 19th July 1930 recommending that the exemption be continued (File No.V-III/28 of 1929-30).

Resolved that the exemption be continued.

14 Supply of rain coats to out-door officials after 3 years.
Finance Committee's Resolution No. 2 dated 10th July, 1939 recommending that water proof coats supplied to outdoor officials should last 3 years at least. (File No. XV/18 of 1933-31) 8/19-7-30.

Accepted.

15. Responsibility for mistake involving loss.
Audit Objection No. 9 for the year 1928-29 regarding recovery of Rs 6/- on account of wheel tax refunded in excess to Malki Ram together with the Finance Committee's Resolution No. 4 dated 10th July 1930 recommending the recovery of the amount from the Toll and Tax

(b) 50 earthenware pots full of water shall be stored round about the Theatre or tent of Bioscope, Circus and Merry-go-round etc as a precautionary measure against fire.

(c) The compound of a Theatre or tent of Circus or Bioscope shall be daily swept and kept in a sanitary condition.

(d) In case of a Bioscope or Merry-go-round if an Oil Engine is used it shall be fitted with a silencer and the Proprietor or Manager shall be responsible for seeing that no unnecessary noise or smell is caused.

6. The supervision charges of the conservancy staff will be at the rate of Rs. 2/- per day, and shall be paid in advance.

N.B.—If any of the above conditions be neglected the Board shall stop the performance.

No Carnivals will be allowed on Municipal grounds which have a stall, which is likely to be utilised or abused for purposes of gambling. (Bd's. Res. No 12 dated 7-7-26).

BOARD'S IMPORTANT RESOLUTIONS

1. Fines for cattle impounded by courts.

G.O. No. 521IX-29-1919 dated the 30th August, 1919 on the subject of the question of dispensing with the payment of the fees to Municipal Board on account of fine or rent in respect of cattle handed over to the custody of a pound-keeper in connection with cases pending before a Criminal Court 8/25-8-19

The Board accepts the proposal. Orders may be issued accordingly to the Pound Mohamirs.

2. Intimation regarding use of water for constructions.

The sub-Division Officer, Canals be informed that in future we shall inform whenever we issue permit to anybody to use water from Municipal purposes, provided he would giveus similar information about the permit given to persons for using water from the Canals. 12/24-9-21

3. Forbidding corporal punishment to student.

Complaint of B. Madho Saran against Partap Singh, Asst. Teacher of Jhanda School for punishing his son severely together with the Chairman's note thereon. 8/30-6-21

All corporal punishment is hereby forbidden. The teachers to be informed.

4 Fees for disposal of bodies of dead animals.

Commissioner Meerut Division's letter No 2772/XXIII-6(4) dated 22-6-22 saying that the matter relating to the fees to be charged for the disposal of dead bodies of animals under Sec 275 (J) should be dealt with by means of resolution and not by byelaws. 6/27-7-22

Resolved that the following fees shall be charged by the Municipal Board of Dehra Dun for the disposal of dead bodies of animals under section 275 (3) of the U.P. Municipalities Act

For horse, donkey, and mule. Rs. 4/-

When cremation is considered necessary by the Medical Officer of Health in case of animals having died of a contagious disease the following fees be charged :

1. For horse, buffalo, donkey, mule or cow Rs. 15.
2. For goat calf or buffalo calf Rs. 6.

5. Feeding time and proclamation fee of pounds.

Office note dated 3rd May, 1922 asking (a) to bound Pound Mohamirs to remit pound income weekly (b) to fix the time of feeding cattle and (c) to fix the proclamation fee 25 paisa to remove the audit objection. 1/18-11-22

Resolved that :

(a) The Pound Mohamirs should remit the pound income weekly.

(b) The time of feeding the cattle ought to be as follows : (i) 7-30 a.m. (ii) 6 p.m.

(c) The proclamation fee will be 25 paisa per head of cattle. 1/30-11-22

Prosecution under Section 34 of thh Police Act by Municipal Officials.

Copy of G O. No. 884-XI-57 dated the 4th June, 1920 of the Commissioner, Meerut Division received under the District Magistrate, Dehra Dun's endorsement No. 1639-XXIII-101 dated 16-6-1920

I am directed to say that it has been brought to the notice of Government that prosecutions are rarely instituted under section 34 of the Police Act V of 1861 by Municipal Officials in the majority of Municipalities as the Benches of Hony. Magistrates who try these cases only accept prosecutions instituted by the police. The Local Government is advised that if section 34 of the Police Act has been specially extended to a town a Magistrate can take cognizance of an offence referred to in the seventh class of that section either open the report of a Police Officer or opon a complaint made to him by the Health Officer or by any other person. As a general rule it is the right and in some cases also the duty, of any person having knowledge of the commission of offence to set the law in[motion by a complaint even though he is not personally intererted or affected by the offence. It is not necessary that the complainant should himself be a witness or have personal knowledge of the facts constituting the offence. It is clear that the Health Officer like any other private individual can make a complaint of an offence under section 34, provided that he can produce evidence to prove it.

I am to request, the District Magistrate may be asked to draw the attention of Hony. Magistrates as well as the Chairman of the Municipal Boards where Section 34 of the Act is in force to the legal position thus stated.

MISCELLANEOUS

Commissioner's endorsement No. 3229/XXIII-2/40-41, dated May 5, 1941.

Fixing cash working balance	Rs.	20,000:
Reserve balance	Rs.	10,000:
Total	Rs	30.000:

Commissioner's letter No. 1911-23-88-18 19 dated 7-5-1919

Extends the provisions of section 85 sub-section (1) of the Uttar Prades Municipalities Act II of 1916 to the Bhisties in the employ of the Dehra Municipality.

Conditions of sanction for Travelling Shows under section 268 of the Municipalities Act, 1916

Confirmed by the Board's Resolution No. 6 dated 30 June, 1916.

(1) The Board shall not permit performances until all sanitary appliances mentioned below are provided to the satisfaction of the Health Officer by the Proprietor or Agent or Manager.

A. Two movable iron latrines each having 4 seats, two metal pans for each seat and a large night soil bucket for each latrine, one for males and one females with sign board (male or female on each).

B. Two Hardwar pattern iron urinals one for male and one for female with buckets complete.

Both the latrines and urinals may be obtained from the Board on hire at Rs. 10/- p m for a latrine and Rs. 6/- for a urinal.

The hire charge for a Municipal rubbish cart in addition to the wages of the contractor shall be at the rate of Re 1/- per day.

(2) The dues of the Board such as cost of hiring sanitary appliances, rent of the land, conservancy tax, shall be paid in advance in each month.

(3) In the case of Theatres the Proprietor or Agent will have to deposit Rs 50/- as security money for filling up excavations before the digging of any such excavations is commenced The security money will be refunded when the excavations are properly filled up.

(4) Rent will be charged from the date the land is token possession of till the date it is vacated and any excavations made filled up.

(5) The sanction of the Board for performances shall be subject to the following conditions:—

(a) The latrines and urinals shall be daily washed with phenyle lotion (1-1000) and coaltarred fortnightly.

(viii) All teachers shall be employed on permanent basis after a fixed probationary period, except in the leave arrangements, under an approved agreement open to inspection by an officer of the Municipality.

(ix) It shall not charge fees more than the scale laid down in the Educational Code.

Note:- These conditions will not apply to orphanages, libraries, and institutions imparting Technical or Oriental Education.

2. In making grant to a school the Education Committee shall be guided by the following considerations:-

(i) Average daily attendance,
(ii) Qualifications of Teachers,
(iii) Total monthly income and expenditure,
(iv) Nature and quality of work,
(v) Suitability and need of the school in a locality,
(vi) The amount of grant received from Government and other bodies and
(vii) The scale of fees charged.

3. The Education Committee or the Board reserves to itself the right of refusing, reducing or discontinuing the grant at any time.

4. Subject to sanction of the Board, special grant may be given to any institution for any special purpose on such terms as the Education Committee may impose.

Note :- Religious Education shall not be a bar towards grant-in aid.

CHAPTER XIX

General Orders and Resolutions

PUBLIC NOTICE

Under Section 282 (1) of the U P Municipalities Act II of 1916

Notice is hereby given that the use of night soil, horse litter, cow and buffalo dung and decomposed or decomposing vegetable matter (grass sodden with animal excreta and urine) shall not be allowed,as manure on any land within the limits of the Municipality unless it has been buried and deodorised in shallow trenches or pits for six months in the case of night soil and for at least one and a half month in the case of other manures

Offenders will be dealt with under the Law.

Rules for Regulating the use of night soil and stable rubbish as manure within the Dehra Municipality

(G.O N. 593-XI-367 dated 27th March, 1916)

Night soil, horse litter, cow and buffalo dung and decomposed or decomposing vegetable matter (grass sodden with animal excreta and urine) shall not be used as manure on any land within the limits of the Municipality, unless it has been buried and deodorised in shallow trenches or pits for six months in the case of night soil and for at least one and a half month in the case of other manures.

Procedure subsequent to framing Proposals of the Act

Under Section 132 (1)

In exercise of the powers conferred by Section 132 (1) of the Act the Board hereby directs that a breach of the above rule shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the date of the first conviction on which the offender is proved to have persisted in the offence.

works unless he holds a contractors license from the Board and his name is entered in the list of approved Municipal contractors. No person shall be enlisted as Municipal contractor unless he has got a license from the Municipal Engineer.

2. Contractors shall be classified as follows:—
A, B, and C or Petty Class.

3. Following registration fee shall be payable in advance by every contractor:—

A class Rs. 20/-]
B class Rs. 15/-] Annual renewal charges:-
Petty class Rs. 5/-] Rs. 10/- for A and B class contract
Rs. 5/- for Petty class contract

4. Requisite condition for the above class contractors:-

A	Rs. 50,000	No limit
B	Rs. 20,000	20,000
C	Rs. 2000,	200

Certificate of Engineer etc.
Security ... Rs. 1000
Certificate of Engineer etc.
Security — Rs. 500
Certificate from local bodies, wherever they worked including Municipal Boards— Rs. 200

5. The cost of tender form be as follows:—

(i)	For work upto	Rs. 2,000	—— Re. 1 each
(ii)	,, ,,	Rs. 5,000	—— Rs. 2 ,,
(iii)	,, ,,	Rs. 10,000	..... Rs. 5 ,,
(iv)	,, ,,	over Rs. 10,000	—— Rs. 10 ,,

6. Every contractor shall deposit Rs. 5% upto Rs. 5,000/- and for the amount in excess Rs. 2% as earnest money alongwith their tenders.

N.B. No earnest money is to be deposited for works upto Rs. 2,000/-

The contractors whose tenders have been accepted shall deposit Rs. 5% upto Rs. 5,000/- and amount in excess Rs. 2% as security along with the agreement.

8. License shall expire on 31st March every year.

9. No application for registration of names of contractors to be entertained unless it is accompanied with the registration fee, testimonials, bank reference as mentioned above.

10. No contractor shall be enlisted in the list of approved contractors until his name is recommended by the Municipal Engineer and approved by the Board and has paid the security deposit prescribed in this behalf.

(Approved by the Board in Resolution No. 530/Spl. dated 6-10-45.)

Rules for Municipal Grant-in-Aid to Private Institutions within Municipal limits.
(Resolution No 40 dated 26-4-1941)

1. No institution shall be entitled to receive any grant unless it fulfils the following conditions :-

(i) It shall have a Management Committee and names, personnels and any change shall be reported to the Education Committee.

(ii) It shall not as for as possible employ any untrained

(iii) It shall maintain (a) Admission Register, (b) Attendance and Fee Register (c) Vistors' Book and (d) Account Books (as given in the Educational Code).

(iv) It shall be open to inspection by the members of the Board or any officers authorised by the Board or Education Committee, and the staff of the institution shall produce any register or book on demand

(v) The school authorities shall submit figures of income and expenditure and unmber of students on roll in the fist week of the following forms for the months of September, December and April in the first week of the following month, with bill for grant. They shall also furnish any information required by the Committee or the Board Account shall be open to audit by any person authorised by the Education Committee or the Board (all such bills shall be placed before the Education Committee)

(vi) Copy of each inspection note shall be sent to the Education Committee within a week from the date of its record.

(vii) Departmental Curriculum of the State only shall be followed for instruction and scholers shall be arranged in classes according to the stage of instruction reached by them.

2 The service books shall be supplied at his own cost to every such servant on his first appointment.

3. Full details of the service, pay leave periods of suspension from employment or other interruption in service and reference to any records especially to any good or bad service, shall as occasion arises, be entered in the service book by the Executive Officer or by the Medical Officer of Health, in the books of their subordinates.

4. It shall be the duty of erery servant of the Boare to see that his own service book is properly kept up and that the entries on the first page are attested every five year.

Regulations under Section 297 (i) (g) & (h) conferring certain powers on the Executive Officer

(1) To write off any demand or any shortage in the stock the value of which does not exceed Rs. 2/-

(2) To make or to authorise to make any correction in the demand register due to any arithmetical or clerical error or to any representation made by the party concerned disputing the demand, provided that where under any law the settlement of any disputed claim rests in any other authority the demand shall not be altered without the sancition of that authority.

(3) To make alterations in the assessment list under Section 147;

(i) by correcting any clerical or arithmetical error.

(ii) by substituting therein for the name of the owner the name of any other person who has succeeded by transfer or otherwise to the ownership of the property provided on objection has been received from any party interested in the proposed alteration.

(iii) by altering the annual value of any property when the said alteration is due the transfer of a portion of it by the owners to another person, provided that the total amount remains unaltered.

(iv) by altering the amounts of the taxes caused by a corresponding alteration in the amount of the annual value made under proper authority

(Confirmed by the Commissioner vide letterNo 3542/XXIII-8 (14)/35-36, dated April 28, 1938).

Procedure for Amendment of the Assessment list under Section 147 of the Act

1 On the application from the owner or his agent or on a report from the Overseers, Tax Inspectors or any other officials who may be entrusted with the duties, or at his own instance if he finds that the building is complete or is likely to be completed, by the time the assessment proceedings are completed, the Tax Superintendent shall inspect the house or additions or alterations made and propose the rental value.

2. A notice per form attached shall be sent to the owner or his agent and the owner or his agent shall within 30 days from the date of delivery of the notice send his written objection, if any.

3 All objections so made shall be registered in a book to be kept for the purpose by the Office. All objections together with notice and register shall be placed before the Assessment Committee at its next meeting for consideration.

4. The Assessment Committee may authorise any member or members to inspect any building and report on the objection received and then enter the decision in the Objection Register.

5. If no objection is received within the time prescribed the Committee shall confirm the proposed assessment after satisfying itself regarding the correctness of the proposed assessment.

6 The assessment sanctioned by the Assessment Committee shall be final and against which an appeal shall lie to the District Magistrate.

(Sanctioned by Commissioner's letter No. 4814/XXIII-8 (14)/35-36 dated August 4, 1941)

Rules for the Registration of Contractors for Public Works in the Dehra Dun Municipality

(Resolution No. 133 (Spl) dated 31st May, 1941)

Byelaws for classification of contractors for public works in the Dehra Dun Municipality:—

1. No person shall be entitled to tender for Municipal

The amount due to nominee who is a minor at the time of my death should be paid to the person who may be authorised to receive peyment on behalf of the minor in law (II-II-37 of 35-36)

1	2	3	4
Name and address of the nominee or nominees	Relationship with the depositor	Whether major or minor, if minor, state his age	Amount of share of deposit

Two witnesses to signature

Signature of depositor.

Station ..... ——

Date ..... ——.——.——

Under clause (m)

Remission of Municipal Dues and Distress Fees.

1. The arears of taxes or a costs of recovery or of other Municipal dues may be written off as irrecoverable, if after they have been outstanding for at least a year in the case of sums less than Rs. 5/- and three years in other cases, the Finance Committee is satisfied that processes for recovery have been pushed on with due promptness and diligence, and that sum due cannot be recovered within any reasonable cost by any legal process.

2. The Finance Committee may remit the whole or any part of any fee chargeable for distress.

(a) If the property destrained is found to be devoted to religious or charitable purposes.

153

(b) If the person from whom any such fee is leviable is too poor to pay.

(c) If a warrant has been issued against a wrong person or.

(d) If a bill presented is found to have been presented by mistake.

Under clause (n)

Dismissal Procedure

1 No Officer or servant shall be dismissed removed, or reduced without a reasonable opportunity being given him of showing cause against the action proposed to be taken in regerd to him. Any writtan defence tendered shall be recorded and a written order shall be passed.

Note—After the inquiry against a servaht has been completed and after the punishing authority has arrived at provisional conclusions in regard to the penalty to be imposed, the servant concerned should, if the penalty proposed is dismissal, remhval or reduction be supplied with a copy of the report of the inquiry and be called upon to show cause within a reasonable time not ordinarily exceeding one month, against the imposition of the penalty which it is proposed should be inflicted. Any representation submitted by the person concerned in this behalf should be duly taken into consideration before final orders are passed.)

2. Every order of dismissal, removal or reduction shall be in writing and shall specifiy the charge or charges brought the defence and the reasons for the order.

Under clause (j) (k) and (l)

Note—The maintenance of Service Books is required for the purposes of the regulation under clauses (j), (k) and (l)

Service Books

1. Service Books shall be kept up for the permanent employees of the Board whose pay is Rs. 10/- a month and over. The book shall be maintained in the form prescribed in Civil Service Regulations.

treasurer and not any other official; but it shall be the duty of the Executive Officer to supervise the disbursement of the provident fund money.

(d) The Executive Officer shall be resposible for the correct maintenance of the provident fund ledger and shall satisfy himself every month that deposits into and withdrawals from the Post Office have been duly entered in the ledger, and that the balances in the ledger and the pass book tally. At the end of every month the ledger shall be totalled, and the correctness of the entries made in the month shall be verified by the Executive Officer by comparing them with the bills, cheques and connected files and with the entries in the savings bank pass book as well as with the entries relating to provident fund investment shown in the investment register. The ledger then be signed by the Executive Officer in token of having verified the entries, and shall be laid before the Chairman for review and signature.

Provident Fund Ledger

Account of Provident Fund Transactions of the Municipality of for the month of 19

By whom deposited		Credits						Debit					
Name of depositor	Official designation	Date of receipts	Opening Balance	Deduction from salary or deposit	Contribution by Board	Interest added at the end of each year,	Total	Date of payment	On what account: Credited to Board or transferred to another provident fund,	On what account: paid to depositor	Total payment	Closing Balance	Total amount bearing interest	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Details of Balance

Rs.

(a) Invested in the War Loan (actual cost of investment —

(b) In the Post Office Savings Bank ...

(c) In the Savings Bank accounts specially opened by — the State Bank. — — ... — ... —

Details of Interest Received

(To be entered only in the account of March)

(a) Interest on investment in War Loan — —

(b) Interest allowed by the Post Office — ...

(c) Interest allowed by the State Bank on deposits in the Savings Bank account — —

Broadsheet for calculating the interst due to each depositor

Name of depositor													
April	-	-											
May	-	-											
June	-	-											
July	-	-											
August	-	-											
September	-	-											
October	-	-											
November	-	-											
December	-	-											
January	-	-											
February	-	-											
March	-												
Total													
Interest payable													

The Municipal Board Provident Fund

Depositor No. —...—

Form of Declaration

[For*— — — — — — depositor]

I hereby declare that in the event of my death the amount at my credit in the Municipal Board Provident Fund shall be distributed among the persons mentioned below in the manner shown against their names.

*Here state married or unmarried.

(ii) The entries in columns 7 and 14 will be made once a year only except in the case provided by clause (v).

(iii) In column 14 will be entered the minimum balance at the credit of the account between the close of the fourth day and the end of the month.

(iv) At the end of the year and after the interest has been added in the pass book on the deposits in the saving Bank and the interest received on all investments, a broad sheet in the form given below shall be drawn up in which all the interest bearing balances will be noted. The amount of interest added in the pass book on the entire amount of the sums deposited during the year to the credit of the Board, as well as the interest received on investment less any amount already entered during the year under clause (v), shall be distributed among the individual accounts proportionately to the sums of each column (disregarding frictions of a rupee) of the broad sheet.

(v) If any payment has to be made during the year on any individual deposit account under regulations 5, 7 & 14, interest shall be calculated on that account only as nearly as possible proportionately at the rates allowed by the Post-Office or the State Bank, as the case may be, and on investments. The amount of interest calculated shall be entered in column 7 against the account concerned before payment is made.

10. A copy of the account of each depositor shall be furnished to him as soon as possible after the close of the financial year to which the account relates.

11. No voluntary deposits from a servant shall be credited to the provident fund.

12. Servants are not eligible to subscribe the provident fund while absent on leave other than privilege leave or leave on average pay.

13. On a depositor leaving the service, his account shall be closed and the Board shall send to him immediately after his leaving the service an intimation in writing declaring the amount at his credit and if after receipt of such intimation, the said amount is not withdrawn by him or his heir (in the event of the depositor being dead) from the Board within a certain period viz for balance of Rs 10/- or under one year, for balance of over 10/- three years—his accounts shall be treated as dead account.

(Com. No. 822 dated 27-11-38).

14. When an account becomes dead, it shall be closed in the provident fund ledger the money being drawn out of the Savings Bank and credited in the cash book as miscellaneous receipt. If the amount is subsequently claimed the entries in the cash book and the provident fund ledger shall be traced and when repayment is made the fact of payment and a reference to the order shall be made against the entry in each account book to avoid a double payment.

15. Notwithstanding anything contained in the above regulations the Board may withdraw from the Saving Bank money in deposit on account of the provident fund, and may invest the amount so withdrawn in Postal cash certificates or other Government securities or in fixed deposit with the State Bank of India [Provided that an amount equal to the largest amount drawn out in any one month in the last five years, under regulations 5,6,7,8, or 14, shall be retained in the Savings Bank.

If at any time the amount required for payment under regulations 5,6,7,8, If at any time any amount is required for payment or 14 exceeds the balance held in deposit in the Savings Bank, the excess amount under regulations 5,6,7,8, or 14, such excess amount shall be paid from the ordinary Municipal fund subsequently recovered from the contributions made under regulations 2 & 3.

16. In order to prevent unauthorized withdrawals from the Provident Fund, the following precautions shall be observed.

(a) In conformity with rule 21 of the rules for the guidance of depositors in Post Office savings, the Chairman shall keep the pass book in his own custody. When money is to be withdrawn from the Post Office the pass book shall be made over to the Executive Officer for the presentation at the Post Office and shall be returned to the custody of the Chairman as soon as the money has been withdrawn.

(b) Every application for withdrawal (rule 25 of the Savings Banks Rules) shall be prepared by the official whose duty it is to prepare cheques and shall be passed and initialled by the Executive Officer before being submitted to Chairman for signature.

(c) The actual withdrawal of money from the Post Office and the disbursement thereof shall be the duty of the

subscriber to the fund. No payment so made by a subscriber shall be considered as in substitution for any subscription by him to the fund unless and until the life policy shall have been so assigned, and in default of such assignment within three months after such payment or withdrawal as the case may be, the amount so paid or withdrawn shall forthwith be paid or repaid by the subscriber concerned to the Chairman or shall in default be deducted from subscriber's pay.

(ix) (a) The assignment of a policy under this regulation shall be endorsed on the policy and shall be in the following form :

"I, A.B. of—, hereby assign upto the Chairman of the—Municipal Board within the policy of assurance as security for payment of all sums which under regulation 6A of the regulations for the management of Municipal Provident Funds I may hereafter became liable to pay to the Board's Provident Fund" or in the case of policies of insurance effected by the subscriber for the benefit of a sole beneficiary as follows :

"We A. B. (the subscriber) of—and C. D (the sole beneficiary of the policy) of—in consideration of the Chairman of the—Municipal Board agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me, the said A.B , to the Board's Provident Fund or, as the case may be, to accept the withdrawal of the sum of Rs. from the sum to the credit of the said A B. in the provident fund for payment of the premium of the within policy of assurance, hereby jointly and severally assign unto the said Chairman the within policy of assurance as security for payment of all sums which under Regulation 6A of these regulations, the said A. B. may hereafter become liable to pay to that fund"

(b) Save as provided in clause ix (c), the policy shall be reassigned to the subscriber and handed back to him on quitting his service or on his refunding with the full interest thereon any advances taken from the provident fund for the purpose of paying premia thereon, and in the event of his death before quitting the service, a reassignment shall be executed in favour of, and the policy be handed to, the legal representative of his estate as determined by a Civil Court having competence to pass orders in this respect. Notice of

a reassignment shall be sent to the insurance company by the Executive Officer of the Board.

(c) If notice has been received by the Chairman of any assignment or attachment of, or encumbrance on the policy he shall not excute a reassignment of policy in favour of the subscriber or in the event of his death of the legal representative of his estate as determined by a Civil Court having competence to pass orders in this repect, until he shall have obtained the order of the Commissioner.

(x) The following procedure shall be observed in regard to the assignment and reassignment of life policies :

(a) When the assigned policy is delivered to the Chairman under clause (viii) it shall be accompanied by a certificate from the subscriber to the effect that no prior assignment of the policy exists. The Chairman shall satisfy himself independently that this is the case by direct reference to the insurance company.

(b) Notice of the assignment of the policy shall be given by the subscriber to the insurance company and acknowledgment of the insurance company shall be sent by the subscriber to the executive officer within three months of the date of assignment.

7. If a servant is dismissed the Board may with the sanction of the Commissioner, withhold all or any part of the contribution made by it to his account with the interest accrued thereon, and pay to the servant only the balance at his credit without such contribution and the interest thereon

The balance above refetred to is not liable to forfeiture on dismissal or on conviction by a criminal court, except for an offence for which the penalty of forfeiture of the whole of the offender's property is prescribed by law.

8. Any contribution and interest thereon withheld from a dismissed servant shall belong to the Board and shall be withdrawn from the Savings Bank and credited to the Municipal fund.

9. (i) Amounts credited or debited to the Provident Fund shall on the same day be posted in the provident fund ledgers. Separate pages of the account shall be set apart for each month's transactions.

date of the policy shall not view of the attendant legal difficulties, permissible under these rules.

[iv] The Chairman shall not make any payments on behalf of the subscribers to insurance companies nor shall he take steps to keep a policy alive If a subscriber records on his pay bill that he is making payments to an insurance company of not less amount than be required to subscribe under regulation 2 of these regulations, it will be sufficient for the Chairman or Executive Officer periodically to demand and scrutinize the receipts or certified copies of the receipts showing that such payments have been made. Failing such receipts he shall Make the necessary deduction from the subscriber's pay and place it to his credit in the fund and arrange with the Executive Officer to draw from the fund at stated intervals the sums necessary to pay quarterly, half-yearly, or yearly premia.

[v] Any sums already at the credit of the subscriber in the fund may be withdrawn for payment of premia or for the purchase of a single payment life policy or at the discretion of the Chairman for the payment of a single premium; but the utilization of sums already at credit shall not relieve the subscriber from continuing to make the usual deduction from his current salary within the limits prescribed in regulation 2 of these regulations whether the amount is to be paid into the fund or towards an insurance policy except when the subscriber is on leave other than privilege leave and elects to discontinue his subscription.

Note—The amount which may be withdrawn under this clause for payment of a single premium is the amount required to pay a single premium which on receipt by the insurance company at once becomes the property of the company. A subscriber may not withdraw an amount from the fund for deposit with an insurance company on the understanding that the company may draw on it periodically to meet premia as they become due. It should be borne in mind that the two essential features of an insurance policy which may be accepted are that it must be a life policy on the subscriber's own life, and if an endowment policy must involve

151

the insurance company in a pecuniary risk which materializes if the assured dies before the maturity of the policy. Withdrawals are permissible to finance single payment endowment policies and not merely whole life policies and there should be no objection to the acceptance of a policy on the joint lives of a subscriber and his wife.

[vi] A policy should not be rejected because -

(1) there is a difference between the amount payable at maturity and at prior death, or

(2) the assured is unable to say what amount precisely will be payable at maturity, or

(3) the insurance company did not require that the assured should be medically examined, or

(4) the amount withdrawn goes to meet the premium due on more than one policy if each policy is otherwise acceptable.

[vii] (a) If a policy of insurance matures not at death, but after a term of years, the sum accruing shall, with the assent of the assured, be drawn by the Chairman and placed at his credit in the fund. If the assured so desired, he may himself withdraw the sum accruing on the condition that he pays it to the Chairman and that if he fails to do so, it is deducted from his pay.

(b) The bonuses which accrue on any policy may be allowed to accumulate with the policy until it matures, but if it is incumbent on the policy holder to withdraw them as they fall due the amounts shall be credited to the subscriber's account in the fund.

(c) The sum which accumulates to the credit of the subscriber shall be dealt with in accordance with regulation. 5.

[viii] A policy, payment or payments for any premia on which shall, under this rule, be substituted for subscriptions to the fund or withdrawn from the sum at the credit of a subscriber for the same purpose, and which has not already been assigned to the Chairman of the Board and delivered to him under this rule, shall within three months of such payment or withdrawal be so assigned and delivered as security for the payment contingently of the sum which in the event of lapse of the policy or any assignment, charge or encumbrance thereof or thereon becomes payable by the

राशिकरण स्वीकृति हेतु प्रार्थना पत्र पेंशन स्वीकृति के उपरान्त ही दिया जात सकता है।

(2) सराशिरण स्वीकृति, उसकी धनराशि कम करने, उसे बिना कारण बताये अस्वीकृत करने तथा उस संदर्भ में अन्य सूचनायें मांगने का अधिकार मुख्य नगर अधिकारी को है।

(सि0पे0 कम्यूटेशन नियम संख्या 3 (बी))

(3) विनियम संख्या 7 के अनुसार स्वीकृत पेंशन की धनराशि के एक तिहाई भाग तक को सरांशित (कम्यूट) कराया जा सकता है।

(4) संराशिकरण की स्वीकृति निम्नांकित प्रयोजनों हेतु दी जा सकती है।

क) निवास भवन के निर्माण या क्रय।
ख) लिये गये ऋण की अदायगी
ग) बच्चों या आश्रितों की शिक्षा,
घ) विवाह व्यय हेतु,
ड) व्यापार प्रारम्भ,

(सि0पे0 कम्यूटेशन नियम संख्या–4(बी))

(5) कोई भी सरांशिकरण तब तक स्वीकृत नहीं किया जा सकता जब तक प्रार्थी के स्वास्थ्य तथा संभावित जीवन के सम्बन्ध में स्वीकृत करने वाले प्राधिकारी को पूर्ण सन्तोष न हो जाये कि प्रार्थी द्वारा दिये गये सभी विवरण पूर्णतः सत्य हैं एवं बची हुई पेंशन प्रार्थी व उसके परिवार के भरण–पोषण के लिये पर्याप्त है। यदि किसी समय स्वीकृत करने वाले प्राधिकारी को यह विश्वास हो जाये कि कोई सूचना प्रार्थी द्वारा असत्य दी गयी है या कोई तथ्य छिपाया गया है तो भुगतान से पूर्व भी सरांशिरण की स्वीकृति रद्द की जा सकती है।

(सि0पे0 कम्यूटेशन रूल्स संख्या–7)

(6) संराशिकरण की धनराशि समय–समय सरकारी कर्मचारियों के लिए इस हेतु निर्धारित आधार पर निकाली जायेगी तथा चिकित्सा प्राधिकारी द्वारा निर्धारित आयु जो किसी भी दशा में पंजीकृत आयु से कम न होगी। सरकारी कर्मचारियों केलिए निर्धारित आधार पर तालिका इससे पूर्व में दी गयी है।

(सि0पे0 कम्यूटेशन रूल्स संख्या–8)

(7) संराशिकरण हेतु प्रार्थना पत्र विभागीय अधिकारी/विभागाध्यक्ष जिसके अधीन पेन्शनर सेवा–निवृत्ति से पूर्व कार्यरत था, के माध्यम से स्वीकृति प्राधिकारी को भेजा जाना चाहिए।

[98a][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[98][A. 16.02.—TOMATO JUICE means canned or bottled, unconcentrated pasteurized juice expressed from tomato with a proportion of the pulp expressed with or without the application of heat by any method that does not add water to such juice, from whole, ripe tomatoes from which all stems and objectionable portions have been removed and with or without—

(*a*) salt,

(*b*) sugar, or dextrose, or both added in dry form,

(*c*) citric acid, malic acid or ascorbic acid,

(*d*) [97][* * *]

[91][Provided that canned tomato juice may also contain extraneous permitted colour.]

The total soluble solids w/w shall be not less than 5 per cent] [92][free of salt].

[97][* * *]

[98a][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[98][A. 16.03.—FRUIT SYRUP means sweetened fruit juice containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination, with or without—

(*a*) water, peel-oil, fruit essences and flavours, common salt,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative and colours.]

The total soluble solids w/w shall be not less than 65 per cent.

[91][The minimum percentage of fruit juice in the final product shall be not less than 25.0 per cent w/w.]

[97][* * *]

[98a][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[93][A. 16.04.—FRUIT SQUASH means the expressed juice of the sound, ripe fruit with the pulp, containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination and with or without—

(*a*) water, peel-oil, fruit essences and flavours, common salt,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative and colours.

The total soluble solids w/w in the finished product shall be not less than 40 per cent.]

[91][The minimum percentage of fruit juice in the final product shall be not less than 25.0 per cent w/w.]

[97][* * *]

[93][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[98][A. 16.05.—FRUIT BEVERAGE OR FRUIT DRINK means any beverage or

---

[93a]. *Ins.* by Noti. No. GSR 249(E), dated 8-3-1983.
[98]. *Added* by Noti. No. SRO 1687, dated 14-7-1956.
[91]. *Ins.* by Noti. No. GSR 704(E), dated 13-11-1984 (w.e.f. 16-11-1985).
[97]. *Omitted* by Noti. No. GSR 1525, dated 8-7-1968.
[98a]. *Ins.* by Noti. No. GSR 1417, dated 20-9-1976 (w.e.f. 2-10-1976).
[92]. *Ins.* by Noti. No. GSR 1525, dated 8-7-1968.
[93]. *Ins.* by GSR 249(E), dated 8-3-1983.
[98]. *Added* by Noti. No. SRO 1687, dated 14-7-1956.

drink which is purported to be prepared from fruit juice and water or carbonated water, and containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination and with or without—

(*a*) water, peel-oil, fruit essences and flavours,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative and colours.

The total soluble solids w/w in the final product shall be not less than 10 per cent.]

[93a][The minimum percentage of fruit juice in the final product shall be not less than 5.0 per cent w/w.]

[97][* * *]

[91][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[98][A. 16.06.—TOMATO SAUCE, TOMATO KETCHUP, TOMATO RELISH or any other expression conveying the meaning that the product so designated is a form of tomato sauce, shall be a preparation of sound and ripe tomatoes with or without—

(*a*) sugar, salt, vinegar, acetic acid, [93][onions, garlic, spices] or condiments,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative [98a][* * *]

[1][The product shall be free from skins and seeds. The product shall show no sign of fermentation when incubated at 37°C for 15 days. The mould count shall not exceed 40 per cent of the fields examined. The yeast and spores shall not exceed 125 per 1/60 c.m.m. The bacterial count shall not exceed 100 million per cc.]

Total acidity in terms of acetic acid shall be not less than [2][1·0 per cent] and the total soluble solids w/w not less than 25 per cent. It shall not contain any other vegetable substance.]

[3][* * *]

[98a][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[3][A. 16.07.—JAM means the product obtained by processing fresh fruit,

---

[98a]. *Ins.* by Noti. No. GSR 1525, dated 8-7-1968.
[93]. *Subs.* by Noti. No. GSR 995, dated 4-6-1971.
[98a]. *Omitted* by Noti. No. GSR 1417(E), dated 13-12-1977.
1. *Ins.* by Noti. No. GSR 995, dated 4-6-1971.
2. *Omitted* by Noti. No. GSR 704(E), dated 13-11-1984 (w.e.f. 16-11-1985).
2a. *Ins.* by GSR 249(E), dated 8-3-1983.
3. *Added* by Noti. No. SRO 1687, dated 14-7-1956.

Provided that tea for export may contain added flavour under proper label declarations provided under sub-rule (Y) of Rule 42 :

Provided further that tea used in the manufacture of flavoured tea shall conform to the standards of tea :]

Provided that if tea is sold or offered for sale without any indication as to whether it is Kangra tea or not, the standards of quality of tea prescribed in item A. 14 shall apply.]

[83][A.15—EDIBLE COMMON SALT means a crystalline solid, white, pale, pink or light grey in colour free from visible contamination with clay, grit and other extraneous adulterant and impurities. It shall not contain moisture in excess of six per cent of the weight of the undried sample. The sodium chloride content (as NaCl) and the matter soluble in water other than sodium chloride on dry weight basis shall be as specified in columns (2) and (3) of the Table below against the period of validity mentioned in the corresponding entry in column (1) of the said Table. The matter insoluble in water shall not exceed 1.0 per cent by weight on dry weight basis.

TABLE

Period of validity	Minimum percentage of sodium chloride content as NaCl (on dry basis)	Maximum percentage of matter soluble in water other than sodium chloride (on dry basis)
(1)	(2)	(3)
Up to 31-3-82	94.0	5.0
from 1-4-82 to 31-3-83	94.5	4.5
from 1-4-83 to 31-3-84	95.0	4.0
from 1-4-84 to 31-3-85	95.5	3.5
from 1-4-85 onwards	96.0	3.0

Provided that table salt may contain aluminium silicate as an anti-caking agent to a maximum extent of 2.0 per cent :

Provided further that the total matter insoluble in water in such cases shall not exceed 2.2 per cent and sodium chloride content on dry basis shall not be less than 97.0 per cent by weight.]

[84][A. 15.01.—IODISED SALT means a crystalline solid, white or pale, pink or light grey in colour, free from visible contamination with clay, grit and other extraneous adulterants and impurities. It shall not contain moisture in excess of 6.0 per cent of the weight of the undried sample. It shall contain on dry weight basis (a) at least 96.0 per cent by weight of sodium

83a. Subs. by Notf. No. GSR 23(E), dated 16-1-1981 (w.e.f. 16-1-1981) as corrected by GSR 205(E), dated 25-3-1981.
84. Ins. by Notf. No. GSR 1335, dated 8-5-1980.

chloride (NaCl), (b) not more than 1.0 per cent by weight of matter insoluble in water, (c) not more than 3.0 per cent by weight of matter soluble in water other than sodium chloride, and (d) [85][the potassium iodate content shall be in the range of 25—35 ppm at manufacturers level and shall not be less than 15 ppm in distribution channel including retail level.]

[86][A.15.02. IRON FORTIFIED COMMON SALT means a crystalline solid, white or pale, pink or light grey in colour, free from visible contamination with clay and other extraneous adulterants and impurities. It shall conform to the following standards, namely :

1.	Moisture	Not more than 5.0 per cent by weight.
2.	Water insoluble matter	Not more than 1.0 per cent on dry weight basis.
3.	Chloride content (as NaCl)	Not less than 96.5 per cent by weight on dry weight basis.
4.	Matter insoluble in dilute hydrochloric acid	Not more than 0.3 per cent by weight on dry weight basis, (to be determined by the method specified in IS 255-1970)
5.	Matter soluble in water other than Sodium Chloride.	Not more than 2.5 per cent on dry weight basis.
6.	Iron content (as Fe)	250-1100 parts per million.
7.	Phosphorus as inorganic (PO_4)	1500-2000 parts per million.
8.	Sulphate (as SO_4)	Not more than 1.1 per cent by weight.
9.	Magnesium as (Mg) water soluble.	Not more than 0.10 per cent by weight.
10.	PH value in 5 per cent solution in water.	2 to 3.5.

Provided that Iron Fortified Common Salt may contain aluminium silicate as an anticaking agent to a maximum extent of 2.0 per cent and in such a case the total matter insoluble in water shall not exceed 2.2 per cent on dry weight basis.]

[86][A. 16—FRUIT PRODUCTS]

[86][A. 16.01.—FRUIT JUICE means the unfermented and unconcentrated liquid expressed from sound, ripe, fresh fruit, and with or without—

(a) sugar, dextrose, invert sugar, or liquid glucose, either singly or in combination,

(b) water, peel-oil, fruit essences and flavour, common salt, ascorbic acid, citric acid, [87][tartaric acid and malic acid] and permitted colours and preservatives.

The acidity of the finished product calculated as citric acid shall not be less than 4 per cent in the case of pure lemon juice or pulp and not less than 5 per cent in the case of pure lime juice but shall not exceed 5.5 per cent in the case of other juices.]

[88][The total soluble solids for sweetened fruit juice (except tomato juice) shall not be less than 10 per cent.]

[89][* * *]

85. Subs. by GSR 290(E), dated 14-4-1981 (w.e.f. 15-4-1981) and corrected by GSR 376, dated 8-5-1981.
85a. Ins. by Notf. No. GSR 11(E), dated 8-1-1983 (w.e.f. 1-1-1983) as corrected by GSR 368(E), dated 18-4-1983.
86. Added by Notf. No. SRO 1687, dated 14-7-1976.
87. Ins. by Notf. No. GSR 1364, dated 17-11-1982.
88. Added by Notf. No. GSR 992, dated 4-6-1977.
89. Omitted by Notf. No. 744 (E), dated 13-11-1987 (w.e.f. 16-11-1987).

[1][A.12.—MARGARINE means an emulsion of edible oils and fats with water. It shall be free from rancidity, added colouring and flavouring substances, mineral oil and animal body fats. It may contain common salt not exceeding 2·5 per cent, permitted emulsifying and stabilising agents, and butylated-hydroxy anisole (BHA) up to a maximum limit of 0·02 per cent. It shall conform to the following specifications, namely :—

1. Fat—Not less than 80 per cent mass/mass.

2. Moisture—Not less than 12 per cent and not more than 16 per cent mass/mass.

3. Vitamin A—Not less than 30 I.U. per gram of the product at the time of sale.

[2][4. Melting point of extracted fat—31°C to 37°C (Capillary Slip method).]

5. Unsaponifiable matter of extracted fat.	Not more than 1·5 per cent by weight.
6. Free fatty acids (as oleic acid) of extracted fat.	Not more than 0·25 per cent by weight.
OR	
Acid value	Not more than 0·5]

It shall contain not less than 5 per cent of its weight of Til oil but sufficient to ensure that when separated fat is mixed with refined groundnut oil in the proportion of 20 : 80, the red colour produced by the Baudouin test shall not be lighter than [3][2·5] red units in 1 cm. cell on a Lovibond scale.

Note.—The oils to be used in the manufacture of margarine shall be the same as used in the manufacture of vanaspati specified in the Vegetable Oil Products (Control) Order, 1947.]

A.13.—[4][Omitted.]

A.14.—[5][TEA means tea, other than Kangra tea, derived exclusively [6][from the leaves, buds and tender stems of plants] of the Camellia genus and the species, [7][and includes (i) leaf, (ii) broken, (iii) fanning and (iv) dust]. It shall conform to the following specifications, namely :—

(a) Total ash determined on tea dried to a constant weight at 100°C	[8][4·0 to 8·0] per cent by weight [9][* * *].
(b) Total ash soluble in boiling distilled water.	Not less than 40·0 per cent of total ash.
(c) Ash insoluble in HCl	[10][Not more than 1·0 per cent by wt. on dry basis].
(d) Extract obtained by boiling dry tea (dried to constant weight at 100°C) with 100 parts of distilled water for one hour under reflux.	Not less than [11][32 per cent].

---

1. Subs. by GSR 238(E), dated 25-4-1978 (w.e.f. 25-4-1978).
2. Subs. by Noti. No. GSR 749 (E), dated 11-9-1982 (w.e.f. 11-9-1982).
3. Subs. by Noti. No. GSR 241(E), dated 11-3-1982 (w.e.f. 11-3-1982).
4. Omitted by GSR 1358, dated 8-7-1988.
5. Subs. by Noti. No. GSR 806, dated 23-6-1955.
6. Subs. by Noti. No. GSR 1753, dated 24-7-1976.
7. Ins. by Noti. No. 1356 E(E), dated 8-7-1976.
7a. Subs. by Noti. No. 911(E), dated 11-12-1982 (w.e.f. 11-12-1982).
7b. Subs. by Noti. No. 818(E), dt. 18-11-1993 (w.e.f. 18-11-1993).
7c. Omitted by Noti. No. 816(E), dt. 3-11-2003 (w.e.f. 3-11-2003).
8. Subs. by Noti. No. GSR 992, dated 6-6-1975 (w.e.f. 6-7-1975).

(e) Alkalinity of soluble ash	[12][Not less than 1·0 per cent and not more than 2·2 per cent expressed as K_2O on dry basis].
(f) Crude fibre [13][determined on tea dried to constant weight at 105°C]	Not more than [14][17 per cent].

[15][It shall not contain any added colouring matter [16][or added flavouring matter :

Provided that tea for export may contain added flavour under proper label declaration as provided in sub-rule (Y) of Rule 42 :

Provided further that the tea used in the manufacture of flavoured tea shall conform to the standards of tea.]]

NOTES

The presence of iron filings in the sample of tea could water is adulterated only if it can be shown that such genuine effects injuriously the nature, substance and quality thereof. *Bansi Tea Trade Ltd.* v. *State of M.P.*, 1983 Cri LJ 1288 (MP).

Tea with chocolate added thereto would still remain tea and so purity and quality would have to be tested by the standard laid for it in item A. 14. *M/s Nilgiri Tea Exporters* v. *Dehli Administration*, (1983) 1 All Cr LR 513 (Del). See also (1983) 2 All Cr LR 177.

[17][A.14.01.—KANGRA TEA means tea derived exclusively from the leaves, buds and tender stems of plants of the Camellia sinensis or Camellia tea grown in Kangra and Mandi valleys of Himachal Pradesh. It shall conform to the following specifications, namely :—

(a) Total ash determined on tea dried to a constant weight at 100°C	[18][3.0 to 8.0 per cent by weight.]
(b) Total ash soluble in boiling distilled water	Not less than 35 per cent of total ash.
(c) Ash insoluble in dilute hydrochloric acid	[19][Not more than 1.2 per cent by weight on dry basis].
(d) Extract obtained by boiling dry tea (dried to constant weight at 100°C) with 100 parts of distilled water for one hour under reflux	Not less than 28 per cent.
(e) Alkalinity of soluble ash	[20][Not less than 1.0 per cent and not more than 2.2 per cent expressed as K_2O on dry basis.]
(f) Crude fibre determined on tea dried to a constant weight at 105°C	Not more than 18.5 per cent.

It shall not contain any added colouring matter [21][or added flavouring matter.]

---

12. Ins. by Noti. No. GSR 992, dated 6-6-1975 (w.e.f. 6-7-1975).
13. Ins. by Noti. No. GSR 1253, dated 6-12-1958.
14. Subs. by Noti. No. GSR 818(E), dated 13-11-1993 (w.e.f. 13-11-1993).
15. Ins. by Noti. No. GSR 806, dated 23-6-1955.
15a. Subs. by Noti. No. GSR 816(E), dated 6-11-1985 (w.e.f. 6-11-1985).
15aa. Subs. by Noti. No. GSR 577(E), dated 11-8-1992 (w.e.f. 11-8-1992).

	Roller-dried	Spray-dried
[70][Solubility per cent (minimum)	85·0 ml.	98.5 ml.]

The product shall be packed in hermetically sealed containers and the label shall bear the date by which the product is to be consumed.

A.11.02.19.—TABLE (CREAMERY) BUTTER means the product obtained from cow or buffalo milk or a combination thereof or from cream or curd obtained from cow or buffalo milk or a combination thereof with or without the addition of common salt and annatto or carotene as colouring matter. It shall be free from other animal fats, wax and mineral oils, vegetable oils and fats. No preservative except common salt and no colouring matter except annatto or carotene shall be added. It shall contain not less than 80·0 per cent by weight of milk fats, not more than 1·5 per cent by weight of curd and not more than 3·0 per cent by weight of common salt. Diacetyl may be added as a flavouring agent but, if so used, the total diacetyl content shall not exceed 4·0 parts per million. Calcium hydroxide, sodium bicarbonate, sodium carbonate, sodium polyphosphate, (as linear phosphate [71][***]) may be added for regulating the hydrogenion concentration in the finished products not exceeding 0·2 per cent by weight of butter as a whole.

A.11.02.20.—DESHI (COOKING) BUTTER means the product obtained from cow or buffalo milk or a combination thereof or curd obtained from cow or buffalo milk or a combination thereof without the addition of any preservative including common salt, any added colouring matter or any added flavouring agent. It shall be free from other animal fats, wax and mineral oils, vegetable oils and fats. It shall contain not less than 76·0 per cent of milk fat by weight :]

[72][Provided that where butter is sold or offered for sale without any indication as to whether it is table butter or deshi butter, the standards of quality prescribed for table butter shall apply.]

[73][A.11.02.21.—GHEE means the pure clarified fat derived solely from milk or curd or from deshi (cooking) butter or from cream to which no colouring matter or preservative has been added. The standards of quality of ghee produced in a State or Union Territory specified in Column 2 of the Table below shall be as specified against the said State or Union Territory in the corresponding Columns 3, 4, 5 and 6 of the said Table.

70. Subs. by Noti. No. GSR 55(E), dated 31-1-1979 (w. e.f. 31-1-1979).
71. Words "with a degree of polymerisation up to 6 units" omitted by Noti. No. GSR 509(E), dated 1-9-1981 (w.e.f. 1-9-1981).
72. Ins. by Noti. No. GSR 133, dated 23-1-1973.
73. Subs. by Noti. No. GSR 579(E), dated 15-10-1980 (w.e.f. 31-10-1980).

TABLE

Sl. No.	Name of the State/ Union Territory	Butyro refracto-meter reading at 40°C	Minimum Reichert value	Percentage of FFA as Oleic acid (Max.)	Percentage of Moisture (Max.)
1	2	3	4	5	6
1.	Andhra Pradesh	40.0 to 43.0	24	3.0	0.5
2.	Andaman and Nicobar Islands	41.0 to 44.0	24	3.0	0.5
3.	Arunachal Pradesh	40.0 to 43.0	26	3.0	0.5
4.	Assam	40.0 to 43.0	26	3.0	0.5
5.	Bihar	40.0 to 43.0	28	3.0	0.5
6.	Chandigarh	40.0 to 43.0	28	3.0	0.5
7.	Dadra and Nagar Haveli	40.0 to 43.0	24	3.0	0.5
8.	Delhi	[40.0 to 43.0][74]	28	3.0	0.5
9.	(a) Goa	40.0 to 43.0	26	3.0	0.5
	(b) Daman and Diu	40.0 to 43.5	24	3.0	0.5
10.	Gujarat :				
	(a) Areas other than cotton tract areas	40.0 to 43.5	24	3.0	0.5
	(b) Cotton tract areas	41.5 to 45.0	21	3.0	0.5
11.	Haryana :				
	(a) Areas other than cotton tract areas	40.0 to 43.0	28	3.0	0.5
	(b) Cotton tract areas	40.0 to 43.0	26	3.0	0.5
12.	Himachal Pradesh	40.0 to 43.0	26	3.0	0.5
13.	Jammu & Kashmir	40.0 to 43.0	26	3.0	0.5
14.	Karnataka :				
	(a) Areas other than Belgaum District	40.0 to 43.0	24	3.0	0.5
	(b) Belgaum District	40.0 to 44.0	26	3.0	0.5
15.	Kerala	40.0 to 43.0	26	3.0	0.5
16.	Lakshadweep	40.0 to 43.0	26	3.0	0.5
17.	Madhya Pradesh :				
	(a) Areas other than cotton tract areas	40.0 to 44.0	26	3.0	0.5
	(b) Cotton tract areas	41.5 to 45.0	21	3.0	0.5
18.	Maharashtra :				
	(a) Areas other than cotton tract areas	40.0 to 43.0	26	3.0	0.5
	(b) Cotton tract areas	41.5 to 45.0	21	3.0	0.5
19.	Manipur	40.0 to 43.0	26	3.0	0.5
20.	Meghalaya	40.0 to 43.0	26	3.0	0.5
21.	Mizoram	40.0 to 43.0	26	3.0	0.5
22.	Nagaland	40.0 to 43.0	26	3.0	0.5
23.	Orissa	40.0 to 43.0	26	3.0	0.5
24.	Pondicherry	40.0 to 44.0	26	3.0	0.5
25.	Punjab	40.0 to 45.0	28	3.0	0.5
26.	Rajasthan :				
	(a) Areas other than Jodhpur Division	40.0 to 43.0	26	3.0	0.5
	(b) Jodhpur Division	41.5 to 45.0	21	3.0	0.5
27.	Tamil Nadu	41.0 to 44.0	24	3.0	0.5
28.	Tripura	40.0 to 43.0	26	3.0	0.5
29.	Uttar Pradesh	40.0 to 43.0	26	3.0	0.5
30.	West Bengal :				
	(a) Areas other than Bishnupur Sub-Division	40.0 to 43.0	28	3.0	0.5
	(b) Bishnupur Sub-Division	41.5 to 43.0	21	3.0	0.5
31.	Sikkim	40.0 to 43.0 (Baudouin test shall be negative)	28	3.0	0.5

Explanation.—By cotton tract is meant the areas in the States where cotton seed is extensively fed to the cattle and as notified by the State Government concerned.]

74. Corrected by GSR 283, dated 25-2-1981 for "40.5 to 43.0".

	Roller-dried	Spray dried
[* * *]	[* * *]	[* * *]
[Solubility per cent (minimum)	85.0	98.5]
[* * *]		

The process of drying shall be mentioned on the label. The spray-dried product shall be packed in hermetically sealed containers when the net quantity exceeds 510 grams.

[Provided that the spray-dried milk powder meant for reconstitution into liquid milk and not for direct consumption as such may also be packed in bags of food grade poly-ethylene of minimum thickness 0.050 mm, encased with multi-walled kraft paper bags, or packs made out of kraft paper sandwich laminated to high density polyethylene woven fabric. The product shall be stored below 20 degree centigrade and a statement of this effect shall be made on the package, along with the date of manufacture. In addition to compliance with the labelling provisions contained in Rule 32, such bags shall also be clearly labelled as "Not for direct consumption" and "To be used before. . . .]

A.11.02.15.—SKIMMED MILK POWDER means the product obtained from skimmed milk of cow or buffalo milk or a combination thereof by the removal of water. It may contain added calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate) [* * *] not exceeding 0.5 per cent by weight of the finished product. Such addition need not be declared on the label. Skimmed milk powder shall not contain more than 1.5 per cent milk fat and moisture shall not exceed 5.0 per cent. [The total acidity expressed as lactic acid shall not exceed 1.5 per cent. The plate count shall not exceed 50,000 per gram and [coliform shall be absent in 0.1 gram of the powder]] The solubility index of the product shall be as follows :

	Roller-dried	Spray-dried
[* * *]	[* * *]	[* * *]
[Solubility per cent (minimum)	85.0	98.5]

The process of drying shall be mentioned on the label.

A.11.02.16.—PARTLY SKIMMED MILK POWDER means the product obtained from partly skimmed cow or buffalo milk or a combination thereof by the removal of water. It may contain added calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [* * *]) not exceeding 0.5 per cent by weight of the finished product. Such addition need not be declared on the label. Partly skimmed milk powder shall not contain more than 5.0 per cent moisture and [fat content of the product shall be more than 1.5 and less than 26.0 per cent] Butylated hydroxyanisole (BHA) not exceeding 0.01 per cent by weight of the finished product may be added. The exact fat content shall be indicated on the label. The minimum solubility/solubility index of the product shall conform to the following standards :

---

62. Omitted by Noti. No. GSR 203 of 13-2-1974 (w.e.f. 23-5-1974).
63. Omitted by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
64. Subs. by Noti. No. GSR 1218, dated 5-1-1987 (w.e.f. 5-1-1987).
64a. Ins. by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
65. Subs. by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
66. Words "with a degree of reconstitution up to 6 units" omitted by Noti. No. GSR 505(E), dated 1-6-1981 (w.e.f. 1-6-1981).
66a. Subs. by Noti. No. GSR 55(E), dated 4-2-1985 (w.e.f. 4-2-1985).

	Roller-dried	Spray-dried
[* * *]	[* * *]	[* * *]
[Solubility per cent (minimum)	85.0	98.5]

The process of drying shall be mentioned on the label. The spray-dried product shall be packed in hermetically sealed containers when the net quantity exceeds 510 gms.

[Partly skimmed milk powder (sour) used by industry like bakery may contain sodium bicarbonate as a neutralizer, provided that the resultant product is labelled as "UNFIT FOR DIRECT CONSUMPTION". The amount of food additives including neutralizers added shall, however, be same as prescribed for partly skimmed milk powder. It shall also conform to other standards prescribed for partly skimmed milk powder except that solubility percentage will be 75 per cent, minimum by weight.]

[A.11.02.17.—KHOYA means the product obtained from cow or buffalo [or goat or sheep] milk [or milk solids] or a combination thereof by rapid drying. The milk fat content shall not be less than 20 per cent of the finished product.] [It may contain citric acid not more than 0.1 per cent by weight.]

A.11.02.18.—INFANT MILK FOOD means the product obtained by drying cow or buffalo milk or a combination thereof or by drying standardised milk, with the addition of specific carbohydrates (cane sugar, dextrose, and dextrines, maltose or lactose), iron salts and vitamins. It shall be free from starch and antioxidants. Its moisture content shall not be more than 5.0 per cent, milk fat content not less than 18.0 per cent and not more than 28.0 per cent, total carbohydrates not less than 35.0 per cent, milk proteins not less than 20.0 per cent, total ash not more than 8.5 per cent, [ash insoluble in dilute hydrochloric acid, not more than 0.05 per cent], iron (as Fe) not less than 4.0 mg./100g.; and vitamin A content not less than 15 I.u./g. The process used in drying shall be indicated on the label. Infant milk food shall not show Standard Plate Count of more than 50,000 per gm. [Coliform shall be absent in 0.1 gram of the powder.] [The solubility index of the product shall conform to the following standards :

---

63. Omitted by Noti. No. GSR 203 of 13-2-1974 (w.e.f. 23-5-1974).
64. Subs. by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
65. Subs. by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
66. Subs. by Noti. No. GSR 133, dated 23-1-1973.
66a. Subs. by Noti. No. GSR 55(E), dated 4-2-1985 (w.e.f. 4-2-1985).
66b. Ins. by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
66c. Subs. by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
66d. Subs. by Noti. No. GSR 11(E), dated 4-1-1985 (w.e.f. 4-1-1985) as corrected by GSR 305(E), dated 18-4-1985.
66e. Subs. by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).

cent of anhydrous permitted emulsifiers and/or stabilizers, provided that the content of anhydrous inorganic agents shall in no case exceed 3·0 per cent of the finished product. It shall not contain more than 47·0 per cent moisture. The milk fat content shall not be less than 40·0 per cent of the dry matter. Processed cheese may contain 0·1 per cent sorbic acid or its sodium, potassium or calcium salts (calculated as sorbic acid) or 0·1 per cent of nicin [56a][either singly or in combination. It many contain Calcium Chloride (anhydrous) not exceeding 0·02 per cent by weight].

A.11.02.08.—ICE CREAM, KULFI and CHOCOLATE ICE CREAM mean the frozen product obtained from cow or buffalo milk or a combination thereof or from cream, and/or other milk products, with or without the addition of cane sugar [56b][, dextrose, liquid glucose and dried liquid glucose], eggs, fruits, fruit juices, preserved fruits, nuts, chocolate, edible flavours and permitted food colours. It may contain permitted stabilizers and emulsifiers not exceeding 0·5 per cent by weight. The mixture shall be suitably heated before freezing. The product shall contain not less than 10.0 per cent milk fat, 3·5 per cent protein and 36·0 per cent total solids except that when any of the aforesaid preparations contains fruits or nuts or both, the content of milk fat [56c][* * *] shall not be less than 8·0 per cent by weight.

[56c][Starch may be added to a maximum extent of 5·0 per cent under a declaration on a label as specified in sub-rule (2) of Rule 43.

The standards for ice cream shall also apply to softy ice cream.]

[57][In case of ice-cream, where the chocolate of like covering portion forms a separate layer, only the ice cream portion shall conform to the standards of ice cream.]

NOTES

Ice-cream containing 3.95% of milk fat against minimum of 10% prescribed under Rules is adulterated. Mere circumstance that the standard of milk fat is 3% will not render it impossible for ice-cream to contain a minimum of 10% milk fat. *State of Maharashtra v. Balram Ranji Marathe*, (1984) 4 SCC 540.

Minimum standard of 10 per cent of milk fat prescribed for ice-cream is not impossible of compliance. *State of Maharashtra v. Balram Marathe*, (1984) 4 SCC 541 : 1985 SCC (Cri) 2.

A.11.02.09.—MILK ICES OR MILK LOLLIES means the frozen product obtained from milk, skimmed milk, or milk product with or without the addition of cane sugar [56d][, dextrose, liquid glucose and dried liquid glucose] eggs, fruits, juices, nuts, chocolate, edible flavours, and permitted food colours. It may contain permitted stabilisers not exceeding 0·5 per cent of the product. The mixture shall be suitably heat-treated before freezing. The product shall contain not more than 2·0 per cent milk fat, not less than 3·5 per cent proteins and not less than 20·0 per cent total solids.

A.11.02.10.—CONDENSED MILK UNSWEETENED (EVAPORATED MILK) means the product obtained from cow or buffalo milk or a combination thereof or from standardised milk, by the partial removal of water. It [illegible]

56a. *Ins.* by Noti. No. GSR 243, dated 13-2-1980 (*w.e.f.* 1-3-1980).
56b. *Omitted* by GSR 290(E), dated 12-4-1981 (*w.e.f.* 13-4-1981).
56c. *Added* by Noti. No. GSR 303 of 13-2-1974 (*w.e.f.* 23-2-1974).
57. *Ins.* by Noti. No. GSR 550(E), dated 4-7-1985 (*w.e.f.* 4-7-1985).

contain added calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [57a][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such additions need not be declared on the label. Condensed milk unsweetened shall contain not less than 8.0 per cent milk fat and not less than 26.0 per cent milk solids.

A.11.02.11.—CONDENSED MILK SWEETENED means the product obtained from cow or buffalo milk or a combination thereof or from standardised milk, by the partial removal of water and after addition of cane sugar. It may contain added refined lactose, [57b][permitted flavour,] calcium chloride, citric acid, sodium citrate, sodium salts of orthophosphoric and polyphosphoric acid (as linear phosphate [57a][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Condensed milk sweetened shall contain not less than 9.0 per cent milk fat, not less than 31.0 per cent total milk solids and not less than 40.0 per cent cane sugar.

A.11.02.12.—CONDENSED SKIMMED MILK UNSWEETENED (EVAPORATED SKIMMED MILK) means the product obtained from cow or buffalo skimmed milk or a combination thereof by the partial removal of water. It may contain added calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [57a][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Condensed skimmed milk unsweetened shall contain not less than 20.0 per cent total milk solids. The fat content shall not exceed 0.5 per cent by weight.

A.11.02.13.—CONDENSED SKIMMED MILK SWEETENED means the product obtained from cow or buffalo skimmed milk or a combination thereof by the partial removal of water and after addition of cane sugar. It may contain added refined lactose, calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [57a][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Condensed skimmed milk sweetened shall contain not less than 26.0 per cent of total milk solids and not less than 40.0 per cent cane sugar. The fat content shall not exceed 0.5 per cent by weight.

A.11.02.14.—MILK POWDER means the product obtained from cow or buffalo milk or a combination thereof or from standardised milk, by the removal of water. It may contain calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [57a][* * *]) not exceeding 0.3 per cent by weight of the finished product, and 0.01 per cent of butylated hydroxyanisole (BHA) by weight of the finished product. Such addition need not be declared on the label. [57b][For improving dispersibility, it may contain lecithin to a maximum limit of 0.5 per cent under label declaration as per Rule 42(ze).] Milk powder shall contain not more than 5.0 per cent moisture and not less than 26.0 per cent milk fat. [57c][The maximum acidity expressed as lactic acid shall not be more than 1.2 per cent. The plate count shall not exceed 50,000 per gram and [illegible] shall be absent in 0.1 grams of the powder).] Solubility index of the product shall be as follows :

57a. Words "with a degree of polymerisation up to 6 units" omitted by Noti. No. GSR 503(E), dated 1-8-1981 (*w.e.f.* 1-8-1981).
57b. *Ins.* by Noti. No. GSR 550(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).
57c. *Ins.* by Noti. No. GSR 303 of 13-2-1974 (*w.e.f.* 23-2-1974).
57d. *Subs.* by Noti. No. GSR 11(E), dated 4-1-1985 (*w.e.f.* 4-1-1985) as corrected by GSR 568(E), dated 18-8-1985.

1	2	3	4
GOAT OR SHEEP MILK		[illegible] Orissa ... ... Pondicherry ... ... Rajasthan ... ... [illegible] Tamil Nadu] ... ... Tripura ... ... West Bengal	3.0 ...
[illegible] MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised	All India	... ...
STANDARDISED MILK	Pasteurised, Flavoured and Sterilised.	All India	4.5 8.5
RECOMBINED MILK	[Pasteurised, Flavoured and Sterilised.]	All India	3.0 8.5
TONED MILK	[Pasteurised, Flavoured and Sterilised.]	All India	3.0 8.5
DOUBLE TONED MILK	[Pasteurised, Flavoured and Sterilised.]	All India	1.5 9.0
SKIMMED MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	All India	Not more than 0.5 per cent.

NOTE—(i) Where milk is offered for sale without any indication of the class, the standards prescribed for buffalo milk shall apply.

(ii) The heat treatment for the various designated milk shall be as follows:

Designation	Heat Treatment
Raw	Nil.
Pasteurised	Pasteurisation.
Boiled	Boiling.
Flavoured	Pasteurisation or Boiling.
Sterilised	Sterilisation.

NOTE

Where the milk is offered for sale, without any indication whether it is derived from buffalo, cow, sheep or goat, the standard prescribed for buffalo milk shall apply. Added v. Hom. 1958 Col I, 1159 (AE).

A.11.02.—Milk Products mean the products obtained from milk such as cream, malai, curd, skimmed milk curd, chhanna, skimmed milk chhanna, cheese, processed cheese, ice cream, milk ice, condensed milk sweetened and unsweetened, condensed skimmed milk sweetened and unsweetened, milk powder, skimmed milk powder, partly skimmed milk powder, khoa, infant milk food, table butter and desi butter.

A.11.02.01—Milk Products specified in Appendix B shall not contain any substance not found in milk unless specified in the standards.

A.11.02.02—Cream excluding sterilised cream means the product of cow or buffalo milk or of a combination thereof which contains not less than 25.0 per cent milk fat.

19. Subs. agreed by Noti. No. GSR 39(E), dated 31-1-1979 (w.e.f. 31-1-1979).
19a. Subs. by Noti. No. GSR 39(E), dated 31-1-1979 (w.e.f. 31-1-1979).

A.11.02.03—Malai means the product rich in butter fat prepared by boiling and cooling raw or buffalo milk or a combination thereof. It shall contain not less than 25.0 per cent milk fat.

A.11.02.04—Dahi or Curd means the product obtained from pasteurised or boiled milk by souring, natural or otherwise, by a harmless lactic acid or other bacterial cultures. Dahi may contain added cane sugar. Dahi shall have the same minimum percentage of milk fat and milk solids-not-fat as the milk from which it is prepared.

Where dahi or curd [19a][* * *] is sold or offered for sale without any indication of class of milk, the standards prescribed for dahi prepared from buffalo milk shall apply.

[20][Milk solids may also be used in preparation of this product.]

A.11.02.05—Chhana or Paneer means the product obtained from the cow or buffalo milk or a combination thereof by precipitation with sour milk, lactic acid or citric acid. It shall not contain more than 70.0 per cent moisture, and the milk fat content shall not be less than 50.0 per cent of the dry matter.

[20][Milk solids may also be used in preparation of this product.]

A.11.02.06—Skimmed Milk Chhana or Skimmed Milk Paneer means the product obtained from cow or buffalo skimmed milk by precipitation with sour milk, lactic acid or citric acid. It shall not contain more than 70.0 per cent moisture. The milk fat content of the product shall not exceed 13.0 per cent of the dry matter.

A.11.02.07—Cream (Malai) means the product obtained by draining after coagulation of milk with a harmless milk coagulating agent under the influence of harmless bacterial cultures. It shall not contain any ingredients not found in milk, except coagulating agent, sodium chloride, calcium chloride (anhydrous salt) not exceeding 0.02 per cent by weight, annatto or carotene colour, and may contain emulsifiers and/or stabilizers, namely citric acid, sodium nitrate or sodium salts or orthophosphoric acid and polyphosphoric acid (as linear phosphate [20a][* * *]), not exceeding 0.2 per cent by weight. Wax used for covering the outer surface shall not contain any thing harmful to health. In case the wax is coloured, only permitted food colour shall be used. Hard cheese shall contain not more than 43.0 per cent moisture and not less than 42.0 per cent milk fat of the dry matters. Hard cheese may contain 0.1 per cent of sorbic acid, or its sodium, potassium or calcium salts calculated as sorbic acid; or 0.1 per cent of nisin [20b][either singly or in combination].

A.11.02.07.01—Processed Cheese means the product obtained by heating cheese with permitted emulsifiers and/or stabilizers namely citric acid, sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear polyphosphate [20c][* * *]) with or without added condiments, and acidifying agents, namely vinegar, lactic acid, acetic acid, citric acid and phosphoric acid. Processed cheese may contain not more than 4.0 per

19b. Words "other than skimmed milk curd" omitted by GSR 583(E), dated 1-8-1981 (w.e.f. 1-8-1981).
19c. Added by Noti. No. GSR 583(E), dated 4-7-1983 (w.e.f. 4-7-1983).
19d. Words "with a degree of polymerization up to 6 units" omitted by Noti. No. GSR 583(E), dated 1-8-1981 (w.e.f. 1-8-1981).
20. Added by Noti. No. 422E 203 of 15-8-1974 (w.e.f. 29-8-1974).

A.11.01.09.—DOUBLE TONED MILK means the product prepared by admixture of cow or buffalo milk or both with fresh skimmed milk, or by admixture of cow or buffalo milk or both [54c][that has been standardised to fat and solids not-fat percentage given in the Table below Item A.11.01.11, by adjustment of milk solids.] It shall be pasteurised and shall show a negative Phosphatase Test. When fat or dry non-fat-milk solids are used, it shall be ensured that the product remains homogeneous and no deposition of solids takes place on standing.

A.11.01.10.—SKIMMED MILK means the product prepared from milk from which almost all the milk fat has been removed mechanically.

A.11.01.11.—Standards for different classes and designations of milk shall be as follows:

Class of Milk	Designations	Localities	Minimum per cent: Milk fat	Milk solids-not-fat
1	2	3	4	5
BUFFALO MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	Assam, Bihar, Chandigarh, Delhi, Gujarat, Haryana, Maharashtra, [54e][Meghalaya, Punjab, Sikkim], Uttar Pradesh, West Bengal	6·0	9·0
	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	Andaman & Nicobar, Andhra Pradesh, [54e][Arunachal Pradesh], Dadra & Nagar Haveli, Goa, Daman & Diu [H. P.][54e], [54e][Jammu & Kashmir, Karnataka], Kerala, Lacadive, Minicoy & Amindive Islands [54e], Madhya Pradesh, Manipur, [Mizoram][54e], Nagaland, [54e], Orissa, Pondicherry, Rajasthan, [Tamil Nadu][54e], Tripura	5·0	9·0

54c. *Subs.* by Noti. No. GSR 550(E), dt. 4-7-1983 (*w.e.f.* 4-7-1983).
54d. *Subs. for* Noti. No. GSR 5(E), dt. 1-1-1985 (*w.e.f.* 1-1-1985).
54e. *Ins.* by *ibid.*
54f. *Vide* corrigenda GSR 1204 dt. 18-7-1968.
54g. *Omitted* by Noti. No. GSR 5(E), dated 1-1-1985 (*w.e.f.* 1-1-1985).

1	2	3	4	5
COW MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	Chandigarh, Haryana, Punjab	4·0	8·5
		Andaman & Nicobar, Andhra Pradesh, [54e][Arunachal Pradesh], Assam, Bihar, Dadra & Nagar Haveli, Delhi, Goa, Daman & Diu, Gujarat, Himachal Pradesh, [54e][Jammu & Kashmir, Karnataka], Kerala, Lacadive, Minicoy & A. Islands, Madhya Pradesh, [54e][* * *], Maharashtra, Manipur, [54e][Meghalaya], Nagaland, [54e][* * *], Pondicherry, Rajasthan, [54e][Sikkim, Tamil Nadu], Tripura, Uttar Pradesh, West Bengal, [54e][Mizoram, Orissa]	3·0	8·5
	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	Chandigarh, Haryana, Kerala, Madhya Pradesh, Maharashtra, Punjab, Uttar Pradesh	3·5	9·0
	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	Andaman & Nicobar Islands, Andhra Pradesh, [54e][Arunachal Pradesh], Assam, Bihar, Dadra & Nagar Haveli, Delhi, Goa, Daman & Diu, Gujarat, Himachal Pradesh, [54e][Jammu & Kashmir, Karnataka], Lacadive, Minicoy & A. Islands, [54e][* * *], Manipur, [54e][Meghalaya, Mizoram], Nagaland	3·0	9·0
GOAT OR SHEEP MILK				

(*vii*)	9,10 epoxy and 9,10 Dihydroxy stearic acid	Not more than 3·0 per cent by weight.
(*viii*)	Flash point (Pensky Marten closed method)	Not less than 250°C.]

[49b][A.10.08.—CAROB POWDER means the powder obtained from the roasted pods of carob (fibbled carob) of Ceratonia Siliqua (L) Taub. (Fam Leguminosae) and shall be free from husk. It shall be free from any artificial colouring, flavouring, extraneous matter or glazing substance and shall be in sound dry and fresh condition free from rancid or obnoxious flavours

It shall also conform to the following standards, namely :—

(*i*) Total Ash	Not more than 1·2 per cent by weight
(*ii*) Acid insoluble matter	Not more than 5 per cent by weight.
(*iii*) Tannin content	Not less than 0·1 per cent and not more than 0·15 per cent.]

[51][A.11. MILK AND MILK PRODUCTS :

A.11.01.—Definitions.

[51a][A.11.01.01.—MILK is the normal mammary secretion derived from complete milking of healthy milch animal without either addition thereto or extraction therefrom. It shall be free from colostrum. Milk of different classes and of different designations shall conform to the standards laid down in the Table below Item A.11.01.11.]

NOTES

Sample of milk must conform to the standard prescribed concerning fatty contents and non-fatty contents solids and deficiency in either would constitute offence. *Raghabir* v. *State of U. P.*, (1985) 1 All Cri LR 104 (All) ; *Nankoo* v. *State*, 1982 Cri LJ 136.

The deficiency in non-fatty solids is not ignorable simply because fat contents were higher than the prescribed standard. *Prem Chandra* v. *State of U. P.*, 1984 ALJ 1029. See also *Raghabir* v. *State of U. P.*, 1984 ALJ 362.

Non-fatty solid contents alone being below the minimum can justify an inference that it may be due to natural reasons beyond the control of human agency. (In this case milk was held to be primary food). *H. V. Baseera* v. *State of Kerala*, 1985 Cri LJ 1126 (Ker).

Freezing point test is accepted as the reliable method of finding added water. Calculation of milk solids-non-fat contents is not a safe test. *H. V. Baseera* v. *State of Kerala*, 1985 Cri LJ 1126 (Ker).

A.11.01.02.—PASTEURIZATION.—The term pasteurisation, when used in association with [51b][milk of different classes], means heating [51b][milk of different classes] by a heat treatment as mentioned below and cooling to a suitable temperature before distribution. Pasteurised [51b][milk of different classes] shall show a negative Phosphatase Test.

50b. *Ins.* by Notf. No. GSR 264(E), dated 13-11-1984 (*w.e.f.* 13-11-1984).
51. *Subs.* by Notf. No. GSR 1513, dated 8-7-1988.
51a. *Subs.* by Notf. No. GSR 550(E), dated 4-7-1985 (*w.e.f.* 4-7-1985).
51b. *Subs.* by Notf. No. GSR 550(E), dated 4-7-1985 (*w.e.f.* 4-7-1985).

The terms "Pasteurisation", "Pasteurised" and similar terms shall be taken to refer to process of heating every particle of [51b][milk of different classes] to at least 63°C, and holding at such temperature continuously for at least 30 minutes, or heating it to at least 71.5°C, and holding at such temperature continuously for at least 15 seconds or an approved temperature-time combination that will serve to give a negative Phosphatase Test.

All pasteurised [51b][milk of different classes] shall be cooled immediately to a temperature of 10°C, or less [51b][* * *]

Explanation.—[* * *][51c]

A.11.01.03—STERILIZATION.—The term sterilization, when used in association with milk means heating milk continuously to a temperature of 115°C for 15 minutes or 145°C for 3 seconds, or equivalent approved temp.-time combination to ensure preservation at room temperature for a period of not less than 15 days from the date of manufacture. Sterilised milk shall show absence of albumen by a negative Turbidity Test. Sterilised milk shall be sold only in the container in which the milk was sterilised.

A.11.01.04—BOILED MILK means milk which has been brought to boil.

[52][A.11.01.05—FLAVOURED MILK, by whatever name called, may contain [53][nuts (whole, fragmented or ground)] chocolate, coffee or any other edible flavour, edible food colours and cane sugar. Flavoured milk shall be pasteurised, sterilised or boiled.] [54][The type of milk shall be mentioned on the label.]

[54a][A.11.01.05A—MIXED MILK means a combination of milk of cow, buffalo, sheep, goat or any other milch animal and may be a combination of any of these milk which has been made and conforms to the standards given in the table below Item A.11.01.11.]

A.11.01.06—STANDARDISED MILK means cow milk or buffalo milk [54b][or sheep milk or goat milk or a combination of any of these milk] that has been [51b][standardised to fat and solids-not-fat percentage] given in the table below Item A.11.01.11 by [adjustment of milk solids.][51b] Standardised milk shall be pasteurised and shall show a negative Phosphatase Test.

A.11.01.07—RECOMBINED MILK means the homogenised product prepared from milk fat, non-fat-milk solids and water. Recombined milk shall be pasteurised and shall show a negative Phosphatase Test.

A.11.01.08.—TONED MILK means the product prepared by admixture of cow or buffalo milk or both with fresh skimmed milk ; or by admixture of cow or buffalo milk or both [that has been standardised to fat and solids-not-fat percentage given in the Table below Item A.11.01.11 by adjustment of milk solids][51b]. It shall be pasteurised and shall show a negative Phosphatase Test. When fat or dry non-fat-milk solids are used, shall be ensured that the product remains homogeneous and no deposition of solids takes place on standing

---

51c. Words "and shall be maintained thereat until delivery" omitted by Notf. No. GSR 248, dated 1-3-1980 (*w.e.f.* 1-3-1980).
52. *Subs.* by Notf. No. GSR 132, dated 25-1-1973.
53. *Ins.* by Notf. No. GSR 1417, dated 20-9-1976 (*w.e.f.* 2-10-1976).
54. *Ibid.*
54a. *Ins.* by Notf. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).
54b. *Subs.*, *Ibid.*

chicory. It shall be in the form of a free flowing powder having the colour, taste and flavour characteristics of coffee-chicory powder. It shall be free from any impurities and shall not contain any other added substance. The percentage of coffee and chicory used shall be marked on the container as provided in sub-rule (4) of Rule 42. It shall also conform to the following standards, namely :—

(a) Moisture.....	Not more than 5 per cent by weight.
(b) Total ash on dry basis	Not less than 7.0 per cent and not more than 10.0 per cent by weight.
(c) Caffeine (anhydrous)	Not less than 1.4 per cent by weight on dry basis.]

A.09.—[49][*Omitted.*]

A.10.—EDIBLE FAT :

A.10.01.—BEEF FAT or suet means fat obtained from a beef carcass. It shall have a Saponification value varying from 193 to 200 and an Iodine value from 35 to 46.

A.10.02.—MUTTON FAT means fat obtained from the carcass of sheep. It shall have a Saponification value varying from 192 to 195 and an Iodine value from 35 to 46.

A.10.03.—GOAT FAT means the rendered fat from goat. It shall have a Saponification value varying from 193 to 196 and an Iodine value from 36 to 45.

A.10.04.—LARD means the rendered fat from hogs and shall not contain more than one per cent of substances other than fatty acids and fat. It shall have a Saponification value varying from 192 to 198 and Iodine value from 52 to 65.

[50][A.10.05.—COCOA BUTTER means the fat obtained by expression from the nibs of the beans of Theobroma cocoa L. It shall be free from other oils and fats, mineral oil and added colours.

It shall conform to the following standards :

Percentage of free fatty acids (calculated as oleic acid).....	Not more than 1·5.
Iodine value.....	32 to 42.
Melting point.....	29°C to 34°C.
Butyrorefractometer reading at 40°C.....	40·9 to 48·0.
Saponification value.....	185 to 200.

A.10.06.—LOW AND HIGH FAT COCOA POWDER means the powder which is the partially defatted product derived from the cocoa beans, the nibs

49. Omitted by Notf. No. GSR. 1233, dated 6-7-1968.
50. Ins. by Notf. No. GSR. 1583, dated 8-7-1968.

Theobroma cocoa L. It may be subjected to treatments during manufacture with alkali and/or magnesium carbonate, bicarbonate, and with tartaric, nitric or phosphoric acids. It shall be free from rancidity, dirt, filth, insects and insect fragments or fungus infestations.

It shall conform to the following standards :

Total ash.....	Not more than 14·0 per cent (on moisture and fat free basis).
Ash insoluble in dilute HCl.....	Not more than 1.0 per cent (on moisture and fat free basis)
Alkalinity of total ash.....	Not more than 6·0 per cent as K_2O (on moisture and fat free basis).

Cocoa butter—

(i) for low fat.....	Not less than 10·0 per cent (on moisture and fat free basis) ;
(ii) for high fat.....	Not less than 20 per cent (on moisture and fat free basis).]

[50a][A.10.07.—Refined salseed fat means the fat obtained from seed kernels of Sal trees, Shorea robusta Gaertn. f. (N.O. Dipterocarpaceae) which has been neutralized with alkali, bleached with bleaching earth or activated carbon or both, and deodorized with steam, no other chemical agents being used. Alternatively, deacidification, bleaching and deodorization may be done by physical means. The material shall be clear on melting and free from adulterants, sediment, suspended or other foreign matter, separated water or added colouring substance. There shall be no turbidity after keeping the filtered sample at 40°C for 24 hours. It shall conform to the following standards :—

(i) Moisture	Not more than 0·1 per cent
(ii) Butyro-refractometer reading at 40°C	36·7—51·0
OR	
Refractive Index at 40°C	1·4500—1·4650
(iii) Iodine value (Wijs' method)	31—45
(iv) Saponification value	185—195
(v) Unsaponifiable matter	Not more than 2·5 per cent by weight.
(vi) Free Fatty acids [expressed as Oleic acid]	Not more than 0·25 per cent by weight.
OR	
Acid value	Not more than 0·5.

50a. Ins. by Notf. No. GSR 1951), dated 28-1-1980 (w.e.f. 28-1-1980) and corrected by GSR 337, dt. 9-5-1980.

[39a][A.07.11.—DRIED GLUCOSE SYRUP means the material in the form of coarse or fine white to greenish white powder, sweet to taste, bland in flavour and somewhat hygroscopic. It shall be free from fermentation, evidence of mould growth, dirt or other extraneous matter, or added sweetening or flavouring agent.

It shall also not contain any added natural or coaltar food colour. It shall conform to the following standards :—

(a) Total solid content :	Not less than 93·0 per cent by wt.
(b) Reducing sugar content :	Not less than 20·0 per cent by wt.
(c) Sulphated ash :	Not more than 1·0 per cent by wt.
(d) Sulphur dioxide :	Not more than 40 p.p.m. Sulphur dioxide may be present in an amount not exceeding 150 p.p.m. if the product is intended for manufacture of confectionery to be sold under a label as specified under Rule 42 (X).]

A.08.—COFFEE :

A.08.01.—(1) Coffee (green, raw or unroasted) means the seed of Coffea arabica, [40][Coffea liberica, Coffea excelsa or Coffea robusta] freed from all but a small portion of its spermoderm by decortication.

(2) Roasted coffee means properly cleaned green coffee which has been roasted to a brown colour and has developed its characteristic aroma.

(3) Ground coffee means the powdered product obtained from 'roasted coffee' only and shall be free from husk.

(4) Coffee (green, raw or unroasted), 'roasted coffee' and 'ground coffee' shall be free from any artificial colouring flavouring, facing, extraneous matter or glazing substance and shall be in sound, dry and fresh condition free from rancid or obnoxious flavour.

(5) [41][* * *] 'Roasted coffee' and 'ground coffee' shall conform to the following analytical standards :

(i) Total ash [determined on the sample dried to constant weight at 100°C], shall be feathery white or bluish-white in colour [42][and shall be not less than 3·0 per cent and not more than 7·0 per cent by weight] of which not less than 65 per cent shall be soluble in boiling distilled water. The ash insoluble in hot dilute HCl shall not be more than 0·1 per cent.

(ii) The alkalinity of [43][the soluble ash] per gram of dried coffee shall be equivalent to not less than [44][3·5] ml. and not more than [44][4·5] ml. of N/10 acid.

(iii) The caffeine content as obtained by standard methods, shall be not less than [44][1·0] per cent.

39a. Ins. by Noti. No. GSR 557(E), dated 11-5-1982 (w.e.f. 11-5-1982), as corrected by GSR 707 (E), dated 9-8-1982.
40. Omitted by Noti. No. GSR 502, dated 4-6-1971.
41. Omitted by Ibid.
42. Subs. by Noti. No. GSR 557(E), dated 11-5-1982 (w.e.f. 11-5-1982).
43. Subs. by Noti. No. GSR 1340, dated 28-10-1981.
44. Subs. by Noti. No. GSR 1417, dated 20-9-1978 (w.e.f. 2-10-1978).
44. Subs. by Noti. No. GSR 1364, dated 17-11-1982.

(ii) The aqueous extract (determined by extraction of 2 grams of the sample dried to constant weight at 100°C with 100 ml. of boiling distilled water for one hour under reflux) shall be not less than [45][26·0] per cent and not more than [46][35·0] per cent.

[47][A.08.02.—CHICORY means the roasted chicory powder obtained by roasting the cleaned and dried roots of Cichorium intybus Linn with or without the addition of edible fats and oils or sugar like glucose or sucrose in proportion not exceeding 2·0 per cent by weight in aggregate. It shall be free from any artificial colouring and flavouring matter.

It shall conform to the following standards :

Total ash.....Not less than 3·5 per cent and not more than 10·0 per cent (on dry basis).

Ash insoluble in dilute HCl.....Not more than 2·5 per cent on dry basis.

Water soluble matter.....Not less than 50·0 per cent on dry basis].

[48][A.08.03.—COFFEE CHICORY MIXTURE or coffee mixed with chicory or coffee and chicory shall be pure ground coffee mixed with roasted and ground chicory and shall be in sound, dry and dust-free condition with no rancid or obnoxious flavour.

[49][The coffee chicory mixture shall contain caffeine not less than 0·6 per cent and the aqueous extract shall not be more than 50 per cent.]

Any tin or other receptacle containing a mixture of coffee and chicory shall not bear any misleading expression.

The expression "French Coffee" may be used if followed by the words "mixed with chicory" or "blended with chicory".]

[50][A.08.04.—SOLUBLE COFFEE POWDER means coffee powder, obtained from freshly roasted and ground pure coffee beans. It shall be in the form of free flowing powder, having the colour, taste and flavour characteristics of coffee. It shall be free from impurities and shall not contain chicory or any other added substance. It shall conform to the following standards :

(a) Moisture	Not more than 3·5 per cent.
(b) Total ash (on dry basis)	Not more than 15·0 per cent.
(c) Caffeine content	Not less than 2·5 per cent on dry basis.
(d) Solubility in boiling water	Dissolves readily in 30 seconds with moderate stirring.
(e) Solubility in cold water at 16±2°C	Soluble with moderate stirring in 3 minutes.]

[51][A.08.05.—INSTANT COFFEE-CHICORY MIXTURE means the product manufactured from roasted and ground coffee and roasted and ground

45. Subs. by Noti. No. GSR 1417, dated 20-9-1978 (w.e.f. 2-10-1978).
46. Subs. by Noti. No. GSR 1323, dated 8-5-1982.
47. Subs. by Noti. No. GSR 1734, dated 20-11-1976.
48. Ins. by Noti. No. GSR 24, dated 31-12-1963.
48a. Subs. by Noti. No. GSR 557(E), dated 31-1-1979 (w.e.f. 31-1-1979).
49. Ins. by Noti. No. GSR 840(E), dated 19-11-1983 (w.e.f. 19-11-1983) as corrected by GSR 113 dt. 20-1-1984.

[32][A.07.05.—GUR OR JAGGERY means the product obtained by boiling or processing juice pressed out of sugarcane or extracted from palmyra palm, date palm or coconut palm. It shall be free from substances deleterious to health and shall conform to the following analytical standards on dry weight basis:

(*i*) total sugars [33][expressed as invert sugar] not less than 90 per cent and sucrose not less than [33][60] per cent;

(*ii*) extraneous matter insoluble in water not more than 2 per cent;

(*iii*) total ash not more than 6 per cent;

(*iv*) ash insoluble in hydrochloric acid (HCl) not more than 0.5 per cent.

Gur or jaggery other than that of the liquid or semi-liquid variety shall not contain more than 10 per cent moisture.]

[33][Gur or jaggery may contain sulphur dioxide in concentration not exceeding 70 parts per million.]

[34a][Sodium bicarbonate, if used, for clarification purposes, shall be of Food Grade Quality.]

[32][34a][A.07.06.—CUBE SUGAR means the sugar in the form of cube or cuboid blocks manufactured from refined crystallised sugar. It shall be white in colour, free from dirt and other extraneous contamination. It shall conform to the following standards:

(*a*) Sucrose	Not less than 99.7 per cent by weight.
(*b*) Moisture	Not more than 0.25 per cent by weight.
(*c*) Total ash	Not more than 0.03 per cent by weight.
(*d*) Sulphur dioxide	Not more than 70 p.p. m.]

A.07.07.—DEXTROSE is a white or light cream granular powder, odourless and having a sweet taste.

When heated with potassium cupritartarate solution it shall produce a copious precipitate of cuprous oxide. It shall conform to the following standards:

Sulphated ash.....Not more than 0.1 per cent on dry basis.

Acidity.....5.0 gm. dissolved in 50 ml. of freshly boiled and cooled water requires for neutralisation not more than 0.20 ml. of N/10 sodium hydroxide to phenolphthalein indicator.

Glucose.....Not less than 99.0 per cent on dry basis.

---

33. *Added* by Notl. No. SRO 1687, dated 14-5-1956.
34. *Ins.* by Notl. No. GSR 1553, dated 8-7-1968.
35. *Subs.* by Notl. No. GSR 153, dated 23-1-1973.
36. *Ins.* by Notl. No. GSR 74, dated 31-12-1965.
36a. *Ins.* by Notl. No. GSR 57(E), dated 11-2-1982 (w.e.f. 11-2-1982).
37. *Ins.* by Notl. No. GSR 1553, dated 8-7-1968 as corrected by GSR 2163, dt. 2-12-1968.
37a. *Subs.* by Notl. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).

Sulphur dioxide content shall not exceed 70 p.p.m.

NOTES.—Glucose is same as dextrose, 1985 Cri LJ (NOC) 24 (Ker).

A.07.08.—GOLDEN SYRUP means the syrup obtained by inversion of sugar. It shall be golden yellow in colour, pleasant in taste and free from any crystallisation. It shall conform to the following standards:

Moisture.....Not more than 25.0 per cent by weight.

Total ash.....Not more than 2.5 per cent by weight.

Total sugar as invert sugar.....Not less than 72.0 per cent by weight.

Sulphur dioxide content shall not exceed 70.0 p.p.m.

[34a][Sodium bicarbonate, if used, for clarification purposes, shall be of Food Grade Quality.]

[37aa][A.07.08.1.—SYNTHETIC SYRUP or SHARBAT means the syrup obtained by blending syrup made from sugar, dextrose or liquid glucose.

It may also contain fruit juice and other ingredients appropriate to the product. It shall be free from burnt or objectionable taints, flavours, artificial sweetening agents, extraneous matter and crystallization. It may contain citric acid, permitted colours, permitted preservatives and permitted flavouring agents. It shall also conform to the following standards, namely:—

Total soluble solids:—Not less than 65 per cent by weight.]

[37b][A.07.09.—ICING SUGAR means the sugar manufactured by pulverising refined sugar or vacuum pan (plantation white) sugar with or without edible starch. Edible starch, if added, shall be uniformly extended in the sugar. It shall be in form of white powder, free from dust, or any other extraneous matter. It shall conform to the following standards:

(*a*) Total starch and sucrose (moisture free)	Not less than 99.0 per cent by weight.
(*b*) Moisture	Not more than 0.80 per cent by weight.
(*c*) Starch	Not more than 5.0 per cent by weight or dry basis.]

[38][A.07.10.—SACCHARIN SODIUM commonly known as soluble saccharin having an empirical formula as—$C_7H_4NNaO_3S.2H_2O$ and molecular weight as 241.2 shall be the material which is soluble at 20°C in 1.5 parts of water and 50 parts of alcohol (95 per cent); and shall contain not less than 98.0 per cent and not more than the equivalent of 100.5 per cent of $C_7H_4O_3NSNa$ calculated with reference to the substance dried to constant weight at 105°C, assay being carried out as presented in Indian Pharmacopoeia. It shall not contain more than 2 p.p.m. of arsenic and 10 p.p.m. of lead. The melting point of saccharin isolated from the material as per Indian Pharmacopoeia method, shall be between 226°C and 230°C. The loss on drying of the material at 105°C shall not be less than 12.0 per cent and not more than 16.0 per cent of its weight.

The material shall satisfy the tests of identification and shall conform to the limit tests for free acid or alkali, ammonium compounds and parasulpha moylbenzoate as mentioned in the Indian Pharmacopoeia.]

37aa. *Ins.* by Notl. No. GSR 603 (E), dated 24-7-1985 (w.e.f. 24-7-1985).
37b. *Subs.* by Notl. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
38. *Ins.* by Notl. No. GSR 938, dated 26-5-1971.

A.05.22—ANISEED or Saunf imported means the dried ripe fruit of Pimpinella anisum. Foreign edible seeds or matter shall not exceed 5·0 per cent by weight. It shall conform to the following standards:

(*a*) Total ash.....Not more than 9 per cent by weight.

(*b*) Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

(*c*) Volatile oil.....Not less than 1·0 per cent (v/w).]

[24][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[24a][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

[25][A.05.23—AJOWAN (Bishop's weed) means the dried ripe seeds of Trachyspermum ammi (Linn) Sprague. The proportion of organic and inorganic extraneous matter shall not exceed 3 per cent and 2 per cent respectively. The seeds shall be free from living insects, insect fragments and rodent contamination visible to the eyes.]

[26a][It shall be free from added colouring matter.]

[27][**Note.**—(1) The extraneous matter wherever prescribed under this item shall be classified as follows:

(*a*) Organic extraneous matter such as chaff, stems, straw.

(*b*) Inorganic extraneous matter such as dust, dirt, stones and lumps of earth.

(2) Of the permitted extraneous matters in items A.05.01, A.05.03, A.05.04, A.05.05, [***][26a], A.05.08, A.05.09, A.05.10, A.05.11, A.05.12, A.05.14, A.05.15, A.05.16, A.05.17 and A.05.18 the inorganic extraneous matters shall not exceed 2 per cent by weight.]

A.06.—BEAN means dry kidney shaped or flattened seeds of the leguminous varieties used as food, either whole or prepared as dall. It shall not contain hydrocyanic acid exceeding 20 parts per million as determined by A.O.A.C. Maceration method.

A.07.—SWEETENING AGENTS:

A.07.01.—CANE SUGAR is the crystallized sugar obtained from sugarcane, beetroot, *etc.*, and includes the refined product obtained from gur.

It shall contain not more than 0·7 per cent of ash, not more than 1·5 per cent of water and not less than 96·5 per cent of sucrose. [27][It may contain sulphur dioxide in concentration not exceeding 70 parts per million.]

24. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
24a. *Ins.* by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).
25. *Ins.* by Noti. No. GSR 139, dated 23-1-1973.
26. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
26a. Figure "A.05.07" *deleted* by Noti. No. 803(E), dated 27-10-1983 (w.e.f. 27-10-1983).
27. *Ins.* by Noti. No. GSR 74, dated 31-12-1965.

[28][Misri (Palm and sugarcane) shall be the crystallized sugar having sucrose not less than 98·0 per cent and total ash not more than 0·4 per cent.]

[29][A.07.01.01.—REFINED SUGAR means the sugar obtained from the juice of Sugarcane or Sugarbeet. It shall be crystalline, white or colourless, free from dirt and other extraneous matter. It shall conform to the following standards:

(*a*) Sucrose	Not less than 99·80 per cent by wt.
(*b*) Moisture	Not more than 0·1 per cent by wt.
(*c*) Sulphur dioxide	Not more than 70 p.p.m.]

[30][A.07.02.—BURA shall contain not less than 96·5 per cent of total sugars expressed as sucrose and shall not contain more than half per cent of its weight as ash insoluble in dilute hydrochloric acid.

In the case of Khandsari, the minimum sugar content in terms of sucrose shall not be less than 90 per cent.

Bura and Khandsari may contain sulphur dioxide in concentration not exceeding 70 parts per million.]

[31][A.07.03.—HONEY means the food derived entirely from the work of bees operating upon the nectar of flowers and other sweet exudation of plants. It shall not contain more than (*a*) 25 per cent of moisture, (*b*) 0·5 per cent ash and (*c*) 5 per cent of sucrose except in the case of Carbia callosa and Honey dew where the maximum sucrose content shall be 10 per cent. The minimum reducing sugar content (expressed as invert sugar) shall be 65 per cent except in the case of Carbia callosa and Honey dew where it shall be 60 per cent. Fructose/Glucose ratio shall not be less than [0·95][31a] per cent. Fiehe's test should ordinarily be negative.]

[32][A.07.04.—'ICE LOLLIES OR EDIBLE ICES' means the frozen ice produce [32a][which may contain sugar, syrup, fruit, fruit juices, cocoa, citric acid, permitted flavours and colours. It may also contain permitted stabilizers and/or emulsifiers not exceeding 0·5 per cent by weight.] It shall not contain any artificial sweetener.]

[32b][A.07.04.01.—ICE CANDY means the frozen ice produce [32a][which may contain fruit, fruit juices, cocoa, nuts, citric acid, permitted flavours and colours. It may also contain permitted stabilizers and/or emulsifiers not exceeding 0.5 per cent by weight.] It shall contain sugar not less than 10 per cent by weight. It shall not contain any artificial sweetener.]

NOTE

'Ice-Candy' includes ice-fruit. *State of Kerala* v. *Lakshmanan*, 1973 Cri LJ 1730.

28. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
29. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
30. *Subs.* by Noti. No. GSR 74, dated 31-12-1965.
31. *Subs.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
31a. *Subs.* by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).
32. *Subs.* by Noti. No. GSR 57(E), dated 11-2-1982 (w.e.f. 11-2-1982) as corrected by GSR 307(E), dated 3-4-1982.
32a. *Subs.* by Noti. No. GSR 816(E), dated 3-11-1983 (w.e.f. 3-11-1983).
32b. *Ins.* by Noti. No. GSR 57(E), dated 11-2-1982 (w.e.f. 11-2-1982) as corrected by GSR 307(E), dated 3-4-1982.

spikes of Piper nigrum. They shall be reasonably dry and free from insects. The colour shall be from dark brown to black. The extraneous matter shall not exceed 6 per cent.]

[19a][It shall be free from added colouring matter.]

A.05.18—POPPY (Khas-Khas) WHOLE means the dried seeds of the ripe fruit of Papaver Somniferum L. The seed may be white or greyish in colour. The proportion of extraneous matter shall not exceed [19b][5.0] per cent by weight. It shall contain not less than 40·0 per cent by weight of non-volatile ether extract.

[19a][It shall be free from added colouring matter.]

[20][A.05.19—SAFFRON (Kesar) means the dried stigmata or tops of styles of Crocus sativus L. It shall not contain any foreign colouring matter or any other extraneous matter. It shall conform to the following standards:

1.	Total ash.	Not more than 8 per cent by weight.
2.	Ash insoluble in dilute HCl.	Not more than 1·5 per cent by weight.
3.	Volatile-matter at 103° ± 1°C.	Not more than 14 per cent by weight.
4.	Aqueous extract.	Not less than 55 per cent by weight.
5.	Total Nitrogen (on dry wright basis).	Not less than 5 per cent by weight.
6.	Foreign matter such as sand, earth, dust, leaf, stem, chaff and vegetable matter.	Not more than 1 per cent.
7.	Floral waste defined as yellow filaments, pollen, stamens, parts of ovary and other parts of flowers of Crocus sativus Linn.	Not more than 15 per cent.

Saffron shall be free from living insects, moulds and shall be practically free from dead insects, insect-fragments and rodent contamination visible to naked eye.]

A.05.20—TURMERIC (Haldi) WHOLE means the dried rhizome or bulbous roots of the plant of Curcuma longa L. It shall be free from lead chromate and other artificial colouring matter. The proportion of extraneous matter shall not exceed 2·0 per cent by weight.

[21][The amount of insect damaged matter shall not exceed 5 per cent by weight.

Explanation.—The term "insect damaged matter" means spices that are partially or wholly bored by insects.]

A.05.20.01—TURMERIC (Haldi) POWDER means the powder obtained by grinding the dried rhizomes or bulbous roots of the plant of Curcuma longa

19a. *Ins.* by Not. No. GSR 109(E), dt. 25-2-1983 (w.e.f. 26-2-1983).
19b. *Sub.* "500" for "15.0" by Corrigendum 1704, dt. 16-7-1965. The Rules published by the Department however show "15.0" which seems reasonably correct [Ed.].
20. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 20-3-1977).
21. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).

L. It shall be free from artificial colouring matter. The powder shall conform to the following standards:

Moisture.....Not more than 13·0 per cent by weight.

Total ash.....Not more than 9·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·5 per cent by weight.

Test for lead chromate.....Negative.

Total starch per cent by weight.....Not more than 60·0 per cent.

A.05.21—CURRY POWDER means the powder obtained from grinding clean, dried and sound spices belonging to the group of aromatic herbs and seeds such as black pepper, cinnamon, cloves, coriander, cardamom, chillies, cumin seeds, fenugreek, garlic, ginger, mustard, poppy seeds, turmeric, mace, nutmeg, curry leaves, white pepper, saffron and aniseeds. The material may contain added starch and edible common salt. The proportion of spices used in the preparation of curry powder shall be not less than 85·0 per cent by weight. The powder shall be free from dirt, mould growth and insect infestation. It shall be free from any added colouring matter and preservatives other than edible common salt. The curry powder shall also conform to the following standards:

Moisture.....Not more than [22][14·0] per cent by weight.

Volatile oil.....Not less than 0·25 per cent (v/w) on dry basis.

Non-volatile ether extract.....Not less than 7.5 per cent by weight on dry basis.

Edible common salt.....Not more than 5·0 per cent by weight on dry basis.

Ash insoluble in dilute HCl.....Not more than [22][2·0] per cent by weight on dry basis.

Crude fibre.....Not more than 15·0 per cent by weight on dry basis.

Lead.....Not more than 10·0 p.p.m. on dry basis.

[22][23][***] The names of spices contained in the curry powder shall be given on the label in descending order of composition on wt/wt basis.]

[23][A.05.21.01—MIXED MASALA (WHOLE) means a mixture of clean, dried and sound aromatic herbs and spices. It may also contain dried vegetables and/or fruits, oilseeds, garlic, ginger, poppy seeds and curry leaves. It shall be free from added colouring matter. It shall be free from mould growth and insect infestation. The proportion of extraneous matter shall not exceed five per cent by weight, out of which the proportion of organic matter including foreign edible seeds, and inorganic matter, shall not exceed three per cent and two per cent, respectively.

The names of the spices contained in the mixture shall be indicated on the label in descending order of composition by it.]

22. *Subs.* by Noti. No. GSR 205 of 15-2-1974 (w.e.f. 23-3-1974).
23. *Ins.* by Noti. No. GSR 205 of 15-2-1974 (w.e.f. 23-3-1974).
23a. *Omitted* by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).
23b. *Ins.* by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.15.—MUSTARD (Rai, Sarson) WHOLE means the dried seeds of Brassica alba (L.) Boiss (Safed rai), Brassica compestris L. var. dichotoma (Kali Sarson), Brassica Compestris L. var. yellow Sarson, Syn. Brassica compestris L. var. glauca (Pili Sarson), Brassica compestris L. var. toria (Toria), Brassica Juncea (L.) Coss, et Czern (Rai, Lotni) and Brassica nigra (L.) Koch (Benarasi rai). The proportion of extraneous matter which includes dust, dirt, stones, lumps of earth, chaff, stem, straw, edible foodgrains, edible oilseeds of any other variety or any other impurity shall not exceed 7·0 per cent by weight. It shall be free from seeds of Argemone Mexicana Linn.

[16][The amount of insect damaged matter shall not exceed 5 per cent by weight. [17][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

NOTE

Since toria belongs to the class of brassica compestris it is included in the definition of mustard seed. *Jarnadar Singh* v. *Municipal Committee*, (1976) 3 SCC 635 : 1976 SCC (Cri) 490.

A.05.15.01—MUSTARD (Rai Sarson) POWDER means the powder obtained by grinding the dried seeds of Brassica alba (L.) Boiss (Safed rai), Brassica compestris L. var. dichotoma (Kali Sarson), Brassica compestris L. var. (yellow Sarson), Syn. Brassica compestris L. var. glauca (Pili Sarson), Brassica compestris L. var. toria (Toria), Brassica juncea, (L.) Coss. et. Czern, (Rai, Lotni) and Brassica nigra (L.) Koch. (Benarasi rai). The powder shall conform to the following standards:

Moisture.....Not more than 7·0 per cent by weight.

Total ash.....Not more than 8·0 per cent by weight.

Volatile oil.....Not less than 0·25 per cent v/w.

Non-volatile ether extract.....Not less than 22·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2·0 per cent by weight.

Crude fibre.....Not more than 8·0 per cent by weight.

Starch.....Not more than 15·0 per cent by weight.

The test for argemone oil shall be negative.

[17][It shall be free from added colouring matter.]

A.05.16—NUTMEG (Jaiphal) WHOLE means the dried seeds of Myristica fragrans Houtt. The proportion of extraneous matter and infestation shall not exceed 3·0 per cent by weight.

[17][It shall be free from added colouring matter.]

17. *Ins.* by Notl. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).

A.05.16.01—NUTMEG (Jaiphal) POWDER means the powder obtained by grinding the dried seeds of Myristica fragrans Houtt. The powder shall conform to the following standards:

Moisture.....Not more than 8·0 per cent by weight.

Total ash.....Not more than 5·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 0·5 per cent by weight.

Non-volatile ether extract.....Not less than 25·0 per cent by weight.

Crude fibre.....Not more than 10·0 per cent by weight.

[17][It shall be free from added colouring matter.]

A.05.17—PEPPER BLACK (Kalimirch) WHOLE means the dried berries of Piper nigrum L. brown to black in colour with wrinkled surface. The proportion of extraneous matter including dust, stalks, leafy matter and other foreign matter shall not exceed 3·0 per cent by weight. The proportion by weight of light berries and pinheads shall not exceed 10·0 per cent and 4·0 per cent respectively.

[17a][The amount of insect damaged matter shall not exceed 5 per cent by weight. [17][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.17·01—PEPPER BLACK (Kalimirch) POWDER means the powder obtained by grinding the dried berries of Piper nigrum L. and shall be without the addition of any other matter. The powder shall conform to the following standards:

Moisture.....Not more than 12·5 per cent by weight.

Total ash.....Not more than 8·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·2 per cent by weight.

Non-volatile ether extract.....Not less than 5·5 per cent by weight.

Crude fibre.....Not more than 18·0 per cent by weight.

[17][It shall be free from added colouring matter.]

[18][A.05.17.02—LIGHT BLACK PEPPER.—Light Black Pepper means the dried berries of Piper nigrum L. dark brown to dark black in colour. It shall be well dried and free from mould or insects and shall not contain more than 6 per cent extraneous matters including dust, stone, lump of earth, stalks, leafy matters and other foreign edible seeds and 10 per cent pinheads.]

[17][It shall be free from added colouring matter.]

[19][A.05.17.03—PINHEADS.—Pinheads shall be wholly derived from the

17a. *Ins.* by Noti. No. GSR 1117 of 20-9-1976 (w.e.f. 2-10-1976).
18. *Ins.* by Notl. No. GSR 930, dated 26-5-1971.
19. *Ins.* by Notl. No. GSR 63(E), dated 5-2-1976.

by weight. The proportion of edible seeds other than fennel shall not exceed 5·0 per cent by weight.

[15b][The amount of insect damaged matter shall not exceed 5 per cent by weight. [15c][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.11.01—FENNEL (Saunf) POWDER means the powder obtained by grinding the dried ripe fruits of Foeniculum vulgare Mill. The powder shall conform to the following standards:

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 9·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2·0 per cent by weight.

Volatile oil.....[15d][Not less than 1·0 per cent (v/w)].

[15e][It shall be free from added colouring matter.]

A.05.12—FENUGREEK (Methi) WHOLE means the dried ripe seeds of Trigonella foenum-graecum L. The proportion of extraneous matter including dust, dirt, stones, lumps of earth, chaff, stem or straw shall not exceed 5·0 per cent by weight. The proportion of edible seeds other than fenugreek shall not exceed 5·0 per cent by weight.

[16b][The amount of insect damaged matter shall not exceed 5 per cent by weight. [16c][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.12.01—FENUGREEK (Methi) POWDER means the powder obtained by grinding the dried ripe seeds of Trigonella foenum-graecum L. The powder shall conform to the following standards:

Moisture.....Not more than 10·0 per cent by weight.

Total ash.....Not more than 7·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2·0 per cent by weight

Cold water soluble extract.....Not less than 30·0 per cent by weight.

[16c][It shall be free from added colouring matter.]

A.05.13—GINGER (Sonth, Adrak) WHOLE means the rhizomes of Zingiber officinale Rose in pieces irregular in shape and size with peel not entirely removed, washed and dried in the sun. The proportion of extraneous matter shall not exceed 2.0 per cent by weight. It shall contain on dry basis not less than 1·0 per cent (v/w) of volatile oil. If the ginger is limed, the lime

15b. *Ins.* by Noti. No. GSR 1417 of 20-9-1976, (w.e.f. 2-10-1976).
15c. *Ins.* by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).
15d. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).

(Calcium oxide) content shall not exceed 4·0 per cent by weight on dry basis.

[15]The amount of insect damaged matter shall not exceed 5 per cent by weight. [16a][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.13.01—GINGER (Sonth, Adrak) POWDER means the powder obtained by grinding ginger (Zingiber officinale Rose) whole. The powder shall conform to the following standards:

Moisture.....Not more than 13·0 per cent by weight.

Total ash.....Not more than 8·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·0 per cent by weight.

Water soluble ash.....Not less than 1·7 per cent by weight.

Cold water soluble extract.....Not less than 10·0 per cent by weight.

Calcium (as CaO).....Not more than 4·0 per cent by weight on dry basis.

Alcohol (90 per cent v/w) soluble extract.....Not less than 4·5 per cent by weight.

Volatile oil.....Not less than 1·0 per cent (v/w).

[16a][It shall be free from added colouring matter.]

A.05.14—MACE (Jaepatri) WHOLE means the dried coat or arilus of the seed of Myristica Fragrans Houtt. It shall not contain the arilus of any other variety of Myristica malabarica or Fatua (Bombay mace) and Myristica argentea (Wild mace). The proportion of extraneous matter shall not exceed 5·0 per cent by weight.

[15]The amount of insect damaged matter shall not exceed 5 per cent by weight. [16a][It shall be free from added colouring matter.]

A.05.14.01—MACE (Jaepatri) POWDER means the powder obtained by grinding the dried coat or arilus of the seed Myristica fragrans Houtt. The powder shall conform to the following standards:

Moisture.....Not more than 10·0 per cent by weight.

Total ash.....Not more than 3·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·0 per cent by weight.

Crude fibre.....Not more than 10·0 per cent by weight.

Non-volatile ether extract.....Not less than 20·0 and not more than 30·0 per cent by weight.

[16a][It shall be free from added colouring matter.]

15. *Ins.* by Noti. No. GSR 1417 of 20-9-1976, (w.e.f. 2-10-1976).
16a. *Ins.* by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).

inorganic extraneous matter shall not exceed 0·5 per cent by weight and the organic extraneous matter, which includes vegetable matter of plants other than cloves, tendril cloves (peduncle), mother cloves or other matters of plants of cloves, shall not exceed two per cent by weight. (Headless cloves shall not be considered as extraneous matter). The amount of insect damaged clove shall not exceed 1·0 per cent by weight.

The cloves (on dry basis) shall contain not less than 15·0 per cent (v/w) of volatile oil. It shall be free from added colouring matter.

Explanation

(i) The term "insect damaged clove" means the cloves that are partially or wholly bored by insects.

(ii) The term "headless cloves" means cloves constituted only by the receptacle and sepals.]

A.05.07.01—CLOVES (Laung) POWDER means the powder obtained by grinding the dried unopened flower buds of [13][Eugenia Carryophyllus (C. Sprengel) Bullock and Harrison.] The cloves powder shall conform to the following standards:

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 7·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 0·5 per cent by weight.

Volatile oil.....Not less than 15·0 per cent (v/w).

[14][It shall be free from added colouring matter.]

A.05.08—CORIANDER (Dhania) WHOLE means the dried mature fruits (seeds) of Coriandrum sativum (L). The proportion of extraneous matter including dust, dirt, stones, lumps of earth, chaff, stalk, stem or straw, edible seeds of fruits other than coriander and insect damaged seeds shall not exceed 8·0 per cent by weight.

[14a][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[15][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.08.01—CORIANDER (Dhania) POWDER means the powder obtained by grinding clean dried coriander fruits of Coriandrum sativum (L.). It shall be in the form of a rough or fine powder. It shall conform to the following standards:

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 7·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·5 per cent by weight.

[15][It shall be free from added colouring matter.]

13. *Ins.* by Noti. No. GSR 100(E), dated 26-2-1983 (w.e.f. 26-2-1983).
14a. *Ins.* by Noti. No. GSR 1417 of 28-9-1976 (w.e.f. 2-10-1976).

A.05.09—CUMIN (Safed jeera) WHOLE means the dried seeds of Cuminum cyminum (L). The proportion of extraneous matter including dust, stones, lumps of earth, chaff, stem or straw shall not exceed 7·0 per cent by weight. The proportion of edible seeds other than cumin seeds shall not exceed 5·0 per cent by weight.

[14a][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[15][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.09.01—CUMIN (Safed jeera) POWDER means the powder obtained by grinding the dried seeds of Cuminum cyminum L. The powder shall conform to the following standards:

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 9·5 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·5 per cent by weight.

[15][It shall be free from added colouring matter.]

A.05.10—CUMIN BLACK (Kalonji) WHOLE means the dried seeds of Nigella sativa L. The proportion of extraneous matter including dust, dirt, stones, lumps of earth, chaff, stem or straw shall not exceed 7·0 per cent by weight. The proportion of edible seeds other than cumin black shall not exceed 5·0 per cent by weight.

[14a][The amount of insect damaged matter shall not exceed 5 per cent by weight. [15][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.10.01—CUMIN BLACK (Kalonji) POWDER means the powder obtained by grinding the dried seeds of Nigella sativa L. The powder shall conform to the following standards:

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 7·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·5 per cent by weight.

Volatile oil.....Not less than 0·5 per cent (v/w).

[15][It shall be free from added colouring matter.]

A.05.11—FENNEL (Saunf) WHOLE means the dried ripe fruits of Foeniculum vulgare Mill. The proportion of extraneous matter including dust, dirt, stone, lumps of earth, chaff, stem or straw shall not exceed 5·0 per cent

15. *Ins.* by Noti. No. GSR 100(E), dated 26-2-1983 (w.e.f. 26-2-1983).
15a. *Ins.* by Noti. No. GSR 1417 of 28-9-1976 (w.e.f. 2-10-1976).

The proportion of calyx pieces, stalk bits and other extraneous matter shall not exceed 5.0 per cent by weight. The cardamom amomum seeds obtained from the capsules shall contain not less than 1.0 per cent (v/w) of volatile oil.

[11][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[11a][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.04.01—CARDAMOM AMOMUM (Badi Elachi) SEEDS means the seeds obtained by separating the seeds from the cardamom amomum capsules of Amomum subulatum Roxb. The percentage of extraneous matter in the seeds shall not exceed 2.0 per cent by weight. The seeds shall contain not less than 1.0 per cent (v/w) volatile oil.

[11][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[11a][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

NOTES

Badi Elachi seeds are same as Badi Elachi. *Vijay Kumar* v. *State of Punjab*, (1974) 3 SCC 769 : 1974 SCC (Cri) 245.

A.05.04.02—CARDAMOM AMOMUM (Badi Elachi) POWDER means the powder obtained from the seeds separated from the capsules of Amomum subulatum Roxb. It may be in the form of small pieces of the seeds or in finely ground form. It shall conform to the following standards:

Moisture.....Not more than 14.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Volatile oil.....Not less than 1.0 per cent (v/w).

Ash insoluble in dilute HCl.....Not more than [12][3.0] per cent by weight.

[11a][It shall be free from added colouring matter.]

A.05.05—CHILLIES (Lal mirchi) [12][WHOLE] means the dried ripe fruits or pods of Capsicum annum/Capsicum frutescens (L). The proportion of extraneous matter including calyx pieces, loose tops, dirt, lumps of earth, stones shall not exceed 5.0 per cent by weight. The pods shall be free from extraneous colouring matter, coating of mineral oil and other harmful substances.

[11][The amount of insect damaged matter shall not exceed 5 per cent by weight.

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

11. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
11a. *Ins.* by Noti. No. GSR 109(E), dated 26-2-1985 (w.e.f. 26-3-1985).
12. *Corrected* by Noti. No. GSR 2163, dated 2-10-1968.

A.05.05.01—CHILLIES (Lal mirchi) POWDER means the powder obtained by grinding clean dried chilli pods of Capsicum frutescens L/Capsicum annum. The chilli powder shall be dry, free from dirt, mould growth, insect infestation, extraneous matter, added colouring matter [13][and flavouring matter. The chilli powder may contain any edible oil to a maximum limit of 2 per cent by weight under a label declaration for the amount and the nature of oil used.] The chilli powder shall conform to the following standards:

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 8·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than [13a][1·3] per cent by weight.

Non-volatile ether extract.....Not less than 12·0 per cent by weight.

Crude fibre.....Not more than 30·0 per cent by weight.

[13b][A.05.06—CINNAMON (Dalchini) whole means the dried pieces of the inner bark of Cinnamomum zeylanicum Blume. It shall not contain any other foreign vegetable matter or colouring matter. It shall contain not less than 0·5 per cent (v/w) of volatile oil].

[13c][The amount of insect damaged matter shall not exceed 5 per cent by weight.

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.06.01—CINNAMON (Dalchini) POWDER means the powder obtained by grinding the dried inner bark of Cinnamomum zeylanicum [13d][Blume]. The cinnamon powder shall conform to the following standards:

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 8·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2·0 per cent by weight.

Volatile oil.....Not less than 0·5 per cent (v/w).

[13d][It shall be free from added colouring matter.]

[13e][A.05.06.02—CASSIA Taj (WHOLE) means dried pieces of bark of Cinnamomum cassia Blume, Syn. Cinnamomum arometicum. Nees (Chinese Cinnamon, or Cassia lignea). It shall not contain any other foreign vegetable matter or colouring matter.]

[13f][A.05.07—CLOVES (Laung) whole means the dried, unopened flower buds of Eugenia Caryophyllus (C. Sprengel) Bullock and Harrison. The

13. *Subs.* by Noti. No. GSR 205 of 15-3-1974 (w.e.f. 23-3-1974).
13a. *Corrected* by Noti. No. GSR 2163, dated 2-10-1968.
13b. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
13c. *Ins.* by Noti. No. GSR 1417, dated 20-9-1976 (w.e.f. 2-10-1976).
13d. *Ins.* by Noti. No. GSR 109(E), dated 26-2-1985 (w.e.f. 26-3-1985).
13e. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
13f. *Subs.* by Noti. No. GSR 803(E), dated 27-10-1983 (w.e.f. 27-10-1983).

(*b*) galbanum resin,

(*c*) ammoniacum-resin,

(*d*) any other foreign resin,

(*e*) coal tar dyes,

(*f*) mineral pigment,

(*g*) more than 10 per cent total ash content,

(*h*) more than 1.5 per cent ash insoluble in dilute hydrochloric acid,

(*i*) less than 5 per cent alcoholic extract, (with 90 per cent of alcohol) as estimated by the U. S. P. 1936 method.

*[A.05. SPICES AND CONDIMENTS:

(*Note.*—*See* Note regarding extraneous matters after item A.05.23 Page 94)

A.05.01—CARAWAY (Siahjira) WHOLE means the dried seed of the plant Carum carvi (L). Extraneous matter including foreign edible seeds, chaff, stem, straw, dust, dirt, stones and lumps of earth shall not exceed 5 per cent by weight.

*[The amount of insect damaged matter shall not exceed 5 per cent by weight. **[It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

NOTES

Condiment is an appetising and usually pungent substance of natural origin (as ... per, vinegar or mustard); any of various complex compositions having similar qualities (as ... erry, or chilly powder, pickles or catsup). *Hansraj* v. *State*, 1977 Cri LJ 92 (Delhi), relying on Webster's New Third International Dictionary.

Chilly powder is a condiment and not a spice. *Hansraj* v. *State*, 1977 Cri LJ 92 (Delhi); *See also* 1976 Cri LJ 1166 (Bom).

A.05.01.01—CARAWAY (Siahjira) POWDER means the powder obtained from the dried seeds of Carum carvi (L). It may be in the form of small pieces of the seeds or in finely ground form. It shall conform to the following standards:

Moisture.....Not more than 13.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

**[It shall be free from added colouring matter.]

A.05.02—CARAWAY BLACK (Carum bulbocastanum) (Siahjeera) means the dried seeds of Carum bulbocastanum. It shall conform to the following standards:

Foreign edible seeds.....Not more than 5.0 per cent by weight

8. Subs. by Noti. No. GSR 1535, dated 8-7-1968.
9. Ins. by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
9a. Ins. by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).

Total ash.....Not more than 9.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

[10][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[10a][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.03—CARDAMOM (Chhoti Elachi) WHOLE means the dried nearly ripe fruits of Elettaria cardamomum (L). The percentage of extraneous matter shall not exceed 3.0 per cent by weight. The cardamom seeds obtained from the capsules shall contain not less than 3.0 per cent (v/w) of volatile oil.

[10][The amount of insect damaged matter shall not exceed 5 per cent by weight.]

[10a][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.03.01—CARDAMOM (Chhoti Elachi) SEEDS means the seeds obtained by separating the seeds from the capsules of Elettaria cardamomum (L). The percentage of extraneous matter in the seeds shall not exceed 2.0 per cent by weight. The seeds shall contain not less than 3.0 per cent (v/w) of volatile oil.

[10][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[10a][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.03.02—CARDAMOM (Chhoti Elachi) POWDER means the powder obtained from the seeds separated from the capsules of Elettaria cardamomum (L). It may be in the form of small pieces of the seeds or in finely ground form. It shall conform to the following standards:

Moisture.....Not more than 14.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Volatile oil.....Not less than 3.0 per cent (v/w).

Ash insoluble in dilute HCl.....Not more than 3.0 per cent by weight.

[10a][It shall be free from added colouring matter.]

A.05.04—CARDAMOM AMOMUM (Badi Elachi) WHOLE means the dried, nearly ripe fruit of Amomum subulatum Roxb. in the form of capsules.

10. Ins. by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
10a. Ins by Noti. No. GSR 109 (E), dated 26-2-1983 (w.e.f. 26-2-1983).

APPENDIX B

(*See* Rule 5)

[*See also* Note regarding addition of water generally, at the end.]

NOTE

Whether the list of articles mentioned in Appendix B, for which standards have been laid down therein, is exhaustive or not depends on the circumstances of each case. *Hari Banerjee* v. *Corporation of Calcutta*, 1973 Cri LJ 1264.

Definitions and Standards of Quality

A.01. BEVERAGES—NON-ALCOHOLIC:

[98][A.01.01—CARBONATED WATER means potable water impregnated with carbon dioxide under pressure and may contain any of the following singly or in combination:

Sugar, liquid glucose, dextrose monohydrate, invert sugar, fructose, honey, saccharin not exceeding 100 p. p. m., fruits and vegetables extractives and permitted flavouring, colouring matter, preservatives, emulsifying and stabilizing agents, citric acid, [99][fumaric acid and sorbitol,] tartaric acid, phosphoric acid, lactic acid, ascorbic acid, malic acid, [99a][edible gums such as guar, karaya, arabic, carobean, furcellaran, tragacanth, gum ghatti], edible gelatin, albumin, liquorice and its derivatives, salts of sodium, calcium and magnesium, vitamins, caffeine not exceeding 200 parts per million, and quinine salts not exceeding 100 parts per million (expressed as quinine sulphate):

Provided that in the case of sweetened carbonated waters other than tonic water and dry gingerale the percentage of [1][total sugars expressed as sucrose] shall not be less than five.]

NOTE

The requirement of sucrose content being not less than 5 per cent does not apply where what is sold is not "sweetened aerated water" but merely "aerated water" which may or may not contain sugar. *Bhim Sen* v. *State of Punjab*, (1976) 1 SCC 141 : 1975 SCC (Cri) 771.

A.02. BAKING POWDER means a combination capable, under conditions of baking, of yielding carbon dioxide, and consists of sodium bicarbonate, and acid-reacting material, starch or other neutral material.

The acid-reacting material of baking powder shall be—

(*a*) tartaric acid or its salts, or both,

(*b*) acid salts of phosphoric acid, or

(*c*) acid compounds of aluminium, or

(*d*) any combination of the foregoing.

When tested, baking powder shall yield not less than 10 per cent of its weight of carbon dioxide.

98. *Subs.* by Noti. No. GSR 34, dated 31-12-1965.
99. *Ins.* by Noti. No. GSR 1417, dated 20-8-1976 (w.e.f. 2-10-1976).
99a. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
1. *Subs.* by Noti. No. GSR 63(E), dated 5-2-1976.

A.03. STARCHY FOODS:

[2][A.03.01—ARROWROOT means the separated and purified starch from the rhizomes of the plants known as *Maranta arundinacea* or from *Curcuma augustifolia*.]

[3][A.03.02—SAGO shall mean small hard globules or pearls made from either the starch of the Sago palm or the tubers of tapioca (manihot utilissima) and shall be free from any extraneous matter [4][including natural colours].]

[5][It shall conform to the following standards, namely—

(*i*) total ash (on dry basis) shall not be more than 0·4 per cent;

(*ii*) ash insoluble in dilute hydrochloric acid (on dry basis) shall not exceed 0·1 per cent.]

[6][A.04. ASAFOETIDA (Hing or Hingra) means the oleo-gum-resin obtained from the rhizome and roots of *Ferula alliacea*, *Ferula rubricaulis* and other species of Ferula. It shall not contain any colophony resin, galbonum resin, ammoniaccum-resin, or any other foreign resin. Hing shall conform to the following standards, namely—

(1) Total ash content shall not exceed 15 per cent by weight.

(2) Ash insoluble in dilute hydrochloric acid shall not exceed 2.5 per cent by weight.

(3) The alcoholic extract (with 90 per cent alcohol) shall not be less than 12 per cent as estimated by the U. S. P. 1936 method.

(4) Starch shall not exceed 1 per cent by weight.

Hingra shall conform to the following standards, namely—

(1) The total ash content shall not exceed 20 per cent by weight.

(2) Ash insoluble in dilute hydrochloric acid shall not exceed 8 per cent by weight.

(3) The alcoholic extract (with 90 per cent alcohol) shall not be less than 50 per cent as estimated by U. S. P. 1936 method.

(4) Starch shall not exceed 1 per cent by weight.]

[7][Compounded asafoetida or Bandhani Hing is composed of one or more varieties of asafoetida (Irani or Pathani Hing or both) and gum arabic, [8][edible starches or edible cereal flour].

It shall not contain—

(*a*) colophony resin,

2. *Subs.* by Noti. No. SRO 2755, dated 20-11-1956.
3. *Subs.* by Noti. No. GSR 1211, dated 9-12-1958.
4. *Added* by Noti. No. GSR 475, dated 4-4-1960.
5. *Ins.* by Noti. No. GSR 34, dated 31-12-1965.
6. *Subs.* by Noti. No. GSR 1256, dated 17-6-1967.
7. *Subs.* by Noti. No. GSR 382, dated 9-3-1968.
7a. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).

Date of Sale	Nature and quality of article	**[Batch No. or Code No.	Quantity	Price
1	2	2A]	3	4

I/We hereby certify that food/foods mentioned in this invoice is/are warranted to be of the nature and quality which it/these purports/purport to be.

.....
Signature of manufacturer, distributor or dealer

**[Licence No... (wherever applicable)].]

**[FORM VI-B

(*See* Rule 44-B)

Declaration

I/We on benalf of.....
.....solemnly declare that the ghee sold by me/us/on behalf of.....
.....
ghee used by me/us/on behalf of.....
.....
.....in the preparation of.....
.....
.....
.....
Confectionery (including sweetmeats)
is/was from a tin containing ghee of.....
origin and having 'AGMARK' seal. The said tin pertains to batch number
.....and was purchased by me/us/on
behalf of.....
from Shri/Shrimati/Kumari/Sarvsri,.....
.....
on the.....as per invoice/cash/credit memo.
No....., dated.....

Signature of trader/traders.]

Date.....
Place.....

FORM VII

(*See* Rule 17)

Memorandum to Public Analyst

From

.....
.....

94. *Ins.* by Noti. No. GSR 1417, dated 20-9-1976 (w. e. f. 2-10-1976).
95. *Subs.* by Noti. No. GSR 1417, dated 20-9-1976 (w. e. f. 2-10-1976).
96. *Ins.* by Noti. No. GSR 1134, dated 5-9-1961.

To

The Public Analyst,
.....
.....

No. Dated the , 19

MEMORANDUM

The sample described below is sent herewith for analysis under clause (*b*) of sub-section (1) of Section 10 and/or clause (*c*)(ii) of sub-section (1) of Section 11 of the Prevention of Food Adulteration Act, 1954.

**[a][1. Code No. and Serial No. of Local (Health) Authority]
2. Name of the vendor.
3. Date and place of collection.
4. Nature of article submitted for analysis.
5. Nature and quantity of preservative, if any, added to the sample.

2. A copy of this memo, and specimen impression of the seal used to seal the packet of sample is being sent separately by **[* * *] post/hand.†

Food Inspector,
Area.....

†Strike out whichever is not applicable.

**[a][FORM VIII

(*See* Rule 12-B)

Nomination of Persons by a Company

Notice is hereby given that Shri/Smt.....
Director/Manager of the.....(name of the company) has been nominated by the company by a Resolution passed at their meeting held on.....at.....to be in charge of, and responsible to, the said company for the conduct of the business of the said company or..... establishment/branch/unit thereof and authorised to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the said company of any offence under the Prevention of Food Adulteration Act, 1954.

A certified copy of the said Resolution is enclosed.

Place..... Managing Director/Secretary of
Date..... (name of the company)

Note.—Score out the portion which is not applicable.

I accept the above nomination in pursuance of sub-section (2) of Section 17 of the Prevention of Food Adulteration Act, 1954 and Rule 12-B of the rules made thereunder

Place..... Signature of Director/Manager.
Date.....

I hereby acknowledge receipt of the above nomination.

Place..... Signature of the Local (Health)
Date..... Authority.]

96a. *Subs.* by GSR 293 (E), dated 23-3-1985 (w.e.f. 24-9-1985).
97. *Omitted* by Noti. No. SRO 2755, dated 20-11-1956.
97a. *Ins.* by Noti. No. GSR 4(E), dated 4-1-1977 (w.e.f. 4-1-1977).

supported by surety/two sureties which the Vendor(s) has/have agreed to do.....Now the condition of the above written obligation is such that if in the event of the Vendor(s) failure to produce intact the said article before such court or Authority and on such date(s) as may be specified by the said Food Inspector from time to time the Vendor(s) and/or the surety/sureties forthwith pay to the Government on demand and without a demur sum of.....rupees the said bond will be void and of no effect. Otherwise the same shall be and remain in full force and virtue.

These presents further witness as follows :

(i) The liability of the surety/sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance, act or omission of the Government whether with or without the knowledge or consent of the sureties or either of them in respect of or in relation to all or any of the obligations or conditions to be performed or discharged by the Vendor(s). Nor shall it be necessary for the Government to sue the Vendor(s) before suing the sureties or either of them for the amount due hereunder.

(ii) This bond is given under the Prevention of Food Adulteration Act, 1954 for the performance of an act in which the public are interested.

(iii) The Government shall bear the stamp duty payable on these presents.

In witness whereof these presents have been signed by the Vendor(s) and the surety/sureties the day herein above mentioned and by Shri.....on behalf of the President of India on the date appearing below against his signature.

Witnesses :

1. .....(Signature)
(Name and address).....
.....

2. .....(Signature)
(Name and address).....
.....

Signature.....
(Vendor)

Signature.....
(Vendor)

Signature.....
(Surety)

Signature.....
(Surety)

for and on behalf of the President of India/Governor of.....
Signature.....
(Name and designation).....
.....

FORM V

(*See* Rule 11)

[92][To
(Name and address of the Vendor)
.....
.....
.....].

The stock of articles of food detailed below has this day been seized by me under the provisions of sub-section (4) of Section 10

of the Prevention of Food Adulteration Act, 1954 (37 of 1954), from the premises of.....
situated at.....
.....

Details of article of food seized.

Food Inspector
Area.....

Place :
Date

FORM VI

(*See* Rule 12)

To
.....
.....

I have this day taken from the premises of.....
situated at.....samples of the food specified below to have the same analysed by the public analyst, for.....

Details of food.

Food Inspector
Area.....

Place :
Date :

[93][FORM VI-A

(*See* Rule 12-A)

Form of Warranty

Invoice No.....
From.....
To.....

Place.....
Date.....

92. *Ins.* by Noti. No. GSR 1211, dated 9-12-1958.
93. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.

the result/results of such test (s)/analysis is/are stated below:

.....

.....

[86][.....and I am of the opinion that.....]

2. The condition of seals on the container and the outer covering on receipt was as follows:

Director
Central Food Laboratory.]

Place:

Date:

FORM III

[*See* Rule 7(3)]

Report by the Public Analyst

Report No.....

I hereby certify that I,.....
Public Analyst for.....
duly appointed under provision of the Prevention of Food Adulteration Act, 1954, received on the.....day of.....
....., 19.....
from.....
a sample of.....[86][bearing Code No. and Serial No.....
of the Local (Health) Authority] for analysis, properly sealed and fastened, and that I found that seal intact and unbroken.

[87][The seal fixed on the container [88][and the outer cover] of the sample tallied with the specimen impression of the seal separately sent by the food inspector and the sample was in a condition fit for analysis.]

I further certify that [88][I have/had caused to be analysed the aforementioned sample, and declare the result of the analysis] to be as follows:

.....
.....
and am of the opinion that.....
.....
.....
.....
.....
Signed this.....
day of.....,19

(Signature)
Public Analyst

Address.....
.....

86a. *Ins.* by Noti. No. GSR 293 (E), dated 23-3-1985 (*w.e.f.* 24-9-1985).
87. *Ins.* by Noti. No. GSR 1533, dated 8-7-1968.
88. *Ins.* by Noti. No. GSR 1417, dated 20-9-1976 (*w.e.f* .0-1976).
89. *Subs.* by Noti. No. GSR 425, dated 1-4-1960.

FORM IV

(*See* Rule 10)

[90][To

(Name and address of the vendor)

.....
.....
.....]

Whereas †.....
intended for food which is in your possession appears to me to be adulterated/misbranded:

Now therefore under sub-section (4) of Section 10 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), I hereby direct you to keep in your safe custody the said sealed stock subject to such orders as may be issued subsequently in relation thereto.

Food Inspector
Area.....

Place:

Date:

†Here give the name of article of food.

[91][FORM IV-A

(*See* Rule 10)

Bond of Surety

Know all men by these presents that we (*i*).....
son of.....resident of.....and (*ii*).....
son of.....resident of.....proprietors/partners of Messrs.....hereinafter called the Vendor(s) and (*iii*).....
son of.....resident of.....and (*iv*).....
son of.....resident of.....hereinafter called the surety/sureties are held and firmly borne unto the President of India/Governor of.....hereinafter called the Government in the sum of .....Rupees to be paid to the Government, for which payment will and truly to be made. We firmly bind ourselves jointly and severally by these presents.

Signed this.....day of.....one thousand nine hundred and.....Whereas Shri.....Food Inspector has seized.....(Here, insert the description of materials together with number/quantity and total price) hereinafter referred to as the said article, from.....(specify the place);

And whereas on the request of the Vendor(s) the Government agreed to keep the said article in the safe custody of the Vendor(s) on the condition of the Vendor(s) executing a bond in the terms hereinafter contained and

90. *Ins.* by Noti. No. GSR 1211, dated 9-12-1958.
91. *Ins.* by Noti. No. GSR 1533, dated 8-7-1968.

1	2	3
8. Citric acid Malic acid	Carbonated beverage and as an acidulant in miscellaneous foods	Limited by G.M.P.
9. Gluconodelta Lactone	As a leavening agent in cured meat or meat products	5,000
10. DL Lactic acid (food grade)	As acidulant in miscellaneous foods	Limited by G.M.P.
11. Phosphoric acid	Beverages, loft drinks	600
12. Polyphosphate containing less than 6 phosphate moieties	(*a*) Processed cheese, bread	40,000
	(*b*) Milk Preparations	4,000
	(*c*) Cake mixes	10,000
	(*d*) Protein foods	4,000
13. L (+) Tartaric acid	Acidulants	600

Note.—DL Lactic acid and L (+) Tartaric acid shall not be added to any food meant for children below 12 months (The lactic acid shall also conform to the specification laid down by the Indian Standards Institution).]

APPENDIX A

Forms

FORM I

[*See* Rule 4(1)]

Memorandum to the Director, Central Food Laboratory

From

.....

.....

To

The Director,
Central Food Laboratory,
.....,
.....

No. Dated the 19

MEMORANDUM

1. I send herewith under the provisions of Section 13(2) of the Prevention of Food Adulteration Act, 1954, sample(s) of a food purporting to be .....for test or analysis and request that a report on the result of the test or analysis may be supplied to this Court :

(1) Distinguishing No. on the container and outer covering.....

(2) Particulars of offence alleged.....

(3) Matter on which opinion required.....

**[2. A fee of Rs. 40 has been deposited in the Treasury creditable under the "Receipt Head—082—Public Health, Sanitation and Water Supply—Fees and Fines etc." and treasury challan for the same is enclosed.]

3. A copy of the memorandum and the specimen impression of the seal used to seal the container and the cover are sent separately by Registered Post.

**[Magistrate 1st Class/Presidency Magistrate.]

**[FORM II

[*See* Rule 4(5)]

Certificate of test or analysis by the Central Food Laboratory

Certificate No.....

Certified that the sample(s), bearing number..... purporting to be a sample/samples of.....received on..... with Memorandum No..... dated..... from..... was in a condition fit for analysis and has/have been tested/analysed and that

84. *Subs.* by Noti. No. GSR 203, dated 13-2-1974 (w. e. f. 23-5-1974) and GSR 331(E) dated 6-4-1979.
85. *Subs.* by Noti. No. SRO 2255, dated 20-11-1956.
86. *Subs.* by Noti. No. GSR 133, dated 23-1-1975.

comply with the following conditions, namely :

(1) The oil shall be manufactured only in factories licensed for the purpose under the Solvent-extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967 (hereinafter referred to as the said Order in this Part).

(2) The oil-bearing materials subject to the extraction process for the manufacture of solvent-extracted oil, and the solvent used in the said process, shall conform to the standards of quality laid down in sub-clauses (7) and (8) of Clause 9 of the said Order.

(3) Only such grades and varieties of solvent-extracted oil may be manufactured, stocked or sold for the purpose of direct human consumption as have been permitted in sub-clause (1) of Clause 9 of the said Order, and for the purpose of refining for direct human consumption or for use in the manufacture of vanaspati as have been permitted in sub-clause (2) of Clause 9 of the said Order and these oils shall conform to the appropriate standards of quality prescribed therein.

(4) The oils shall be packed and labelled in accordance with the requirements under Clause 11 of the said Order.

(5) The sale or movement of stocks of solvent-extracted oils other than of the "refined" grade, that is to say, oil which has been neutralised, bleached and deodorised and conforms to the appropriate standards of quality of such oil, shall be governed by the provisions of sub-clause (3) of Clause 9 of the said Order. Such oil shall be sold or moved by the producer directly to industrial users thereof registered as such under the said Order, and not to any other person or through any third party.

68. Definition of solvent-extracted edible flour.—"Solvent-extracted edible flour" means the ground material obtained from specially prepared de-oiled meal, that is, the residual material left over when oil is extracted by a solvent from oil-cake immediately following the single-pressing of good quality edible oilseeds.

69. Conditions of manufacture, stock and sale of solvent-extracted edible flour.—The manufacture, stock and sale of solvent-extracted edible flour shall be subject to compliance with the following conditions, namely :—

(1) The edible flour shall be manufacturred only in factories licensed for the purpose under the said Order.

(2) The de-oiled meal from which the edible flour is prepared, and the solvent used in the extraction process, shall conform to standards of quality laid down in sub-clauses (6) and (8) of Clause 9 of the said Order.

(3) Only such grades and qualities of edible flour may be manufactured as have been permitted in sub-clause (6) of Clause 9 of the said Order, and these shall conform to the appropriate standards of quality prescribed therein.

(4) The edible flour shall be packed and labelled in accordance with the requirements under Clause 11 of the said Order.]

[83a][PART XVI

SEQUESTERING AND BUFFERING AGENTS (ACIDS BASES AND SALTS)

70. Definition of sequestering agents.—The sequestering agents are substances which prevent adverse effect of metals catalysing the oxidative breakdown of foods forming chelates; thus inhibiting decolourisation, off taste and rancidity.

71. Definition of buffering agents.—Buffering agents are materials used to counter acidic and alkaline changes during storage or processing steps, thus improving the flavour and increasing the stability of foods.

72. Restrictions on the use of sequestering and buffering agents.—Unless otherwise provided in these rules the sequestering and buffering agents specified in column (1) of the Table below, may be used in the groups of food specified in the corresponding entry in column (2) of the said Table, in concentration not exceeding the proportions specified in the corresponding entry in column (3) of the said Table :

TABLE

Name of sequestering and buffering agents	Groups of food	Maximum level of use (parts per million) (ppm) (mg/kg)
1	2	3
1. Acetic Acid	(*i*) Acidulant, buffering and neutralising agents in beverages, soft drinks	Limited by G.M.P.
	(*ii*) in canned baby foods	5,000
2. Adipic acid	Salt substitute and dietary food	250
3. Ammonium Phosphate monobasic	Bread improver in flour	2,500
4. Ammonium Carbonate	As a leavening agent for baked foods, confections	5,000
5. Calcium gluconate	In confections	2,500
6. Calcium Carbonate	As a neutralizer in a number of foods	10,000
7. Calcium oxide	As a neutralizer in specified dairy product	2,500

83a. Ins. by Noti. No. GSR 764(E), dated 15-11-1984 (w.e.f. 15-11-1984).

(1)	(2)	(3)	(4)
23.	Chlorpyrifos	Foodgrains	0.05
		Milled foodgrains	0.01
		Fruits	0.5
		Potatoes and Onions	0.01
		Cauliflower and Cabbage	0.01
		Other vegetables	0.2
		Meat and Poultry	0.1 (carcass fat)
		Milk and Milk products	0.01 (fat basis)
		Cotton seed	0.05
		Cottonseed oil (crude)	0.025
24.	2,4-D	Foodgrains	0.01
		Milled foodgrains	0.003
		Potatoes	0.2
		*Milk and Milk Products	0.05
		*Meat and Poultry	0.05
		Eggs	0.05 (Shellfree basis)
		Fruits	2.0
25.	Ethion (Residues to be determined as ethion and its oxygen analogue and expressed as ethion)	Tea (dry manufactured)	5.0
		Cucumber and Squash	0.5
		Other vegetables	1.0
		Cotton seed	0.5
		Milk and Milk products	0.5 (fat basis)
		*Meat and Poultry	0.2 (carcass fat basis)
		Eggs	0.2 (shellfree basis)
		Foodgrains	0.025
		Milled foodgrains	0.006
		Peaches	1.0
		Other fruits	2.0
		Dry fruits	0.1 (shellfree basis)
26.	Fenvalerate (Determined as dimethoate and its oxygen analogue and expressed as dimethoate except in case of citrus fruits where it is to be determined as fenvalerate)	Citrus fruits	0.2
		Other fruits	1.0
		Vegetables	2.0
		Peppers and Tomatoes	1.0
27.	Monocrotophos	Foodgrains	0.025
		Milled foodgrains	0.006
		Citrus fruits	0.2
		Other fruits	1.0
		Carrot, Turnip, Potatoes and Sugar beet	0.05
		Onion and Peas	0.1
		Other Vegetables	0.2
		Cotton seed	0.1
		Cottonseed oil (raw)	0.05
		*Meat and Poultry	0.02
		*Milk and Milk products	0.02
		Egg	0.05 (shellfree basis)
		Coffee (raw bean)	0.1

* Soluble in water and hence not necessary to mention on fat basis.

(1)	(2)	(3)	(4)
28.	Paraquat—Dichloride (Determined as paraquat cations)	Foodgrains	0.1
		Milled foodgrains	0.025
		Potatoes	0.2
		Other vegetables	0.05
		Cotton seed	0.2
		Cottonseed oil (edible refined)	0.05
		*Milk (whole)	0.01
		Fruits	0.05
29.	Phosalone	Pears	2.0
		Citrus fruits	1.0
		Other fruits	5.0
		Potatoes	0.1
		Others vegetables	1.0
		Rapeseed / Mustard oil (crude)	0.05
30.	Telchlorfos	Foodgrains	0.05
		Milled foodgrains	0.0125
		Sugar beet	0.05
		Fruits and vegetables	0.1
		Oil seeds	0.1
		Edible oil (refined)	0.05
		*Meat and Poultry	0.1
		*Milk (whole)	0.05
31.	Thiometon (Residues determined as thiometon its sulfoxide and sulphone expressed as thiometon)	Foodgrains	0.025
		Milled foodgrains	0.006
		Fruits	0.5
		Potatoes, Carrots and Sugar beets	0.05
		Other vegetables	0.5

Explanation.—For the purposes of this rule:

(a) the expression "insecticide" shall have the meaning assigned to it in the Insecticide Act, 1968 (46 of 1968);

(b) unless otherwise stated,—

(i) maximum levels are expressed in mg /kg on a whole product basis,

(ii) all foods refer to raw agricultural products moving in commerce.]]

[85][PART XV—SOLVENT EXTRACTED OILS AND EDIBLE FLOUR

66. Definition of solvent-extracted oils.—Solvent-extracted oils means any vegetable oil obtained from oil-bearing material by the process of extraction by a solvent.

67. Conditions of manufacture, stock and sale of solvent-extracted oil.—The manufacture, stock and sale of solvent-extracted oil shall

* Soluble in water and hence not necessary to mention on fat basis.

85. Ins. by Noti. No. GSR 952, dated 4-8-1971.

TABLE

Sl. No.	Name of insecticide	Food	Tolerance limit mg/kg (ppm)
(1)	(2)	(3)	(4)
1.	Aldrin, dieldrin (The limits apply to aldrin and dieldrin singly or in any combination and are expressed as dieldrin)	Foodgrains	0·01
		Milk and Milk products	0·15 (on a fat basis)
		Fruits and Vegetables	0·1
		Meat	0·2
		Eggs	0·1 (on a shellfree basis)
2.	Carbaryl	Foodgrains	1·5
		Okra and leafy vegetables	10·0
		Potatoes	0·2
		Other vegetables	5·0
		Cottonseed (whole)	1·0
		Maize cob (kernels)	1·0
3.	Chlordane (residue to be measured as cis plus trans chlordane)	Foodgrains	0·05
		Milk and Milk Products	0·05 (on a fat basis)
		Vegetables	0·2
		Fruits	0·1
		Sugar beet	0·3
4.	D.D.T. (The limits apply to D.D.T., D.D.D. and D.D.E. singly or in any combination)	Milk and Milk Products	1.25 (on a fat basis)
		Fruits and Vegetables including potatoes	3·5
		Meat, poultry and fish	7·0 (on whole product basis)
		Eggs	0·5 (on a shellfree basis)
5.	Diazinon	Foodgrains	0·05
		Vegetables	0·5
6.	Dichlorvos (content of dichloroacetaldehyde (D.C.A.) be reported where possible)	Foodgrains	1·0
		Milled foodgrains	0·25
		Vegetables	0·15
		Fruits	0·1
7.	Dicofol	Fruits and Vegetables	5·0
		Tea (dry manufactured)	5·0
8.	Dimethoate (residue to be determined as dimethoate and expressed as dimethoate).	Fruits and Vegetables	2·0
9.	Endosulfan (residues are measured and reported as total of endosulfan A and B and endosulfan-sulphate).	Fruits and Vegetables	2·0
		Cottonseed	0·5
		Cottonseed oil (crude)	0·2
			0·2
10.	Fenitrothion	Foodgrains	0·02
		Milled foodgrains	0·005
		Milk and Milk products	0·05 (on a fat basis)
		Fruits	0·5
		Vegetables	0·3
		Meat	0·03
11.	Heptachlor (Combined residues of heptachlor and its epoxide to be determined and expressed as heptachlor)	Foodgrains	0·01
		Milled foodgrains	0·002
		Milk and Milk products	0·15 (on a fat basis)
		Vegetables	0·05
12.	Hydrogen cyanide	Foodgrains	37·5
		Milled foodgrains	5·0

(1)	(2)	(3)	(4)
13.	Hydrogen phosphide	Foodgrains	0.05
		Milled foodgrains	0.01
14.	Inorganic bromide (determined and expressed as total bromide from all sources)	Foodgrains	25.0
		Milled foodgrains	25.0
		Fruits	30.0
		Dried fruits and spices	100.0
15.	Lindane	Foodgrains	0.25
		Milk and Milk products	0.2 (on a fat basis)
		Fruits and Vegetables	3.0
		Eggs	0.1 (on a shellfree basis)
		Meat and poultry	2.0 (on whole basis)
16.	Malathion (Malathion to be determined and expressed as combined residues of malathion and malaoxon)	Foodgrains	4.0
		Milled foodgrains	1.0
		Fruits	4.0
		Vegetables	3.0
		Dried fruits	8.0
17.	Parathion (Combined residues of parathion and paraoxon to be determined and expressed as parathion)	Fruits and Vegetables	0.5
18.	Parathion methyl (Combined residues of parathion methyl and its oxygen analogue to be determined and expressed as parathion methyl)	Fruits	0.2
		Vegetables	1.0
19.	Phosphamidon Residues (expressed as the sum of the phosphamidon and its desethyl derivative)	Foodgrains	0.05
		Fruits and Vegetables	0.2
20.	Pyrethrins (Sum of pyrethrins I and II and other structurally related insecticidal ingredients of pyrethrum)	Foodgrains	1.5
		Milled foodgrains	0.5
		Fruits and Vegetables	1.0
[21.]	Chlorfenvinphos (Residues to be measured as alpha and beta isomers of chlorfenvinphos)	Foodgrains	0.025
		Milled Foodgrains	0.006
		Milk and Milk products	0.2 (fat basis)
		Meat and Poultry	0.2 (carcass fat)
		Vegetables	0.05
		Groundnuts	0.05 (shellfree basis)
		Cotton seed	0.05
22.	Chlorobenzilate	Fruits	1.0
		Dry Fruits, Almonds and Walnuts	0.2 (shellfree basis)

[21. Ins. by Noti. No. GSR 851(E), dated 13-6-1986 (w.e.f. 13-6-1987).

[77d][61-C. **Use of emulsifying and stabilising agents in Fruit Products.**—The following emulsifying and stabilising agents may be added to fruit products:

1. Pectin 2. Sodium alginate 3. Calcium alginate 4. Alginic acid 5. Propylene glycol alginate.]

[77e][62. **Restriction on use of anticaking agents.**—No anticaking agents shall be used in any food except where the use of anticaking agents is specifically permitted:

[77f][Provided that table salt, onion powder, garlic powder, fruit powder and soup powder may contain the following anticaking agents in quantities not exceeding 2·0 per cent, either singly or in combination, namely:—

(1) carbonates of calcium and magnesium
(2) phosphate of calcium and magnesium
(3) silicates of calcium, magnesium, aluminium or sodium or silicon dioxide.
(4) myristates, palmitates or stearates of aluminium, ammonium, calcium, potassium or sodium.]]]

[77g][62-A. **Antifoaming agents in edible oils and fats.**—Dimethyl and Polysiloxane, food grade, may be used as an antifoaming agent in edible oils and fats for deep fat frying upto a maximum limit of 10 parts per million.

Explanation.— For the purpose of this rule, "Antifoaming agent" means substance which retards deteriorative changes and foaming height during heating.]

[78]PART XIII—[78a][FLAVOURING AGENTS AND RELATED SUBSTANCES]

[78b][63. **Flavouring agents.**—Flavouring agents include flavour substances, flavour extracts or flavour preparations, which are capable of imparting flavouring properties, namely taste or odour or both to food. Flavouring agents may be of following three types:—

(*A*) *Natural Flavours and Natural Flavouring Substances*:—

"Natural flavours" and "Natural flavouring substances" are flavour preparations and single substance respectively, acceptable for human consumption, obtained exclusively by physical processes from vegetable, sometimes animal raw materials either in their natural state or processed, for human consumption.

(*B*) *Nature Identical Flavouring Substances*:—

Nature identical flavouring substances are substances chemically isolated from aromatic raw materials or obtained synthetically; they are chemically identical to substances present in natural products intended for human consumption, either processed or not.

(*C*) *Artificial Flavouring Substances*:—

Artificial flavouring substances are those substances which have not been identified in natural products intended for human consumption either processed or not.]

77d. *Ins.* by Noti. No. GSR 249(E), dated 8-3-1983.
77e. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).
77f. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (*w.e.f.* 15-11-1984).
77g. *Ins.* by Noti. No. GSR 283(E), dated 26-3-1983 (*w.e.f.* 26-3-1983).
78. Part XIII *added* by Noti. No. GSR 1211, dated 9-12-1958.
78a. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (*w.e.f.* 15-11-1984).
78b. Rule 63 *ins.* by Noti. No. GSR 283(E), dated 26-3-1983 (*w.e.f.* 26-3-1983) and old Rule 63 *re-numbered* as Rule 63-A.

[78b][63-A.] **Use of Coumarin and Dihydro Coumarin prohibited.**—The use of coumarin and dihydro coumarin in any article of food is prohibited.

[79][64. **Solvent in flavour.**—Diethylene Glycol and Monoethylether shall not be used as solvent in flavours.

64-A. Use of anti-oxidants, emulsifying and stabilising agents and food preservatives in flavour.—The flavouring agents may contain permitted anti-oxidants, emulsifying and stabilising agents and food preservatives.

64-B. Use of monosodium glutamate.—Monosodium glutamate may be added to an article of food provided the total glutamate content of the ready-to-serve food does not exceed 1 per cent. It shall not be added to any food for use by the infant below twelve months.]

[80][64-BB. **Extraneous addition of flavouring agent to be mentioned on the label.**—Where an extraneous flavouring agent has been added to any article of food, there shall be written on the label attached to any package of food so flavoured, a statement in capital letters as below:—

"CONTAINS ADDED FLAVOUR"]

[80a][PART XIII-A—CARRY OVER OF FOOD ADDITIVES

64-C. Carry over of Food Additives.—(1) For the purpose of the standards specified in Appendix B, the "Carry Over" principle applies to the presence of additives such as colours, flavouring agents, antioxidants, anticaking agents, emulsifying and stabilizing agents and preservative in food, as a result of the use of raw material or other ingredients in which these additives were used. The presence of contaminants is not covered by this purpose.

(2) The presence of an additive in food through the application of the carry over principle is admissible in general unless otherwise specifically prohibited in the rules or in Appendix B provided the total additive including the carry over through the raw material or other ingredients does not exceed the maximum amount so permitted.]

[81][PART XIV—INSECTICIDES AND PESTICIDES

[82][65. **Restriction on the use of insecticides.**—[82a][(1)] Subject to the provisions of sub-rule (2), no insecticide shall be used directly on articles of food:

Provided that nothing in this sub-rule shall apply to the fumigants which are registered and recommended for use as such on articles of food by the Registration Committee, constituted under Section 5 of the Insecticides Act, 1968 (46 of 1968)].

[(2)][82a] The amount of insecticide mentioned in Column 2, on the foods mentioned in Column 3, shall not exceed the tolerance limit prescribed in Column 4 of the Table given below:

79. Rules 64, 64-A, & 64-B *subs.* for Rules 64, 64-A, 64-AA & 64-B by GSR 764(E), dt. 15-11-1984 (*w.e.f.* 15-11-1984).
80. *Ins.* by GSR 293(E), dt. 23-3-1985 (*w.e.f.* 24-9-1985).
80a. *Ins.* by Noti. No. GSR 283(E), dated 26-3-1983 (*w.e.f.* 26-3-1983) as corrected by GSR 743, dated 25-9-1985.
81. *Ins.* by Noti. No. GSR 1535, dated 6-7-1968.
82. *Subs.* by Noti. No. GSR 754, dated 15-5-1976 (*w.e.f.* 1-7-1976).
82a. *Ins.* by Noti. No. GSR 790(E), dated 10-10-1983 (*w.e.f.* 10-10-1983) and sub-rule (1) *re-numbered* as sub-rule (2).

Name of the contaminants	Article of Food	mg/kg
(1)	(2)	(3)
Aflatoxin	All articles of food	0·03

57-B. Naturally Occurring Toxic Substances.—The toxic substances specified in column (1) of the Table below, which may occur naturally in any article of food, shall not exceed the limit specified in the corresponding entry in column (2) of the said Table :—

TABLE

Name of substance	Maximum Limit
(1)	(2)
Agaric acid	100 ppm
Hydrocyanic acid	5 ppm
Hypericine	1 ppm
Saffrole	10 ppm]

[72][PART XII—ANTI-OXIDANTS, EMULSIFYING AND STABILISING [72a][AND ANTICAKING AGENTS]

58. Definition of anti-oxidant.—'Anti-oxidant' means a substance which when added to food retards or prevents oxidative deterioration of food and does not include sugar, cereal oils, flours, herbs and spices.

[73][59. **Restriction on use of anti-oxidants.**—No anti-oxidant other than lecithin, ascorbic acid and tocopherol shall be added to any food :

Provided that the following anti-oxidants, not exceeding in concentration mentioned against each, may be added to edible oils and fats, except ghee and butter, namely :—

1.	Ethyl gallate	
2.	Propyl gallate	
3.	Octyl gallate or mixture thereof	0·01 per cent
4.	Dodecyl gallate	
[73a][5.	Ascrobyl Palmitate	0·02 per cent]
6.	Butylated hydroxyanisole (BHA)	0·02 per cent
7.	Citric acid	
8.	Tartaric acid	
9.	Gallic acid	0·01 per cent
10.	Resin Guaiac	0·05 per cent
[73b][11.	Tertiary butyl hydro quinone (TBHQ)	0·02 per cent.]

[74][Provided that dry mixes of *rasgollas* and *sudas* may contain butylated hydroxyanisole (BHA) not exceeding 0·02 per cent calculated on the basis of fat content :

Provided further that anti-oxidants permitted in Rule 59 may be used in permitted flavouring agents in concentration not exceeding 0·01 per cent :]

72. *Added* by Noti. No. GSR 1211, dated 9-12-1958.
72a. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).
73. *Subs.* by Noti. No. GSR 133, dated 23-1-1973.
73a. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (*w.e.f.* 15-11-1984).
73b. *Ins.* by GSR 203(E), dated 26-3-1983 (*w.e.f.* 26-3-1983).
74. *Ins.* by Noti. No. GSR 63(E), dated 3-2-1976.

Provided further that wherever butylated hydroxyanisole (BHA) is used in conjunction with the anti-oxidants mentioned at item Nos. 1 to 4 of the preceding proviso, the quantity of the mixture shall not exceed the limit of 0·02 per cent :

Provided also that ghee and butter may contain Butylated hydroxyanisole (BHA) [74a][* * *] in a concentration not exceeding 0·02 per cent.]

[75][59-A. **Use of anti-oxidants in Vitamin D preparation.**—Vitamin D preparation may contain anti-oxidants prescribed in Rule 59 not exceeding 0·08 per cent.]

[76][60. **Definition of emulsifying and stabilising agents.**—"Emulsifying agents" and "stabilising agents" mean substances which, when added to food, are capable of facilitating a uniform dispersion of oils and fats in aqueous media, or *vice versa*, and/or stabilising such emulsions and include the following, namely :

Agar, alginic acid, calcium and sodium alginates, carrageen, edible gums [76a][(such as guar, karaya, arabic, carobean, furcellaran, tragacanth, gum ghatti)], dextrin, sorbitol, pectin, sodium and calcium pectate, sodium citrate, sodium phosphates, sodium tartarate, calcium lactate, lecithin, albumen, gelatin, quillaia, modified starches, hydrolysed proteins, monoglycerides or diglycerides of fatty acids, synthetic lecithin, propyleneglycol stearate, propyleneglycol alginate, methyl ethyl cellulose, methyl cellulose, sodium-carboxymethyl cellulose, stearyl tartaric acid, esters of monoglycerides and diglycerides of fatty acids, monostearin sodium sulphoacetate, sorbitan esters of fatty acids or in combination, [77][poly-oxy-ethylene sorbiton monostearate [77a][sodium stearoyl-2-lactylate and calcium stearoyl-2-lactylate] and brominated vegetable oils.]]

[77b][61. **Restriction on use of emulsifying and stabilising agents.**—No emulsifying or stabilising agents shall be used in any food, except where the use of emulsifying or stabilising agent is specifically permitted :

Provided that the following emulsifying or stabilising agents shall not be used in milk and cream, namely, monoglycerides or diglycerides of fatty acids, synthetic lecithin, propyleneglycol stearate, propyleneglycol alginate, methyl ethyl cellulose, methyl cellulose, sodium carboxymethyl cellulose, stearyl tartaric acid, esters of monoglycerides and diglycerides of fatty acids, monostearin sodium sulphoacetate, sorbitan esters of fatty acids or in combination, and brominated vegetable oils.]

[77c][61-A. **Use of starch phosphate.**—Starch phosphate, a gum arabic substitute, may be used in syrup, ice-cream powder, salad dressing and pudding to a maximum extent of 0·5 per cent.

61-B. Use of emulsifying and stabilising agents in flavouring agents.—The emulsifying and stabilising agents may be added to flavouring agents.]

74a. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (*w.e.f.* 16-11-1985).
75. *Ins.* by Noti. No. GSR 1417, dated 20-9-1976 (*w.e.f.* 2-10-1976).
76. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
76a. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).
77. *Subs.* by Noti. No. GSR 205, dated 15-2-1974 (*w.e.f.* 23-5-1974).
77a. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).
77b. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
77c. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).

(1)	(2)	(3)
	Yeast and yeast products	5.0 on the dry matter
	Tea, dehydrated onion, dried herbs and spices, flavourings, alginic acid, alginates, agar, carragreen and similar products derived from seaweed	10·0 on the dry matter.
	Liquid pectin, chemicals not otherwise specified, used as ingredients or in the preparation or processing of food	10·0
	Food colouring other than caramel	10·0 on the dry colouring matter.
	Solid pectin	50·0
	Hard boiled sugar confectionery	2·0
	[68a][Iron Fortified Common Salt	2·0]
	(iii) Foods not specified	2·5
2. Copper	(i) Beverages :	
	Soft drinks excluding concentrates and Carbonated water	7·0
	Carbonated water	1·5
	[68a][Toddy	3·0]
	Concentrates for soft drinks	20·0
	(ii) Other foods :	
	Chicory—dried or roasted, coffee beans, flavourings, pectin—liquid	30·0
	Colouring	30·0 on the dry colouring matter.
	Edible gelatin	50·0
	Tomato ketchup	50·0 on the dried total solids.
	Yeast and yeast products	60.0 on the dry matter.
	Cocoa powder	70·0 on the fat free substance.
	Tomato puree, paste, powder, juice and cocktails	100·0 on the dried, tomato solids.
	Tea	150·0
	Pectin—solid	300·0
	Hard boiled sugar confectionery	5·0
	[68a][Iron Fortified Common Salt	2·0]
	(iii) Foods not specified	30·0
3. Arsenic	(i) Milk	0·1

68b. *Ins.* by Noti. No. GSR 11 (E), dt. 4-1-1985 (*w.e.f.* 4-1-1985) as corrected by GSR 368 (E), dt. 18-4-1985.
68c. *Ins.* by Noti. No. GSR 243, dated 15-2-1980 (*w.e.f.* 1-3-1980).

(1)	(2)	(3)
	(iii) Beverages :	
	Soft drinks intended for consumption after dilution except carbonated water	0·5
	Carbonated water	0·25
	[70][(iii) Preservative, anti-caldeats, emulsifying and stabilising agents and synthetic food colours	3·0 on dry matter.]
	[70][(iv)] Other foods :	
	Ice cream, iced lollies and similar frozen confections	0·5
	Dehydrated onions, edible gelatin, liquid pectin	2·0
	Chicory—dried or roasted	4·0
	Dried herbs fixings and cleaning agents, solid pectin—all grades, spices	5·0
	Food colouring other than synthetic colouring	3·0 on dry colouring matter.
	Hard boiled sugar confectionery	1·0
	[68a][Iron Fortified Common Salt	1·0]
	[70][(v)] Foods not specified	1·1
4. Tin	(i) Processed and canned products	250·0
	(i-a) Hard boiled sugar confectionery	5·0
	(ii) Foods not specified	250·0
5. Zinc	(i) Ready-to-drink beverages	5·0
	(ii) Edible gelatin	100·0
	(iii) Fruit products covered under the Fruit Products Order, 1955	50·0
	(iii-a) Hard boiled sugar confectionery	5·0
	(iv) Foods not specified	50·0]]

[71b][PART XI-A

CROP CONTAMINANTS AND NATURALLY OCCURRING TOXIC SUBSTANCES

57-A. Crop contaminants.—(1) Crop contaminant means any substance not intentionally added to food, but which gets added to articles of food in the process of their production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of articles of such food as a result of environmental contamination.

(2) No article of food specified in column (2) of the Table below shall contain any crop contaminant specified in the corresponding entry in column (1) thereof in excess of quantities specified in the corresponding entry in column (3) of the said Table :

70. *Ins.* by Noti. No. GSR 938, dated 26-5-1971.
71. *Renumbered* by Noti. No. GSR 938, dated 26-5-1971.
71a. *Ins.* by GSR 11(E), dt. 4-1-1985 (*w.e.f.* 4-1-1985) as corrected by GSR 368(E), dt. 18-4-1985.
71b. Part XI-A *ins.* by GSR 764(E), dt. 15-11-1984 (*w.e.f.* 16-11-1985).

(1)		(2)	(3)
28.	[64][Cheese or processed cheese	Sorbic acid including its Sodium, Potassium and Calcium salts (Calculated as Sorbic acid) or Nicin (Calculated as Sorbic acid)	1,000 Do]
29.	Flour confectionery	Sorbic acid or its Sodium salt	1,500
30.	Smoked fish (in wrappers)	Sorbic acid	Only wrappers may be impregnated with Sorbic acid.]
[65][31.	Dry mixes of Rasgullas	Sulphur dioxide	100]
[66][32.	(a) Soups (other than canned)	Sulphur dioxide	150
	(b) Dried soups	Sulphur dioxide	1500
	(c) Dehydrated soup mix, when packed in containers other than cans	Sulphur dioxide	1500
33.	Fruits and vegetable, flakes, powder, figs ..	Sulphur dioxide	600
34.	Flour for baked food	Sodium diacetate or Propionates or Methyl propyl hydroxy Benzoate	2500 3200 500]
[67][35.	Preserved chapaties	Sorbic acid	1500]

[68][55-A. **Use of Class II preservatives in mixed foods.**—In a mixture of two or more foods or groups of foods mentioned against each item in the Table under Rule 55, the use of Class II preservative or preservatives shall be restricted to the limit up to which the use of such preservative or preservatives is permitted for the foods or groups of foods contained in such mixture.

Illustration.—In the food specified in Item 23 of the table given below Rule 55, sulphur dioxide can be added to dehydrated vegetables in the proportion of 2,000 parts per million. If this food is mixed with the food specified in Item 24 given in the said table, that is to say tomato puree and paste, where benzoic acid is permitted to an extent of 250 p.p.m., then in the mixture containing equal parts of these two foods, the proportion of Sulphur dioxide and Benzoic acid, shall be 1,000 p.p.m. and 125 p.p.m. respectively.]

[69][55-B. **Restriction on use of nitrate and nitrite.**—No nitrate or nitrite shall be *added* to any infant food.]

64. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
65. *Ins.* by Noti. No. GSR 603(E), dated 3-12-1980.
65a. *Ins.* by GSR 764(E), dated 15-12-1984 (*w.e.f.* 15-11-1984).
65b. *Ins.* by Noti. No. GSR 852(E), dated 12-6-1986 (*w.e.f.* 12-6-1986)
66. *Ins.* by Noti. No. GSR 1533, dated 8-7-1968.

[70][56. *Container of food which contains preservative not to be marked "Pure"*

[71][* * *]]

[72][PART XI—POISONOUS METALS

57. Poisonous metals.—(1) Chemical described in monographs of the Indian Pharmacopoeia when used in foods, shall not contain poisonous metals beyond the limits specified in the appropriate monographs of the Indian Pharmacopoeia for the time being in force.

(2) Notwithstanding the provisions of sub-rule (1), no article of food specified in Column 2 of the table below shall contain any metal specified in excess of the quantity specified in Column 3 of the said table:

[73][TABLE

Name of the poisonous metal	Article of food	Parts per million by weight
(1)	(2)	(3)
1. Lead ..	(i) Beverages:	
	Concentrated soft drinks (but not including concentrates used in the manufacture of soft drinks)	0.5
	Fruit and vegetable juice (including tomato juice, but not including lime juice and lemon juice)	1.0
	Concentrates used in the manufacture of soft drinks, lime juice and lemon juice ..	2.0
	[74][(i-a) Baking powder	10]
	[75][(i-b) Edible oil	10]
	(ii) Other foods:	
	Anhydrous dextrose and dextrose monohydrate, edible oils and fats, refined white sugar (sulphated ash content not exceeding 0.03 per cent)	0.5
	Ice cream, iced lollies and similar frozen confections	1.0
	Canned fish, canned meats, edible gelatin, meat extracts and hydrolised protein, dried or dehydrated vegetables (other than onions).	
	All types of sugar, sugar syrup, invert sugar and direct consumption coloured sugars with sulphated ash content exceeding 1.0 per cent.	5.0
	Raw sugars except those sold for direct consumption or used for manufacturing purposes other than the manufacture of refined sugar.	
	Edible molasses, caramel, liquid and solid glucose and starch conversion products with a sulphated ash content exceeding 1.0 per cent.	
	Cocoa powder	5.0 on the dry fat free substance.

66a. *Omitted* by Noti. No. GSR 243, dated 15-7-1980 (*w.e.f.* 1-3-1980).
67. *Added* by Noti. No. GSR 1211, dated 9-12-1958.
68. *Subs.* by Noti. No. GSR 74, dated 31-12-1965.
69. *Ins.* by Noti. No. GSR 1533, dated 8-7-1968.
[76][69a. *Ins.* by Noti. No. GSR 710(E), dated 22-12-1980 (*w.e.f.* 22-12-1980).

54. Use of more than one Class II preservative prohibited.—No person shall use in or upon a food more than one Class II preservative:

**[Provided that where in column (2) of the table given below Rule 55 the use of more than one preservative has been allowed in the alternative, those preservatives may, notwithstanding anything contained in Rule 55, be used in combination with one or more alternatives, provided the quantity of each preservative so used does not exceed such number of parts out of those specified for that preservative in column (3) of the aforesaid table as may be worked out on the basis of the proportion in which such preservatives are combined.

Illustration.—In the group of foods specified in Item 6 of the table given below Rule 55, sulphur dioxide or Benzoic acid can be added in the proportion of 40 parts per million or 200 parts per million respectively. If both preservatives are used in combination and the proportion of sulphur dioxide is 20 parts per million the proportion of Benzoic acid shall not exceed the proportion of 100 parts per million.]

55. Use of Class II preservatives restricted.—The use of Class II preservatives shall be restricted to the following group of foods in concentration not exceeding the proportions given below against each:

Article of food	Preservative	Parts per million
(1)	(2)	(3)
1. Sausages and sausage meat containing raw meat, cereals and condiments	Sulphur dioxide	450
2. Fruit, fruit pulp or juice (not dried) for conversion into jam or crystallised glace or cured fruit or other products:		
(a) Cherries	Sulphur dioxide	**[2000]
(b) Strawberries and raspberries	Do.	2,000
(c) Other fruits	Do.	1,000
3. Fruit juice concentrate	Do.	1,500
4. Dried fruits:		
(a) Apricots, peaches, apples, pears and other fruits	Do.	2,000
(b) Raisins and sultanas	Do.	250
5. **[Other non-alcoholic wines, squashes, crushes, fruit syrups, cordials, fruit juices and barley water to be used after dilution]	Sulphur dioxide or Benzoic acid	350 600
6. Jam, marmalade, preserve, canned cherry and fruit jelly	Sulphur dioxide or Benzoic acid	40 200

55. *Ins.* by Noti. No. GSR 1333, dated 8-7-1968.
55a. *Subs.* for "3000" by Noti. No. GSR 764 (E), date 15-11-1984 (*w.e.f.* 16-11-1985).
56. *Subs.* by Noti. No. GSR 553, dated 22-4-1972.

(1)	(2)	(3)
7. Crystallised glace or cured fruit (including candied peel)	Sulphur dioxide	150
8. Fruit and fruit pulp not otherwise specified in the schedule	Do.	350
9. Sugar, glucose, gur and Khandsari	Do.	70
10. Corn flour and such like starches	Do.	100
11. Corn syrup	Do.	450
**[11-A. Canned *Rasogolla* (The cans shall be internally lacquered with sulphur dioxide resistant lacquer)	Do.	100]
12. Gelatine	Do.	**[1,000]
13. Beer	Do.	70
14. Coffee	Do.	200
15. Alcoholic wines	Do.	450
16. Sweetened mineral water and **[sweetened ready to serve beverages]	Sulphur dioxide or Benzoic acid	70 120
17. Brewed ginger beer	Benzoic acid	120
18. Coffee extract	Do.	450
**[19. Pickles and chutneys made from fruit or vegetables	**[Benzoic acid or Sulphur dioxide	250 100]]
20. Tomato and other sauces	**[Benzoic acid]	250
21. Cooked pickled meat including ham and bacon	**[Sodium or Potassium nitrite (Calculated as sodium nitrite) or Commercial Salpetre (Calculated as sodium nitrite)	200 500]
22. Danish tinned caviar	Benzoic acid	50
23. Dehydrated vegetables	Sulphur dioxide	2,000
24. Tomato puree and paste	Benzoic acid	**[750]
25. Syrups and sharbats	Sulphur dioxide or Benzoic acid	**[350] 600
26. Dried ginger	Sulphur dioxide	2,000
**[27. Hard boiled sugar confectionery	Sulphur dioxide	350]

57. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (*w.e.f.* 25-5-1974).
58. *Subs.* by Noti. No. GSR 205 of 13-2-1974 (*w.e.f.* 25-5-1974).
59. *Ins.* by Noti. No. GSR 169, dated 2-2-1961.
60. *Subs.* by Noti. No. GSR 1564, dated 17-11-1967.
61. *Subs.* by Noti. No. GSR 74, dated 31-12-1965.
62. *Subs.* by Noti. No. GSR 1333, dated 8-7-1968.
62a. *Subs.* by Noti. No. GSR 852(E), dated 13-6-1986 (*w.e.f.* 13-6-1986) for "250".
62b. *Ins.* by GSR 605(E), dated 24-7-1985 (*w.e.f.* 24-7-1985).
63. *Ins.* by Noti. No. GSR 74, dated 31-12-1965.

destination of each consignment of the substances sent out from his manufactory or place of business, and shall present such register for inspection whenever required to do so by the licensing authority.

[45][(13) An itinerant vendor granted a licence under these rules, shall carry a metallic badge on his arm showing clearly the licence number, the nature of articles for the sale of which the licence has been granted, his name and address and the name and address of the owner, if any, for whom he is working. His containers of food and the vehicle shall also be similarly marked. In addition to the metallic badge the vendor shall, if so required by the State Government or the local authority, carry an identity card with his photograph and the number of the licence. The identity card shall be renewed every year:]

[46][Provided that the whole-time employees of the companies shall not be treated as itinerant vendors for the purpose of carrying a metallic badge on their arms or obtaining separate licences if an identity card containing particulars of the valid municipal licence is carried by them.]

(14) The nature of articles of food for the sale of which a licence is required under these rules shall be mentioned in the application for licence. Any objectionable, ambiguous or misleading trade name shall not be approved by the licensing authority.

(15) Every licensee who sells any food, shall display a notice board containing the nature of the articles which he is exposing or offering for sale.

51. Duration of licences.—A licence shall, unless sooner suspended or cancelled, will be in force for such period as the State Government may prescribe:

Provided that if application for a fresh licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

[46a][51-A. **Procedure for issue of licence in certain local areas.**—A licensing authority empowered to issue licences in Local areas falling within the jurisdiction of a seaport, airport, a railway station or a group of railway stations (including any railway colony, office, yard, goods-shed, transhipment shed, workshop and other works owned and maintained by the Railway Administration, for the purpose or in connection with the railways), shall exercise his functions in the manner prescribed by the State Government concerned in which seaport, airport or railway station is situated and adopt such forms as are prescribed by that Government for the purpose of licensing.]

[47][PART X—PRESERVATIVES

52. Definition of preservative.—"Preservative" means a substance which when added to food, is capable of inhibiting, retarding or arresting the process of fermentation, acidification or other decomposition of food.

---

45. *Subs.* by Noti. No. GSR 169, dated 2-2-1901.
46. *Ins.* by Noti. No. GSR 133, dated 23-1-1973.
46a. *Ins.* by GSR 829(E), dated 7-11-1983 (w.e.f. 7-5-1984) [as corrected by GSR 88(E), dated 17-12-1985.]
47. *Added* by Noti. No. SRO 1687, dated 14-7-1956.

53. Classification of preservatives.—Preservatives shall be divided into following classes:—

(*i*) Class I preservative shall be:—

(*a*) Common salt,

(*b*) Sugar,

(*c*) Dextrose,

(*d*) Glucose [48][Syrup],

(*e*) [* * *][48a]

(*f*) Spices,

(*g*) Vinegar or acetic acid,

(*h*) Honey,

[49][(*i*) * * *

(*j*) * * *

(*k*) * * *.]

[49a][(*l*) edible vegetable oil.]

[50][Addition of Class I preservatives in any food is not restricted, unless otherwise provided in the rules.]

[51][Provided that the article of food to which a Class I preservative has been added conforms to the specifications laid down in Appendix 'B'.]

(*ii*) Class II preservatives shall be:—

(*a*) Benzoic acid including salts thereof,

(*b*) Sulphurous acid including salts thereof,

(*c*) [52][Nitrates or] Nitrites of Sodium or Potassium in respect of food like ham, pickled meat,

[53][(*d*) Sorbic acid including its sodium, potassium and calcium salts, [54][propionates of calcium or sodium, lactic acid, and acid calcium phosphate,]

(*e*) Nicin]

[54][(*f*) Sodium and calcium propionate] and

[54a][(*g*) Methyl or propyl Parahydroxy-Benzoate;

(*h*) Propionic acid, including esters or salts thereof;

(*i*) sodium diacetate; and

(*j*) sodium, potassium and calcium salts of lactic acid.]

---

48. *Added* by Noti. No. GSR 1533, dated 8-7-1968.
48a. *Omitted* by Noti. No. GSR 764 (E), dt. 15-11-1984 (w.e.f. 15-11-1984).
49. *Omitted* by Noti. No. GSR 1533, dated 8-7-1968.
49a. *Ins.* by Noti. No. GSR 764 (E), dt. 15-11-1984 (w.e.f. 15-11-1984).
50. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
51. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
52. *Ins.* by Noti. No. GSR 1533, dated 8-7-1968.
53. *Ins.* by Noti. No. GSR 133, dated 23-1-1973.
54. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
54a. *Ins.* by Noti. No. GSR 764 (E), dated 15-11-1984 (w.e.f. 15-11-1984).

[31e][(13) All edible oils, except coconut oil, imported in crude, raw or unrefined form shall be subjected to the process of refining before sale for human consumption. Such oils shall bear a label declaration as laid down in Rule 42(W).]

[31f][(14) Dried Glucose Syrup containing sulphur dioxide exceeding 40 ppm. shall be sold only in a package which shall bear the label as specified in sub-rule (X) of Rule 42.]

[32][(15) No person shall store, expose for sale or permit the sale, of any insecticide in the same premises where articles of food are stored, manufactured or exposed for sale:

Provided that nothing in this sub-rule shall apply to the approved household insecticides which have been registered as such under the Insecticides Act, 1968 (46 of 1968).

Explanation: For the purpose of this sub-rule, the word 'insecticide' has the same meaning as assigned to it in the Insecticides Act, 1968 (46 of 1968).]

[33][(16) Milk powder and condensed milk shall not be sold except under Indian Standards Institution Certification Mark.]

50. Conditions for licence.—[33a][34][(1) No person shall manufacture, sell, stock, distribute or exhibit for sale any article of food, including prepared food or ready to serve food, except under a licence:

Provided that the fruit products covered under the Fruit Products Order, 1955, solvent extracted oil, sheelled meal and edible flour covered under the Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967, Vanaspati covered under the Vegetable Oil Products Control Order, 1947, and meat and poultry products covered under the Meat Food Products Order, 1973, shall be exempted from the above rule:]

[35][Provided further that a producer of milk, who sells milk only to a milk co-operative society which is a member of a Milk Cooperative Union engaged in reconstitution of milk or manufacture of milk products, shall be exempted from this sub-rule.]

(1-A) One licence may be issued by the licensing authority for one or more articles of food [36][and also for different establishments or premises in the same local area].]

[37][(1-B) The name and address of the Director or Manager, as the case may be, nominated by the company under Rule 12-B shall be mentioned in the licence.]

(2) The State Government or the local authority shall appoint licensing authorities.

31e. *Ins.* by Notl. No. GSR 44(E), dated 5-2-1982 (w.e.f. 5-8-1982).
31f. *Ins.* by Notl. No. GSR 37(E), dated 11-2-1982 (w.e.f. 11-8-1982) as corrected by GSR 307(E), dated 3-4-1982.
32. *Ins.* by Notl. No. GSR 760(E), dated 30-10-1985 (w.e.f. 30-10-1985).
33. *Ins.* by Notl. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 5-7-1985).
33a. *Subs.* by GSR 1313, dt. 8-7-1968.
34. *Subs.* by GSR 1313, dt. 23-5-1985 (w.e.f. 24-5-1985).
35. *Subs.* by GSR 205(E), dt. 23-5-1985 (w.e.f. 5-7-1985).
36. *Ins.* by GSR 143(E), dt. 2-7-1985 (w.e.f. 5-7-1985).
37. *Ins.* by Notl. No. GSR 390(E), dated 13-4-1981 (w.e.f. 13-4-1981).
Ins. by Notl. No. GSR 4(E), dated 4-1-1977.

(3) A licensing authority may with the approval of the State Government or the local authority by an order in writing delegate the power to sign licences and such other powers as may be specified in the order to any other person under his control.

[38][(4) If the articles of food are manufactured, stored or exhibited for sale at different premises situated in more than one local area, separate applications shall be made and a separate licence shall be issued in respect of such premises not falling within the same local area:

Provided that the itinerant vendors who have no specified place of business, shall be licensed to conduct business in a particular area within the jurisdiction of the licensing authority.]

[39][(5) Before granting a licence for manufacture, stock or exhibition of any of the articles of food in respect of which a licence is required, the licensing authority shall inspect the premises and satisfy itself that it is free from sanitary defects. The applicant for the licence shall have to make such alteration in the premises as may be required by the licensing authority for the grant of a licence:

[40][Provided that the licensing authority may, for reasons to be recorded in writing, refuse to grant a licence, if it is satisfied that it is necessary to do so in the interest of public health.]

[41][(6) *Omitted*.]

(7) Proprietors of [42][hotels, restaurants and other food stalls (including mobile and itinerant food stalls] who sell or expose for sale savouries, sweets or other articles of food) shall put up a notice board containing separate lists of the articles which have been cooked in ghee, edible oil, [43][vanaspati] and other fats for the information of the intending purchasers.

[44][(8) *Omitted*.]

(9) No licensee shall employ in his work any person who is suffering from infectious, contagious or loathsome disease.

(10) No person shall manufacture, store or expose for sale or permit the sale of any article of food in any premises not effectively separated to the satisfaction of the licensing authority from any privy, urinal, sullage, drain or place of storage of foul and waste matter.

(11) All vessels used for the storage or manufacture of the articles intended for sale shall have proper cover to avoid contamination.

(12) Every manufacturer [45][(including ghani operator)] or wholesale dealer in butter, ghee, vanaspati, edible oils, and other fats shall maintain a register showing the quantity manufactured, received or sold and the

---

38. *Subs.* by GSR 290(E), dated 13-4-1981 (w.e.f. 13-4-1981).
39. *Ins.* by Notl. No. GSR 1417, dated 20-9-1976 (w.e.f. 2-10-1976).
40. *Omitted* by Notl No. SRO 2755, dated 20-11-1976.
41. *Subs.* by Notl. No. GSR 169, dated 2-2-1967.
42. *Subs.* by Notl. No. GSR 1390, dated 24-10-1981.
43. *Omitted* by Notl. No. GSR 1211, dated 8-12-1958.
44. *Ins.* by Notl. No. SRO 2755, dated 20-11-1976.

8. Benzoic acid (Food Grade)
9. Sodium benzoate (Food Grade)
10. Fumaric acid (Food Grade)
11. Sodium carboxymethyl cellulose (Food Grade)
12. Sodium alginate (Food Grade)
13. Agar Agar (Food Grade)
14. Alginic acid (Food Grade)
15. Calcium alginate (Food Grade)
16. Gelatin (Food Grade)
17. Ascorbic acid (Food Grade)
18. Butylated Hydroxy Toluene (B H T) (Food Grade)
19. Butylated Hydroxy Anisole (B H A) (Food Grade)
20. Caramel (Food Grade)
21. Annatto colour (Food Grade).]

PART IX—CONDITIONS FOR SALE AND LICENCE

49. Conditions for sale.—(1) Every utensil or container used for manufacturing, preparing or containing any food or ingredient of food intended for sale shall be kept at all times in good order and repair and in a clean and sanitary condition. No such utensil or container shall be used for any other purpose.

(2) No person shall use for manufacturing, preparing or storing any food or ingredient of food intended for sale, any utensil or container which is imperfectly enamelled or imperfectly tinned or which is made of such materials or is in such a state as to be likely to injure such food or render it noxious.

(3) Every utensil or container containing any food or ingredient of food intended for sale shall at all times be either provided with a tight-fitting cover or kept closed or covered by a properly fitting lid or by a close fitting cover or gauze net or other material of a texture sufficiently fine to protect the food completely from dust, dirt and flies and other insects.

(4) No utensil or container used for the manufacture or preparation of or containing any food or ingredient of food intended for sale shall be kept in any place in which such utensil or container is likely by reason of impure air or dust or any offensive, noxious or deleterious gas or substance or any noxious or injurious emanations, exhalation, or effluvium, to be contaminated and thereby render the food noxious.

(5) An utensil or container made of the following materials or metals, when used in the preparation of food shall be deemed to render it unfit for human consumption :

(*i*) containers which are rusty ;

(*ii*) enamelled containers which have become chipped and rusty

(*iii*) copper or brass containers which are not properly tinned ;

[28a][(*iv*) containers made of aluminium not conforming in chemical

28. Subs. by Noti. No. GSR 425, dated 4-4-1968.

composition to IS : 20—1959 specification for Cast Aluminium and Aluminium Alloy for utensils or IS : 21—1959 specification for Wrought Aluminium and Aluminium Alloy for utensils ;] and

[28a][(*v*) Containers made of plastic materials not conforming to the following Indian Standards Specification, used as appliances or receptacles for packing or storing, whether partly or wholly, food articles, namely :—

(*a*) IS : 10146-1982 (Specification for Polyethylene in contact with foodstuffs) ;

(*b*) IS : 10142-1982 (Specification for Styrene Polymers in contact with foodstuffs) ;

(*c*) IS : 10151-1982 (Specification for Polyvinyl Chloride (PVC), in contact with foodstuffs) ;

(*d*) IS : 10910-1984 (Specification for Polypropylene in contact with foodstuffs)] :

[29][Provided that utensils or containers made of copper though not properly tinned may be used for the preparation of sugar confectionery or essential oils and mere use of such utensils or containers shall not be deemed to render sugar, confectionery or essential oils unfit for human consumption.]

[30][(6) No person shall sell compounded asafoetida exceeding one kilogram in weight except in a sealed container with a label.]

[31][(7) No person shall sell Hingra without a label on its container upon which is printed a declaration in the form specified in Rule 42.]

[31a][(8) No person shall sell Titanium Dioxide (food grade) except under Indian Standards Institution Certification Mark.]

[31b][(9) No person shall sell salseed fat for any other purpose except for BAKERY AND CONFECTIONERY and it shall be refined and shall bear the label declaration as laid down in Rule 42(T).]

[31c][(10) Table salt or iron fortified common salt containing anticaking agent shall be sold only in a package which shall bear the label as specified in sub-rule (V) of Rule 42 or (10-A). Iron fortified common salt shall be sold only in high density polyethylene bag (HDPE) (14 mesh, density 100kg/m³ unlaminated) package which shall bear the label as specified in sub-rule (VV) of Rule 42.]

[31d][(11) No person shall sell lactic acid for use in food except under Indian Standards Institution Marks.

(12) The Katha prepared by Bhatti method shall be conspicuously marked as 'Bhatti Katha'.]

28a. Ins. by Noti. No. GSR 507(E), dt. 19-9-1986 (w.e.f. 20-9-1987).
29. Subs. by Noti. No. GSR 1211, dated 9-12-1958.
30. Ins. by Noti. No. GSR 582, dated 9-9-1966.
31. Ins. by Noti. No. GSR 1256, dated 17-8-1967.
31a. Ins. by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-7-1979).
31b. Ins. by Noti. No. GSR 19(E), dated 28-1-1980 (w.e.f. 28-1-1980).
31c. Subs. by Noti. No. GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by GSR 360(E), dt. 18-4-1985.
31d. Ins. by Noti. No. GSR 290(E), dated 13-4-1981 (w.e.f. 13-10-1981).

[18][44-C. **Restriction on sale of Til Oil produced in Tripura, Assam and West Bengal.**—Til Oil (Sesame oil) obtained from white sesame seeds, grown in Tripura, Assam and West Bengal having different standards than those specified for til oil shall be sold in sealed containers bearing Agmark label. Where this til oil is sold or offered for sale without bearing an Agmark label, the standard given for til oil shall apply.]

[19][44-D. **Restriction on sale of Carbia Callosa and Honey dew.**—Carbia Callosa and Honey dew shall be sold only in sealed containers bearing Agmark seal.]

[20][44-E. **Restriction on sale of Kangra tea.**—Kangra tea shall be sold or offered for sale only after it is graded and marked in accordance with the provisions of the Agricultural Products (Grading and Marking) Act, 1937 (1 of 1937) and the rules made thereunder.]

45. **Food resembling but not pure honey not to be marked honey.**—No person shall use the word 'honey' or any word, mark, illustration, or device that suggests honey on the label or any package of, or in any advertisement for, any food that resembles honey but is not pure honey.

46. **Sale or use for sale of admixtures of ghee or butter prohibited.**—No person shall sell or have in his possession for the purpose of sale or for use as an ingredient in the preparation of an article of food for sale a mixture of ghee or butter and any substance (*a*) prepared in imitation of or as a substitute for ghee or butter, or (*b*) consisting of or containing any oil or fat which does not conform to the definition of ghee :

Provided where a mixture prohibited by this rule is required for the preparation of an article of food, such mixture shall be made only at the time of the preparation of such article of food.

[21][47. **Addition of artificial sweetener to be mentioned on the label.**—Saccharin or any other artificial sweetener shall not be added to any article of food, except where the addition of such artificial sweetener is permitted in accordance with the standards laid down in Appendix 'B' and where any artificial sweetener is added to any food, the container of such food shall be labelled with an adhesive declaratory label which shall be in the form given below :

"This.....(name of food) contains an admixture of .....(name of the artificial sweetener).]

48. **Use of flesh of naturally dead animals or fowls prohibited.**—No person shall sell or use as an ingredient in the preparation of any article of food intended for sale, the flesh of any animal or fowl which has died on account of natural causes.

[22][48-A. **Sale of permitted food colours.**—[23][(*i*) No person shall manufacture, sell, stock, distribute or exhibit for sale coal-tar food colours or

18. *Ins.* by Noti. No. GSR 1533, dated 8-7-1968.
19. *Ins.* by Noti. No. GSR 205, dated 13-2-1974 (*w.e.f.* 23-2-1975).
20. *Ins.* by Noti. No. GSR 830, dated 25-6-1975.
21. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
22. *Ins.* by Noti. No. SRO 2755, dated 20-11-1976.
23. *Subs.* by Noti. No. GSR 1417, dated 20-9-1976 (*w.e.f.* 20-3-1977).

their mixtures or any preparation of such colours for use in or upon food except under a licence.]

(*ii*) No person shall sell a permitted coal-tar [23a][food-colours], for use in or upon food unless its container carries a label stating the following particulars :

(*a*) the words "Food Colours",

(*b*) the chemical and the common or commercial name [24][and colour index] of the dye-stuff.

(*iii*) No person shall sell a mixture of permitted coal-tar [25][food-colours] for use in or upon food unless its container carries a label stating the following particulars :

(*a*) the words "Food Colour Mixture",

(*b*) the chemical and the common or commercial name [26][and colour index] of the dye-stuffs contained in the mixture.

(*iv*) No person shall sell a preparation of permitted coal-tar [27][food-colours] for use in or upon food unless its container carries a label stating the following particulars :

(*a*) the words "Food Colour Preparation" ;

(*b*) the name of the various ingredients used in the preparation.]

[28][(*v*) The licence referred to in sub-rule (1) shall be issued by the licensing authority appointed under sub-rule (2) of Rule 50 and shall be subject to such conditions as the State Government may specify in this behalf.]

[29][(*vi*) All food colours, including natural colouring matter and permitted coaltar food colours, their preparation or mixtures, except saffron and curcumin, shall be sold only under Indian Standards Institution Certification mark.]

[27a][48-B. **Sale of insect-damaged dry fruits and nuts.**—The dry fruits and nuts like raisins, currants, figs, cashewnuts, apricots, almonds may contain not more than 5 per cent of insect-damaged fruits and nuts, by count.]

[27b][48-C. **Sale of Food Additives.**—The following food additives permitted for use in certain foods shall be sold only under the Indian Standards Institution Certification marks, namely :—

1. Sulphuric acid (Food Grades)
2. Sodium propionate (Food Grade)
3. Calcium propionate (Food Grade)
4. Sorbic acid (Food Grade)
5. Potassium metabisulphite (Food Grade)
6. Sodium metabisulphite (Food Grade)
7. Sorbitol (Food Grade)

23a. *Subs.* for "dyes" by Noti. No. GSR 243, dated 15-2-1980 (*w.e.f.* 1-3-1980).
24. *Ins.* by Noti. No. GSR 425, dated 4-4-1960.
25. *Ins.* by Noti. No. GSR 514, dated 20-6-1958.
26. *Subs.* by Noti. No. GSR 784(E), dated 15-11-1984 (*w.e.f.* 16-11-1985).
27. *Ins.* by Noti. No. GSR 205, dated 13-2-1974 (*w.e.f.* 23-2-1974).
27a. *Ins.* by Noti. No. 283(E), dated 26-3-1985 (*w.e.f.* 26-3-1985).

NOTES

Cow's milk and buffalo's milk are different articles of food and the name of one cannot be appropriated for the other by a seller without being penalised. *Kisan Trimbak Kotkale* v. *State of Maharashtra*, (1977)1 SCC 300 : 1977 SCC (Cri) 97.

[16][44-A. No person in any State shall, with effect from such date as the State Government concerned may by notification in the Official Gazette specify in this behalf, sell or offer or expose for sale, or have in his possession for the purpose of sale, under any description or for use as an ingredient in the preparation of any article of food intended for sale—

(*a*) Kesari gram (Lathyrus sativus) and its products,

(*b*) Kesari dal (Lathyrus sativus) and its products,

(*c*) Kesari dal flour (Lathyrus sativus) and its products,

(*d*) a mixture of Kesari gram (Lathyrus sativus) and Bengal-gram (Cicer arietinum) or any other gram,

(*e*) a mixture of Kesari dal (Lathyrus sativus) and Bengal-gram dal (Cicer arietinum) or any other dal,

(*f*) a mixture of Kesari dal (Lathyrus sativus) flour and Bengal-gram (Cicer arietinum) flour or any other flour.

[15][*Explanation*.—The equivalent of Kesari gram in some of the Indian languages are as follows :—

1.	Assamese	Khesari, Teora.
2.	Bengali	Khesari, Teora, Kasur, Batura.
3.	Bihari	Khesari, Teora, Kasur, Batura.
4.	English	Chikling vetch.
5.	Gujarati	Lang.
6.	Hindi	Khesari, Kasur, Kasari, Kassartiuri, Batura, Chapri, Dubia, Kanasri, Kesari, Lasri, Tinra, Tiuri, Kasur.

15. *Ins. by Noti. No. GSR 169, dated 2-2-1961.*
16. *Subs. by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).*

7.	Kannada	Laki Bele, Kesari Bele.
8.	Malyalam	Kesari, Lanki, Vattu.
9.	Tamil	Muku.
10.	Marathi	Lakheri, Batri, Lakhi, Lang, Mutra, Teora, Batroli-ki-dal, Lakh.
11.	Oriya	Kheera, Khesari, Khesari dali.
12.	Persian	Masung.
13.	Punjabi	Kisari, Chural, Karas, Karil, Kasa, Kesari, Chapa.
14.	Sanskrit	Sandika, Triputi.
15.	Sindhi	Matter.
16.	Telugu	Lamka].]

NOTE

When there is charge involving sale of 'kesari dal in breach of Rule 44-A, defence that the sale was as an article of cattle feed is not available. Rule 44-A is not ultra vires the rule-making power. *Akola Municipality* v. *Shripat Gawankhal*, 1973 Cri LJ 1490.

[16a][44-AA. **Prohibition of use of carbide gas in ripening of fruits**.—No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, fruits which have been artificially ripened by use of acetylene gas, commonly known as carbide gas.]

[17][44-B. **Restriction on sale of ghee having less Reichert value than that specified for the area where such ghee is sold**.—(1) The ghee having less Reichert value and a different standard for Butyro-refractometer reading at 40°C than that specified for the area in which it is imported for sale or storage shall not be sold or stored in that area except under the 'AGMARK' seal :

Provided that such ghee may be (*i*) sold loose, after opening the 'AGMARK' sealed container, in quantities not exceeding two kilograms at a time, and (*ii*) used in the preparation of confectionery (including sweetmeats).

(2) A person selling—

(*i*) such ghee in the manner specified in sub-rule (1), and

(*ii*) confectionery (including sweetmeats) in the preparation of which such ghee is used, shall give a declaration in Form VI-B, to the Food Inspector when a sample thereof is taken by him for analysis under Section 10 of the Act and also to a purchaser desiring to have the sample analysed under Section 12 of the Act.

(3) If on analysis such sample is found to be conforming to the standards of quality prescribed for the area where it is alleged to have been purchased, the ghee shall not be deemed to be adulterated by reason only that it does not conform to the standards of quality prescribed for the area where it is sold.]

16a. *Ins. by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).*
17. *Subs. by Noti. No. GSR 1134, dated 5-9-1964.*

(h) turmeric containing any foreign substance,

[7][(i) mixture of coffee and any other substance except chicory,]

[8][(j) dahi or curd [8a][not prepared from boiled, pasteurised or sterilised milks,]

(k) [7][* * *]

[9][(l) milk or a milk product specified in Appendix B containing a substance not found in milk, except as provided in the rules:]

[11][Provided that the Central Government may by notification in the Official Gazette, exempt[12] any preparations made of soluble extracts of coffee from the operation of this rule:]

[12a][Provided that proprietory food articles relating to clause (j), the labels of which are approved under the provisions of Rule 37-A, shall be exempted from the operation of this rule.]

[13][Provided further that in respect of clause (e) [13a][a maximum tolerance limit of 15·0 red units] in 1 cm. cell on Lovibond scale is permitted when the oil is tested for Boudouin test without dilution that is to say by shaking vigorously for 2 minutes, 5 ml. of the sample with 5 ml. of hydrochloric acid (specific gravity 1·19) and 0·3 ml. of 2 per cent alcoholic solution of furfural, and allowing to stand for 5 minutes:]

[14][Provided further that the prohibition in clause (e) shall remain inoperative [14a][up to and including the 30th day of April, 1978] in respect of admixture of palmolein with groundnut oil, where,—

(i) the proportion of groundnut oil in the admixture is not less than ten per cent by weight;

(ii) the admixture is procesed and sold by the Department of Civil Supplies, Government of India or their authorised agents; and

(iii) the palmolein and the groundnut oil in the admixture conform to the specifications laid down in the rules.]

[14b][Provided also that clause (e) shall remain inoperative for a period of one year from the date of commencement[14c] of the Prevention of Food Adulteration ([14d][Fourth] Amendment) Rules, 1977, in respect of admixture of imported rape-seed oil with mustard oil, where,—

(a) the proportion of mustard oil in the admixture is not less than 20 per cent by weight;

(b) the admixture is processed and sold by the Department of Civil Supplies of the Government of India or the authorised agents of that Department; and

(c) the quality of imported rape-seed oil and the mustard oil in the admixture conforms to the standards prescribed by the Central Government:]

7. *Ins.* by Noti. No. SRO 2755, dated 20-11-1956.
8. *Ins.* by Noti. No. GSR 1564, dated 17-11-1962.
8a. *Subs.* for "prepared from raw and untreated milk/skimmed milk" by Noti. No. GSR 503(E), dated 1-9-1981 (w.e.f. 1-9-1981).
9. *Omitted* by Noti. No. GSR 205, dated 13-2-1974 (w.e.f. 23-5-1974).
10. *Ins.* by Noti. No. GSR 1333, dated 8-7-1968.
11. *Ins.* by Noti. No. GSR 1211, dated 8-12-1958.
12. "NESCAFE" exempted, vide Noti. No. GSR 17, dated 23-12-1958.
12a. *Ins.* by GSR 476(E), dated 29-6-1982 (w.e.f. 29-6-1982).
13. *Ins.* by Noti. No. GSR 2068, dated 13-8-1969.
13a. *Subs.* for "a maximum tolerance of 5·0 red units" by Noti. No. GSR 243, dated 15-2-1980 (w.e.f. 1-3-1980).
14. *Ins.* by Noti. No. GSR 80(E), dated 22-10-1977 (w.e.f. 20-10-1977).
14a. *Subs.* by Noti. No. GSR 36(E), dated 21-1-1978 (w.e.f. 21-1-1978).
14b. *Ins.* by Noti. No. GSR 752(E), dated 5-12-1977 (w.e.f. 5-12-1977).
14c. December 5, 1977.
14d. Fifth Amendment [GSR 732(E), dated 5-12-1977] renamed as Fourth Amendment by GSR 821, dated 12-6-1978.

[14e][Provided also that in respect of clause (e), maximum tolerance of 10 red unit in 1 cm. cell on lovibond scale is permitted when the oil is tested for Halphen's test without dilution, that is to say, by shaking 5 ml. of the sample with 5 ml. of sulphur solution [one per cent (w/v) solution of sulphur in carbon-di-sulphide mixed with equal volume of amyl alcohol], in a closed system test tube (250 × 25 cm.) heating in hot water (70°C—80°C) for a few minutes with occasional shaking until carbon-di-sulphide is boiled off and the sample stops foaming and then placing the tube on saturated brine bath, capable of being regulated at 110°C—115°C for 2·5 hours:]

[14f][Provided also that the prohibition in clause (e) shall remain inoperative in respect of the admixture of soyabean oil (refined) with groundnut oil, where,—

(a) the proportion of groundnut oil in the admixture is not less than 20 per cent by weight;

(b) the admixture is processed and sold by the Department of Civil Supplies, Government of India or the authorised agencies of that Department and the State Co-operative Oilseeds Growers Federation set up under National Dairy Development Board's Oilseed and Vegetable oil projects, in sealed packages weighing not more than 5 kgs. and bearing the label declaration as laid down in clause (zz) of Rule 42;

(c) the quality of soyabean oil (refined) and the groundnut oil used in the admixture conforms to the standards prescribed by these rules:]

[14g][Provided also that proprietory food articles, as defined in clause (b) of the Explanation to Rule 37A, relating to clause (l) shall be exempted from the operation of this rule.]

14e. *Ins.* by Noti. No. GSR 53(E), dated 31-1-1979 (w.e.f. 31-1-1979).
14f. *Ins.* by Noti. No. GSR 890(E), dt. 6-12-1985 (w.e.f. 7-6-1986).
14g. *Ins.* by GSR 75(E), dt. 29-1-1986 (w.e.f. 29-1-1986).

or (VV) Every container or package of iron fortified common salt shall bear the following label, namely :—

IRON FORTIFIED COMMON SALT]

[98a][(W) Every container of refined vegetable oil shall bear the following label, namely :—

Refined (name of the oil) Oil

Provided that the container of imported edible oil shall also bear the words 'IMPORTED', as prefix.]

[98b][(X) Every package of the Dried Glucose Syrup containing sulphur dioxide exceeding 40 ppm. shall bear the following label, namely :—

DRIED GLUCOSE SYRUP
FOR USE IN SUGAR CONFECTIONERY ONLY]

[98ba][(Y) A package containing tea with added flavour for export shall bear the following label, namely :—

Tea with (name of flavour)
FOR EXPORT ONLY
Licence No.....]

[98bb][(Z) A package containing annatto colour in vegetable oils shall bear the following label, namely :—

Annatto colour in oil
(Name of oil/oils) used]

[98bc][(ZZ) Every package containing an admixture of soyabean oil (refined) and groundnut oil shall carry the following label, namely :—

This blended oil contains an admixture
of Soyabean oil (refined)— % by weight
and Groundnut oil— % by weight]

[98bd][(ZZZ) Every package of chewing tobacco shall bear the following label, namely :—

Chewing of tobacco is injurious to health]

43. Notice of addition, admixture or deficiency in food.—(1) Every advertisement and every price or trade list or label for an article of food which contains an addition, admixture or deficiency shall describe the food as containing such addition, admixture or deficiency and shall also specify the nature and quantity of such addition, admixture or deficiency. No such advertisement or price or trade list or label attached to the container of the food shall contain any words which might imply that the food is pure :

98a. *Ins.* by Noti. No. GSR 44(E), dated 5-2-1982 (*w.e.f.* 5-8-1982).
98b. *Ins.* by Noti. No. GSR 53(E), dated 11-2-1982 (*w.e.f.* 11-8-1982) as corrected by GSR 307(E), dated 3-5-1982.
98ba. *Ins.* by Noti. No. GSR 848(E), dated 19-11-1983 (*w.e.f.* 19-11-1983) as corrected by GSR 113, dated 24-1-1984.
98bb. *Ins.* by Noti. No. 304(E), dated 15-11-1984 (*w.e.f.* 16-11-1985).
98bc. *Ins.* by Noti. No. 901(E), dated 6-12-1985 (*w.e.f.* 7-6-1986).
98bd. *Ins.* by Noti. No. 857(E), dated 19-6-1986 (*w.e.f.* 13-12-1986).

[99][Provided that for the purpose of this rule the following shall not be deemed as an admixture or an addition, namely—

(*a*) salt in butter or margarine ;

(*b*) vitamins in food.]

(2) Every package, containing food which is not pure by reason of any addition, admixture or deficiency shall be labelled with an adhesive label, which shall have the following declaration :

[99][DECLARATION
THIS (*a*).....CONTAINS AN ADMIXTURE/ADDITION OF NOT MORE THAN (*b*).....PER CENT OF [1][* * *]
(*c*).....[1][* * *].]

(*a*) Here insert the name of food.

(*b*) Here insert the quantity of admixture which may be present.

(*c*) Here insert the name of the admixture or the name of the ingredient which is deficient.

Where the context demands it, the words 'contains an admixture of' shall be replaced by the words 'contains an addition of' or 'is deficient in'.

(3) Unless the vendor of a food containing an addition, admixture or deficiency, has reason to believe that the purchaser is able to read and understand the declaratory label, he shall give the purchaser, if asked, the information contained in the declaratory label by word of mouth at the time of sale.

(4) Nothing contained in this rule shall be deemed to authorise any person to sell any article of food required under the Act or these rules to be sold in pure condition, otherwise than in its pure condition.

[2][(5) Nothing contained in the rule shall apply in the case of sweets, confectionery, biscuits, bakery products, processed fruits, [3][aerated waters, vegetables and flavouring agents].]

PART VIII—PROHIBITION AND REGULATION OF SALES

44. Sale of certain admixtures prohibited.—Notwithstanding the provisions of Rule 43 no person shall either by himself or by any servant or agent sell—

(*a*) cream which has not been [4][prepared exclusively from] milk or which contains less than [5][25] per cent of milk fat,

(*b*) milk which contains any added water,

(*c*) ghee which contains any added matter not exclusively derived from milk fat,

(*d*) skimmed milk (fat abstracted) as milk,

(*e*) a mixture of two or more edible oils as an edible oil,

[6][(*f*) vanaspati to which ghee or any other substance has been added,]

[6][(*g*) any article of food which contains any artificial sweetener, except where such artificial sweetener is permitted in accordance with the standard laid down in Appendix B.]

99. *Added* by Noti. No. GSR 1211, dated 9-12-1958.
99. *Subs.* by Noti. No. SRO 2755, dated 20-11-1956.
1. *Omitted* by Noti. No. GSR 1211, dated 9-12-1958.
2. *Added* by Noti. No. SRO 2755, dated 20-11-1956.
3. *Subs.* by Noti. No. GSR 1211, dated 9-12-1958.
4. *Subs.* by Noti. No. GSR 1340, dated 24-10-1981.
5. *Subs.* by Noti. No. GSR 1335, dated 8-7-1968.
6. *Ibid.*

(I) Every package of curry powder shall bear a label upon which is printed a declaration giving [*** * * *] the names of spices in descending order of composition on wt/wt basis.

(J) Every package of ice-cream, kulfi, kulfa, and chocolate ice-cream containing starch shall have a declaration on a label as specified in sub-rule (2) of Rule 43.

(K) Partly skimmed milk powder (sour) used by industry like bakery containing sodium bicarbonate as a neutralizer shall have a label declaration as "UNFIT FOR DIRECT CONSUMPTION".]

[(L) MASALA.—Every package of mixed masalas shall bear a label specifying the ingredients of the products in descending order by weight.

[If mixed masala is fried in oil, it shall bear the following label:—

MIXED MASALA (FRIED) THIS MASALA HAS BEEN FRIED IN (Name of the edible oil used)

]

[(M) COMPOUNDED ASAFOETIDA.—Every container of compounded asafoetida shall indicate the approximate composition of edible starch or edible cereal flour used in the compound, on the label.]]

[(N) Every package containing maida treated with improver or bleaching agents shall carry the following label, namely:

WHEAT FLOUR TREATED WITH IMPROVER/BLEACHING AGENTS, TO BE USED BY BAKERIES ONLY

]

[(O) Every package containing an admixture of palmolein with groundnut oil shall carry the following label, namely:

BLEND OF PALMOLEIN AND GROUNDNUT OIL Palmolein.....per cent Groundnut oil.....per cent

]

95b. Omitted by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).
96. Ins. by Noti. No. GSR 63(E), dated 5-2-1976 (w.e.f. 5-8-1976).
96a. Ins. by Noti. No. GSR 109(E), dated 26-2-1983 (w.e.f. 26-2-1983).
96b. Subs. by Noti. No. GSR 35(E), dated 31-1-1979 (w.e.f. 31-1-1979).
97. Ins. by Noti. No. GSR 141, dated 20-9-1976 (w.e.f. 20-3-1977).
97a. Ins. by Noti. No. GSR 434(E), dated 22-10-1977 (w.e.f. 22-10-1977).

[(P) Every package containing an admixture of imported rape-seed oil with mustard oil, shall carry the following label, namely:

BLEND OF IMPORTED RAPE-SEED OIL AND MUSTARD OIL Imported rape-seed oil.....per cent Mustard oil.....per cent

]

[(Q) Every package of coal-tar food colour preparation and mixture shall bear a label upon which is printed a declaration giving the percentage of total dye content.]

[(R) Unless otherwise provided in these rules, every package of malted milk food which contains added natural colouring matter except caramel, shall bear the following label:

MALTED MILK FOOD IN THIS PACKAGE CONTAINS PERMITTED NATURAL COLOURING MATTER

(S) Every package of meat product which contains mono-sodium glutamate, shall bear the following label:

THIS PACKAGE OF.....CONTAINS MONO-SODIUM GLUTAMATE UNFIT FOR INFANTS BELOW 12 MONTHS

[(T) Every container of refined salseed fat shall bear the following label, namely:—

REFINED SALSEED FAT FOR USE IN BAKERY AND CONFECTIONERY ONLY

]

[(U) Every package of hydrolysed vegetable protein cubes which contain mono-sodium glutamate shall bear the following label, namely:—

This package of.....contains mono-sodium glutamate. NOT FOR USE BY CHILDREN BELOW 12 MONTHS

]

[(V) Every container or package of table salt or iron fortified common salt containing aluminium silicate as anticaking agent shall bear the following label, namely:—

TABLE SALT/IRON FORTIFIED COMMON SALT* Contains permitted anticaking agent

*Strike out whichever is not applicable.

97b. Ins. by Noti. No. GSR 732 (E), dated 5-12-1977 (w.e.f. 5-12-1977).
97c. Ins. by Noti. No. GSR 593 (E), dated 4-8-1978 (w.e.f. 4-8-1978).
97d. Ins. by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-1-1979).
97e. Ins. by Noti. No. GSR 19(E), dated 28-1-1980 (w.e.f. 28-1-1980).
97f. Ins. by Noti. No. GSR 243, dated 15-2-1980 (w.e.f. 1-3-1980).
98. Subs. by Noti. No. GSR 11(E), dt. 4-1-1983 (w.e.f. 4-1-1983) and corrected by GSR 168 (E), dt. 18-4-1985.

[86h][(ee) In the case of milk powder which contain lecithin :

MILK POWDER IN THIS PACKAGE CONTAINS LECITHIN

].

(f) In the case of partly skimmed milk powder :

PARTLY SKIMMED MILK POWDER
This tin contains the equivalent of (x).....litres of partly skimmed milk having.....per cent milk fat

(g) In the case of skimmed milk powder :

SKIMMED MILK POWDER
This tin contains the equivalent of (x).....
litres of skimmed milk

].

(ii) The declaration shall in each case be completed by inserting at (x) the appropriate number in words and in figures, for example, "one and half (1½)", any fraction being expressed as eight quarters or a half, as the case may be. For the purpose of deciding the equivalent of litres of milk or skimmed milk under these rules, 'milk' means milk which contains not less than [87][12·0) per cent of total milk solids [(including not less than [87][3·5] per cent of milk fat)] and 'skimmed milk' means milk which contains not less than [88][8·5 per cent] of milk solids other than milk fat.

(iii) There shall not be placed on any package containing condensed milk or dessicated (dried) milk any comment on, explanation of, or reference to either the statement of equivalence, contained in the prescribed declaration or on the words "machine skimmed", "skimmed" or "unsuitable for babies" except instructions as to dilution as follows :

"To make a fluid not below the composition of fresh milk or skimmed milk [88][* * *] (as the case may be) with the contents of this package add (here insert the number of parts) of water by volume to one part by volume of this condensed milk or dessicated (dried) milk."

(iv) Wherever the word "milk" appears on the label of a package of condensed skimmed milk or of dessicated (dried) skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word "machine skimmed" or "partly skimmed", as the case may be.

[89][(C) FLUID MILK.—The caps of the milk bottles shall clearly indicate the nature of the milk contained in them. The indication may be either in full or by abbreviation shown below :

(i) Buffalo milk may be denoted by the letter 'B'.
(ii) Cow milk may be denoted by the letter 'C'.
(iii) Goat milk may be denoted by the letter 'G'.
(iv) Standardised milk may be denoted by the letter 'S'.
(v) Toned milk may be denoted by the letter 'T'.

86h. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-7-1979).
87. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
88. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
89. Omitted by Noti. No. SRO 2755, dated 20-11-1956.
90. *Ins.* by Noti. No. GSR 938, dated 26-5-1971.

(vi) Double toned milk may be denoted by the letters 'DT'.
(vii) Skimmed milk may be denoted by the letter 'K'.
(viii) Pasteurised milk may be denoted by the letter 'P' followed by the class of milk. For example Pasteurised Buffalo milk shall bear the letters 'PB'.]

[90a][Alternatively colours of the caps of the milk bottles shall be indicative of the nature of milk contained in them, the classification of colours being displayed at places where milk is sold/stored or exhibited for sale, provided that the same had been simultaneously intimated to the concerned Local (Health) Authority. Other media of information like Press may also be utilised.]

[91][(D)] ICE-CREAM.—Every dealer in ice-cream or mixed ice-cream who, in the street or other place of public resort, sells or offers or exposes for sale, ice-cream or ice-candy from a stall or from a cart, barrow or other vehicle, or from a basket, phial, tray or other container used without a staff or a vehicle, shall have his name and address along with the name and address of the manufacturer, if any, legibly and conspicuously displayed on the stall, vehicle or container, as the case may be.

[92][93][(E)] HINGRA.—Every container containing Hingra shall bear a label upon which is printed a declaration in the following form, namely :

"This container contains Hingra (Imported) from Iran/Afghanistan and is certified to be conforming to the standards laid down in the Prevention of Food Adulteration Rules, 1955."]

[94][(F) LIGHT BLACK PEPPER.—Every package containing light black pepper shall bear the following label in addition to the Agmark seal and the requirements prescribed under Rule 32 :

Light Black Pepper (Light berries).]

[95][96][(G) Every package containing "CASSIA BARK" shall bear the following label :

CASSIA BARK (TAJ)

].

[97][(GG) Every package containing "CINNAMON" shall bear the following label :

CINNAMON (DALCHINI)

].

(H) Every package of chillies which contains added edible oil shall bear the following label :

CHILLIES IN THIS PACKAGE CONTAINS AN ADMIXTURE OF NOT MORE THAN 2 PER CENT OF.....(NAME OF OIL) EDIBLE OIL

90a. *Ins.* by GSR 243, dated 15-2-1980 (*w. e. f.* 1-3-1980).
91. *Renumbered* by Noti. No. GSR 938, dated 26-5-1971.
92. *Ins.* by Noti. No. GSR 1256, dated 17-8-1967.
93. *Renumbered* by Noti. No. GSR 938, dated 26-5-1971.
94. *Ins.* by Noti. No. GSR 938, dated 26-5-1971.
94a. *Ins.* by Noti. No. GSR 205, dated 13-2-1974 (*w.e.f.* 23-5-1974).
95. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-7-1979).
95a. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-7-1979).

or total replacement of breastmilk, commonly called breastmilk substitute and includes infant milk food and any food suitable as a complement to breastmilk, to meet the nutritional needs of the infant after 4 months of age, commonly called "complementary food", "breastmilk supplement" or "weaning food"

(*b*) "proprietary food" means a food which has not been standardised under the Prevention of Food Adulteration Rules, 1955.] .

38. Labels not to contain reference to Act or rules contradictory to required particulars.—The label shall not contain any reference to the Act or any of these rules or any comment on, or reference to, or explanation of any particulars or declaration required by the Act or any of these rules to be included in the label which directly or by implication, contradicts, qualifies or modifies such particulars or declaration.

39. Labels not to use words implying recommendations by medical profession.—There shall not appear in the label of any package containing food for sale the words "recommended by the medical profession" or any words which imply or suggest that the food is recommended, prescribed, or approved by medical practitioners.

40. Unauthorised use of words showing imitation prohibited.—**[(1)] There shall not be written in the statement or label attached to any package containing any article of food the word "imitation" or any word, or words implying that the article is a substitute for any food, unless the use of the said word or words is specifically permitted under these rules.

**[(2) Any fruit syrup, fruit juice, fruit squash, fruit beverage or cordial or crush which does not contain the prescribed amount of fruit juice, shall not be described as a fruit syrup, fruit juice, fruit squash, fruit beverage or cordial or crush, as the case may be, and shall be described as a synthetic product. Every synthetic product shall be clearly and conspicuously marked on the label as "SYNTHETIC" and no container containing such product shall have a label, whether attached thereto or printed on the wrapper of such container or otherwise, which may lead the consumer into believing that it is a fruit product. Neither the word "FRUIT" shall be used in describing such a product nor shall it be sold under the cover of a label which carries picture of any fruit. **[* * *].

Carbonated water containing no fruit juice or pulp shall not have a label which leads the consumer into believing that it is a fruit product.]

**[(3) Any fruit and vegetable product alleged to be fortified with vitamin C shall contain not less than 40 mgm. of ascorbic acid per 100 gm. of the product.]

41. Imitations not to be marked "pure".—The word "pure" or any word or words of the same significance shall not be included in the label of a package that contains an imitation of any food.

---

82. Rule 40 renumbered as sub-rule (1) by Noti. No. SRO 2755, dated 20-11-1956.
83. Subs. by Noti. No. GSR 1533, dated 8-7-1968.
83a. Words which were ins. by GSR 55(E), dated 31-1-1979 omitted by Noti. No. GSR 293(E), dated 23-3-1985 (w.e.f. 24-9-1985).
84. Ins. by Noti. No. GSR 992, dated 4-6-1971.

42. Form of labels.—(A) COFFEE-CHICORY MIXTURE.—(*i*) Every package containing a mixture of coffee and chicory shall have affixed to it a label upon which shall be printed the following declarations :

Coffee blended with Chicory
This mixture contains :
Coffee ..... per cent
Chicory ..... per cent

**[(*ii*) *Omitted.*

**[(*iii*) *Omitted.*

(B) CONDENSED MILK OR DESICCATED (DRIED) MILK.—(*i*) Every package containing condensed milk or desiccated (dried) milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the State Government.

[**[(*a*) In the case of condensed milk (unsweetened) :

CONDENSED MILK UNSWEETENED (Evaporated Milk) This tin contains the equivalent of (*x*).....litres of milk

(*b*) In the case of condensed milk (sweetened) :

CONDENSED MILK SWEETENED This tin contains the equivalent of (*x*) .....litres of milk with sugar added

(*c*) In the case of condensed skimmed milk (unsweetened) :

CONDENSED SKIMMED MILK UNSWEETENED (Evaporated Skimmed Milk) This tin contains the equivalent of (*x*)..... litres of skimmed milk

(*d*) In the case of condensed skimmed milk (sweetened) :

CONDENSED SKIMMED MILK SWEETENED This tin contains the equivalent of (*x*)..... litres of skimmed milk with sugar added

**[(*dd*) In the case of condensed milk (sweetened and flavoured) :

This has been flavoured with..... NOT TO BE USED FOR INFANTS BELOW SIX MONTHS

].

(*e*) In the case of milk powder :

MILK POWDER This tin contains the equivalent of (*x*)..... litres of milk

---

85. Omitted by Noti. No. SRO 2755, dated 20-11-1956.
86. Subs. by Noti. No. GSR 1533, dated 8-7-1968.
86a. Ins. by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-7-1979).

Provided further that in the case of—

(*a*) [67][carbonated] water containers, and

(*b*) a package containing more than [68][60 grams] but not more than [69][120 grams] of biscuits, confectionery and sweets

particulars under clauses (*d*) and (*e*) need not be specified :

[70][Provided further that in the case of a package containing bread, [71][and milk in bottles, including sterilised milk], particulars under clause (*e*) need not be specified.]

[72][*Explanation I.*—The term 'label' means a display of written, printed, perforated, stencilled, embossed or stamped matter upon the container [73][cover, lid and/or crown cork] of any food package.]

[74][*Explanation II.*—A batch number or code number is a mark of identification by which the food can be traced in manufacture and identified in distribution.]

NOTES

Rule 32(*e*) requiring batch number or code number to be stated on labels of containers without specifying the date of packing or manufacture is *ultra vires* the rule-making power of the Central Government and hence invalid. *Dwarka Nath v. Municipal Corporation, Delhi*, (1971) 2 SCC 314 : 1971 SCC (Cri) 514.

[75][**32-A. Nutritional Food.**—The food claimed to be enriched with nutrients such as minerals, proteins or vitamins shall give the quantities of such added nutrients on the label.]

[76][**33. Languages of the particulars or declaration of the label.**—The particulars of declaration required under these rules to be specified on the label shall be in English or Hindi in Devnagri script :

Provided that nothing herein contained shall prevent the use of any other language in addition to the language required under this rule.]

34. Declaration to be surrounded by line.—There shall be a surrounding line enclosing the declaration and where the words [77][''unsuitable for babies''] are required to be used there shall be another such line enclosing these words.

67. *Subs.* by Noti. No. GSR 74, dated 31-12-1965.
68. *Subs.* by Noti. No. GSR 1340, dated 24-10-1961.
69. *Ins.* by Noti. No. GSR 1564, dated 17-11-1962.
70. *Ins.* by Noti. No. GSR 938, dated 26-5-1971.
71. *Remarbered* by Noti. No. GSR 1417, dated 20-9-1976 (*w.e.f.* 2-10-1976).
72. *Ins.* by Noti. No. GSR 423, dated 4-4-1960.
73. *Ins.* by Noti. No. GSR 1417, dated 20-9-1976 (*w.e.f.* 2-10-1976).
74. *Ins.* by Noti. No. GSR 63(E), dated 5-2-1976 (*w.e.f.* 5-8-1976).
75. *Subs.* by Noti. No. SRO 2755, dated 20-11-1956.
76. *Subs.* by Noti. No. GSR 169, dated 2-2-1961.

35. Distance of surrounding line.—The distance between any part of the words [77][''unsuitable for babies''] and the surrounding line enclosing these words shall not be less than [78][1·5 mm.].

[79][**36. Size of types used for declaration.**—The types used for declaration shall be of such dimension that it shall be conspicuous to a reader and shall not be in any case less than 3 mm. in height. The word 'Synthetic' whenever it is used shall be of the same size as used for the name of the product.]

[79a][Provided that the height of the types used in the declaration having an area not greater than 25 square centimeters, shall not be less than 1.0 mm.]

37. Labels not to contain false or misleading statements.—A label shall not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food :

[80][Provided that this rule shall not apply in respect of established trade or fancy names of confectionery, biscuits and sweets such as Barley, Sugar, Bulls Eye, Cream Cracker, or in respect of aerated waters such as Ginger, Beer or Gold Spot or any other name in existence in international trade practice.]

[81][**37-A. Manufacture of proprietary foods and infant food.**—(1) An article of infant food whose standards are not prescribed in Appendix 'B', shall be manufactured for sale, exhibited for sale or stored for sale only after obtaining the approval of such article of food and its label from Government of India.

(2) In cases of proprietary foods, the name of the food or category under which it falls in these rules shall be mentioned on the label and where such foods do not fall under any of the standards prescribed in Appendix 'B', the names of ingredients used in the product in descending order of composition shall be given on the label, provided that the labels of artificial flavouring substances may not declare the chemical names of flavours under this rule. In case of natural flavouring substances or nature-identical flavouring substances, the common name of flavour shall be mentioned on the label.

Explanation.—For the purposes of this rule—

(*a*) ''Infant food'' means any food which may be used for partial

77. *Subs.* by Noti. No. GSR 169, dated 2-2-1961.
78. *Subs.* by Noti. No. GSR 1340, dated 24-10-1961.
79. *Subs.* by Noti. No. GSR 932, dated 4-6-1971.
79a. *Ins.* by Noti. No. GSR 283(E), dated 26-3-1983 (*w.e.f.* 26-3-1983).
80. *Added* under Noti. No. SRO 2755, dated 20-11-1956.
81. *Subs.* by Noti. No. GSR 500(E), dated 9-7-1984 (*w.e.f.* 9-7-1984).

233

[(h) Ice-candy,]

[(i) Sweetened ice, thread candies and similar products.]

NOTES

When no colouring matter is permitted to be used in respect of an article of food, what is prescribed in respect of the article is "nil colouring matter" and if the article contains even any permitted colouring matter, it would be "other than that prescribed in respect" of the article. *Prem Ballabh* v. *State*, (1977) 1 SCC 173 : 1977 SCC (Cri) 78.

[30. Maximum limit of permitted colours.—The maximum limit of any permitted coal tar [food] colours or mixture of permitted coal tar [food] colours which may be added to any food [enumerated in Rule 29] shall not exceed [0·2 gram per kilogram] of the final food or beverage for consumption.]

31. Colours to be pure.—The colours specified in Rule 28 when used in the preparation of any article of food shall be pure and free from any harmful impurities.

PART VII—PACKING AND LABELLING OF FOODS

NOTES

In this respect see also the provisions of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977.

[32. Contents of the label.—Unless otherwise provided in these rules there shall be specified on every label—

(a) the name, trade name or description of food contained in the package,

(b) the name and business address of the manufacturer or importer or vendor or packer,

NOTES

Requirement regarding name and address of the manufacturer etc. to be given on labels is valid and not ultra vires of the Act. *Dwarka Nath* v. *Municipal Corporation, Delhi*, (1971) 2 SCC 314 : 1971 SCC (Cri) 314.

57. *Ins.* by Noti. No. GSR 1364, dated 17-11-1962.
58. *Ins.* by Noti. No. GSR 63(E), dated 5-2-1976.
59. *Subs.* by Noti. No. SRO 2755, dated 20-11-1956.
59a. *Ins.* by Noti. No. GSR 243, dated 15-2-1980 (w. e. f. 1-3-1980).
60. *Ins.* by Noti. No. GSR 1417, dated 20-9-1976 (w. e. f. 2-10-1976).
61. *Subs.* by Noti. No. GSR 1340, dated 24-10-1961.
62. *Subs.* by Noti. No. SRO 2755, dated 20-11-1956.

[(c) where any permitted Class II preservative and/or permitted colouring agent and/or permitted antioxidant and/or vitamin [anticaking agent and/or stabilising agent and/or emulsifying agent and/or mineral] is added, a statement to the effect that it contains permitted Class II preservatives and/or permitted colouring agents and/or permitted antioxidants and/or vitamins, [anticaking agent and/or stabilising agent and/or emulsifying agent and/or mineral],

(d) the net weight or number or measure or volume of contents as the circumstances may require except in the case of biscuits, [bread] confectionery and sweets where the weight may be expressed in terms of either average net weight and/or minimum net weight,

(e) a batch number or code number either in Hindi or English numericals or alpaabets or in combination :

[(f) the month and year in which the commodity is manufactured or packed :

Provided that no declaration as to the month and year in which the commodity is manufactured or pre-packed shall be required to be made on—

(i) any bottle containing liquid milk, liquid beverage containing milk as an ingredient, soft drink and ready to serve food, beverages or the like which is returnable by the consumer for refilling ;

(ii) any package containing bread, any uncanned vegetable fruits, ice-cream, butter cheese, fish, meat or any other like commodity ;

(iii) any food package where the net weight or measure of the commodity is twenty grams or twenty milliliters or less, if sold by weight or measure.

Explanation.—Liquid milk does not include condensed milk. The month and the year in which the commodity is manufactured or pre-packed may be expressed either in words or any numericals indicating the month or the year or the both.]

Provided that in the case of food package weighing not more than [60 grams] particulars [under clause (*d*) or (*e*)] need not be specified :

63. *Subs.* by Noti. No. GSR 1211, dated 9-12-1958.
63a. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-7-1979).
64. *Ins.* by Noti. No. GSR 1364, dated 17-11-1962.
64a. *Ins.* by Noti. No. GSR 243, dated 15-2-1980 (w.e.f. 1-3-1980).
65. *Subs.* by Noti. No. GSR 1340, dated 24-10-1961.
66. *Subs.* by Noti. No. GSR 63(E), dated 5-2-1976 (w.e.f. 5-8-1976).

(e) Canthaxanthin ;]

(c) Chlorophyll ;

(d) [Riboflavin (Lactoflavin)] ;

(e) Caramel ;

(f) Annatto ;

(g) [* * *][46]

(h) Saffron ;

(i) Curcumin] [or turmeric]

[*Explanation.*—In the preparation of the solution of annatto colour in oil, any edible vegetable oil listed in Appendix 'B' to these rules may be used either singly or in combination and the same of the oil or oils used shall be mentioned on the label as provided in sub-rule (*z*) of Rule 42.]

27. Addition of inorganic matters and pigments prohibited.—Inorganic colouring matters and pigments shall not be added to any article of food.

[Provided that chewing gum may contain Titanium dioxide -(food grade) up to a maximum limit of 1 per cent.]

[28. Coal tar [food-colours] which may be used.—No coal tar [food-colour] or a mixture thereof except the following shall be used in food :

Colour	Common name	Colour Index (1956)	Chemical Class
(1)	(2)	(3)	(4)
1. Red	Ponceau 4R	16255	Azo
	Carmoisine	14720	"
	Fast Red E	16045	"
	Amaranth	16185	"
	Erythrosine	45430	Xanthene
2. Yellow	Tartrazine	19140	Pyrazolone
	Sunset Yellow FCF	15985	Azo
3. Blue	Indigo Carmine	73015	Indigoid
	[Brilliant Blue FCF	42090	Triarylmethane]
4. Green	Green S	44090	Triarylmethane
	Fast Green FCF	42053	Triarylmethane.]

42. *Subs.* by Notl. No. GSR 1553, dated 8-7-1968.
43. *Omitted* by Noti. No. GSR 1553, dated 8-7-1968.
44. *Added* by Noti. No. GSR 764(E), dt. 15-11-1984 (*w.e.f.* 16-11-1985).
45. *Subs.* by Noti. No. GSR 55(E), dated 31-1-1979 (*w.e.f.* 31-1-1979).
45a. *Ins.* by Noti. No. GSR 157, dated 25-1-1973.
46. *Subs.* by Noti. No. GSR 245, dated 15-2-1980 (*w.e.f* 1-3-1980).
46a. *Subs.* for "dyes" by Noti. No. GSR 245, dated 15-2-1980 (*w.e.f* 1-3-1980).
47. *Ins.* by Noti. No. GSR 105, dated 15-2-1974 (*w.e.f.* 25-5-1974).

[29. Use of permitted coal tar [food-colours] prohibited.—Use of permitted coal tar [food-colours] in or upon any food other than those enumerated below is prohibited :—

(*a*) Ice-cream including mixed ice-cream,

(*b*) Dairy products except milk, dahi, butter, ghee, [cheese], chhanna, condensed milk, cream [, skimmed milk, butter milk, toned milk, double toned milk, recombined milk, skimmed milk, chhanna, standardised milk chhanna, khoa, dry whole milk, dry skimmed milk] and baby foods,

[(*c*) * * *]

[(*d*) * * *]

(*e*) Biscuit, pastry, confectionery, [savouries like Dalmoth, Mongia, Phul Gulab, Papar, sago or plain Dal Biji, wafer and similar products] and sweets,

[(*f*) bottled or canned strawberries, and cherries, bottled or canned peas, preserved or processed papaya, canned tomato juice, fruit syrup, fruit squash, fruit beverage or fruit drink, jam and marmalade],

(*g*) Non-alcoholic beverages except tea, cocoa, [malted foods] and coffee,

[(*gg*) Alcoholic beverages (for the period up to and inclusive of the 21st May, 1977)],

(*h*) Custard powder,

(*i*) Jelly crystals,

(*j*) Soup powder,

(*k*) [* * *][49]

[(*l*) [50]* * *]

(*m*) Flavouring agents,]

48. *Subs.* by Noti. No. SRO 1755, dated 26-11-1956.
49. *Ins.* by Notl. No. GSR 1553, dated 8-7-1968.
50. *Ins.* by Noti. No. GSR 74, dated 31-12-1963.
51. *Omitted* by Noti. No. GSR 1417, dated 20-9-1976 (*w.e.f.* 20-9-1977).
52. *Ins.* by Noti. No. GSR 555, dated 22-4-1972.
53. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (*w.e.f.* 16-11-1985).
54. *Subs.* by Noti. No. GSR 755, dated 15-5-1976 (*w.e.f.* 2-5-1976).
55. *Omitted* by Noti. No. GSR 991, dated 4-6-1971.
56. *Added* by Noti. No. GSR 1211, dated 9-12-1955.
56a. *Omitted* by Noti No. GSR 764(E), dated 15-11-1984 (*w.e.f.* 16-11-1985).

[1][22. **Quantity of sample to be sent to the public analyst.**—The quantity of sample of food to be sent to the public analyst/Director for analysis shall be as specified below:

Article of food	Approximate quantity to be supplied
1. Milk	[2][250 ml.]
2. Ghee	150 grams
3. Butter	150 grams
4. Khoa	250 grams
5. Dahi	200 grams
6. Edible oils	125 grams
7. Edible fats	125 grams
8. Tea	125 grams
9. Atta	1[3] grams
10. Wheat flour	200 grams
11. Gur	200 grams
12. Cane sugar	200 grams
13. Honey	250 grams
14. Prepared food	500 grams
15. [3][Carbonated water]	600 ml.
16. Vanaspati	500 grams
17. Spices	150 grams
18. Fruit and vegetable products, jams, jellies and the like	300 grams
19. Pulses, cereals and the like	250 grams
20. (1) Asafoetida	100 grams
(2) Compounded Asafoetida	200 grams
21. Saffron	15 grams
22. Ice cream and mixed ice cream	[4][300] grams
[5][22A. Silver leaf (Food grade)	1 gram]
[6][23. Bread, toasts	500 grams]
24. Biscuits, cakes, pastries and allied products	500 grams
25. Toffee, chocolate, hard boiled sugar confectionery and allied articles of food	250 grams
26. Custard powder	250 grams
27. Cornflakes	200 grams
28. Baby food	450 grams
29. Prepared tea for saccharine and colour	250 ml. (grams)
30. Besan (gram powder)	200 grams
31. Cream	250 grams
32. [7][Milk powder, skimmed milk powder, partly skimmed milk powder, malted milk food and such other powders containing milk as major ingredient]	250 grams
33. Condensed milk	250 grams
34. Curry powder	300 grams
35. Cheese	200 grams
36. Syrup	250 grams]
[8][37]. Foods (not specified)	200 grams

NOTES

If the quantity sent by the Food Inspector to the Public Analyst was sufficient for analysis and caused no prejudice to the accused, then the mere fact of his sending a lesser quantity than that prescribed would not vitiate the evidentiary of the report of the Public

1. *Subs.* by Notl. No. GSR 1340, dated 24-10-1961.
1a. *Subs.* by Notl. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 5-7-1985).
2. *Subs.* by Notl. No. GSR 74, dated 31-12-1965.
3. *Subs.* by Notl. No. GSR 1333, dated 8-7-1968.
4. *Ins.* by Notl. No. GSR 907, dated 4-6-1971.
5. *Ins.* by Notl. No. GSR 205, dated 13-2-1974 (w.e.f. 23-5-1974).
5a. *Subs.* by Notl. No. GSR 550 (E), dt. 4-7-1985 (w.e.f. 4-7-1985).
6. *Renumbered* by Notl. No. GSR 205, dated 13-2-1974 (w.e.f. 23-5-1974).

Analyst, (1978) 1 SCC 880 : 1978 SCC (Cri) 186 ; *Overruling*, (1973) 3 SCC 835 : 1973 SCC (Cri) 1, but not as agent acquittals already given.

Chilly powder is not "spices". Therefore it does not fall under Item 17 of Rule 22. It falls under Item 21 "food not specified". *State of Maharashtra* v. *A. M. Mohiddin*, 1978 Cri LJ 1166 (Bom). See also *Hasrej* v. *State*, 1977 Cri LJ 92 (Delhi).

All spices whether they are condiments or not, come under Rule 22(17). *Food Inspector* v. *K. Ramu*, 1978 Cri LJ 1845 (Ker).

[9][22-A. **Contents of one or more similar-sealed containers having identical labels to constitute the quantity of a food sample.**—Where food is sold or stocked for sale or for distribution in sealed containers having identical label declaration, the contents of one or more of such containers as may be required to satisfy the quantity prescribed in Rule 22 shall be treated to be a part of the sample.]

[10][22-B. **Quantity of sample sent to be considered as sufficient.**—Notwithstanding anything contained in Rule 22, the quantity of sample sent for analysis shall be considered as sufficient unless the public analyst or the Director reports to the contrary.]

PART VI—COLOURING MATTER

23. **Unauthorised addition of colouring matter prohibited.**—The addition of a colouring matter to any article of food except as specifically permitted by these rules, is prohibited.

24. **Extraneous addition of colouring matter to be mentioned on the label.**—Where an extraneous colouring matter has been added to any article of food there shall be written on the label attached to any package of food so coloured a statement in capital letters as below:

[11][*CONTAINS PERMITTED COLOURS*]

[12][* * *]

25. **Use of caramel permitted.**—Notwithstanding provisions of Rule 24 [13][and Rule 32(*c*)] caramel may be used without label declaration.

[14][26. **Natural colouring matters which may be used.**—[15][Except as otherwise provided in the rules the following natural] colouring principles whether isolated from natural colours or produced synthetically may be used in or upon any article of food:

(*a*) [16][* * *]

[17][(*b*) (*i*) Beta-carotene,

(*ii*) Beta-apo-8'-carotenal,

(*iii*) Methylester of Beta-apo-8' carotenoic acid,

(*iv*) Ethylester of Beta-apo-8' carotenoic acid,

7. *Subs.* by Notl. No. GSR 1364, dated 17-11-1982.
8. *Ins.* by Notl. No. GSR 775(E), dated 27-12-1977 (w.e.f. 27-12-1977).
9. *Subs.* by Notl. No. GSR 299(E), dated 25-5-1985 (w.e.f. 24-5-1985).
10. Proviso *omitted* by Notl. No. GSR 299(E), dt. 25-5-1985 (w.e.f. 24-5-1985).
11. *Ins.* by Notl. No. GSR 423, dated 4-4-1960.
12. *Subs.* by Notl. No. SRO 2755, dated 30-11-1956.
13. *Omitted* by Notl. No. GSR 992, dated 4-6-1971.
14. *Subs.* by Notl. No. GSR 938, dated 26-5-1971.

230

(*e*) Name of the vendor;

(*d*) Date and place of collection;

(*e*) Nature of article submitted for analysis;

(*f*) Nature and quantity of preservative, if any, added to the sample:

[22][Provided that in the case of a sample of food which has been taken from Agmark sealed container, the label shall bear the following additional information :—

(*a*) Grade;

(*b*) Agmark label No./Batch No.;

(*c*) Name of packing station.]

16 Manner of packing and sealing the samples.—All samples of food sent for analysis shall be packed, fastened and sealed in the following manner, namely :—

(*a*) The stopper shall first be securely fastened so as to prevent leakage of the contents in transit;

(*b*) The bottle, jar or other container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive;

[23][(*c*) A paper slip of the size that goes round completely from the bottom to top of the container, bearing the signature and code and serial number of the Local (Health) Authority, shall be pasted on the wrapper, the signature or the thumb impression of the person from whom the sample has been taken being affixed in such a manner that the paper slip and the wrapper both carry a part of the signature or thumb impression;

Provided that in case, the person from whom the sample has been taken refuses to affix his signature or thumb impression, the signature or thumb impression of the witness shall be taken in the same manner;]

[24][(*d*)] The paper cover shall be further secured by means of strong twine or thread both above and across the bottle, jar or other container, and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the sender, of which one shall be at the top of the packet, one at the bottom and the other two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.

[25][**17. Manner of despatching containers of samples.**—The containers of the samples shall be despatched in the following manner, namely :—

(*a*) The sealed container of one part of the sample for analysis and a memorandum in Form VII shall be sent in a sealed packet to the public analyst immediately but not later than the succeeding working day by any suitable means.

22. *Ins.* by Noti. No. GSR 74, dated 31-12-1965.
22a. *Ins.* by Noti. No. GSR 4(E), dated 4-1-1977 (*w.e.f.* 4-1-1977).
23. *Renumbered by ibid.*
24. *Subs.* by Noti. No. GSR 4(E), dated 4-1-1977 (*w.e.f.* 4-1-1977).

(*b*) The sealed containers of the remaining two parts of the sample and two copies of the memoranda in Form VII shall be sent in a sealed packet to the Local (Health) Authority immediately but not later than the succeeding working day by any suitable means:

Provided that in the case of a sample of food which has been taken from container bearing Agmark seal, the memorandum in Form VII shall contain the following additional information, namely :—

(*a*) Grade;

(*b*) Agmark label No./Batch No.;

(*c*) Name of packing station.]

NOTES

"Sealed container" means a container which is so closed that access to its contents is impossible without breaking the fastening. Words 'packet' or 'closed container' are synonymous with sealed container. *State of Kerala v. K. S. Balakrishnan*, 1975 Cri LJ 1554.

If several samples are taken, there is no rule which requires that all of them should not be sent in one packet provided they are differently marked in order to indicate as to from whom each sample was taken. Similarly sample and specimen impression of seal can be sent with one person. *H. T. Jadhav v. Gangappa*, 1978 Cri LJ 252 (Bom).

[26][**18. Memorandum and impression of seal to be sent separately.**—A copy of the memorandum and specimen impression of the seal used to seal the packet shall be sent, in a sealed packet separately to the public Analyst by any suitable means immediately but not later than the succeeding working day.]

19. Addition of preservatives to samples.—Any person taking a sample of any food for the purpose of analysis under the Act may add a preservative as may be prescribed from time to time to the sample for the purpose of maintaining it in a condition suitable for analysis.

20. Preservative in respect of milk, cream [27][, [28][**dahi, khoa**]] **and gur.**—The preservative used in the case of samples of any milk [29][(including toned, separated and skimmed milk)] [30][standardised milk chhanna, skimmed milk chhanna], [31][cream, ice-cream, mixed ice-cream, ice candy, [32][dahi, khoa and gur]] in liquid or semi-liquid form shall be the liquid commonly known as "formalin" that is to say, a liquid containing about 40 per cent of formaldehyde in aqueous solution in the proportion of [33][0·1 ml. (two drops) for 25 ml. or 25 grams].

NOTES

Prejudice must be shown when there is delay in examination of a sample to which preservative added. (1979) 2 SCC 202 : 1979 SCC (Cri) 246.

Provisions of Rule 20 are directory in nature. What is required by this rule is only substantial compliance and not strict compliance. *Food Inspector v. K. Cooperative Society*, 1978 Cri LJ 532 (Ker).

21. Nature and quantity of the preservative to be noted on the label.—Whenever any preservative is added to a sample, the nature and quantity of the preservative added shall be clearly noted on the label to be affixed to the container.

25. *Subs.* by Noti. No. GSR 393(E), dt. 23-5-1983 (*w.e.f.* 24-8-1983).
26. *Ins.* by Noti. No. GSR 74, dated 31-12-1965.
27. *Subs.* by Noti. No. GSR 203 of 15-2-1974 (*w.e.f.* 23-5-1974).
28. *Subs.* by Noti. No. GSR 169, dated 2-2-1963.
29. *Subs.* by Noti. No. GSR 1564, dated 17-11-1962.
30. *Subs.* by Noti. No. GSR 71, dated 31-12-1965.

By itself the mere non-compliance with Rule 9(*f*) does not enable the accused for a presumption that he has been prejudiced hereby. Courts must see whether the accused has been prejudiced in his defence by such non-compliance. *Somadi Ramachandrao* v. *State*, 1976 Cri LJ 1832.

Where the report of the Public Analyst was given to the accused by hand instead of by registered post the accused was to be discharged. *State of Maharashtra* v. *Jyoti Dass*, 1978 Cri LJ 427 (Bom).

[17a][9-A. **Local (Health) Authority to send report to person concerned.**—The Local (Health) Authority shall [17b][within a period of ten days] after the institution of prosecution forward a copy of the report of the result of analysis in Form III delivered to him under sub-rule (5) of Rule 7, by registered post or by hand, as may be appropriate, to the person from whom the sample of the article was taken by the Food Inspector, and simultaneously also to the person, if any, whose name, address and other particulars have been disclosed under Section 14-A of the Act:

Provided that where the sample conforms to the provisions of the Act or the rules made thereunder, and no prosecution is intended under sub-section (2), or no action is intended under sub-section (2-*E*) of Section 13 of the Act, the Local (Health) Authority shall intimate the result to the Vendor from whom the sample has been taken and also to the person, whose name, address and other particulars have been disclosed under Section 14A of the Act, within 10 days from the receipt of the report from the Public Analyst.]

[18][10. **Forms of order not to dispose of stock and of bond.**—Where the food inspector keeps any article of food in the safe custody of the vendor under sub-section (4) of Section 10—

(*a*) he shall, after sealing such article of food, make an order to the vendor in Form IV and the vendor shall comply with such an order, and

(*b*) he may require the vendor to execute a bond in Form IV-A.]

11. Form of receipt for food seized by a food inspector.—For every article of food seized and carried away by food inspector under sub-section (4) of Section 10 of the Act, a receipt in Form V shall be given by the food inspector to the person from whom the article was seized.

[19][12. **Notice of intention to take sample for analysis.**—When a Food Inspector takes a sample of an article for the purpose of analysis, he shall give notice of his intention to do so in writing in Form VI, then and there, to the person from whom he takes the sample and simultaneously, by appropriate means, also to the persons if any, whose name, address and other particulars have been disclosed under Section 14-A of the Act:]

[19a][Provided that in case where a food inspector draws a sample from an open container, he shall also draw a sample from the container in original condition of the same article bearing the same declaration, if such container is available, and intimate this fact to the Public Analyst.]

[20][12-A. **Warranty.**—Every manufacturer, distributor or dealer selling an article of food to a vendor shall give either separately or in the bill, cash memo or [21][label], a warranty in Form VI-A.]

17a. *Ins.* by Noti. No. GSR 4(E), dated 4-1-1977 (*w.e.f.* 4-1-1977).
17b. *Subs.* by Noti. No. GSR 500(E), dated 9-7-1984 (*w.e.f.* 9-7-1984).
18. *Subs.* by Noti. No. GSR 1333, dated 8-7-1968.
19. *Subs.* by Noti. No. GSR 4(E), dated 4-1-1977 (*w.e.f.* 4-1-1977).
19a. *Ins.* by Noti. No. GSR 500(E), dated 23-12-1978 (*w.e.f.* 23-12-1978).
20. *Subs.* by Noti. No. GSR 1333, dated 8-7-1968.
21. Corrected by Corrigenda GSR 2163, dated 2-12-1968.

NOTES

If traders use ordinary language of the trade or popular language in warranties, the object of the rule will be met. *K. Ranganatha Reddier* v. *State of Kerala*, (1969) 2 SCC 457.

A written warranty is enjoined in both the cases in Section 19(2)(a)(i) and (ii). The warranty in prescribed form is a safeguard to the vendor when that article has been purchased from a licensed manufacturer, distributor or dealer. *E. G. Punnumi* v. *State of Maharashtra*, (1975) 3 SCC 879 : 1975 SCC (Cri) 1.

[21a][12-B. **Form of nomination of Director or Manager and his consent, under Section 17.**—(1) A company may inform the Local (Health) Authority of the concerned local area, by notice in duplicate, in Form VIII containing the name and address of the Director or Manager, who has been nominated by it under sub-section (2) of Section 17 of the Act to be in charge of, and responsible to, the company for the conduct of the business of the company or any establishment, branch or unit thereof:

Provided that no such nomination shall be valid unless the Director or Manager who has been so nominated, gives his consent in writing and has affixed his signature, in Form VIII in duplicate in token of such consent.

(2) The Local (Health) Authority shall sign and return one copy of the notice in Form VIII to the company to signify the receipt of the nomination and retain the second copy in his office for record.

12-C. Vendor to disclose name and address of Director/Manager in certain circumstances.—Every vendor of an article of food shall disclose the name and address of the Director or Manager, as the case may be, nominated in Form VIII under Rule 12-B to a purchaser who informs such vendor of his intention of purchasing any such article from him for analysis by a public analyst under Section 12 of the Act.]

13. Power of food inspector to deal with carriers of disease handling food.—(1) Where the food inspector is of the opinion that any person engaged in selling or manufacturing any article of food is suffering from or harbouring the germs of any infectious disease, he may examine or cause to be examined such person:

Provided that where such person is a female above the age of eight years she shall be examined by a woman duly authorised by the food inspector.

(2) If on such examination the food inspector finds that such person is suffering from any such disease, he may by order in writing direct such person not to take part in selling or manufacturing any article of food.

PART V—SEALING, FASTENING AND DESPATCH OF SAMPLES

14. Manner of sending samples for analysis.—Samples of food for the purpose of analysis shall be taken in clean dry bottles or jars or in other suitable containers which shall be closed sufficiently tight to prevent leakage, evaporation, or in the case of dry substance, entrance of moisture and shall be carefully sealed.

15. Bottles or containers to be labelled and addressed.—All bottles or jars or other containers containing samples for analysis shall be properly labelled and the parcels shall be properly addressed. The label on any sample of food sent for analysis shall bear:—

[22b][(*a*) Code Number and serial number of the Local (Health) Authority;]

(*b*) Name of the sender with official designation, if any;

21a. *Ins.* by Noti. No. GSR 4(E), dated 4-1-1977 (*w.e.f.* 4-1-1977).
21b. *Subs.* by Noti. No. GSR 293(E), dated 25-5-1985 (*w.e.f.* 24-9-1985).

(2) The public analyst shall cause to be analysed such samples of articles of food as may be sent to him by Food Inspector or by any other person under the Act.

[10][(3) The public analyst shall, within a period of [11][forty days] from the date of receipt of any sample for analysis, deliver to the Local (Health) Authority a report of the result of such analysis in Form III:

Provided that where any such sample does not conform to the provisions of the Act or these rules, the public analyst shall deliver four copies of such report to the said Authority:

Provided further that the public analyst shall forward a copy of such report also to the person who purchased an article of food and forwarded the same to him for analysis under Section 12 of the Act.]

NOTES

Public analyst may get the sample analysed by his subordinate. Rule is not ultra vires the Act. *Babu Lal Hargovind* v. *State of Gujarat*, (1971) 2 SCC 408: 1971 SCC (Cri) 337.

Rule 7 is mandatory. In no event the full rigour of Rule 7 should be relaxed so as to result in effective deprivation of the right of the accused under Section 13(2) to get the sample in his possession analysed. *State Public Prosecutor* v. *Mamalathi Achi*, 1972 Cri LJ 1604.

[12][13][8. **Qualifications for Food Inspector**.—A person shall not be qualified for appointment as Food Inspector unless he—

(*a*) is a medical officer in charge of health administration of a local area; or

(*b*) is a graduate in medicine and has received at least one month's training in food inspection and sampling work approved for the purpose by the Central Government or a State Government; or

(*c*) is a graduate in Science with Chemistry as one of the subjects or is a graduate in Agriculture or Public Health or Pharmacy or in Veterinary Science or a graduate in Food Technology or Dairy Technology or is a diploma holder in Food Technology or Dairy Technology from a University or Institution established in India by law or has equivalent qualifications recognised and notified by the Central Government for the purpose and has received three months' satisfactory training in food inspection and sampling work under a Food (Health) Authority or in an institution approved for the purpose by the Central Government:

Provided that the training in food inspection and sampling work obtained prior to the commencement[14] of [15][Rule 3 of Prevention of Food Adulteration (Fourth Amendment) Rules, 1976], in any of the laboratories under the control of—

(*i*) a public analyst appointed under the Act; or

(*ii*) a fellow of the Royal Institute of Chemistry of Great Britain (Branch E); or

(*iii*) any Director, Central Food Laboratory;

or

the training obtained under a Food (Health) Authority, prior to the commencement of the Prevention of Food Adulteration (Amendment) Rules, 1980, shall be considered to be equivalent for the purpose of the requisite training under these rules:

10. *Subs.* by Noti. No. GSR 4(E), dated 4-1-1977 (*w.e.f.* 4-1-1977).
11. *Subs.* for "forty-five days" by Noti. No. GSR 300(E), dated 9-7-1984 (*w.e.f.* 9-7-1984).
12-13. *Subs.* by Noti. No. GSR 249, dated 18-2-1980 (*w.e.f.* 1-3-1980).
14. Oct. 2, 1976 *vide* Rule 1(2) of PFA (Fourth Amendment) Rules, 1976: GSR 1417, dated 20-9-1976: 1976 CCL-111-302.
15. *Subs.* by Noti. No. GSR 268(E), dated 16-3-1983 (*w.e.f.* 16-3-1983).

[16][Provided further that a person who is a qualified Sanitary Inspector having experience as such for a minimum period of one year and has received at least three months training in whole or in parts in food inspection and sampling work, may be eligible for appointment as food inspector, upto the period ending on the 31st March, 1985 and may continue as such if so appointed even though he does not fulfil the qualifications laid down in clauses (*a*) to (*c*):]

Provided also that nothing in this rule shall be construed to disqualify any person who is a food inspector on the commencement† of these Prevention of Food Adulteration (Amendment) Rules, 1980 from continuing as such after such commencement.]

9. Duties of Food Inspector.—It shall be the duty of the food inspector—

(*a*) to inspect as frequently as may be prescribed by the Food (Health) Authority or the local authority all establishments licensed for the manufacture, storage or sale of an article of food within the area assigned to him;

(*b*) to satisfy himself that the conditions of the licences are being observed;

(*c*) to procure and send for analysis, if necessary, samples of any articles of food which he has reason to suspect are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act or rules thereunder;

(*d*) to investigate any complaint which may be made to him in writing in respect of any contravention of the provision of the Act, or rules framed thereunder;

(*e*) to maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and the seizure of stocks, and to submit copies of such record to the health officer or the Food (Health) Authority as directed in this behalf;

(*f*) to make such enquiries and inspections as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act or rules framed thereunder;

(*g*) to stop any vehicle suspected to contain any food intended for sale or delivery for human consumption;

(*h*) when so authorised by the health officer, having jurisdiction in the local area concerned or the Food (Health) Authority, to detain imported packages which he has reason to suspect contain food, the import or sale of which is prohibited; [17][* * *]

(*i*) to perform such other duties as may be entrusted to him by the health officer having jurisdiction in the local area concerned or the Food (Health) Authority;

(*j*) [17][* * * * *]

NOTES

It is statutory duty and obligation of the Food Inspector to comply with the terms of Rule 9(*f*) providing for sending of report of public analyst by registered post within ten days. Failure on his part to comply with such terms not only deprives the accused of a valuable right but also causes prejudice to him. *Bhola Nath* v. *State*, 1977 Cri LJ 134(Cal).

16. *Omitted* by Noti. No. GSR 1535, dated 9-7-1985 † March 1, 1980
17. *Omitted* by Noti. No. GSR 4(E), dated 4-1-1977 (*w.e.f.* 4-1-1977).

(*b*) investigations for the purpose of fixation of standard of any article of food;

[5][(*c*) investigation, in collaboration with the laboratories of Public Analysts in the various States and such other laboratories and institutions which the Central Government may approve in this behalf for the purpose of standardising methods of analysis.]

[5a][(2) The laboratory specified in column (1) of Table-I below, shall carry out the functions entrusted to it by the Act or these rules in respect of the local areas specified in the corresponding entry in column (2) thereof.

TABLE I

Name of the Central Food Laboratory	Local Areas
1. Central Food Laboratory, Calcutta-700016.	The States of Assam, Bihar, Jammu and Kashmir, Manipur, Meghalaya, Nagaland, Orissa, Rajasthan, Sikkim, Tripura and Uttar Pradesh and the Union Territories of Andaman and Nicobar Islands, Arunachal Pradesh and Mizoram.
2. Central Food Laboratory, Ghaziabad-201001.	The States of Gujarat, Madhya Pradesh and Maharashtra and the Union Territory of Pondicherry.
3. Central Food Laboratory, Mysore-570013.	The States of Haryana, Himachal Pradesh and Punjab and the Union Territories of Chandigarh and Delhi.
4. Central Food Laboratory, Pune-411001.	The States of Andhra Pradesh, Kerala, Karnataka, Tamil Nadu and West Bengal and the Union Territories of Goa, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep.

Provided that the laboratory specified in column (1) of Table-II shall also carry out analysis of samples received under sub-section (2) of Section 6 of the Act in respect of the local areas specified in the corresponding entry in column (2) thereof.

TABLE II

Name of the Central Food Laboratory	Local Areas
1. Central Food Laboratory, Calcutta-700016.	Sea Ports of Calcutta, Paradip, Visakhapatnam, Port Blair and Airport of Calcutta and Air Cargo Complex, Calcutta.
2. Central Food Laboratory, Ghaziabad-201001.	Airport of Delhi and Attari Border, Amritsar.
3. Central Food Laboratory, Mysore-570013.	Sea Ports of Cochin, Madras, Mandapam Camp, New Tuticorin, Parambur, New Mangalore and Airports of Madras, Tiruchirapalli, Tyivandrum, Bangalore Inland Container Depot, Bangalore.
4. Central Food Laboratory, Pune-411001.	Sea Ports of Bombay, Kandla, Marmugoa and Airport of Bombay.]

4. Analysis of food samples.—(1) Samples of food for analysis whether under sub-section (2) of Section 13 of the Act or under clause (*a*) of Rule 3 shall be sent either through a messenger or by registered post in a sealed packet, enclosed together with a memorandum in Form I in an outer cover addressed to the Director.

(2) The container as well as the outer covering of the packet shall be marked with a distinguishing number.

(3) A copy of the memorandum and a specimen impression of the seal used to seal the container and the cover shall be sent separately by registered post to the Director.

5. *Subs.* by Notl. No. GSR 1533, dated 8-7-1968 (w.e.f. 24-9-1968).
5a. *Subs.* by Notl. No. GSR 745 (E), dated 20-9-1985 (w.e.f. 21-3-1986).

(4) On receipt of the packet, it shall be opened either by the Director or by an officer authorized in writing in that behalf by the Director, who shall record the condition of the seal on the container.

(5) After test or analysis, the certificate thereof shall be supplied forthwith to the sender in Form II.

[6][(6) The fees payable in respect of such a certificate shall be Rs. 40 per sample of food analysed.]

(7) Certificates issued under these rules by the Laboratory shall be signed by the Director.

PART III—DEFINITIONS AND STANDARDS OF QUALITY

5. Standards of quality of the various articles of food specified in Appendix B to these rules are as defined in that appendix.

NOTES

Standards of quality and limits of variability fixed by Government in the appendix are not subject to alteration or variation by the court. *Jagdish Prasad v. State of West Bengal*, (1972) 1 SCC 326 : 1972 SCC (Cri) 63.

PART IV—PUBLIC ANALYSTS AND FOOD INSPECTORS

[7-9][6. **Qualifications of public analyst.**—A person shall not be qualified for appointment as a public analyst, unless he—

(*a*) holds a degree in Science with Chemistry or Biochemistry or Food Technology or Food and Drugs from a University established in India by law or has an equivalent qualification recognised and notified by the Central Government for such purpose and has not less than five years of experience after graduation in the analysis of food;

OR,

holds a Master's Degree in Chemistry or Biochemistry or Food Technology or Microbiology or Food and Drugs from a University established in India by law or is an Associate of the Institution of Chemists (India) by examination in the section of analysis of food conducted by the Institution of Chemists (India) or has an equivalent qualification recognised and notified by the Central Government for such purposes and has not less than three years of experience in the analysis of food;

(*b*) has been declared qualified for appointment as a public analyst by a Board appointed and notified by the Central Government for such purpose:

Provided that a person who is a public analyst on the date of commencement of these Prevention of Food Adulteration (Amendment) Rules, 1980, or who has worked as a public analyst for a period of three years before such commencement may hold office as such, subject to the terms and conditions of service applicable to him, even though he does not fulfil the qualifications laid down in clause (*a*) and clause (*b*).]

7. Duties of public analyst.—(1) On receipt of a package containing a sample for analysis from a Food Inspector or any other person the public analyst or an officer authorised by him shall compare the seals on the container and the outer cover with specimen impression received separately and shall note the condition of the seals thereon.

6. *Subs.* by Notl. No. SRO 2755, dated 20-11-1956.
7-9. *Subs.* by Notl. No. GSR 244, dated 18-2-1980 (w.e.f. 1-3-1980).

The Prevention of Food Adulteration Rules, 1955*

PART I—PRELIMINARY

1. **Short title, extent and commencement.**—(1) These Rules may be called the Prevention of Food Adulteration Rules, 1955.

(2) They extend to the whole of India [1][* * *].

[2][(3) The rules other than those contained in Part III, Appendix 'B', Item A. 12-Margarine, Part VI and Part VII shall come into force on the date of their publication in the Official Gazette, the rules contained in Part III, Appendix 'B' Item A. 12-Margarine, shall come into force on the first day of June, 1956 and the rules contained in Part VI and Part VII shall come into force on [3][the first day of December], 1956.]

2. **Definitions.**—In these rules, unless the context otherwise requires—

(*a*) "Act" means the Prevention of Food Adulteration Act, 1954 (37 of 1954);

(*b*) "Director" means the Director of the Laboratory;

[4a][(*c*) "Laboratory" means a Central Food Laboratory;]

(*d*) "Form" means a Form set forth in Appendix A to these rules.

[4a][(*e*) "Local Authority" means—

(*i*) in the case of sea ports, the Health Officer as defined in the Indian Port Health Rules, 1955, in respect of that portion of local area falling within the jurisdiction of the ports;

(*ii*) in the case of airports, the Health Officer as defined in the Indian Aircraft (Public Health) Rules, 1954, in respect of that portion of the local area falling within the jurisdiction of the airport;

(*iii*) in the case of all railway stations or groups of railway stations (including any railway colony, office, yard, goods-shed, transhipment shed, workshop and other works owned and maintained by the Railway Administration for the purpose or in connection with Railways) the Medical Superintendent/Divisional Medical Officer of the Railways in respect of that portion of the local area falling within the jurisdiction of the said railway station or group of railway stations.]

[5][(*iv*) in the case of an ordnance factory or equipment factory, the General Manager of such factory or equipment factory or both.]]

PART II—THE CENTRAL FOOD LABORATORY

3. **Functions.**—[4a][(1)] In addition to the functions entrusted to the Laboratory by the Act, the Laboratory shall carry out the following functions, namely—

(*a*) analysis of samples of food sent by any officer or authority authorized by the Central Government for the purpose and submission of the certificate of analysis to the authorities concerned;

---

*. Notl. No. SRO 2106, dt. 12-9-1955.

1. The words "except the State of J & K" *omitted* by Notl. No. GSR 456 (E) of 10-10-1972.

2. *Subs.* by Notl. No. SRO 1202, dated 19-5-1956.

3. *Subs.* by Notl. No. SRO 2213, dated 20-9-1956.

4a. *Subs.* by Notl. No. GSR 20(E), dated 8-2-1978 (*w.e.f.* 1-4-1978).

5. *Ins.* by Notl. No. GSR 508(E), dated 27-8-1975.

4. *Ins.* by Notl. No. GSR 422 (E), dated 24-5-1982 (*w.e.f.* 24-5-1982).

4a. *Ins.* by Notl. No. GSR 20(E), dated 8-2-1978 (*w.e.f.* 1-4-1978).

दिनांक 23.07.2003 को मध्यान्ह 12.00 बजे मा0 नगर प्रमुख श्रीमती मनोरमा डोबरियाल शर्मा की अध्यक्षता में नगर निगम सभागार में आहूत नगर निगम अधिवेशन का कार्यवृत्त :-

प्रस्ताव 10(1)(iv) ठेले/रेड़ी का पंजीकरण शुल्क रू0 600/- वार्षिक किये जाने के संबंध में।

इस बिन्दु पर सदन में विस्तारपूर्वक चर्चा हुई। अपर मुख्य नगर अधिकारी ने सदन को अवगत कराया कि वर्ष 1999 से पूर्व पंजीकरण/लाईसेन्स शुल्क रू0 30/- लिया जाता था जिसे 1999 में बढ़ाकर रू0 100/- किया गया। इसमें और वृद्धि करने से पूर्व सार्वजनिक विज्ञप्ति द्वारा आपत्तियां आमंत्रित करनी होगी जिनकी सुनवाई के बाद ही सदन के निर्णयार्थ प्रस्ताव प्रस्तुत किया जायेगा। विचारोपरान्त सर्वसम्मति से निम्नानुसार व्यवस्था हेतु अग्रेत्तर कार्यवाही करने का निर्णय लिया गया :-

1. प्रस्तावित शुल्क रू0 300/- वार्षिक किया जाये।
2. ठेली/रेड़ी के अतिरिक्त तीन पहिये की रिक्शा पर भी पंजीकरण/लाईसेन्स शुल्क लगाया जाय।
3. प्रत्येक ठेले/रेड़ीवाले का पुलिस वेरीफिकेशन कराने के उपरान्त ही पंजीकरण किया जाय।
4. एक व्यक्ति को केवल एक ही लाईसेन्स जारी हो।
5. लाईसेन्स हेतु अभ्यर्थी से इस आशय का शपथ पत्र लिया जाये की वह एक ही स्थान पर ठेली/रेड़ी खड़ी नहीं करेगा।
6. क्षेत्रीय सभासद के सत्यापन के उपरान्त नया लाईसेन्स अथवा नवीनीकरण स्वीकृत किया जाये।

ह0- डा0 एस0एस0संधू,
मुख्य नगर अधिकारी
नगर निगम देहरादून।

ह0- मनोरमा डोबरियाल शर्मा
नगर प्रमुख,
नगर निगम देहरादून।

सत्यप्रतिलिपि

कर्म अधीक्षक (भूमि)
नगर निगम, देहरादून।

224

11. विज्ञापन शुल्क की धनराशि अधिक होने के कारण विज्ञापन एजेन्सियों द्वारा भुगतान एक साथ में किये जाने पर असमर्थता व्यक्त की गई। अतः विज्ञापन शुल्क का भुगतान पूर्व की भाँति चार किस्तों में नगर निगम को किया जायेगा। शर्त यह है कि प्रत्येक तिमाही किस्त की अवधि पूर्ण होने के 15 दिन के अन्दर भुगतान न किये जाने पर स्वीकृति निरस्त की जायेगी।

12. वर्तमान में जिन विज्ञापन एजेन्सियों एवम् विज्ञापनकर्ताओं का वित्त वर्षों का अग्रदेय जमा आ रहा है उनके द्वारा वित्त अग्रदेय की राशि जमा कराये जाने पर ही वित्तीय वर्ष 1999-2000 की लिए पंजीकरण किया जायेगा।

13. भविष्य में शुल्क चैक के स्थान पर बैंक ड्राफ्ट या बैंकर्स चैक अथवा नकद जमा कर सकते हैं।

14. किसी सम्पत्तियों पर विज्ञापन पट लगाने से पूर्व विज्ञापन एजेन्सियों द्वारा प्रार्थना-पत्र में स्थल/भवन का नाम तथा भवन सं० तथा भवनस्वामी का अनापत्ति पत्र लगाना होगा।

15. विज्ञापन पट लगाते समय, लगाने वाली एजेन्सी, विज्ञापन पटों को लगाने वाले मार्ग के साथ बहने वाली नाली या नाले के समान्तर खड़ाकर विज्ञापन पट लगायेंगी।। विशेष परिस्थितियों में विज्ञापन एजेन्सी वाले यदि चाहेंगे तो नाली या नाले के एक किनारे तथा दूसरी ओर के किनारे पर विज्ञापन पट के पाये लगाकर विज्ञापन पट को तिरछा कर लगा सकते हैं परन्तु किसी भी परिस्थिति में विज्ञापन पट का कोई भाग या पाया नाली या नाले के किनारा छोड़ मार्ग/पथ/गली के पटरी के ऊपर नहीं लगेगा।

16. प्रत्येक तिराहे एवम् चौराहे में जहां की समय-समय पर विज्ञापन पट एकदम रास्ते के किनारे लगाने से एक दूसरे की अगल-बगल से आने वाले वाहनों को एक दूसरे को देखने में कठिनाई होती है तथा यातायात में बाधा उत्पन्न होती है इन चौराहों एवम् तिराहों में केन्द्र से चारों ओर पथों पर 10 मीटर तक विज्ञापनपट लगाने में प्रतिबन्ध रहेगा।

17. किसी भी स्थान पर विज्ञापन पट लगाते समय स्थान अभाव के कारण 6×3मीटर के स्थान पर इस माप के कम माप वाले विज्ञापन पट लगाये जाते हैं तो उस स्थान पर भी विज्ञापन पट शुल्क 6×3 मीटर दर सर्व सम्मति से देना तय हुआ।

ये निर्णय तत्काल प्रभाव से लागू होंगे ।

हरिश्चन्द्र जोशी
प्रशासक

सं0...../एस0ई0/0-99-2000 दिनाँक 17 जून, 1999

प्रतिलिपिः- निम्नांकित को सूचनार्थ/अनुपालनार्थ एवम् आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी, देहरादून।
2. वरिष्ठ पुलिस अधीक्षक, देहरादून।
3. पुलिस अधीक्षक, देहरादून।
4. नगर मैजिस्ट्रेट, देहरादून।
5. उप नगर अधिकारी, नगर निगम, देहरादून।

प्रशासक
नगर निगम, देहरादून।

5. निगम सीमा में लगाये जाने वाले विज्ञापन पटों का शुल्क रू0 130/- प्रति वर्ग मीटर की दर से आरोपित किया जायेगा तथा निजी सम्पत्तियों पर लगाये गये विज्ञापन पटों का शुल्क रू0 75/- प्रति वर्ग मीटर की दर से वसूल किया जायेगा।

6. निम्नांकित क्षेत्रों को विज्ञापन की दृष्टि से प्रतिबन्धित घोषित किया जाता है:-

(अ). घंटाघर से सेन्ट जोजफ एकेडमी तक मार्ग के दोनों ओर।

(ब). घंटाघर से दर्शनलाल चौक मार्ग के दोनों ओर ।

(स). घंटाघर से बिन्दाल पुल तक मार्ग के दोनों ओर।

(द). सहारनपुर रोड चौक से 100 मीटर चारों ओर दिशाओं के मार्ग पर दोनों ओर।

(र). दर्शनलाल चौक के 100 मीटर चारों ओरके मार्गों पर दोनों ओर।

(न). एम0के0पी0 कालेज गेट(अमृतकौर रोड) के 50 मीटर दोनों ओर मार्गों पर।

(ल). नगर निगम क्षेत्र के अन्तर्गत प्रत्येक पुल के साथ लगे स्थानों पर विज्ञापन पट लगाना निषेध है।

(प). दिनांक 17-5-99 की बैठक में निश्चित किया गया कि विज्ञापन पट एवम् बैनर लगाने हेतु प्रतिबन्धित स्थान गांधीपार्क(राजपुर रोड) पटेल पार्क(राजपुर रोड), एवम् पंडित दीनदयाल पार्क(गांधीरोड) के पार्कों के मध्य एवम् पार्कों के चारों ओर प्रतिबन्ध रहेगा। साथ ही साथ घंटाघर के मध्य एवम् चारों ओर विज्ञापन पट एवम् बैनर लगाना पूर्व रूप से पूर्व की भांति प्रतिबन्धित(सौन्दर्यकरण के कारण) रहेगा।

7. नगर निगम की सीमा में निम्न आकार के विज्ञापन पट ही लगाये जायेंगे। इससे अधिक के माप के नहीं। दिनांक 17-5-99 की बैठक में लिये गये निर्णय को आज की बैठक में निम्नानुसार संशोधित किया गया:-

(अ). भूमि पर लगने वाले (मार्ग या अन्य स्थान) पर विज्ञापन पटों की माप 6 × 3 मीटर होगी।

(ब). निजी भवनों के प्रथम तल पर 6 × 3 मीटर।

(स). निजी भवनों के द्वितीय तल पर 9 × 4 - 1/2मीटर ($9/4\frac{1}{2}$ मीटर)

(द). इससे बड़े आकार के विज्ञापन पट लगाने हेतु विज्ञापन ऐजेन्सी द्वारा किसी स्ट्रेक्चर इन्जीनियर द्वारा डिजाइन तैयार कर आवेदन प्रस्तुत करना होगा तत्पश्चात निगम अभियन्ता तथा विकास प्राधिकरण के अभियन्ता द्वारा संयुक्त रूप से विचारोपरान्त स्वीकृति पर विचार किया जायेगा।

8. नगर निगम सीमा में लगाये जाने वाले बैनरों का शुल्क 50/-रू0 प्रति कैलेन्डर मास लिया जायेगा तथा उपरोक्त उल्लिखित प्रतिबन्धित स्थानों में क्रं0-6 का अ,ब,स,द,र,न,ल,प,(बैनर लगाना प्रतिबन्धित है।

9. बिजली के खम्भों व ट्रान्सफारमरों के साथ या उसके आस-पास तथा स्विचगियरों (मार्ग के मध्य में) के बीच लगे विद्युत पोलों में किसी भी प्रकार के विज्ञापन पट नहीं लगाये जायेंगे।

10. इन्डीकेटर बोर्ड या अन्य बोर्ड जहां दोनों ओर विज्ञापन लिये होंगे वहां निर्धारित शुल्क दुगने हो जायेंगे।

...3/-

कार्यालय प्रशासक, नगर निगम, देहरादून।

निगम सीमा क्षेत्र में विज्ञापन पट्टों एवम् बैनरों को लगाने के सम्बन्ध में नीति निर्धारण करने हेतु तथा 17-5-99 को पूर्व आहूत बैठक में लिए गये निर्णयों में से कुछ बिन्दुओं पर पुनर्विचार हेतु दिनांक 14-6-99 को प्रातः 11.00 बजे नगर निगम कार्यालय में एडवरटाइजिंग एजेन्सीज की आहूत बैठक का कार्यवृत्तः-

उपस्थितिः-

1. श्री मंजीलाल डोभाल, सहायक कर अधीक्षक(भूमि), नगर निगम, देहरादून।
2. दीपक कुमार भट्टाचार्य, करनिरीक्षक, नगर निगम, देहरादून।
3. रमेश चन्द्र बाला, कार्यवाहक कर निरीक्षक, नगर निगम, देहरादून।
4. राजीव महर्षि, बैटलिस्ट एडवरटाईजिंग ऐजेन्सी।
5. पीयूष नागपाल, स्टीमुलर्स एडवरटाईजिंग ऐजेन्सी।
6. अजीत सिंह राणा, एडवरटाईजिंग ऐजेन्सी।
7. अजय गौरव, प्रेस एडवरटाइजिंग।
8. संजय गर्ग, एडलाईन एडवरटाइजिंग ऐजेन्सी।
9. जय सिंह कलर क्राई एडवरटाइजिंग ऐजेन्सी।
10. प्रकाश अरोड़ा, अरोड़ा आर्ट, राजपुर रोड़।

निम्न बिन्दुओं पर सुझाव लेकर विचारोपरान्त निम्न निर्णय लिये गयेः-

1. प्रत्येक विज्ञापन पट पर सबसे ऊपर दाहिने ओर लाल रंग से विज्ञापन पट संख्या आवेदक द्वारा स्वयं के प्रार्थना-पत्र पर स्वीकृति उपरान्त क्रमांक संख्या तथा विज्ञापन ऐजेन्सी का नाम अवश्य लिखा जायेगा।

2. प्रत्येक विज्ञापन ऐजेन्सी द्वारा नगर क्षेत्र में विज्ञापन पट्ट लगाये जाने की अनुमति लेते समय स्थल का नाम लिखा जाये।

3. किसी भी दशा में प्रतिबन्धित स्थलों पर विज्ञापन पट न लगाये जायें।

4. (अ). नगर निगम सीमा में विज्ञापन पट लगाये जाने हेतु विज्ञापनऐजेन्सियों द्वारा प्रत्येक वर्ष विज्ञापन पट लगाने से पूर्व निगम कार्यालय में पंजीकरण कराया जायेगा। इस प्रकार केवल पंजीकृत ऐजेन्सियों को ही विज्ञापन पट लगाये जाने की निगम कार्यालय द्वारा अनुमति दी जायेगी।

4. (ब). नगर निगम, देहरादून में विज्ञापन ऐजेन्सियों को पंजीकृत किये जाने हेतु प्रथम बार पंजीकरण राशि रू0 5000/-(पाँच हजार रूपये मात्र) निगम कोष में जमा करानी होगी। तत्पश्चात पंजीकृत विज्ञापन ऐजेन्सी अगले प्रत्येक वित्तीय वर्ष हेतु रू0 1000/-(एक हजार रूपये मात्र) की धनराशि नवीनीकरण के रूप में नगर निगम कोष में जमा करायेंगी। इस वित्तीय वर्ष में जो विज्ञापन ऐजेन्सी स्वामी 30 जून तक पंजीकरण करा लेंगे उन्हें उपरोक्त धनराशि के अनुसार उपरोक्त रू0 5000/- की धनराशि जमा करानी है।

4. (स). इस वित्तीय वर्ष के 30 जून, 99 के बाद पंजीकरण कराने हेतु उपस्थित विज्ञापन ऐजेन्सी स्वामियों को रू0 15,000/- (पन्द्रह हजार रूपये मात्र) पंजीकरण धनराशि के रूप में निगम के कोष में जमा करने पड़ेंगे। यह निर्णय सर्वसम्मति से लिया गया है। निर्धारित अवधि के पश्चात पंजीकृत विज्ञापन ऐजेन्सियों के आगामी वित्तीय वर्ष में विज्ञापन के कार्य करने पर 1000/- रू0 की धनराशि 30 जून, 99 से पूर्व पंजीकृत विज्ञापन ऐजेन्सियों की नवीनीकरण शुल्क नगर निगम कोष में जमा करायेंगे।

221

...2/

प्रपत्र संख्या–9
(नियम 12 देखें)
मृत जन्म की पंजिका

प्रपत्र संख्या–3

विधिक सूचनायें

यह सूचना मृत जन्म पंजिका में जुड़ेगी।

सूचना देने वाले द्वारा भरा जायेगा।

1. जन्म का दिनांक (सही तिथि, मास व वर्ष जिस दिन जातक का जन्म हुआ हो भरें जैसे 01.01.2000):–
2. लिंग (स्त्री अथवा पुरूष पूरा लिखें सांकेतिक भाषा का प्रयोग न करें):–
3. पिता का नाम (पूरा नाम जैसे लिखा जाता है):–
4. (क) माता का नाम (पूरा नाम जैसे लिखा जाता है):–
   (ख) माता/पिता के स्थायी निवास का पता :————
5. जन्म स्थान (वास्तविक व उचित अंकन) 1 अथवा 2 पर सही का निशान लगाये एवं अस्पताल व संस्था की सील नाम, पता अथवा घर का पता जहां जन्म हुआ हो :–
   1. अस्पताल/संस्था– नाम/पता:—
   2. घर पता:—
6. सूचना देने वाले का नाम:—
   पता:—

(जब स्तम्भ 1 से 12 तक भर लिये गये हों तो सूचना देने वाला दिनांक लिखकर हस्ताक्षर करेगा)

दिनांक: .....

सूचना देने वाले के हस्ताक्षर या बांये हाथ के अंगूठे का निशान

निबन्धक द्वारा भरा जायेगा

पंजीकरण संख्या: ..... पंजीकरण की तिथि: .....

पंजीकरण इकाई .....

शहर/गांव ..... जनपद .....

टिप्पणी (यदि कोई हो)

निबन्धक का नाम व हस्ताक्षर

प्रपत्र संख्या–8
(नियम 12 देखें)
मृत्यु की पंजिका
मृत्यु रिपोर्ट
विधिक सूचनाये

प्रपत्र संख्या–2

यह सूचना मृत्यु पंजिका में जुडेगी।

सूचना देने वाले द्वारा भरा जाएगा।

1. मृत्यु का दिनांक (सही तिथि, मास व वर्ष जिस दिन मृत्यु हुई हो भरें जैसे 01.01.2000):–
2. (क) मृतक का नाम (पूर्ण नाम जैसा लिखा जाता है):–
   (ख) मृतक के स्थायी निवास का पता : ————
3. मृतक का लिंग (स्त्री अथवा पुरूष पूरा लिखें सांकेतिक भाषा का प्रयोग न करें):–
4. मृतक की आयु (यदि मृतक 1 वर्ष से ऊपर का हो तो आयु पूर्ण वर्षों में लिखें, यदि मृतक 1 वर्ष से कम का हो तो पूर्ण मास में यदि 1 माह से कम हो तो पूर्ण दिनों में एवं दिन से कम हो तो पूर्ण घंटो में आयु लिखें):———
5. मृत्यु का स्थान (कृपया 1,2 अथवा 3 पर सही का निशान लगाये एवं अस्पताल/संस्था का नाम, पता या घर का पता जहां मृत्यु हुई, यदि अन्य स्थान पर हुई हो तो स्थान का वर्णन) :—

   1. अस्पताल/संस्था– नाम/पता:—

   2. घर पता:—

   3. अन्य स्थान:—

6. सूचना देने वाले का नाम

   पता:

(जब स्तम्भ 1 से 17 तक भर लिये गये हों तथा सूचना पूर्ण हो गई हो तो सूचना देने वाला दिनांक लिखकर हस्ताक्षर करेगा) :——

दिनांक: .....

सूचना देने वाले के हस्ताक्षर या बांये हाथ के अंगूठे का निशान

निबन्धक द्वारा भरा जायेगा

पंजीकरण संख्या: ..... पंजीकरण की तिथि: .....

पंजीकरण इकाई .....

शहर/ग्राम ..... जनपद .....

टिप्पणी (यदि कोई हो)

निबन्धक का नाम व हस्ताक्षर

प्रपत्र संख्या–7
(नियम 12 देखें)
जन्म पंजिका
जन्म रिपोर्ट
विधिक सूचनायें

प्रपत्र संख्या–1

यह सूचना जन्म पंजिका में जुड़ेगी।

सूचना देने वाले द्वारा भरा जाएगा।

1. जन्म का दिनांक (सही तिथि, मास तथा वर्ष जिस दिन जातक का जन्म हुआ हो भरें जैसे 01.01.2000):–

2. लिंग (स्त्री अथवा पुरूष पूरा लिखें सांकेतिक भाषा का प्रयोग न करें) :–

3. नवजात का नाम (यदि कोई हो, अन्यथा रिक्त छोड़ दें) :–

4. पिता का नाम (पूरा नाम जैसे लिखा जाता है) :–

5. (क) माता का नाम (पूरा नाम जैसे लिखा जाता है) :–

   (ख) माता/पिता के स्थायी निवास का पता :————

6. जन्म स्थान:– (वास्तविक व उचित अंकन) 1 अथवा 2 पर सही का निशान लगाये एवं अस्पताल या संस्था की सील नाम, पता अथवा घर का पता जहां जन्म हुआ हो :–
   1. अस्पताल/संस्था– नाम/पता:—
   2. घर:— पता:—

7. सूचना देने वाले का नाम:—
   पता:

(जब स्तम्भ 1 से 20 तक भर लिये गये हों तो सूचना देने वाला दिनांक व अपना हस्ताक्षर करें)

दिनांक: .....

सूचना देने वाले के हस्ताक्षर या बांये हाथ के अंगूठे का निशान

निबन्धक द्वारा भरा जायेगा

पंजीकरण संख्या: ..... पंजीकरण की तिथि: .....

पंजीकरण इकाई .....

शहर/ग्राम ..... जनपद .....

टिप्पणी (यदि कोई हो)

निबन्धक का नाम व हस्ताक्षर

प्रपत्र संख्या–6
(नियम 8 देखें)
मृत्यु प्रमाण–पत्र
(धारा 12/17 के अन्तर्गत जारी)

प्रमाणित किया जाता है कि निम्न सूचनायें मूल मृतक पंजिका से ली गई है जो कि तहसील _____ _____ जनपद _____ उत्तरांचल के स्थानीय क्षेत्र की पंजिका है।

मृतक का नाम: _____

मृतक के स्थाई निवास का पता _____

पिता/पति का नाम _____

लिंग: _____

मृत्यु का दिनांक: _____

मृत्यु का स्थान _____

पिता का नाम _____

माता का नाम _____

पंजीकरण संख्या: _____

पंजीकरण का दिनांक: _____

दिनांक: _____ जारी करने वाले प्राधिकारी के हस्ताक्षर

मुहर

मृत्यु के कारण सम्बन्धी कोई अन्य जानकारी जो पंजिका में है धारा–17 की उपधारा (1) के प्राविधानों के अन्तर्गत नहीं दी जायेगी।

प्रपत्र संख्या–5
(नियम 8 देखें)
जन्म प्रमाण–पत्र
(धारा 12/17 के अन्तर्गत जारी)

प्रमाणित किया जाता है कि निम्न सूचनायें मूल जन्म पंजिका से उद्धृत की गई है जो कि तहसील ..... जनपद ..... उत्तरांचल के स्थानीय क्षेत्र की पंजिका है।

नाम .....

लिंग .....

जन्म का दिनांक .....

जन्म का स्थान .....

पिता का नाम .....

माता का नाम .....

माता–पिता के स्थायी निवास का पता .....

पंजीकरण संख्या .....

पंजीकरण का दिनांक .....

दिनांक .....

जारी करने वाले प्राधिकारी के हस्ताक्षर

मुहर

प्रपत्र संख्या–4 (अ)

नियम 7 देखें

मृत्यु के कारण व चिकित्सकीय प्रमाण–पत्र

(जो मृत्यु संस्था में नहीं हुई हो , मृत जन्म में प्रयुक्त नहीं होगा)

निबन्धक को (प्रपत्र संख्या–2) मृत्यु रिपोर्ट सहित भेजा जाएगा

मैं एतद्द्वारा प्रमाणित करता हू कि मृतक श्री/श्रीमती /कुमारी _____ पुत्र/पत्नी/पुत्री _____ निवासी _____ दिनांक _____ से _____ तक मेरे उपचाराधीन था/थी और उसकी मृत्यु दिनांक _____ को _____ पूर्वाह्न/अपराह्न _____ बजे हुई है।

मृतक का नाम _____

लिंग	मृतक की आयु				स्वास्थ्यकी विभाग के प्रयोजनार्थ
	यदि 1वर्ष से अधिक हो तो वर्षों में	यदि 1वर्ष से कम हो तो माह में	यदि 1माह से कम हो तो दिनों में	यदि दिन से कम हो तो घण्टों में	
1.पुरुष 2.स्त्री					

मृत्यु का कारण		बीमारी के प्रारम्भ और मृत्यु के बीच अन्तराल लगभग	
(1) तात्कालिक कारण :– बीमारी, क्षति या (या) जटिलता का उल्लेख कीजिए जिसके कारण मृत्यु हुई है। अर्थात हृदय गति रूक जाने से , दुर्बलता आदि से उसका उल्लेख न करें।	(क) _____ के कारण (या के परिणाम स्वरूप)	_____	_____
पूर्ववर्ती कारण: अवस्था (विकृत) स्थिति , यदि कोई हो, जिससे उपर्युक्त कारण उत्पन्न हुआ तथा अन्तिम अन्तर्निहित दशा का उल्लेख कीजिए।	(ख) _____ के कारण (या के परिणाम स्वरूप)	_____	_____
(2)अन्य महत्वपूर्ण दशाएं जिनका मृत्यु में योगदान रहा है, किन्तु वे उस रोग या दशा से सम्बन्धित नहीं है जिससे मृत्यु हुई है ।	(ग) _____ _____ _____	_____ _____ _____	_____ _____ _____

मृत्यु का प्रकार _____

1.प्राकृतिक 2.दुर्घटना 3.आत्महत्या 4. मानव द्वारा हत्या 5. अन्वेषण शेष है। क्षति कैसे हुई?

यदि मृतक महिला थी तो क्या मृत्यु का सम्बन्ध गर्भ से था 1. हां 2. नहीं

यदि हां तो क्या प्रसूति हुई 1. हां 2. नहीं

चिकित्सा सेवक का नाम तथा हस्ताक्षर जो मृत्यु प्रमाणित कर रहा हो, सत्यापित करने का दिनांक

~~अनुदेशों हेतु पृष्ठ के पीछे देखिए~~ → ~~अनुदेशों हेतु पुस्तक के पृष्ठ देखिए~~

(अलग करके मृतक के सम्बन्धी को दीजिए)

प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी _____ पुत्र/पुत्री/पत्नी श्री _____ निवासी _____

दिनांक _____ से _____ तक मेरे उपचाराधीन था/थी और उसकी दिनांक _____ को पूर्वाह्न/अपराह्न _____ बजे मृत्यु हो गई है।

चिकित्सक

पंजीकरण संख्या सहित

चिकित्सक के हस्ताक्षरक और पता

215

हृदयगति रुक गयी है तो पुराना (क्रानिक) या एक्यूनेट आदि का उल्लेख किया जाए, पूर्ववर्ती दशाओं का वर्णन कीजिए। टिटनस यदि ज्ञात है तो पूर्ववर्ती क्षति का वर्णन कीजिए। आपरेशन वह दशा निर्दिष्ट कीजिए जिसके कारण आपरेशन किया गया है। अतिसार (पेचिस) यदि ज्ञात है तो यह विनिर्दिष्ट कीजिए कि यह बेसीलियरी है या अमीबिक आदि। गर्भावस्था या प्रसव की जटिलताएं जटिला का वर्णन कीजिए। क्षयरोग (टी.बी.) विनिर्दिष्टयता प्रभावित अंगो नाम दीजिए।

लाक्षणिक कथन:– मरोड़, संग्रहणी, ज्वर, एसिडिटी, पीलिया, अशक्तता आदि ऐसे लक्षण है जो कई विभिन्न दशाओं में से किसी एक के कारण विद्यमान हो सकती है। कभी–कभी इससे अधिक कुछ ज्ञात नहीं होता है, किन्तु यदि सम्भव हो, तो उस रोग का नाम दीजिए जिससे यह लक्षण उत्पन्न हुआ है।

मृत्यु का प्रकार:– यदि मृत्यु बिना बाह्य कारण है तो इसको प्राकृतिक (सामान्य) मृत्यु अंकित किया जाये। यदि मृत्यु का कारण प्रकट हो, परन्तु यह जानकारी नही हो कि मृत्यु, दुर्घटना, आत्महत्या या मानव द्वारा हत्या से है तथा यह आगे अन्वेषण का विषय है तो मृत्यु के कारण अपरिवर्तनीय रूप से भरा जाय और मृत्यु की रीति को 'अन्वेषण लम्बित' रूप से दर्शाया जाए।

© Dharmendra and Satyendra Kr. Documents Exam Aid Publication Pvt. Ltd.

मृत्यु के कारण का चिकित्सा प्रमाण–पत्र

प्रारूप भरने के लिए निर्देश

मृतक का नाम:– नाम पूरा लिखें। आद्याक्षरों का प्रयोग न करें। यदि मृतक शिशु है और मृत्यु के समय तक उसका नामकरण नही हुआ है तो "का पुत्र" या "की पुत्री" से पूर्व माता और पिता का नाम लिखें।

आयु:– यदि मृतक की आयु एक वर्ष से अधिक है तो आयु पूर्ण वर्षों मे लिखें। यदि एक वर्ष से कम है तो मास में आयु लिखें और यदि एक दिन से कम है तो घटों में आयु लिखें।

मृत्यु का कारण:– प्रारूप के इस भाग को सदा चिकित्सक परिचारक द्वारा स्वयं भरा जाना चाहिए। मृत्यु के कारण का प्रमाणपत्र दो भागों मे विभाजित किया गया है, अर्थात भाग एक और भाग दो. भाग एक को पुन तीन भागो में, अर्थात, लाईन (क), (ख) और (ग) मे विभाजित किया गया है। यदि एक विकृत दशा से ही मृत्यु का कारण स्पष्ट हो जाता है तो वह भाग एक की लाईन (क) पर लिखा जाएगा और भाग एक या भाग दो में और कुछ लिखने की आवश्यकता नही होगी। उदाहरणार्थ– चेचक, निमोनिया, कार्डियेक बेरी–बेरी आदि मृत्यु के पर्याप्त कारण है और प्राय: किसी अन्य उल्लेख की आवश्यकता नहीं होगी।

तथापि अक्सर, मृत्यु के समय कई विकृत दशाएं विद्यमान हो सकती है और तब चिकित्सक को प्रमाणपत्र उचित रीति से भरना चाहिए ताकि सही, अन्तर्निहित कारण निकाला जा सके। प्रथमतया, मृत्यु के साक्षात कारण को भाग एक (क) में दर्ज कीजिए। इसका इस बात से कोई सम्बन्ध नहीं है कि मृत्यु कैसे हुई, अर्थात हृद्वयगति रूक कर, श्वसन रूक कर आदि से। ये बाते प्रमाण पत्र में बिल्कुल नहीं लिखी जानी चाहिए क्योंकि वे मृत्यु के प्रकार हैं, न कि मृत्यु के कारण। तत्पश्चात इस बात पर विचार किया जाना चाहिए कि मृत्यु का साक्षात कारण, किसी अन्य कारण का जटिल अथवा विलम्बित परिणाम तो नहीं है। यदि हां तो पूर्ववर्ती कारण को भाग एक में लाइन (ख) में दर्ज कीजिए। कभी–कभी मृत्यु होने तक घटने वाली घटनाओं के तीन प्रक्रम हो जाते है। यदि ऐसा होता तो लाइन (ग) पूर्ण की जानी चाहिए। सारणीयन किये जाने वाले अन्तर्निहित कारण को भाग एक के अन्त में लिखा जाना चाहिए।

ऐसे विकृत दशाएं या क्षतियां विद्यमान हो सकती है जो उस घटना क्रम से प्रत्यक्षत: सम्बन्धित नहीं है जिसके कारण मृत्यु हुई है, किन्तु जो घातक परिणाम में किसी प्रकार योगदायी है। कभी–कभी चिकित्सक के लिए यह विनिश्चय करना कठिन हो जाता है, विशेषतया शिशु–मृत्युओं के मामले में, कि कई पृथक दशाओं में से मृत्यु का कारण कौन सी दशा है, चूंकि केवल एक ही कारण देना होता है, अत: चिकित्सक को कारण विनिश्चित करना चाहिए। यदि अन्य रोग, अन्तर्निहित कारण का परिणाम नहीं है तो वे भाग दो में दर्ज किए जायेगें।

एक ही पंक्ति में दो या दो से अधिक कारण न लिखे। कृपया प्रमाणपत्र में रोगों के नाम पूरे और साफ–साफ लिखें। जिसके कारण पढ़ने में कोई त्रुटि सभंव न हो सके।

प्रारम्भ:– जहां भी संभव हो, प्रारम्भ और मृत्यु के बीच अंतराल का स्तम्भ पूरा भरिए, भले ही उसे लगभग रूप में भरिए, जैस "जन्म से" ,"कई वर्षो से"।

दुर्घटना से या हिंसा से हुई मृत्यु:– चोट का बाह्य कारण और चोट का स्वरूप दोनो आवश्यक है और उनका वर्णन किया जाना चाहिए। चिकित्सक या अस्पताल को, क्षति का वर्णन करना चाहिए। यह वर्णन किया जाना चाहिए कि शरीर के किस भाग को क्षति पहुची है, और यदि दर्शाया गया है तो बाह्य कारण का पूर्णतया उल्लेख किया जाए। उदाहरण: 1(क) हाइपोस्टेटिक निमोनिया, (ख) फीमर की ग्रीवा का अस्थिभंग, (ग) घर में सीढी से गिरना।

मातृ मृत्यु:– गर्भावस्था और प्रसव सम्बन्धी प्रश्नों का उत्तर अवश्य दीजिए। यह सूचना गर्भ धारण करने योग्य आयु की सभी स्त्रियों के लिए आवश्यक है, चाहे गर्भ का मृत्यु से कोई सम्बन्ध न हो।

वृद्धावस्था या वृद्धत्व:– यदि कोई विशिष्ट कारण ज्ञात है तो वृद्धावस्था (या वृद्धत्व) को मृत्यु का कारण नहीं बताया जाना चाहिए। यदि वृद्धावस्था एक योगदायी तथ्य है, तो उसका उल्लेख भाग दो में किया जाना चाहिए। उदाहरण: (क) क्रानिक ब्रोंकाइटिस, (दो) वृद्धावस्था

सूचना की पूर्णता :– रोगी का पूर्ण वृत वांछित नहीं है, किन्तु यदि जानकारी उपलब्ध है तो अन्तर्निहित कारणों को उचित रूप में वर्गीकृत करने के लिए पर्याप्त ब्यौरा दिया जाना चाहिए।

उदाहरण:– रक्ताल्पता (एनीमिया)– यदि ज्ञात है तो एनीमिया की किस्म बताइए। जब भी सम्भव हो नियोप्लाज्म के प्रकार, प्राइमरी नियोप्लाज्म से प्रभावित अंग, हृदय रोग दशा का विनिर्दिष्ट वर्णन कीजिए, यिद

मृत्यु के कारण का चिकित्सा प्रमाण–पत्र

प्रारूप भरने के लिए निर्देश

मृतक का नाम:– नाम पूरा लिखें। आद्याक्षरों का प्रयोग न करें। यदि मृतक शिशु है और मृत्यु के समय तक उसका नामकरण नहीं हुआ है तो "का पुत्र" या "की पुत्री" से पूर्व माता और पिता का नाम लिखें।

आयु:– यदि मृतक की आयु एक वर्ष से अधिक है तो आयु पूर्ण वर्षों में लिखें। यदि एक वर्ष से कम है तो मास में आयु लिखें और यदि एक दिन से कम है तो घंटों में आयु लिखें।

मृत्यु का कारण:– प्रारूप के इस भाग को सदा चिकित्सक परिचारक द्वारा स्वयं भरा जाना चाहिए। मृत्यु के कारण का प्रमाणपत्र दो भागों में विभाजित किया गया है, अर्थात भाग एक और भाग दो. भाग एक को पुन: तीन भागों में, अर्थात, लाईन (क), (ख) और (ग) में विभाजित किया गया है। यदि एक विकृत दशा से ही मृत्यु का कारण स्पष्ट हो जाता है तो वह भाग एक की लाईन (क) पर लिखा जाएगा और भाग एक या भाग दो में और कुछ लिखने की आवश्यकता नहीं होगी। उदाहरणार्थ– चेचक, निमोनिया, कार्डियेक बेरी–बेरी आदि मृत्यु के पर्याप्त कारण हैं और प्राय: किसी अन्य उल्लेख की आवश्यकता नहीं होगी।

तथापि अक्सर, मृत्यु के समय कई विकृत दशाएं विद्यमान हो सकती है और तब चिकित्सक को, प्रमाणपत्र उचित रीति से भरना चाहिए ताकि सही, अन्तर्निहित कारण निकाला जा सके। प्रथमतया, मृत्यु के साक्षात कारण को भाग एक (क) में दर्ज कीजिए। इसका इस बात से कोई सम्बन्ध नहीं है कि मृत्यु कैसे हुई, अर्थात हृद्यगति रुक कर, श्वसन रुक कर आदि से। ये बातें प्रमाण पत्र में बिल्कुल नहीं लिखी जानी चाहिए क्योंकि वे मृत्यु के प्रकार हैं, न कि मृत्यु के कारण। तत्पश्चात इस बात पर विचार किया जाना चाहिए कि मृत्यु का साक्षात कारण, किसी अन्य कारण का जटिल अथवा विलम्बित परिणाम तो नहीं है। यदि हां तो पूर्ववर्ती कारण को भाग एक में लाइन (ख) में दर्ज कीजिए। कभी–कभी मृत्यु होने तक घटने वाली घटनाओं के तीन प्रक्रम हो जाते है। यदि ऐसा होता तो लाइन (ग) पूर्ण की जानी चाहिए। सारणीयन किये जाने वाले अन्तर्निहित कारण को भाग एक के अन्त में लिखा जाना चाहिए।

ऐसे विकृत दशाएं या क्षतियां विद्यमान हो सकती है जो उस घटना क्रम से प्रत्यक्षत: सम्बन्धित नहीं है जिसके कारण मृत्यु हुई है, किन्तु जो घातक परिणाम में किसी प्रकार योगदायी है। कभी–कभी चिकित्सक के लिए यह विनिश्चय करना कठिन हो जाता है, विशेषतया शिशु–मृत्युओं के मामले में, कि कई पृथक दशाओं में से मृत्यु का कारण कौन सी दशा है, चूंकि केवल एक ही कारण देना होता है, अत: चिकित्सक को कारण विनिश्चित करना चाहिए। यदि अन्य रोग, अन्तर्निहित कारण का परिणाम नहीं है तो वे भाग दो में दर्ज किए जायेगें।

एक ही पंक्ति में दो या दो से अधिक कारण न लिखें। कृपया प्रमाणपत्र में रोगों के नाम पूरे और साफ–साफ लिखें। जिसके कारण पढ़ने में कोई त्रुटि सभंव न हो सके।

प्रारम्भ:– जहां भी संभव हो, प्रारम्भ और मृत्यु के बीच अंतराल का स्तम्भ पूरा भरिए, भले ही उसे लगभग रूप में भरिए, जैसे "जन्म से", "कई वर्षों से"।

दुर्घटना से या हिंसा से हुई मृत्यु:– चोट का बाह्य कारण और चोट का स्वरूप दोनों आवश्यक है और उनका वर्णन किया जाना चाहिए। चिकित्सक या अस्पताल को, क्षति का वर्णन करना चाहिए। यह वर्णन किया जाना चाहिए कि शरीर के किस भाग को क्षति पहुंची है, और यदि दर्शाया गया है तो बाह्य कारण का पूर्णतया उल्लेख किया जाए। उदाहरण: 1(क) हाइपोस्टेटिक निमोनिया, (ख) फीमर की ग्रीवा का अस्थिभंग, (ग) घर में सीढ़ी से गिरना।

मातृ मृत्यु:– गर्भावस्था और प्रसव सम्बन्धी प्रश्नों का उत्तर अवश्य दीजिए। यह सूचना गर्भ धारण करने योग्य आयु की सभी स्त्रियों के लिए आवश्यक है, चाहे गर्भ का मृत्यु से कोई सम्बन्ध न हो।

वृद्धावस्था या वृद्धत्व:– यदि कोई विशिष्ट कारण ज्ञात है तो वृद्धावस्था (या वृद्धत्व) को मृत्यु का कारण नहीं बताया जाना चाहिए। यदि वृद्धावस्था एक योगदायी तथ्य है, तो उसका उल्लेख भाग दो में किया जाना चाहिए। उदाहरण: (क) क्रानिक ब्रोंकाइटिस, (दो) वृद्धावस्था

सूचना की पूर्णता :– रोगी का पूर्ण वृत्त वांछित नहीं है, किन्तु यदि जानकारी उपलब्ध है तो अन्तर्निहित कारणों को उचित रूप में वर्गीकृत करने के लिए पर्याप्त ब्यौरा दिया जाना चाहिए।

उदाहरण:– रक्ताल्पता (एनीमिया)– यदि ज्ञात है तो एनीमिया की किस्म बताइए। जब भी सम्भव हो निओप्लाज्म के प्रकार, प्राइमरी नियोप्लाज्म से प्रभावित अंग, हृदय रोग दशा का विनिर्दिष्ट वर्णन कीजिए. यदि

नहीं है, [1][निगम] को नाली में जल निस्सारित करना चाहे, उस स्वामी से नाली का प्रयोग करने की के लिए निजी रूप से प्रबन्ध कर सकता है या उस नाली के प्रयोग का प्राधिकार दिये जाने या संयुक्त घोषित किये जाने के लिए मुख्य नगराधिकारी को प्रार्थना-पत्र दे सकता है ।

2) यदि प्रार्थना-पत्र प्राप्त होने पर अन्यथा मुख्य नगराधिकारी की यह राय है कि किसी भू-गृहादि के या अध्यासी द्वारा उस भू-गृहादि की नाली को किसी [1][निगम] की नाली में या अन्य ऐसे स्थान पर लियों के जल के निकास के लिए विधित: अलग किया गया हो खाली कराने का एक मात्र अथवा क सुविधाजनक साधन एक ऐसी नाली ही हो सकती है जो उक्त [1][निगम] की नाली से या पूर्वोक्त मिलती हो, लेकिन जो उक्त स्वामी या अध्यासी से भिन्न व्यक्ति की हो, तो मुख्य नगराधिकारी नाली ी को उस सम्बन्ध में कोई आपत्ति करने का समुचित अवसर देने के पश्चात्, यदि कोई आपत्ति न की यदि कोई आपत्ति की जाय और वह अस्वीकृत कर दी जाय तो, लिखित आज्ञा द्वारा या तो उक्त या अध्यासी को नाली के प्रयोग के लिए प्राधिकृत कर सकता है या उसे संयुक्त स्वामी घोषित कर , किन्तु एतदर्थ किराया या प्रतिकर देने या उक्त भू-गृहादि की नाली को मिलाने वाली उपर्युक्त नाली unication drain) से जोड़ने और संयुक्त नाली के संधारण, मरम्मत, धुलाई, सफाई और खाली करने क्रमशः दोनों पक्षों के उत्तरदायित्व के सम्बन्ध में अथवा अन्यथा ऐसी शर्तें लागू की जा सकती हैं, जो राधिकारी को न्यायसंगत प्रतीत हों ।

) प्रत्येक ऐसी आज्ञा द्वारा जिस पर मुख्य नगराधिकारी के हस्ताक्षर हों, उस व्यक्ति को, जिसके पक्ष में यी हो, या किसी ऐसे अभिकर्त्ता या व्यक्ति को जो उसके द्वारा इस प्रयोजन के लिए नियोजित किया ाली के स्वामी को उक्त आज्ञा में निर्दिष्ट प्रतिकर या किराया देने या प्रस्तुत करने (tendering) के और जहाँ तक सम्भव हो अन्य प्रकार से भी उक्त आज्ञा की शर्तें पूरी करने के पश्चात् और नाली के अपने ऐसा करने के आशय की लिखित रूप में समुचित नोटिस देने के बाद उस भूमि पर, जिस पर स्थित है, सूर्योदय और सूर्यास्त के बीच में, सहायकों और श्रमिकों (workmen) के साथ प्रवेश इस अधिनियम के सभी उपबन्धों के अधीन रहते हुए सभी ऐसी बातें करने का, जो निम्नांकित क लिए आवश्यक हों, पूर्ण अधिकार होगा :

क) दो नालियों को जोड़ना; या

ख) योगों (connections) का नवीकरण, उनकी मरम्मत या उन्हें परिवर्तित करना; या

ग) उस व्यक्ति से सम्बद्ध किसी उत्तरदायित्व का निर्वहन करना जिसके पक्ष में संयुक्त नाली या उसके किसी भाग के संधारण, मरम्मत, धुलाई, सफाई या खाली करने के लिए मुख्य नगराधिकारी ने आज्ञा दी हो ।

उपधारा (3) के अधीन किसी निर्माण-कार्य के सम्पादन के सम्बन्ध में वह व्यक्ति जिसके पक्ष में धिकारी की आज्ञा दी गयी हो, उन्हीं प्रतिबन्धों (restrictions) और उत्तरदायित्वों के अधीन रा 237 की उपधारा (4) में निर्दिष्ट किये गये हैं ।

मल, इत्यादि और बरसाती पानी की नालियाँ अलग-अलग होंगी—जब कभी इस अध्याय में व्यवस्था की गयी हो कि किसी भू-गृहादि के यथोद्देश्य जल-निस्सारण (effectual drainage) र्थवाही की जायगी या की जा सकती है तो मुख्य नगराधिकारी आदेश दे सकता है कि एक नाली मल इत्यादि और दूषित पानी के लिए होगी और दूसरी तथा पूर्णतः भिन्न (distinct) नाली अपदूषित उपभूमिगत पानी के लिए या बरसाती, और अपदूषित उप-भूमिगत पानी दोनों के और प्रत्येक नाली अलग-अलग [1][निगम] की नालियों में या अन्य ऐसे स्थानों पर जो विधित: ाल के लिए अलग किये गये हों, या अन्य उपयुक्त स्थानों पर खाली होगी ।

धिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

249. नालियों को संवीजित करने (ventilation), इत्यादि के लिए पाइपों का लगाना—(1) किसी नाली या मलकूप को संवीजित करने (ventilation) के प्रयोजन के लिए चाहे वह [1][निगम] का हो या किसी अन्य व्यक्ति का, मुख्य नगराधिकारी किसी भू-गृहादि पर कोई ऐसे दंड (shaft) या पाइप खड़ा कर सकता है या उन्हें किसी भवन के बाहर या किसी पेड़ पर लगा सकता है जो मुख्य नगराधिकारी को आवश्यक प्रतीत होंगे और किसी भवन के बाहर निकले हुए भाग को (projections) जिसमें उनकी छत की कार्निस (caves) भी सम्मिलित हैं, काट सकता है ताकि उक्त दंड या पाइप ऐसे बाहर निकले हुए भाग से होकर ऊपर ले जाया जा सके और उसे किसी भूमि के भीतर बीच में या उसके नीचे ऐसे उपकरण लगा सकता है (lay) जो मुख्य नगराधिकारी की राय में वायु निकलने वाले ऐसे दण्ड या पाइप को उस नाली या मलकूप से, जिसे संवीजित करने (ventilate) का विचार हो, जोड़ने के लिए आवश्यक है ।

(2) ऐसा दण्ड या पाइप उस रीति से खड़ा किया जायगा या लगाया जायगा या हटाया जायगा जो विहित की जाय ।

(3) यदि उक्त भू-गृहादि, भवन या पेड़ों के स्वामी के अपेक्षा करने पर मुख्य नगराधिकारी किसी ऐसे दंड या पाइप को हटाने से इन्कार करे जो एतदर्थ बने नियमों के अनुसार उन पर या उनके साथ खड़े किये गये हों या लगाये गये हों तो स्वामी का उत्तर प्राप्त होने के 15 दिन के भीतर न्यायाधीश को प्रार्थना-पत्र दे सकता है कि उन्हें हटा देने की आज्ञा दे दी जाय ।

(4) उपधारा (3) के अधीन दिये गये प्रार्थना-पत्र की सुनवायी और निस्तारण (disposal) करने में न्यायाधीश ऐसी प्रक्रिया का अनुसरण करेगा जो विहित की जाय । इस सम्बन्ध में न्यायाधीश द्वारा दी गयी आज्ञा अंतिम होगी और उससे दोनों पक्ष बाध्य होंगे ।

(5) यदि किसी ऐसे भवन या भूमि का जो उपधारा (1) के अधीन काटी गयी हो, खोली गयी हो या अन्यथा व्यवहृत हुई हो, स्वामी उस नाली या मलकूप का स्वामी न हो, जिसे संवीजित (ventilation) करने का विचार हो तो मुख्य नगराधिकारी जहाँ तक व्यावहारिक होगा [1][निगम] निधि से किये गये व्यय से उस भवन को पुनर्निर्मित करेगा और ठीक करवायेगा (reinstate and make good) और उस भूमि को भरवा देगा और उसे ठीक करा देगा ।

मल, इत्यादि का निस्सारण

250. नालियाँ खाली करने और मल, इत्यादि के निस्सारण के लिए स्थानों का निश्चित किया जाना—मुख्य नगराधिकारी ऐसी रीति से जिसे वह इस प्रयोजन के लिए उपयुक्त समझे सभी या किसी [1][निगम] की नाली को किसी स्थान पर चाहे वह नगर के भीतर हो या बाहर खाली करा सकता है और नगर के भीतर या किसी भी स्थान पर मल निस्सारण करा सकता है :

किन्तु प्रतिबन्ध यह है कि-

(क) मुख्य नगराधिकारी बिना [1][निगम] की स्वीकृति के किसी [1][निगम] की नाली को ऐसे स्थान पर खाली नहीं करायेगा या किसी स्थान का मल-निस्सारण ऐसे स्थान पर या ऐसी रीति से नहीं करायेगा जहाँ और जिस रीति से वह अब तक खाली न की गयी हो या मल-निस्सारण न किया गया हो;

(ख) कोई [1][निगम] की नाली किसी स्थान पर खाली नहीं करायी जायगी और किसी ऐसे स्थान पर और ऐसी रीति से मल इत्यादि का निस्सारण नहीं कराया जायगा, जिसे अस्वीकार कर देना राज्य सरकार उचित समझे ।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

प्रपत्र संख्या–4
(नियम 7 देखें)

मृत्यु के कारण व चिकित्सा प्रमाण–पत्र
अस्पताल के मरीजों के लिये मृत जन्म हेतु प्रयुक्त नहीं होगा
निबन्धक को (प्रपत्र संख्या–21) मृत्यु रिपोर्ट (सहित भेजा जाना है)

अस्पताल का नाम _____

मैं एतद्द्वारा प्रमाणित करता हूं कि उस व्यक्ति जिसके विवरण नीचे दिये गए है, की मृत्यु अस्पताल के वार्ड संख्या _____ में दिनांक _____ को पूर्वाह्न/अपराह्न _____ बजे हुई।

मृतक का नाम _____

लिंग	मृतक की आयु				राष्ट्रिकी विभाग के प्रयोजनार्थ
	यदि 1वर्ष से अधिक हो तो वर्षों में	यदि 1वर्ष से कम हो तो माह में	यदि 1माह से कम हो तो दिनों में	यदि दिन से कम हो तो घण्टों में	
1 पुरुष 2 स्त्री					
मृत्यु का कारण				बीमारी के प्रारम्भ और मृत्यु के बीच अन्तराल लगभग	
1. तात्कालिक कारण :– बीमारी,क्षति या (या) जटिलता का उल्लेख कीजिए जिसके कारण मृत्यु हुई है। अर्थात हृदय गति रुक जाने से, दुर्बलता आदि से, उसका उल्लेख न करें। पूर्ववर्ती कारण अस्वस्थ (विकृत) स्थिति, यदि कोई हो, जिससे उपर्युक्त कारण उत्पन्न हुआ तथा अन्तिम अन्तर्निहित दशा का उल्लेख कीजिए।	(क)_____ के कारण (या के परिणाम स्वरूप) (ख)_____ के कारण (या के परिणाम स्वरूप)				
2. अन्य महत्वपूर्ण दशाएं जिनका मृत्यु में योगदान रहा है, किन्तु ये उस रोग या दशा से सम्बन्धित नहीं है जिससे मृत्यु हुई है।	(ग) _____				

मृत्यु का प्रकार _____ क्षति कैसे हुई?
1 प्राकृतिक 2 दुर्घटना 3 आत्महत्या
4 मानव द्वारा हत्या 5 अन्वेषण शेष है।

यदि मृतक महिला थी तो क्या मृत्यु का सम्बन्ध गर्भ से था 1. हां 2. नहीं
यदि हां तो क्या प्रसूति हुई 1. हां 2. नहीं

चिकित्सा सेवक का नाम तथा हस्ताक्षर जो मृत्यु प्रमाणित कर रहा हो, सत्यापित करने का दिनांक

अनुदेशों हेतु पृष्ठ के पीछे देखिए
(अलग करके मृतक के सम्बन्धी को दीजिए)

प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी _____ पुत्र/पुत्री/पत्नी श्री _____ निवासी _____ इस अस्पताल में दिनांक _____ को भर्ती किया गया था और उसकी मृत्यु दिनांक _____ को हो गई है।

चिकित्सक
(चिकित्साधीक्षक)
अस्पताल का नाम

प्रपत्र संख्या –3

मृत जन्म रिपोर्ट
विधिक सूचनायें

यह भाग मृत जन्म पंजिका में जुडेगा
सूचना देने वाले द्वारा भरा जाएगा

1. जन्म का दिनांक (सही दिवस, मास व वर्ष लिखे) :——	7. ग्राम या शहर का नाम जहा माता का निवास हो (स्थान जहा माता वास्तव में रहती है, यह स्थान प्रसव के स्थान से भिन्न हो सकता है):–
2. लिंग: पुरुष/स्त्री (सूचक शब्द वर्जित) :—	क. नाम शहर/ग्राम:—
3. पिता का नाम: (पूरा लिखें जैसे लिखा जाता है) :——	ख. क्या शहर अथवा ग्राम है (सही का निशान लगायें) : 1. शहर 2. ग्राम
4. (क)माता का नाम: (पूरा लिखें जैसे लिखा जाता है) :—	ग. जनपद का नाम :——
(ख) माता/पिता के स्थायी निवास का पता :————	घ. राज्य का नाम :——
5. जन्म का स्थान: नीचे दर्शाये गये स्थानों में से जहां पर हो उस पर सही का निशान लगायें (अस्पताल /संस्था का नाम उल्लेख करें, घर का पता या स्थान यदि अन्य हो तो स्थिति) :	8. माता की आयु (पूर्ण वर्षों में) :——
1.अस्पताल/संस्था नाम:–	9. माता की शिक्षा का स्तर (यदि माता ने कक्षा 7 तक ही पढ़ा हो तथा कक्षा 6 की ही परीक्षा पास की हो तो शिक्षा कक्षा 6 तक ही लिखें):–
2. घर पता:–	10. प्रसव काल में उपलब्ध चिकित्सा उपचार (सही का निशान लगाएं):–
3. अन्य स्थान	1. संस्थागत सरकारी
6. सूचना देने वाले का नाम ..... पता.....	2. संस्थागत निजी अथवा गैर सरकारी
जब स्तम्भ 1 से 12 तक पूरे भर जाए तब सूचना देने वाला यहां हस्ताक्षर व तारीख भरेगा।	3.चिकित्सक/नर्स/ प्रशिक्षित मिडवाईफ
दिनांक ..... सूचना देने वाले के हस्ताक्षर या बायें हाथ के अंगूठे का निशान	4. पारम्परिक जन्म सहायक
	5. रिश्तेदार
	11. गर्भावस्था का समय (हफ्तों में) :—
	12. भ्रूण के मृत्यु का कारण (यदि मालूम हो):—
	(भरने वाले स्तम्भ समाप्त हो गये हैं कृपया बाई और हस्ताक्षर करें)

निबन्धक द्वारा भरा जाना है	निबन्धक द्वारा भरा जाना है
पंजीकरण संख्या:	नाम:
पंजीकरण का दिनांक	जनपद: संकेत संख्या पंजीकरण संख्या पंजीकरण दिनांक
पंजीकरण इकाई:	तहसील: जन्म की तिथि
शहर/ग्राम	शहर/गांव: लिंग: 1. पुरुष, 2. महिला
तहसील	पंजीकरण इकाई: जन्म का स्थान: 1.अस्पताल/संस्था, 2.घर
जनपद	
टिप्पणी (यदि कोई हो)	
निबन्धक के हस्ताक्षर	नाम व निबन्धक के हस्ताक्षर

प्रपत्र संख्या–3

मृत जन्म रिपोर्ट
सांख्यिकी सूचनायें

सूचना देने वाले द्वारा भरा जाएगा
इस भाग को सांख्यिकी प्रयोजनार्थ भेजा जाएगा
यदि प्रकरण कई संततियों के जन्म का है तो प्रत्येक के लिए अलग–2 फार्म भरें एवं लिखे "जुडवां" "तीन बच्चे" आदि बाई ओर टिप्पणी वाले स्तम्भ में।

प्रपत्र संख्या–2

मृत्यु रिपोर्ट
विधिक सूचनायें

यह भाग मृतक पंजिका में जुड़ेगा
सूचना देने वाले द्वारा भरा जाएगा

1. मृत्यु का दिनांक (सही दिवस, मास व वर्ष लिखें) :
2. (क) मृतक का नाम (पूरा नाम) :
   (ख) मृतक के स्थायी निवास का पता:
3. मृतक का लिंग पुरुष/स्त्री (सूचक शब्द वर्जित) :
4. मृतक की आयु (यदि मृतक 1 वर्ष से अधिक का हो तो पूर्ण वर्ष या एक वर्ष से कम हो तो माह में एवं यदि माह से कम हो तो पूर्ण किये गये दिनों में) :
5. मृत्यु का स्थान सही का निशान नीचे 1, 2 अथवा 3 पर लगायें : (अस्पताल/संस्था का नाम उल्लेख करें, घर का पता या स्थान यदि अन्य हो तो स्थिति) :
   1.अस्पताल/संस्था नाम:—
   2.घर पता:—
   3. अन्य स्थान:————
6. सूचना देने वाले का नाम ——
   पता:——

जब स्तम्भ 1 से 17 तक पूरे भर जाएं तब सूचना देने वाला यहां हस्ताक्षर व तारीख भरेगा।

दिनांक —— सूचना देने वाले के हस्ताक्षर या बायें हाथ के अंगूठे का निशान

7. ग्राम या शहर का नाम जहां मृतक का निवास हो (स्थान जहां मृतक वास्तव में रहता था, यह मृत्यु स्थान से भिन्न हो सकता है, यहां घर का पता आवश्यक नहीं है) :
   क. नाम शहर/ग्राम ——
   ख. क्या शहर अथवा ग्राम है (सही का निशान लगायें)
   1. शहर 2. ग्राम
   ग. जनपद का नाम: ——
   घ. राज्य का नाम :——
8. परिवार का धर्म (सही का निशान लगायें) :
   1.हिन्दू, 2.ईसाई, 3.मुसलमान 4. सिक्ख, 5. अन्य
9. मृतक का व्यवसाय (यदि कोई हो अथवा शून्य लिखें)
10. मृत्यु पूर्व किस प्रकार की चिकित्सकीय सुविधा मिली (सही का निशान लगायें) :
    1. संस्थागत
    2. संस्था के अतिरिक्त चिकित्सा सेवा
    3. कोई चिकित्सा सेवा नहीं
11. क्या मृत्यु का कारण चिकित्सकीय अभिमत द्वारा प्रमाणित है (सही का निशान लगायें) :
    1. हां 2. नहीं
12. बीमारी का नाम अथवा मृत्यु का वास्तविक कारण (सभी प्रकार की मृत्युओं के लिये यद्यपि चिकित्सकीय अभिमत द्वारा प्रमाणित नहीं है) :——
13. यदि मृतक महिला है तो स्पष्ट करें कि क्या मृत्यु गर्भावस्था में हुई, प्रसव के समय हुयी या गर्भान्त के 6 हफ्ते बाद हुई :
    1. हां 2. नहीं
14. यदि धूम्रपान का आदी था तो कितने वर्षों से :————
15. यदि आदतन किसी प्रकार तम्बाकू चबाते हो तो पिछले कितने वर्षों से——
16. क्या आदतन सुपारी, किसी प्रकार का पान मसाला आदि का सेवन करते थे :————
17. क्या शराब पीने के आदी थे, (पिछले कितने वर्षों से) :—

(भरने वाले स्तम्भ समाप्त हो गये हैं कृपया बांई ओर हस्ताक्षर करें)

निबन्धक द्वारा भरा जाना है

पंजीकरण संख्या:
पंजीकरण का दिनांक
पंजीकरण इकाई:
शहर/ग्राम
तहसील
जनपद
टिप्पणी (यदि कोई हो)

निबन्धक के हस्ताक्षर

निबन्धक द्वारा भरा जाना है

नाम: ——

जनपद: संकेत संख्या पंजीकरण संख्या पंजीकरण दिनांक
तहसील: मृत्यु की तिथि
शहर/गांव: लिंग: 1. पुरूष, 2. महिला
पंजीकरण इकाई: मृत्यु का स्थान: 1 अस्पताल/संस्था, 2.घर

नाम व निबन्धक के हस्ताक्षर

प्रपत्र संख्या–2

210

प्रपत्र संख्या–1

जन्म रिपोर्ट
विधिक सूचनायें

यह भाग जन्म पंजिका में जुडेगा
सूचना देने वाले द्वारा भरा जाएगा

1. जन्म का दिनांक (सही दिवस, मास व वर्ष लिखें)———
2. लिंग पूर्ण महिला व पुरूष अंकित करें :————
3. नवजात शिशु का नाम, यदि कोई हो (नाम न होने पर खाली स्थान छोड़े) :————
4. पिता का नाम (पूर्ण जैसे लिखा जाता है) :————
5. (क) माता का नाम (पूर्ण जैसे लिखा जाता है) :————
   (ख) माता/पिता के स्थायी निवास का पता :————
6. जन्म का स्थान(1अथवा 2पर सही का निशान लगायें)
   1 अस्पताल/संस्था नाम/पता:——
   2 घर पता :————
7. सूचना देने वाले का नाम .....
   पता.....

जब स्तम्भ 1 से 20 तक पूरे भर जाए तब सूचना देने वाला यहां हस्ताक्षर व तारीख भरेगा।

दिनांक _____ सूचना देने वाले के हस्ताक्षर या बायें हाथ के अंगूठे का निशान

8. ग्राम या शहर का नाम जहां माता का निवास हो (मां जहां सामान्यत: रहती है क्योंकि प्रसव की जगह भिन्न हो सकती है वहां का पता आवश्यक नहीं) :
   क. नाम शहर/ग्राम
   ख. क्या शहर अथवा ग्राम है (सही का निशान लगायें)
   1. शहर 2. ग्राम
   ग. जनपद का नाम
   घ. प्रदेश का नाम
9. परिवार का धर्म (सही का निशान लगायें) :
   1.हिन्दू, 2.ईसाई, 3.मुसलमान
   4. सिक्ख 5. अन्य
10. पिता का शैक्षिक स्तर (यदि पिता ने कक्षा 7 तक ही पढ़ा हो तथा कक्षा 6 की ही परीक्षा पास की हो तो शिक्षा कक्षा 6 तक ही लिखें)
11. माता का शैक्षिक स्तर (यदि माता ने कक्षा 7 तक ही पढ़ा हो तथा कक्षा 6 की ही परीक्षा पास की हो तो शिक्षा कक्षा 6 तक ही लिखें)
12. पिता का व्यवसाय (यदि कोई हो अथवा शून्य लिखें)
13. माता का व्यवसाय (यदि कोई हो अथवा शून्य लिखें)
14. माता की विवाह के समय आयु (यदि विवाह 1 से अधिक बार हुआ हो तो प्रथम विवाह की आयु लिखें)
15. माता की संतान के जन्म के समय वर्ष में की गयी पूर्ण आयु लिखें : ————
16. माता की इस संतान को मिलाकर जीवित संतानों की संख्या लिखें (इससे पूर्व के विवाह से संतान की संख्या यदि हो, जोड़ी जाएगी) :——
17. प्रसव किस तत्वाधान में सम्पन्न हुआ (सही का निशान लगायें) :
   क. संस्थागत..... सरकारी
   ख. संस्थागत..... निजी या गैर सरकारी
   ग. डाक्टर/नर्स या प्रशिक्षित मिडवाईफ द्वारा
   घ. परम्परागत प्रसव परिचारिका द्वारा
   ड. रिश्तेदार या अन्य
18. प्रसव प्रक्रिया (सही का निशान लगायें) :
   स्वाभाविक/सीजेरियन/अन्य
19. जन्म का वजन,यदि ज्ञात हो (किग्रा.) : ————
20. गर्भधारण का समय (हफ्तों में)

(भरने वाले स्तम्भ समाप्त हो गये है कृपया बाईं ओर हस्ताक्षर करें)

निबन्धक द्वारा भरा जाना है

पंजीकरण संख्या:
पंजीकरण का दिनांक:
पंजीकरण इकाई:
शहर/ग्राम:
तहसील:
जनपद:
टिप्पणी (यदि कोई हो)

निबन्धक के हस्ताक्षर

प्रपत्र संख्या–1

जन्म रिपोर्ट
सांख्यिकी सूचनायें

सूचना देने वाले द्वारा भरा जाएगा

निबन्धक द्वारा भरा जाना है

नाम:
जनपद: संकेत संख्या पंजीकरण संख्या पंजीकरण दिनांक
तहसील: जन्म तिथि
शहर/गांव: लिंग: 1. पुरूष, 2. महिला
पंजीकरण इकाई: जन्म स्थान: 1 अस्पताल/संस्था, 2.घर

नाम व निबन्धक के हस्ताक्षर

209

3. नियन्धक अथवा उसके द्वारा प्राधिकृत अधिकारी द्वारा धारा 10 के उपधारा (3) के अन्तर्गत जारी किये गये मृत्यु प्रमाण-पत्र को पांच वर्ष तक सुरक्षित रखा जाना होगा।

4. प्रत्येक जन्म पंजिका, मृत्यु पंजिका, मृत जन्म पंजिका उस कलेण्डर वर्ष की जिससे वह सम्बन्धित हो के समाप्ति के 12 मास की अवधि के लिए निबन्धक द्वारा अपने कब्जे मे रखा जायेगा तत्पश्चात वह जिला रजिस्ट्रार के सुरक्षित अभिरक्षा निमित्त हस्तान्तरित कर दिया जायेगा।

आज्ञा से,
आलोक कुमार जैन
सचिव

संख्या : 1175 (1)/चि-2-2003-567/2001 तद्दिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. रजिस्ट्रार एवं जनगणना आयुक्त, भारत सरकार, 2ए- मानसिंह रोड, नई दिल्ली।
2. सचिव, महामहिम श्री राज्यपाल, उत्तरांचल।
3. प्रमुख सचिव, मा0 मुख्यमंत्री, उत्तरांचल।
4. समस्त प्रमुख सचिव/सचिव, उत्तरांचल शासन।
5. स्टाफ आफिसर, मुख्य सचिव महोदय, उत्तरांचल शासन।
6. महानिदेशक, चिकित्सा, स्वास्थ्य एवं प0क0, उत्तरांचल।
7. मुख्य रजिस्ट्रार जन्म-मृत्यु, उत्तरांचल, देहरादून।
8. समस्त जिलाधिकारी, उत्तरांचल।
9. उप निदेशक, राजकीय मुद्रणालय, रूड़की को इस अनुरोध के साथ प्रेषित कि कृपया उक्त अधिसूचना को गजट में प्रकाशित कर इसकी 200 प्रतियां शासन को उपलब्ध कराने का कष्ट करें।
10. गोपन (मंत्रिपरिषद) अनुभाग, उत्तरांचल शासन।
11. गार्ड फाईल।

आज्ञा से,
(अतर सिंह)
अनु सचिव

208

मिली समस्त सांख्यिकी भाग सम्बन्धी सूचना विलम्बतम प्रत्येक माह के 15 तारीख तक मुख्य निबन्धक को भेजेगा।

धारा 19(2) के अधीन सांख्यिकीय रिपोर्ट

15. धारा 19 की उपधारा (2) के अधीन सांख्यिकीय रिपोर्ट विहित स्तम्भों के प्रपत्र जो नियमों से संलग्न होंगे और प्रत्येक वर्ष के लिये उसके ठीक अनुवर्ती वर्ष की 31 जुलाई के पूर्व संकलित की जायेगी और उसके पश्चात यथा सम्भव शीघ्र किन्तु किसी भी दशा में उस दिनांक से पांच मास के भीतर प्रकाशित की जायेगी।

अपराधों के प्रशमन की शर्तें

16. 1. धारा 23 के अधीन दण्डनीय किसी अपराध का प्रशमन, इस अधिनियम के अधीन फौजदारी वाद दायर किये जाने से पूर्व, उस अधिकारी द्वारा किया जा सकता है जिसे मुख्य निबन्धक ने इस हेतु किसी विशेष आदेश द्वारा प्राधिकृत किया हो एवं वह अधिकारी संतुष्ट हो कि अपराध बगैर किसी उद्देश्य के चूक होने के कारण प्रथम बार किया गया है।

2. किसी ऐसे अपराध का प्रशमन ऐसी धनराशि का जो धारा 23 की उपधारा (1), (2) और (3) के अपराधों के लिये पचास रूपये से और उपधारा (4) के अधीन अपराधों के लिये दस रूपये से अधिक न हो, जिसे उक्त अधिकारी उचित समझे, भुगतान करने पर किया जा सकता है।

धारा 30(2)(ट) के अधीन पंजिका तथा अन्य अभिलेख

17. 1. जन्म पंजिका, मृत्यु पंजिका, मृत जन्म पंजिका स्थायी महत्व का अभिलेख होगा और इसे नष्ट नही किया जा सकेगा।

2. अधिनियम के धारा 13 के अन्तर्गत पंजीकरण करने हेतु निबन्धक को प्राप्त आदेश व न्यायालय का आदेश जन्म पंजिका, मृत्यु पंजिका एवं मृत-जन्म पंजिका के अभिन्न भाग होंगे एवं इन्हे नष्ट नही किया जायेगा।

(क) प्रथम वर्ष मे रजिस्ट्रीकरण के पश्चात् किसी एकल प्रविष्टि की तलाशी के लिए — रू0 2.00

(ख) प्रत्येक वर्ष के लिये जिसके निमित्त तलाश की जाये — रू0 2.00

(ग) प्रत्येक जन्म, मृत्यु से संबंधित उद्धरण दिये जाने के लिये — रू0 5.00

(घ) जन्म अथवा मृत्यु के अप्राप्य प्रमाण-पत्र जारी किये जाने के लिये — रू0 2.00

2. जन्म, मृत्यु से सम्बन्धी ऐसे उद्धरण निबन्धक द्वारा, राज्य सरकार द्वारा या प्राधिकृत अधिकारी द्वारा प्रपत्र संख्या-5 अथवा प्रपत्र संख्या-6 पर जैसा वांछित हो, भारतीय साक्ष्य अधिनियम 1872 (अधिनियम संख्या 1 सन् 1872) की धारा 76 के प्राविधानों के अनुरूप प्रमाणित कर जारी किया जायेगा।

3. यदि कोई जन्म या मृत्यु का ब्यौरा पंजीकृत नही पाया जाता तो निबन्धक प्रपत्र संख्या-10 मे अनुपलब्धता प्रमाण-पत्र जारी करेगा।

4. कोई ऐसा उद्धरण अथवा अनुपलब्धता प्रमाण-पत्र मांगने वाले व्यक्ति को डाक द्वारा महसूल की अदायगी पर भेजा जाना होगा।

धारा 19(1) के अधीन अन्तराल और कालिक विवरणियों के प्रपत्र

14. 1. प्रत्येक निबन्धक पंजीकरण प्रक्रिया पूर्ण करने के उपरान्त समस्त रिपोर्ट प्रपत्र के सांख्यिकी भाग को जिसमे माह का पूर्ण ब्यौरा तथा प्रपत्र संख्या 11 पर मासिक रिपोर्ट जन्म, प्रपत्र संख्या 12 पर मासिक रिपोर्ट मृत्यु तथा प्रपत्र संख्या 13 पर मासिक रिपोर्ट मृत-जन्म का सारांश मुख्य निबन्धक अथवा उसके द्वारा निर्दिष्ट अधिकारी को अनुवर्ती माह के 5 तारीख से पूर्व भेजेगा।

2. निर्दिष्ट अधिकारी उस रिपोर्टिंग प्रपत्र से

पंजिका में संयुक्त के आधार पर किसी प्रविष्टि को तथ्यों के विपरीत सिद्ध कर दिखाता है तो निबन्धक उस प्रविष्टि को धारा 15 के प्राविधानों के अनुरूप उस व्यक्ति से तथ्य सम्बन्धी एक घोषणा पत्र प्राप्त कर तथा तथ्य के जानकार दो प्रतिष्ठित व्यक्तियों के साक्ष्य में, प्रविष्टि सम्बन्धी तथ्य को सही करेंगे।

5. उपनियम (1) तथा उपनियम (4) में निहित किसी बात के होते हुए भी निबन्धक उन सभी सुधारों की विस्तृत सूचना जिला रजिस्ट्रार को देगा।

6. यदि किसी स्थिति में निबन्धक जांचोपरान्त अपनी संतुष्टि के आधार पर यह सिद्ध पाते है कि जन्म, मृत्यु पंजिका में कोई प्रविष्टि कपटपूर्ण या अनुचित तरीके से की गयी है तो वह इस तथ्य की जांच आख्या संदर्भ सहित निर्दिष्ट अधिकारी जिसे मुख्य निबन्धक द्वारा धारा 25 के प्राविधानों के अन्तर्गत इस हेतु नियुक्त किया हो को भेजेंगे एवं उससे निर्देश प्राप्ति उपरान्त प्रकरण पर उचित कार्यवाही करेंगे।

7. प्रत्येक दशा में जहां इन नियमों के तहत प्रविष्टि शुद्ध अथवा निरस्त की गयी हो, की सूचना धारा 8 एवं 9 में प्रदत्त प्राविधानों के अनुपालन में सूचना देने वाले व्यक्ति के स्थायी पते पर भेजी जायेगी।

धारा 16 के अन्तर्गत पंजिका का प्रारूप

12. रजिस्ट्रीकरण के पश्चात् प्रपत्र 1, 2 एवं 3 के विधि क भाग से जन्म पंजिका, मृत्यु पंजिका एवं मृत जन्म पंजिका के क्रमशः प्रारूप संख्या-7, 8 व 9 बनेंगे।

धारा 17 के अधीन सन्देय फीस और डाक व्यय

13. 1. धारा 17 के अधीन की जाने वाली किसी तलाशी, जारी किये जाने वाले किसी उद्धरण अथवा किसी सूचना के अप्राप्य होने सम्बन्धी प्रमाण-पत्र हेतु निम्न फीस देय होगी:-

तो इस स्थिति मे पंजीकरण, उपजिलाधिकारी (एस0डी0एम0) के समक्ष इस आशय का शपथ पत्र प्रस्तुत करने पर कि पंजीकरण प्रथम वार कराया जा रहा है तथा विलम्ब से पंजीकरण कराने मे कोई धोखाधड़ी की मंशा नही है एवं उनके लिखित आदेश पर तथा दस रूपये (रूपये 10/-) विलम्ब शुल्क जमा किये जाने पर की जायेगी। लिखित आदेश देने से पूर्व उप जिलाधिकारी द्वारा घटना की शुद्धता का सत्यापन अपेक्षित है।

धारा-14 के प्रयोजनार्थ अवधि

10. 1. जहां शिशु का जन्म नाम के बिना पंजीकृत किया गया हो, वहां ऐसे शिशु के माता-पिता या संरक्षक, शिशु के जन्म के पंजीकरण के दिनांक से बारह मास के भीतर निबन्धक को शिशु के नाम की सूचना मौखिक या लिखित रूप मे देगे;

परन्तु सूचना 12 महीने के उपरांत परन्तु 15 वर्ष के भीतर दी जाती है तो उसकी गणना निम्न प्रकार की जायेगी।

(1) उस स्थिति मे जब पंजीकरण, जन्म, मृत्यु पंजीकरण नियमावली के लागू किये जाने की पूर्व की हो अथवा

(2) उस स्थिति मे जब पंजीकरण जन्म,मृत्यु पंजीकरण नियमावली के लागू होने के बाद की हो तो पंजीकरण के उस दिनांक से जो धारा 23 के उपधारा (4) द्वारा प्रदत्त हो निबन्धक निम्नवत करेगा :-

(क) यदि पंजिका उसके पास अनुरक्षित है जन्म पंजिका में सम्बन्धित प्रपत्र के प्रासंगिक स्तम्भ में, पाँच रूपये बिलम्ब शुल्क दिये जाने के उपरान्त, नाम को प्रविष्टि करेगा।

(ख) यदि पंजिका उसके पास नहीं है तथा सूचना उसे मौखिक रूप से दी गई हो तो वो सारे तथ्यों को इंगित करते हुये एक आख्या तैयार करेगा एवं यदि

उसको सूचना लिखित में दी गई है तो वह ऐसी सूचना रूपये पांच (रुपये 5/-) के विलम्ब शुल्क के भुगतान पर आवश्यक प्रविष्टि करने के लिये जिला रजिस्ट्रार को अग्रसारित करेगा।

2. माता-पिता अथवा अभिभावक जैसी स्थिति हो निबन्धक को उसे दी गयी धारा 12 के अन्तर्गत "ब्यौरे का उद्धरण" अथवा धारा 17 के अन्तर्गत उसको उपलब्ध करायी गयी सत्यापित प्रविष्टि ब्यौरे का उद्धरण प्रस्तुत करेगा एवं जिसके आधार पर निबन्धक आवश्यक बच्चे के नाम सम्बन्धी पृष्ठांकन करेगा जैसा उपनियम (1) के खण्ड (ख) द्वारा प्रस्तावित है।

जन्म-मृत्यु पंजिका में किसी प्रविष्टि को काटना व शुद्ध करना

11. 1. यदि निबन्धक को यह सूचना प्राप्त हो कि पंजिका की प्रविष्टि में लेखन सम्बन्धी अथवा कोई प्रासंगिक गलती हो गई है या गलती उसके द्वारा देखी जाती है, यदि सन्तुष्ट हो कि गलती हो गयी है तो वह गलती को धारा 15 के प्राविधानो के अन्तर्गत (सुधार कर अथवा निरस्त कर) सुधार करेगा तथा उस गलती की एवं उसके सुधारने के उपरान्त बनी प्रविष्टि के उद्धरण को जिला रजिस्ट्रार को भेजेगा।

2. यदि स्थिति उप नियम (1) मे जैसा प्रदत्त है एवं पंजिका निबन्धक के अनुरक्षण मे न हो तो, निबन्धक जिला रजिस्ट्रार को सूचित करेगा व आवश्यक पंजिका को मांगकर, आवश्यक जांच कर यह सन्तुष्ट होने के उपरान्त कि संदर्भित गलती हुई है को सुधार कर आवश्यक संशोधन अंकित करेगा।

3. रजिस्ट्रार से रजिस्टर प्राप्त होने पर जिला रजिस्ट्रार उपनियम (2) मे यथा उल्लिखित ऐसी ठीक की गई त्रुटि पर प्रति हस्ताक्षर करेगा।

4. यदि कोई व्यक्ति जन्म, मृत्यु पंजीकरण

निबन्धक द्वारा प्रमाण-पत्र निर्गत किये जाने के तीस (30) दिन के भीतर सम्बन्धित परिवार के मुखिया या नजदीकी रिश्तेदार को उपलब्ध करायेगा।

4. धारा 8 के उपधारा (1) के खण्ड (ख) से (ड.) तक संस्थाओं मे हुये जन्म, मृत्यु जो उनके द्वारा पंजीकृत कराये जाते है की सूचना नवजात व मृतक व्यक्ति के रिश्तेदार द्वारा संस्था के मुखिया से घटना के तीस (30) दिन के अन्दर उस पंजीकरण का उद्धरण प्रमाण-पत्र प्राप्त कर सकता है।

5. यदि जन्म, मृत्यु के ब्यौरे के उद्धरण का प्रमाण-पत्र समय सीमा जैसा उप नियम (2) से (4) द्वारा वांछित है सम्बन्धित व्यक्ति द्वारा प्राप्त नही कर लिया जाता तो निबन्धक, अथवा निर्दिष्ट अधिकारी अथवा संस्थाकर्ता मुखिया जैसा उपनियम (4) द्वारा वर्णित है जो भी प्रयोज्य हो उपरोक्त समय सीमा खत्म होने के 15 दिन के भीतर डाक द्वारा सम्बन्धित परिवार को भेजेगा।

विलम्बित पंजीकरण के लिये प्राधिकारी और उसके लिये देय फीस

9. 1. जन्म, मृत्यु सम्बन्धी जो सूचना निबन्धक को नियम-5 द्वारा निर्धारित समय सीमा के बाद परन्तु घटना के तीस दिन के भीतर दी हो तो रू0 2/- (दो रूपये मात्र) विलम्ब शुल्क जमा किये जाने के उपरान्त होगा।

2. जन्म, मृत्यु सम्बन्धी सूचना आदि निबन्धक को तीस दिन के बाद किन्तु घटना के सालभर के अन्दर दी जाती है तो पंजीकरण इस हेतु ग्रामीण क्षेत्रों के लिये सम्बन्धित तहसिलदार एवं शहरी क्षेत्रों के लिये सम्बन्धित अधिशासी अधिकारी के लिखित निर्देश पर पांच रूपये (5 रूपये मात्र) विलम्ब शुल्क जमा किये जाने के बाद ही पंजीकृत की जायेगी।

3. यदि किसी जन्म और मृत्यु की घटना को सालभर बाद भी पंजीकृत न कराया गया हो

है।

(2) ऐसी मृत्यु की दशा मे [जो धारा 8 की उपधारा (1) के खण्ड (क) से (ङ) तक के अन्तर्गत नही आती है] जिसमे मृत्यु की समीक्षा की जाय, मृत्यु समीक्षा करने वाला अधिकारी धारा 8 की उपधारा (1) के अधीन सूचना देगा अथवा सूचना दिलवायेगा।

धारा 10(3) के अधीन प्रमाण का प्रपत्र

7. धारा 10 की उपधारा (3) के अपेक्षानुसार मृत्यु के कारण का प्रमाण पत्र प्रपत्र संख्या-4 अथवा 4 ए मे जारी किया जायेगा, निबन्धक आवश्यक पंजिका मे प्रविष्टियां करने के उपरान्त उन सभी प्रमाण-पत्रों को मुख्य निबन्धक अथवा उसके द्वारा निर्दिष्ट अधिकारी को जिस माह से प्रमाण पत्र सम्बन्धित हो, ठीक अनुवर्ती मास के दसवे दिनांक तक अग्रसारित कर देगा।

धारा 12 के अधीन पंजीकरण की प्रविष्टियों के उद्धरण का दिया जाना

8. 1. धारा 12 के अधीन सूचना देने वाले प्रविष्टियों का ब्यौरा व्यक्तियों के जन्म अथवा मृत्यु से सम्बन्धित रजिस्टर से दी जाने वाली प्रविष्टियों के ब्यौरे का उद्धरण यथा स्थिति प्रपत्र संख्या 5 अथवा प्रपत्र संख्या-6 मे जैसा हो दी जायेगी।

2. निवास व गृह सम्बन्धी जन्म, मृत्यु की सूचना धारा 8 की उपधारा (1) के अन्तर्गत सीधे जन्म, मृत्यु निबन्धक को घर के मुखिया या संस्थान के मुखिया व उसकी अनुपस्थिति मे नजदीकी रिश्तेदार या सबसे बड़े वयस्क द्वारा दी जायेगी व नजदीकी रिश्तेदार व घर के मुखिया द्वारा तीस (30) दिन के अन्दर निबन्धक से जन्म अथवा मृत्यु के ब्यौरे का उद्धरण प्राप्त करेगा।

3. धारा 8 के उपधारा (1) के खण्ड (क) के अन्तर्गत अथवा राज्य सरकार द्वारा उपधारा (2) द्वारा निर्दिष्ट किये व्यक्ति जिनके द्वारा गृह सम्बन्धी, निवासीय जन्म, मृत्यु की सूचना दी गई हो का दायित्व होगा कि वह

गर्भावधि काल	3.	धारा 2 के उपधारा (1) के खण्ड (घ) के प्रयोजनों के लिये गर्भावधि अट्ठाइस सप्ताह होगी।
धारा 4(4) के अधीन रिपोर्ट का प्रस्तुत किया जाना	4.	धारा 4 की उपधारा (4) के अधीन रिपोर्ट प्रपत्र संख्या-1 में तैयार की जायेगी और धारा 19 की उपधारा (2) में निर्दिष्ट सांख्यिकीय रिपोर्ट के साथ प्रतिवर्ष मुख्य रजिस्ट्रार (मुख्य निबन्धक) द्वारा उस वर्ष के, जिससे रिपोर्ट सम्बन्धित हो, अनुवर्ती वर्ष की 31 जुलाई तक राज्य सरकार को प्रस्तुत की जाएगी।
प्रपत्र इत्यादि जिसमें जन्म-मृत्यु की सूचनायें दी जायेगी	5. (1)	सूचनायें जो रजिस्ट्रार (निबन्धक) को धारा 8 या धारा 9 में दी जानी होगी को क्रमशः प्रपत्र 1, 2, 3 में जन्म, मृत्यु एवं मृत जन्म से सम्बन्धित होगी, एतद् पश्चात सामूहिक रूप से सूचना कहलायेगी। सूचना यदि मौखिक हो, तो निबन्धक द्वारा उसकी उचित सूचना प्रपत्र पर अंकित कर सूचना देने वाले के हस्ताक्षर या अंगूठा निशानी लिया जायेगा।
	(2)	सूचना प्रपत्र के वे भाग जिनमें विधि सम्बन्धी सूचना होगी को "विधिक भाग" एवं वे भाग जिसमें सांख्यिकीय सूचना होगी को "सांख्यिकीय भाग" कहा जायेगा।
	(3)	सूचना जो उपनियम (1) द्वारा जन्म, मृत्यु, मृत-जन्म के संदर्भ में वांछित है घटना के 21 दिन के अन्दर दी जानी होगी।
किसी वाहन में जन्म अथवा मृत्यु की सूचना	6. (1)	किसी सचल वाहन में जन्म अथवा मृत्यु होने के सम्बन्ध में गाड़ी प्रभारी व्यक्ति रूकने के प्रथम स्थान पर धारा 8 की उपधारा (1) सूचना देगा अथवा दिलवाएगा।
		स्पष्टीकरण :- इस नियम के प्रयोजनार्थ सचल गाड़ी का तात्पर्य थल, नभ अथवा जल में प्रयुक्त किसी भी प्रकार की सवारी से है तथा इसके अन्तर्गत वायुयान, रेलगाड़ी, मोटरकार, मोटर साइकिल, तांगा, रिक्शा भी

उत्तरांचल सरकार
चिकित्सा अनुभाग-2
संख्या : 1175 /चि-2-2003-567/2001
देहरादून : दिनांक 28 अप्रैल, 2003

अधिसूचना
प्रकीर्ण

जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 (केन्द्रीय अधिनियम संख्या-18 वर्ष 1969) की धारा 30 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री राज्यपाल महोदय जन्म-मृत्यु पंजीकरण हेतु प्रख्यापित केन्द्रीय आदर्श जन्म-मृत्यु पंजीकरण नियमावली, 1999 उत्तरांचल में अधिनियम के प्रवर्तन हेतु अंगीकृत करने की सहर्ष स्वीकृति प्रदान करते है जो निम्नवत होगी :-

आदर्श जन्म-मृत्यु पंजीकरण नियमावली उत्तरांचल, 2003

जन्म और मृत्यु पंजीकरण अधिनियम, 1969 केन्द्रीय (अधिनियम संख्या-18, 1969) की धारा 30 द्वारा प्रदत्त शक्ति का प्रयोग करते हुये राज्य सरकार, उत्तरांचल, भारत सरकार द्वारा निर्गत आदर्श नियमावली 1999 को जन्म-मृत्यु पंजीकरण हेतु अंगीकृत करती है जो निम्नवत होगी:-

संक्षिप्त नाम विस्तार तथा प्रारम्भ

1. (1) यह नियमावली उत्तरांचल जन्म-मृत्यु पंजीकरण नियमावली 2003 कहलायेगी।

(2) इस नियमावली का विस्तार सम्पूर्ण उत्तरांचल राज्य में होगा। नियमावली के गजट में प्रकाशित होने के दिनांक से, इससे पूर्व की जन्म-मृत्यु पंजीकरण के सम्बन्ध में बनी या लागू नियमावली स्वत: निरस्त समझी जायेगी एवं इस नियमावली के नियमों के क्रम में किया गया कोई भी परिवर्तन अधिसूचित कर लागू की जा सकेगी।

परिभाषायें

2. इस नियमावली में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो-

(क) "अधिनियम" का तात्पर्य जन्म और मृत्यु पंजीकरण अधिनियम, 1969 से होगा।

(ख) "प्रपत्र" का तात्पर्य इस नियमावली से संलग्न प्रपत्र से होगा तथा

(ग) "धारा" का तात्पर्य अधिनियम की धारा से होगा।

199

कार्यालय मुख्य नगर अधिकारी, नगर निगम, देहरादून

18 मार्च, 2004 ई०

पत्र सं० 1342 (H) नगर निगम, देहरादून के सीमान्तर्गत स्थित होटल/लॉज शुल्क–उपविधि जो सरकारी गजट दिनांक 28 दिसम्बर, 2003 के भाग–8 के पृष्ठ–58 से 63 में प्रकाशित है, के उपनियम–7 को निगम की बैठक दिनांक 8–3–2003 के प्रस्ताव संख्या–8 द्वारा निम्न रूप से संशोधित किया गया है :–

वर्तमान उपनियम–7	संशोधित उपनियम–7
7– प्रत्येक होटल/लॉजिंग हाउस स्वामी को प्रतिमाह निम्नानुसार शुल्क नगर निगम में जमा करना होगा :–	7– प्रत्येक होटल/लॉजिंग हाउस स्वामी को निम्नानुसार शुल्क नगर निगम में जमा करना होगा :–
(अ) नगर के मुख्य मार्गों यथा हरिद्वार रोड, गांधी रोड, राजपुर रोड तथा चकरोता रोड पर स्थित होटल/लॉजिंग हाउस को रु० 60/– प्रति बेड प्रतिमाह।	
(ब) उक्त मार्गों से भिन्न अन्य क्षेत्रों में स्थित होटल/लॉजिंग हाउस को रु० 30/– प्रति बेड प्रतिमाह।	

श्रेणी	शुल्क प्रति बेड प्रति माह
न्यून श्रेणी	
(रु० 300/– प्रति बेड प्रतिदिन औसत किराया तक वाले होटल/लॉज)	रु० 10/–
मध्यम श्रेणी	
(रु० 300/– से अधिक किन्तु रु० 500/– से न्यून प्रति बेड प्रतिदिन औसत किराया वाले होटल/लॉज)	रु० 20/–
उच्च श्रेणी	
(रु० 500/– से अधिक प्रति बेड प्रतिदिन औसत किराया वाले होटल/लॉज)	रु० 30/–

ये दरें गजट में प्रकाशन की तिथि से लागू होंगी।

डा० दिलबाग सिंह,
आई०ए०एस०
मुख्य नगर अधिकारी,
नगर निगम, देहरादून।

यू०एस०पी० (आर०ई०) 12 हिन्दी गजट/145–भाग 8–2004 (कम्प्यूटर/रीजिगो)।

मुद्रक एवं प्रकाशक–उप निदेशक, राजकीय मुद्रणालय, उत्तरांचल, रुड़की।

198

नगर निगम देहरादून

उपविधि

नगर निगम देहरादून के प्रस्ताव स०–6 दि० 21.11.2002 के द्वारा उ०प्र० नगर निगम अधिनियम 1959 की धारा 221–क व 580–ख के अंतर्गत नगर निगम को किसी कर, शुल्क, लाईसेन्स शुल्क, किराया तथा ठेकों की धनराशि व अन्य देयों की समस्त धनराशि यदि निर्धारित तिथि तक अदाता भुगतान नहीं करता है तो उस अदत्त धनराशि पर वार्षिक साधारण ब्याज लगाया जाना स्वीकार किया गया है। उक्त अधिनियम की धारा 543 के अंतर्गत सर्वसाधारण से हिन्दी दैनिक "अमर उजाला" व "दून दर्पण" समाचार पत्रों के अंक दि० 23.11.2002 में प्रकाशन कराकर 15 दिन के अंदर आपत्ति एवं सुझाव आमंत्रित किये गये थे किन्तु निर्धारित अवधि के अंदर कोई आपत्ति एवं सुझाव प्राप्त नहीं हुए।

सम्यक विचारोपरांत उक्त करों एवं शुल्कों आदि की अदत्त धनराशि पर ब्याज के आरोपण एवं वसूली के लिए निम्नानुसार दरें लगाया जाना अंतिम रूप से स्वीकार करते हुए अधिनियम की धारा 544 के अंतर्गत शासकीय गजट में प्रकाशित किया जाता है।

1. भवन/सम्पत्ति कर की देय धनराशि यदि निर्धारित तिथि तक करदाता द्वारा नगर निगम कार्यालय में जमा नहीं की जाती है तो नगर निगम अधिनियम 1959 की धारा 221–क के अंतर्गत अदत्त धनराशि पर 12 प्रतिशत की वार्षिक दर से साधारण ब्याज कर के भुगतान के लिये निर्धारित तिथि से भुगतान की तिथि तक पृथक से देय होगा जो भवन स्वामी या अध्यासी से वसूल कियां जायेगा।

2. भवन/सम्पत्ति कर से भिन्न अन्य किसी भी प्रकार के कर, शुल्क, लाईसेन्स शुल्क, किराया, ठेकों आदि की धनराशि तथा अन्य देयों की समस्त धनराशि यदि निर्धारित तिथि तक अदाता भुगतान नहीं करता है तो उस अदत्त धनराशि पर 18 प्रतिशत की दर से साधारण ब्याज निर्धारित तिथि से भुगतान की तिथि तक पृथक से देय होगा।

उपरोक्त दरें गजट में प्रकाशन की तिथि से प्रभावी होंगी।

(हस्ताक्षर अपठित)
प्रशासक,
नगर निगम, देहरादून।

पी०एस०-10 (आर०ई०) 33 हिन्दी गजट/532–भाग 8–2002 (कम्प्यूटर/रीजियो)।
मुद्रक एवम् प्रकाशक–उप निदेशक, राजकीय फोटो–लिथो प्रेस, उत्तरांचल, रुड़की।

2. प्रत्येक ऐसे कुत्ते जिसका पंजीकरण कराना होगा, के (1) लिंग (2) रंग (3) नस्ल (यदि ज्ञात हो) की सूचना सहित स्वास्थ्य अधिकारी को उसके स्वामी द्वारा आवेदन प्रेषित करना होगा। इसके लिए आवेदन पत्र के साथ रू0 100/- का पंजीकरण शुल्क जमा करना होगा। आवेदन पत्र के सम्बन्ध कुत्ते को एंटि रेबीज वैक्सीन का टीका लगा होने का प्रमाण पत्र भी प्रस्तुत करना होगा।

3. कुत्ते के स्वामी को प्रत्येक वर्ष अप्रैल अथवा इससे पूर्व ही पंजीकरण के नवीनीकरण के लिए आवेदन निर्धारित शुल्क सहित प्रेषित करना होगा। विलंब से प्रेषित नवीनीकरण प्रार्थना पत्र पर प्रतिमाह रू0 10/- विलंब शुल्क देय होगा।

4. प्रत्येक कुत्ते के पंजीकरण के पश्चात उसके पंजीयन संख्या का टोकन जारी किया जायेगा जो कुत्ते के गले में सदैव उपलब्ध रहेगा।

5. किसी भी पंजीकरण के टोकन के खो जाने की दशा में उसके स्वामी की लिखित सूचना पर दूसरा टोकन रू0 25/- के दण्ड शुल्क लेकर जारी किया जा सकेगा कुत्ते के गले में टोकन ना पाये जाने की स्थिति में कुत्ता पंजीकरण रहित माना जायेगा।

6. प्रत्येक ऐसा कुत्ता जो सार्वजनिक स्थल पर बिना गले के टोकन के पाया जायेगा पकड़ने व नियमानुकुल नष्ट करने योग्य होगा।

7. निम्न दिवसों को कुत्ते को नष्ट करना वर्जित होगा:-

1. भाद्र शुक्ल पंचमी
2. अनंत चौदस
3. जन्म अष्टमी

दण्ड

इस नियमावली के नियम 2 से 5 की अवहेलना होने पर कुत्ता स्वामी दण्ड का भागी होगा जो रू0 500/- तक हो सकेगा एवं अवज्ञा जारी रहने की दशा में प्रतिदिन रू0 20/- का अतिरिक्त दण्ड देय होगा।

197

(19) लायसेंस अधिकारी के लायसेंस को अस्वीकार या प्रतिसंहरण करने के आदेशों के विरुद्ध पुनरावेदन, उक्त आदेश की संसूचना के दस दिन के भीतर, मुख्य नगर अधिकारी, नगर निगम के समक्ष प्रस्तुत किया जा सकेगा। जिसपर मुख्य नगर अधिकारी के आदेश अंतिम होंगे।

दण्ड

उत्तर प्रदेश अधिनियम 1959 की धारा 541(41) के द्वारा प्राप्त अधिकारों का प्रयोग करते हुए उपरोक्त किसी भी उपविधि को भंग करने वाले व्यक्ति को रू० 1000/- अर्थदण्ड दिया जायेगा एवं निरंतर अवहेलना की दशा में अतिरिक्त दण्ड 20/- रू० प्रतिदिन किया जायेगा जो प्रथम अवहेलना की दोष सिद्धि के पश्चात् ऐसे प्रत्येक दिन के लिये जिसमें यह सिद्ध हो जाये कि अपराध निरंतर जारी है, देय होगा।

नगर निगम, देहरादून

नगर निगम, देहरादून के प्रस्ताव सं० 4(2) दि० 12.11.2002 के द्वारा उ0प्र0 नगर निगम, अधिनियम 1959 की धारा 172(ड) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए होटल/लाजिंग हाउस संबंधी उपविधियां बनाकर शुल्क लगाया जाना स्वीकार किया गया है। उक्त अधिनियम की धारा 543 के अंतर्गत उन व्यक्तियों जिन पर प्रस्तावित शुल्क के प्रभाव पड़ने की संभावना की जाती है, से दैनिक अमर उजाला समाचार पत्र के हिन्दी के अंक दि० 15.11.02 में प्रकाशन करा कर 15 दिन के अंदर आपत्ति एवं सुझाव आमंत्रित किये गये थे किन्तु निर्धारित अवधि के अंदर कोई आपत्ति एवं सुझाव प्राप्त नही हुये।

सम्यक विचारोपरांत नगर निगम देहरादून द्वारा उक्त शुल्क के आरोपण एवं वसूली के लिए पारित प्रस्तावित उपविधियां अंतिम रूप से स्वीकार करते हुए अधिनियम की धारा 544 के अंतर्गत यह उपविधियां शासकीय गजट में प्रकाशित की जाती है।

उपविधि

1. प्रत्येक 6 माह अथवा इससे अधिक की आयु का कुत्ता नगर निगम, देहरादून की सीमा के अंदर रखने/पालने पर इसका पंजीकरण नगर निगम, कार्यालय में कराना आवश्यक होगा, जो प्रत्येक वर्ष की अंतिम तिथि 31 मार्च तक वैधा रहेगा।

लायसेंस में शयन कक्ष के रूप में प्रदीष्ट जोबल सेनेटरी आफिसर/स्वास्थ्य अधिकारी द्वारा प्रमाणित प्रत्येक कक्ष के दरवाजे के उपर चालक द्वारा एक पत्रक लगाया जायेगा जिसमें कक्ष का क्षेत्रफल तथा लायसेंस क्षेत्रफल और उसमें रहने के लिये अनुमत व्यस्क व्यक्तियों की संख्या दर्शायी जायेगी। यह पत्रक नगर निगम द्वारा दिया जायेगा।

लायसेंस अधिकारी इन उपविधियों के अंतर्गत स्वीकृत लायसेंस के निरस्त/निलंबन कर सकता है :

1. यदि अपेक्षित स्वच्छता की पूर्ति निर्धारित अवधि के भीतर न की गयी।
2. यदि अस्वच्छता या दूसरे कारणों से, भवन संवासगृह के रूप में प्रयोग में लाने के लिये अयोग्य हो जाता है।
3. यदि होटल/लाजिंग हाउस चालक या उसके किसी भाग में उसके लायसेंस में अनुमति किए हुए से अधिक संख्या में अभिधारियों को रखता या रखवाता या रहने देता है।
4. यदि, छूत के रोग के फैलाव से सुरक्षा हेतु स्वास्थ्य अधिकारी द्वारा दिये गये निर्देशों का पालन करने में चालक असफल रहता है।
5. यदि चालक भवन में वैश्या-वृत्ति या मादक वस्तुओं के व्यवहार को बढ़ावा देता हुआ पाया जायें
6. यदि चालक इन उपविधियों के अंतर्गत किसी दण्डनीय अपराध का दोषी सिद्ध होता है।

यदि किसी व्यक्ति की, जिसकी इन उपविधियों के अंतर्गत होटल/लाजिंग हाउस चलाने का लायसेंस स्वीकृत किया गया हो, लायसेंस में स्वीकृत अवधि के बीच में ही मृत्यु हो जाती है तो प्रतिनिधि मृतक के हित में या एक से अधिक ऐसे प्रतिनिधि हों तो दूसरों की सम्मति में उनमें से कोई एक को अपने नाम पर स्थानान्तरित कराने के लिये स्वास्थ्य अधिकारी को प्रार्थना पत्र दे सकता है। जोबल सेनेटरी आफिसर/स्वास्थ्य अधिकारी प्रार्थना पत्र अस्वीकार कर सकता है :-

यदि प्रार्थी, उसकी सम्मति में, होटल/लाजिंग हाउस का चालक होने के योग्य नहीं है, और

यदि प्रार्थी, अव्यस्क होते हुए, एक योग्य और उत्तरदायी अभिकर्ता की नियुक्ति करने में असमर्थ है, अन्यथा वह लायसेंस के स्थानान्तरित किये जाने के लिये निर्देश देगा। इस प्रकार स्थानान्तरित की गई लायसेंस अवधि के असमाप्त भाग के लिये होगी।

196

2. कि भवन में संवातन और जलोदासरण तथा प्रकाश का समुचित प्रबंध है।
3. कि रसोईघर, अन्न-कोष्ठ, भोजन कक्ष, अश्वशाला, गौशाला, कुक्कुटशाला, शौचालय और सामान्य स्वच्छता का प्रबंध अच्छी और स्वच्छ परिस्थिति में है।
4. कि सेवकों के घर अच्छी और स्वच्छ परिस्थिति में है तथा पर्याप्त संवातित है।
5. कि रहने के लिये प्रयोग में लाये जाने वाले किसी भी कक्ष में खाना पाय आदि बनाने की अनुमति नहीं दी जायेगी।
6. कि प्रत्येक भवन में, जिसके लिये लायसेंस या लायसेंस के नवीनीकरण हेतु प्रार्थना पत्र प्राप्त हुआ हो की छतों में, भवन के समस्त कमरों में, लकड़ी और लोहे के निर्माण पर प्रत्येक वर्ष 1 अप्रैल से पूर्व रंगाई और पुताई कराई जायेगी।

12 निरीक्षण में मामूली स्वच्छता दोषों के पाये जाने की स्थिति में लायसेंस अस्थायी रूप से इस प्रतिबंध पर जारी किया जायेगा कि जोनल सेनेटरी आफिसर/स्वास्थ्य अधिकारी द्वारा अपेक्षित निर्धारित अवधि के भीतर उनकी पूर्ति स्वामी द्वारा कर ली जायेगी।

भारी स्वच्छता दोषों की स्थिति में, लायसेंस अस्वीकार कर दिया जायेगा, और अस्वीकार करने के कारणों से प्रार्थी को संसूचित किया जायेगा।

13 इस उपविधियों के अंतर्गत प्रार्थी के पूर्व दोषी होने के आधार पर लायसेंस अधिकारी को लायसेंस अस्वीकार करने का भी अधिकार होगा।

14 लायसेंस नगर निगम द्वारा निर्धारित प्रपत्र में जारी किया जायेगा और जारी किये जाने की तिथि से जिस वर्ष के लिये जारी किया गया हो उसके 31 मार्च तक के लिए वैध होगा। जोनल सेनेटरी आफिसर/स्वास्थ्य अधिकारी सभी उचित समयों पर भवन के निरीक्षण तथा जांच करने के लिए सक्षम होगा।

15 जब किसी होटल/लाजिंग हाउस में कोई छूत के रोग का मामला हो जाये तो उसके बारे में ज्ञात होते ही चालक द्वारा तुरंत उसकी सूचना जोनल सेनेटरी आफिसर /स्वास्थ्य अधिकारी को दी जायेगी व रोगी को अलग किया जायेगा, वह आगे ऐसा प्रयत्न करेगा जो रोग के फैलाव की दृष्टि से जोनल सेनेटरी आफिसर/स्वास्थ्य अधिकारी द्वारा कीटाणु नाश करने, टीका लगाने इत्यादि के संबंध में विहित किये गये हैं।

होटल/लाजिंग हाउस के चालक द्वारा किसी भी कक्ष को जिसमें छूत के रोग का मामला घटित हुआ हो तब तक पुनः किसी को नहीं दिया जायेगा जब तक जोनल सेनेटरी आफिसर/स्वास्थ्य अधिकारी पूर्णतः संतुष्ट न होने पर उस कक्ष को कीटाणु रहित कराये 24 घंटे का समय न बीत गया हो।

उपविधियों के अंतर्गत कोई होटल/लाजिंग हाउस के स्वामी या चालक द्वारा उपविधियों या लायसेंस के किसी प्रतिबंधार का पालन न करने की दशा में जोनल सेनेटरी आफिसर/स्वास्थ्य अधिकारी द्वारा उसके पालन कराने हेतु नोटिस जारी किया जायेगा।

नये लायसेंस हेतु नगर निगम द्वारा निर्धारित प्रपत्र में पूर्ण विवरण [illegible] उपलब्ध कराके होटल/लाजिंग हाउस के स्वामी या चालक द्वारा नगर निगम में हर वर्ष 28 फरवरी को या उससे पूर्व प्रस्तुत करने होंगे। 28 फरवरी के पश्चात् प्रस्तुत किये जाने वाले प्रार्थना पत्रों पर रू0 10.00 प्रतिदिन विलंब शुल्क लिया जायेगा, कोई प्रार्थना पत्र जोनल सेनेटरी आफिसर/स्वास्थ्य अधिकारी की अनुमति एवं विलंब शुल्क के स्वीकार नहीं किया जायेगा।

प्रत्येक होटल/लाजिंग हाउस स्वामी को प्रतिमाह निम्नानुसार शुल्क नगर निगम में जमा करना होगा।

नगर के मुख्य मार्गों यथा हरिद्वार रोड़, गांधी रोड, राजपुर रोड तथा चकरौता रोड़ पर स्थित होटल/लाजिंग हाउस को रू0 60.00 प्रति बेड प्रति माह।

उक्त मार्गों से भिन्न अन्य क्षेत्रों में स्थित होटल/लाजिंग हाउस को को रू0 30.00 प्रति बेड प्रति माह।

लायसेंस अधिकारी/जोनल सेनेटरी आफिसर/स्वास्थ्य अधिकारी नगर निगम, देहरादून को लायसेंस संबंधी प्रार्थना पत्रों पर सम्बंधित आय एवं सफाई निरीक्षकों की रिपोर्ट पर लायसेंस स्वीकार करेंगे या उक्त आपत्ति, शर्तों/प्रतिबंधों की पूर्ति न होने पर लायसेंस संबंधी प्रार्थना पत्र अस्वीकार कर देंगे।

लायसेंस अधिकारी को अधिकार होगा कि वह उक्त वर्णित शर्तों में से किसी भी शर्त का उल्लघंन होने पर लायसेंस रद्द कर देंगे।

लायसेंस अधिकारी के निर्णय के विरुद्ध 15 दिवस के अंदर मुख्य नगर अधिकारी, नगर निगम, देहरादून के समक्ष अपील की जा सकती है, जिसका निर्णय अंतिम होगा।

लायसेंस निम्न प्रतिबंधों के अधीन स्वीकृत किया जायेगा :

(i) प्रत्येक शयन कक्ष में प्रति वयस्क व्यक्ति के लिये 600 घनफीट और 66 वर्गफीट फलपीट स्थान उपलब्ध है, 12 वर्ष से कम आयु के 2 बच्चे, 1 व्यक्ति के बराबर गिने जायेंगे।

195

नगर निगम, देहरादून

नगर निगम, देहरादून के प्रस्ताव सं० 4(1) दि० 12.11.2002 के द्वारा उ0प्र0 नगर निगम, अधिनियम 1959 की धारा 541(41) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए होटल/लाजिंग हाउस संबंधी उपविधियां बनाकर शुल्क लगाया जाना स्वीकार किया गया है। उक्त अधिनियम की धारा 543 के अंतर्गत उन व्यक्तियों जिन पर प्रस्तावित शुल्क के प्रभाव पड़ने की संभावना की जाती है, से दैनिक अमर उजाला समाचार पत्र के हिन्दी के अंक दि० 15.11.02 में प्रकाशन करा कर 15 दिन के अंदर आपत्ति एवं सुझाव आमंत्रित किये गये थे किन्तु निर्धारित अवधि के अंदर कोई आपत्ति एवं सुझाव प्राप्त नहीं हुये।

सम्यक विचारोपरांत नगर निगम देहरादून द्वारा उक्त शुल्क के आरोपण एवं वसूली के लिए पारित प्रस्तावित उपविधियां अंतिम रूप से स्वीकार करते हुए अधिनियम की धारा 544 के अंतर्गत यह उपविधियां शासकीय गजट में प्रकाशित की जाती है।

उपविधि

1 1. संक्षिप्त नाम प्रसार और प्रारंभ यह उपविधि नगर निगम, देहरादून की सीमा में स्थित होटल/लाजिंग हाउस संबंधी उपविधि-2002 कहलायेगी।

2. यह उपविधि नगर निगम, देहरादून की सीमा में हर प्रकार के होटल/लाजिंग हाउस पर प्रभावी होगी।

3. यह गजट में प्रकाशन की तिथि से प्रभावी होगी।

2 **परिभाषायें : होटल/लाजिंग हाउस :** होटल/लाजिंग हाउस से अभिप्रायः ऐसे आवास, गृहों से हैं जो यात्रियों के वास स्थान के रूप में प्रयोग में लाये जाते हैं। इसमें यह प्रतिबंध रहेगा कि एक ही परिसर के क्षेत्र में ऐसे भवन और भवनों के भाग जो स्थायी रूप से किराये पर दिये गये हों होटल/लाजिंग हाउस में सम्मिलित नहीं होगें।

3 ऐसे शब्दों और पदों को जो इस उपविधि में परिभाषित नहीं है, के वही अर्थ होगें जो उत्तर प्रदेश नगर निगम, अधिनियम 1959 में उनके लिये दिये गये हैं।

4 नगर निगम, देहरादून की सीमा में कोई होटल/लाजिंग हाउस स्वामी नगर निगम, से बिना लायसेंस प्राप्त किये तथा निर्धारित शर्तो को पूरा किये किसी भवन या भवन के भाग को होटल/लाजिंग हाउस के रूप में प्रयोग नहीं कर सकेगा।

10—नियम 9 के खण्ड (क) के अधीन धनराशि वापस करने का कोई दावा—मुख्य नगर अधिकारी द्वारा ... एक ग्रहण नहीं किया जायेगा जब तक कि उसे तत्सम्बन्ध एक प्रार्थना—पत्र अभिनय या प्रदर्शन न होने वाले दिन से 3 दिन की समाप्ति के पूर्व प्रस्तुत न कर दिया जाय।

आकार—पत्र

नियम 8 के अधीन प्रस्तुत की जाने वाली विवरणी

मनोरंजन या मनोविनोद, अभिनय या प्रदर्शन का नाम और स्थान _____

दिनांक	दिन	आयोजित प्रदर्शनों या अभिनयों की	देय कर की धनराशि	अन्युक्ति यदि कोई हो
1	2	3	4	5
	सोमवार			
	मंगलवार			
	बुधवार			
	बृहस्पतिवार			
	शुक्रवार			
	शनिवार			
	रविवार			

सप्ताह में आयोजित प्रदर्शनों या अभिनयों की कुल संख्या } _____ देय कुल धनराशि _____

दिनांक

स्वामी/प्रबन्धक के हस्ताक्षर

दण्ड

इन उपविधियों में दिये गये किन्हीं भी उपबन्धों की अवहेलना करने पर जुर्माना किया जायेगा जो 1,000/— रुपये प्रति सप्ताह होगा और निरन्तर अवहेलना की दशा में ऐसा अधिरिक्त जुर्माना किया जायेगा जो प्रथम अवहेलना की क्षेम—सिद्धि के पश्चात् ऐसे प्रत्येक दिन के लिये, जिसमें यह सिद्ध हो जाये कि अपराधी ने अपराध जारी रखा है, रु० 20/— अधिक होगा।

डा० एस० एस० संधू,
प्रशासक,
नगर निगम, देहरादून।

194

4—कर देने का दायित्व—अधिनियम की धारा 167 में यथास्थिति मुक्तियों के अधीन रहते हुये स्वामी द्वारा ऐसे मनोरंजन या आमोद-प्रमोद (मनोविनोद) पर [illegible] कर से होगा जिनका प्रदर्शन या अभिनय वेबनाकून नगर निगम की सीमाओं के भीतर आयोजित या संचालित किया जाता हो और जिसमें व्यक्ति साधारणतः भुगतान करने पर प्रवेश कर पाते हों।

किन्तु प्रतिबन्ध यह है कि ऐसे दशा में कर देय न होगा जब ऐसे अभिनय या प्रदर्शन से शुद्ध आय का लोकोपकारी धार्मिक या दानेतर प्रयोजन के लिये लगाया जाता हो।

5—कर का भुगतान—नियमित रूप से आयोजित या संचालित सिनेमा प्रदर्शन की दशा में सप्ताह के होने वाले प्रत्येक सप्ताह के अन्तिम दिन से 3 दिन के भीतर किया जायेगा और 2 खण्ड (1) में अभिनिर्दिष्ट प्रदर्शनों से भिन्न प्रदर्शनों या अभिनयों की दशा में ऐसा प्रदर्शन या अभिनय आयोजित या संचालित किये जाने से कम से कम 3 दिन पूर्व दिया जायेगा।

किन्तु प्रतिबन्ध यह है कि विशिष्ट मामलों में मुख्य नगर अधिकारी उन कारणों से जो अवलोकित किये जायेंगे खण्ड (2) में अभिनिर्दिष्ट प्रदर्शनों या अभिनयों के सम्बन्ध में उनके आयोजन या संचालन से पूर्व किसी भी समय में कर का भुगतान करने में अनुमति दे सकता है।

6—कर भुगतान करने का स्थान—कर, नगर महापालिका के मुख्य कार्यालय या ऐसे स्थान पर दिया जावेगा जो मुख्य नगर अधिकारी द्वारा समय-समय पर तदर्थ निर्दिष्ट किया जाय।

7—मुख्य नगर अधिकारी द्वारा रजिस्टर का रखा जाना—

(1) मुख्य नगर अधिकारी एक रजिस्टर रखेगा जिसमें निम्नलिखित बातें दर्शाई जायेंगी :—

(अ) नगर के मनोरंजन या मनोविनोद के सम्बन्ध में ऐसे विवरण जो वह उचित समझे;

(आ) कर देनदार थियेटर समूह/सिनेमा हॉल प्रबन्धक/स्वामी का नाम;

(इ) प्रत्येक सप्ताह नगर के मनोरंजन या मनोविनोद के अभिनयों अथवा प्रदर्शनों की सम्भाव्य संख्या और उस पर देय कर की अनुमानित धनराशि; और

(ई) ऐसी अन्य विवरण, जो वह आवश्यक समझे।

(2) मुख्य नगर अधिकारी यदि वह आवश्यक समझे तो, ऐसे प्रयोजनों के लिये और ऐसे वर्गीकरण के साथ जो वह आवश्यक समझे, रजिस्टर को पृथक विवरणों या खण्डों में रख सकता है।

(3) मुख्य नगर अधिकारी अन्य रजिस्टरों को भी ऐसे आकार-पत्रों में और ऐसे प्रयोजनों के लिये रख सकता है जो वह आवश्यक समझे।

8—स्वामी द्वारा विवरणी और सूचना का प्रस्तुत किया जाना—

(1) स्वामी उस दिनांक को, जब किसी प्रदर्शन या अभिनय के लिये कर का भुगतान किया जाय, मुख्य नगर अधिकारी को इस नियमावली से संलग्न आकार-पत्र में एक विवरणी प्रस्तुत करेगा।

(2) मुख्य नगर अधिकारी तदर्थ प्रार्थना-पत्र दिये जाने पर उप-नियम (1) में उल्लेखित विवरणी के प्रस्तुत किये जाने की अवधि को शिथिल कर सकता है।

(3) प्रत्येक स्वामी, मुख्य नगर अधिकारी को ऐसी सूचना देगा जिसकी वह कर लगाने के प्रयोजनार्थ समय-समय पर अपेक्षा करे।

9—धनराशि वापस करना—मुख्य नगर अधिकारी तदर्थ प्रार्थना-पत्र दिये जाने पर मनोरंजन या मनोविनोद के किसी अभिनय या प्रदर्शन के सम्बन्ध में भुगतान की गयी कर की धनराशि को वापिस कर देगा यदि उसका यह समाधान हो जावे कि—

(क) ऐसा अभिनय या प्रदर्शन वास्तव में नहीं हुआ था और इच्छुक दर्शकों से वसूल की गयी धनराशि यथा व्यवहार्य पूरी-पूरी वापस कर दी गयी; या

(ख) भुगतान किया गया कर वैध रूप से वसूल किये जाने योग्य नहीं था।

पंजीकृत संख्या-यू0ए0/डी0ई0-30/02
(साइलेन्स द यूनिट विदाउट डीपेंडेन्ट)

सरकारी गजट, उत्तरांचल

उत्तरांचल सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक 28 दिसम्बर, 2002 ई0 (पौष 07, 1924 शक सम्वत्)

भाग 8

सूचना एवं अन्य वैयक्तिक विज्ञापन आदि

नगर निगम, देहरादून

देहरादून की सीमा के अन्तर्गत प्रेक्षागृहों, कुत्तों पर कर एवम् होटल/लॉजिंग हाउस पर शुल्क से सम्बन्धित उपविधियां

09 दिसम्बर, 2002 ई0

520(A)/सा0वि0/न0नि0, देहरादून–नगर निगम, देहरादून के प्रस्ताव संख्या 4, दिनांक 12–11–2002 नगर निगम अधिनियम, 1959 की धारा 172 (झ) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुये प्रेक्षागृह आरोपित/संशोधित करने हेतु उपविधियां बनाकर उन व्यक्तियों जिन पर प्रस्तावित शुल्क के प्रभाव सम्भावना की जाती है, से दैनिक अमर उजाला समाचार–पत्र के हिन्दी के अंक दिनांक 15–11–02 में प्रकाशन दिन के अन्दर आपत्ति एवं सुझाव आमन्त्रित किये गये थे किन्तु निर्धारित अवधि के अन्दर कोई आपत्ति एवं नहीं हुये।

विधारोपरान्त नगर निगम, देहरादून द्वारा उक्त शुल्क के आरोपण एवं वसूली के लिये यथा प्रस्तावित अन्तिम रूप से स्वीकार करते हुये अधिनियम की धारा 544 के अन्तर्गत यह उपविधियां शासकीय गजट में की जाती हैं :–

उपविधियां

संक्षिप्त नाम–यह उपविधियां देहरादून नगर निगम प्रेक्षागृह कर उपविधियां कहलायी जायेंगी।

परिभाषाएं–

(अ) मुख्य नगर अधिकारी–मुख्य नगर अधिकारी का तात्पर्य नगर निगम, देहरादून के मुख्य नगर अधिकारी से है।

(ब) नगर निगम–नगर निगम का तात्पर्य नगर निगम, देहरादून से है।

(स) स्वामी–स्वामी का तात्पर्य ऐसे व्यक्ति से है जो किसी प्रेक्षागृह सिनेमा हॉल, मनोरंजन या आमोद–प्रमोद का प्रबन्ध करने के लिये उत्तरदायी हो।

(द) कर–कर का तात्पर्य अधिनियम की धारा 172 की उपधारा (2) के खण्ड (झ) में यथापरिभाषित प्रेक्षागृह कर से है।

नगर निगम अधिनियम, 1959 की धारा 172 की उपधारा (2) के खण्ड (झ) के अधीन प्रदत्त का प्रयोग कर देहरादून द्वारा प्रेक्षागृह, सिनेमा हॉल, मनोरंजन या आमोद–प्रमोद पर निम्न कर आरोपित किया जाता है :

प्रत्येक प्रेक्षागृह सिनेमा हॉल, मनोरंजन, आमोद–प्रमोद पर 50 100.00 प्रति शो/प्रति दर्शन।

193

"टैक्नीकल" अथवा विशिष्ट "स्पेशलाईज्ड" पाठ्यक्रमों" "कोर्सेज" के लिए जिनकी पढ़ाई का समय तीन वर्ष से अधिक हो और वह शिक्षा इन्टरमीडियट के बाद की हो, दोनों ही दशाओं में धन निकालने के लिए उ. माह के भीतर उसे मुख्य नगर अधिकारी को सन्तोष दिलाना होगा कि धन उस कार्य में, जिसके लिए वह निकाला गया था प्रयोग कर लिया गया।

ऐसा न करने पर अग्रिम लिया गया धन मुख्य नगर अधिकारी को सामान्य भविष्य निधि में उसके खाते में जमा करने के लिए लौटा देना होगा। जब तक कि मुख्य नगर अधिकारी उस धन के प्रयोग का समय बढ़ा न दें। यदि अधिकारी/कर्मचारी मुख्य नगर अधिकारी को या तो व्यय के विषय में सन्तोष दिला सके अथवा बचा हुआ धन लौटावे तो मुख्य नगर अधिकारी वह धन उसके वेतन से उचित किश्तों में वसूल करने के लिए सक्षम होंगे।

(हरिश्चन्द्र जोशी)
आई०ए०एस०,
प्रशासक,
नगर निगम, देहरादून।

(3) यह अग्रिम अधिकारी / कर्मचारी से 20 किश्तों में वसूल किये जायेंगे। इन ऋणों पर ब्याज के रूप में एक अतिरिक्त किश्त देय होगी।
(4) अग्रिम की ब्याज सहित वापसी पूरी होने के 12 महीने बाद ही दूसरा अग्रिम साधारणतः दिया जायेगा परन्तु विशेष परिस्थितियों में दूसरा अग्रिम 12 माह के पूर्व भी दिया जा सकता है।

24– यदि कोई अधिकारी चाहे तो अपने साधारण भविष्य निधि में जमा धन से पॉलिसी का "प्रीमियम" अदा करने के लिए पॉलिसी को मुख्य नगर अधिकारी के नाम प्रतिग्रहण "प्लेज" कर सकता है और प्लेज की हुई पॉलिसी मुख्य नगर अधिकारी अथवा उनके द्वारा अधिकृत अधिकारी के संरक्षण (कस्टडी) में रहेगी। पॉलिसी की "प्रीमियम" के लिये अग्रिम को बीमा कारपोशन को भुगतान किये जाने के सबूत में कारपोशन की रसीद मुख्य नगर अधिकरी के पास जमा करनी होगी। इस प्रकार की पॉलिसी को चालू रखने की जिम्मेदारी सम्बन्धित अधिकारी की होगी। पॉलिसी परिपक्व (मैच्योर) होने पर उसका रुपया वसूल करके अधिकारी के भविष्य निधि खाते में जमा कर दिया जायेगा। यदि सम्बन्धित अधिकारी पॉलिसी परिपक्व होने के पूर्व सेवा निवृत्ति हो जाये तो मुख्य नगर अधिकारी के हित में पॉलिसी प्रतिग्रहण करके उसे लौटा देंगे।

25– किसी अधिकारी / कर्मचासरी के खाते में सामान्य भविष्य निधि में जमा धन उसकी नगर निगम की सेवा में निवृत्ति होने पर उसे लोटा दिया जायेगा।

प्रतिबन्ध यह है कि यदि अधिकारी चाहे तो सामान्य भविष्य निधि में अपने खाते में जमा धन को निम्नलिखित कार्य के लिए प्रत्येक के लिए साथ उल्लिखित प्रतिबन्धों के अनुसार मुख्य नगर अधिकारी की स्वीकृति से सेवा निवृत्ति होने के पूर्व भी निकाल सकता है।
(1) अपने निवास के लिए मकान बनाने, क्रय करने या इस सम्बन्ध में किये गये ऋण को अदा करने अथवा लड़की, लड़के के विवाह करने के लिए अपने और उस पर मिले ब्याज के धन को 20 वर्ष की सेवा पूर्ण करने या सेवा अवधि पूर्ण होने से 10 वर्ष पूर्व।
(2) अपने आश्रित बच्चों की निम्नलिखित शिक्षा के लिए तीन महीने के वेतन या भविष्य निधि में जमा धन के आधे तक, जो भी कम हो।
(क) विदेश में विद्या (एकेडमिक) औद्योगिक (टैक्नीकल) कला सम्बन्धी (प्रोफेशनल) पाठ्यक्रमों "क्रोससेज" के लिए और
(ख) भारत में ऐसे चिकित्सा "मेडिकल" अभियान्त्रिक इन्जीनियर तथा अन्य औद्योगिक

निधि खाते का सदस्य होना पड़ेगा और उसमें अपने 10 पैसे प्रति रुपये से कम न होते हुए भी 25 पैसा प्रति रुपया प्रतिमाह का अपना अंशदान जमा करना पड़ेगा। अंशदान की दर उन्हें अपनी नियुक्ति के शीघ्र बाद घोषित कर देना पड़ेगा। जब तक कि इस में किसी परिवर्तन का नोटिस मुख्य नगर अधिकारी अथवा मुख्य नगर लेखा परीक्षक को किसी वर्ष मार्च के प्रथम सप्ताह में न दें, अगले वर्ष के लिए वही दर बनी रहेगी तथा वर्ष के बीच अंशदान की पूर्व में कोई परिवर्तन स्वीकृत न किया जायेगा।

20– भविष्य निधि के अंशदान में काटा गया धन प्रतिमास की 10 तारीख से पहले बैंक में जमा कर दिया जायेगा। जिससे उसमें ब्याज मिल सके।

21– मुख्य नगर अधिकारी को यह अधिकार होगा कि अधिकारी/कर्मचारी की लिखित सहमति से सामान्य भविष्य निधि खाते में जमा धन में से बैंक एफ0डी0आर0/राष्ट्रीय बचत पत्रों में विनियोजित कर दें।

22– प्रत्येक अधिकारी/कर्मचारी को भविष्य निधि का सदस्य होने पर उसकी मृत्यु के उपरान्त उसके खाते में जमा भविष्य निधि धन का भुगतान के लिए नामांकन पत्र विनिमय 6 के अनुसार देना होगा। यह नामांकन पत्र मुख्य नगर अधिकारी अथवा उनके द्वारा अधिकृत अधिकारी द्वारा प्राप्त किये जायेंगे और प्राप्ति की दिनांक लिखकर तथा आवश्यक रजिस्टर में दर्ज करके अपने अभिरक्षा (कस्टडी) में रखे जायेंगे।

23– सामान्य भविष्य निधि में जमा हुए धन में से यदि कोई अधिकारी चाहे तो मुख्य नगर अधिकारी उसे अस्थायी अग्रिम/ऋण स्वीकृत कर सकते हैं। इन अग्रिमों की स्वीकृति तथा उनकी वसूली की निम्नलिखित विधि अपनाई जायेगी।

(1) साधारणतः अग्रिम की धनराशि सम्बन्धित अधिकारी/कर्मचारी के तीन मास के वेतन से अधिक न होगी। विषम परिस्थितियों में मुख्य नगर अधिकारी अपने स्वविवेक से अधिक धन भी दे सकते हैं लेकिन यह धनराशि भविष्य निधि में जमा धनराशि के आधे से अधिक नहीं होगी।

(2) यह ऋण अधिकारियों को प्रायः ऐसे व्यय को वहन करने के लिए दिये जायेंगे जिनका वहन करना उनके सामाजिक तथा धार्मिक बन्धनों के अन्तर्गत अनिवार्य हो। इन व्ययों में अपने परिवार की शिक्षा, उनकी बीमारी, विवाह अथवा मृत्यु सम्बन्धी व्यय सम्मिलित होंगे।

अधिकारी द्वारा रोकड़ बही इस विनियमावली से संलग्न पत्र "अ" में रखी जायेगी।

15– **पेन्शन अंशदान के सम्बन्ध में प्रक्रिया** :– पेन्शन सम्बन्धी अंशदान की धनराशि प्रतिमास के छठे दिनांक के पूर्व मुख्य नगर अधिकारी द्वारा बैंक में जमा की जायेगी। इस विनियमावली से संलग्न प्रपत्र "ट" में चालान तैयार किया जायेगा। चालान के साथ एक सूची होगी, जिसमें सेवा के सदस्य का नाम, पदनाम, वेतन और अंशदान की धनराशि का पूर्व विवरण दिया जायेगा। यह चालान चार प्रतियों में तैयार किये जायेंगे। चालान की प्रथम और द्वितीय प्रतियां बैंक द्वारा जमाकर्ता को वापस दी जायेगी और चालानों की तृतीय और चतुर्थ प्रतियां सूची के साथ क्रमशः जमाकर्ता और बैंक द्वारा प्रतिमास के दसवें दिनांक तक मुख्य नगर अधिकारी को भेजी जायेगी। लेखा अधिकारी चालान की इन प्रतियों का मिलान करेगा और रोकड़ बही में अंशदान की धनराशि की प्रविष्टि करेगा। चालान की प्रतियां लेखा–परीक्षा के प्रयोजनार्थ गार्ड फाईल में सुरक्षित रखी जायेगी।

16– **लेखा बही का रखा जाना** :– सम्बद्ध सेवा के सदस्य का खाता भी इस विनियमावली से संलग्न प्रपत्र "ठ" में रखा जायेगा। खाता बही में प्रतिमास अधिकारी को भुगतान किये गये वेतन की धनराशि और जमा किये गये अंशदान की धनराशि प्रविष्ट की जायेगी। खाता बही में प्रविष्टियां चालानों की प्रतियों से की जायेगी और प्रत्येक मास के अन्त में खाता बही में प्रविष्टि किये गये अंशदान की धनराशि का मिलान रोकड़ बही में प्रविष्टि की गयी तत्समान धनराशि से किया जाएगा। खाता बही का पुनर्विलोकन यह निश्चित करने के लिए किया जायेगा कि समस्त सेवा के सदस्यों से सम्बन्धित पेन्शन सम्बन्धी अंशदान जमा कर दिया गया है या नहीं। यदि किसी मामले में उसे जमा नहीं किया गया है तो उसे तुरन्त जमा कराया जायेगा।

17– **पेन्शन भुगतान आदेश** :– इस विनियमावली के अधीन पेन्शन/पारिवारिक पेन्शन/उपादान की धनराशि स्वीकृत कर दिये जाने के पश्चात् प्रत्येक मामले में स्वीकृत की गयी पेन्शन/पारिवारिक पेन्शन/उपादान के भुगतान के लिए मुख्य नगर अधिकारी द्वारा इस विनियमावली के संलग्न प्रपत्र "ड" में "पेन्शन भुगतान आदेश" जारी किया जायेगा। इस आदेश की प्रतियां पेन्शन भोगी और उस विभाग को जहां से सम्बद्ध सेवा के सदस्य सेवानिवृत्ति हुआ है को पृष्ठांकित की जायेगी।

18– **लेखा–परीक्षा जांच रजिस्टर** :– पेन्शन भोगियों को पेन्शन समय पर और ठीक–ठीक भुगतान सुनिश्चित करने के उद्देश्य से प्रपत्र "ढ" में एक लेखा परीक्षा जांच रजिस्टर' रखा जायेगा। इस रजिस्टर में प्रत्येक पेन्शन भोगी का एक पृथक खाता खोला जायेगा।

सामान्य भविष्य निधि

19– जिन अधिकारियों को यह विनियम प्रभावी होंगे उन्हें नगर निगम के सामान्य भविष्य

कर सकते है। इस प्रकार के भुगतान का धन लेखा अधिकारी द्वारा अत्यधिक सावधानी पूर्वक ऐसे, संक्षिप्त परीक्षण, जिसे वह अविलम्ब कर सके, निर्धारित किये गए मृत्यु सम्मिलित सेवा निवृत्ति उपादान और मासिक सेवा निवृत्ति वेतन की धनराशि का 75 प्रतिशत से अधिक न होगा।

(2) सेवा निवृत्ति वेतन और उपादान की भुगतान की विधि :–

सेवानिवृत्ति वेतन लेखा अधिकारी द्वारा भुगतान किया जायेगा। भुगतान चैक द्वारा किया जावेगा। भुगतान के लिए सेवा निवृत्ति वेतन पाने वाले व्यक्तियों को अपनी सेवानिवृत्ति वेतन पुस्तिका तथा प्रपत्र "ज" मे आवश्यक विवरण भरकर लेखाधिकारी को देना होगा। प्रपत्र "ज" व निवृत्ति वेतन भुगतान आदेश पाने पर लेखाधिकारी अथवा उनके द्वारा अधिकृत अधिकारी उपस्थिति व जीवित होने के प्रमाण पत्र पर हस्ताक्षर करवेगा तदुपरान्त पेन्शनर को चैक दी जायेगी इन विनियमों के अन्तर्गत भुगतान होने वाले उपादान के भुगतान में भी निवृत्ति वेतन के भुगतान की रीति काम में लायी जायेगी।

(3) यदि कोई अधिकारी अपने सेवा निवृत्ति वेतन का भुगतान डाकघर के मनीआर्डर द्वारा चाहता है तो वह प्रपत्र "ज" भरकर उस पर पिछले मास की सेवानिवृत्ति वेतन के भुगतान की रीति और दिनांक लिखकर अपने जीवित होने का किसी राजपत्रित (गजेटेड) अधिकारी से मोहर के साथ प्रमाणित कराकर लेखा अधिकारी को भेजेंगे और लेखाधिकारी सेवानिवृत्ति के वेतन के धनांक से मनीआर्डर कमीशन काटकर शेष धन मनीआर्डर से भेजेंगे और किये गये भुगतान की सेवानिवृत्ति वेतन भुगतान आदेश पत्रिका की कार्यालय में प्रविष्टि करेंगे। किसी भी दशा में 12 मास से अधिक लगातार भुगतान इस प्रकार नहीं किया जायेगा। एक वर्ष बाद भुगतान करने के पूर्व अधिकारी/कर्मचारी की सेवानिवृत्ति वेतन भुगतान आदेश पंजिका प्रतिलिपि में लेखा अधिकारी प्रविष्टिया पूरी करेंगे।

पेन्शन निधि की स्थापना और भुगतान की प्रक्रिया

13– **पेन्शन निधि की स्थापना और भुगतान की प्रक्रिया** :– मुख्य नगर अधिकारी के नियत्रण में एक सामान्य पेन्शन निधि स्थापित की जायेगी, जो देहरादून नगर निगम पेन्शन निधि के नाम से जानी जायेगी, जिसे आगे "निधि" कहा गया है। नियम 11 के द्वारा नगर निगम द्वारा देय पेन्शन सम्बन्धी अंशदान की धनराशि इस निधि में जमा की जायेगी।

14– **रोकड़ बही रखना** :– निधि में जमा किया जाने वाला समस्त धन और उससे किये जाने वाले समस्त भुगतान की प्रविष्टि रोकड़ बही में की जायेगी। मुख्य नगर

वर्ष में मानी जायेगी। जिसका पूरा विवरण सेवा पुस्तिका या सेवा रोल में अभिलिखित नहीं है।

(ख–4) यदि सेवा पुस्तिका या सेवारोल उपलब्ध है, और उसकी प्रविष्टियों की पुष्टि या प्रमाणिकरण न हुअ हो तो उसमे दिये गए सेवाकाल को व्यक्तिगत पत्रावलियों आदि उपलब्ध अभिलेखों के आधार पर प्रमाणित किया जाना चाहिए। जहां इस प्रकार के अभिलेख उपलब्ध न हों तो उस काल के लिए अधिकारी से सादे कागज पर दो सहवर्ती अधिकारियों द्वारा प्रमाणित अभिलेख प्राप्त करके रखना चाहिए यदि इस प्रकार का प्रमाण स्वीकार करने मे कोई कठिनाई प्रतीत हो तो विभागीय अधिकारी द्वारा अपना अभिमत उल्लिखित कर देना चाहिए तथा उसी के अनुसार सेवाकाल स्वीकार किया जाना चाहिए।

(ख–5) पेन्शन सम्बन्धी विवरण का आडिट निम्नांकित विधि से किया जायेगा, जब तक कोई विशेष आशंका न हो साधारण तथा सारी सेवा के सम्बन्ध की प्रविष्टियों की पुष्टि के लिए निम्नलिखित की विशेष जांच की जानी चाहिए।

(क) स्थायी नियुक्ति की प्रथम वर्ष की सेवा तथा पूर्व की अर्हकारी सेवा।

(ख) अन्तिम 3 वर्षों की अर्हकारी सेवा।

(ग) अकस्मात चुने गए किसी दो या तीन वर्षों की सेवा।

(घ) यदि सेवा पुस्तिका में जन्म तिथि परिवर्तन, बर्खास्तगी आदि की प्रविष्टियां हों तो उनकी विशेष जाच की जानी चाहिए।

(ड.) यदि किसी अधिकारी का सेवाकाल 33 वर्ष से अधिक का हो तो उसकी स्थायी नियुक्ति के प्रथम वर्ष के पूर्व की प्रविष्टियों की जांच आवश्यक नहीं उसकी सेवा पुस्तिका तथा सम्बन्धित अन्य विवरणों को प्रपत्र (घ) के साथ पूरा करके लेखाधिकारी को भेजेंगे। लेखाधिकारी सेवानिवृत्ति वेतन के धनांक तथा अन्य विवरणों की जांच करके मुख्य नगर लेखा परीक्षक को जांच के लिए सम्बन्धित कार्यालय भेजेंगे। उनकी जांच के बाद उपादान या सेवा–निवृत्ति वेतन तथा उपादान का धनांक मुख्य नगर अधिकारी अथवा मुख्य लेखा परीक्षक द्वारा उनके अधीनस्थ अधिकारियों के विषय में स्वीकृत किया जायेगा तथा लेखाधिकारी द्वारा सेवा निवृत्ति वेतन भुगतान आदेश पत्रिका प्रपत्र "छ" अधिकारी को भेजी जायेगी

प्रतिबन्ध यह है कि मुख्य नगर अधिकारी अथवा मुख्य नगर लेखा परीक्षक (अपने अधीनस्थ कर्मचारियों के सम्बन्ध में) को यह सन्तोष हो जाये कि किसी अधिकारी के उपादान तथा सेवा निवृत्ति वेतन "पेन्शन" की स्वीकृति में अत्यधिक विलम्ब होगा तो यह सम्बन्धित अधिकारी द्वार प्रपत्र "झ" में घोषणा पत्र देने पर अप्रत्याशित मृत्यु सम्मिलित सेवानिवृत्ति उपादान और सेवानिवृत्ति वेतन "पेन्शन" का भुगतान स्वीकृत

निवृत्ति वेतन और उपदान के स्वीकृत विधि–

12–1(क) प्रत्येक अधिकारी के सेवानिवृत्ति होने के बाद और प्रत्येक दशा में उसके एक महीने के भीतर उसके विभागीय प्रविष्टियों सेवा पुस्तिका या सेवा रोल में अधिकृत अधिकारी द्वारा उल्लिखित की जायेगी।

(ख–1) विभागीय अधिकारी द्वारा सारी जांच आवेषण के प्रकार तथा परिणाम अभिलिखित कर दिये जाना चाहिए।

(ख–2) सेवा की अविच्छिन्नता सामान्तर प्रमाण पर निर्धारित की जानी चाहिए। जहां तक सम्भव हो प्रथम वर्ष और अन्तिम तीन वर्षों की सेवा निश्चित रूप से प्रमाणित की जानी चाहिए। प्रथम वर्ष सेवा, यदि वे मिल सके तो सेवा पुस्तिका, स्केल रजिस्टर, एक्वेन्टेस रोल अथवा असली वेतन बिल की जानी चाहिए। यदि इस प्रकार के लेखा "रिकार्ड" उपलब्ध न हो तो प्रथम वर्ष की सेवा के लिए उस अधिकारी जिस पर पेन्शन सम्बन्धित पत्रावली तैयार करने का दायित्व हो, का अभिलेख स्वीकार किया जायेगा। विभागीय अधिकारी को प्रथम वर्ष की सेवा के प्रमाणिकरण उपरोक्त आधार पर ही करना चाहिए, यदि पेन्शन का आधार समकालीन सहवर्ती प्रमाण पत्र पर आधारित हो तो उसे स्वीकार कर लिया जाना चहिए, अन्तिम तीन वर्ष की सेवा का प्रमाणिकरण उपरोक्त आधार पर वास्तविक अभिलेखों द्वारा किया जाना चाहिए। इससे पूर्व की सेवा काल को भी जो सहवर्ती प्रमाण उपलब्ध हो उनके आधार पर स्वीकार कर लेना चाहिए।

(ख–3) यदि किसी सेवाकाल को (ख–2) के अन्तर्गत स्वीकार किया जाता हो और उस काल में उपयोग किये गये सवैतनिक अथवा अवैतनिक अवकाशों के प्रमाणित अभिलेख उपलब्ध हो तो उस समय के लिए स्वीकृत सेवाकाल निम्न प्राकार निकाला जावे :–

(1) उपर्जित अवकाश के लिए यह माना जाना चाहिए कि अधिकारी ने पूरा अवकाश उपभोग किया है। अन्य देय अवकाश के सम्बन्ध में अब तक अन्यथा प्रमाण न हों तो यह माना जाना चाहिए कि उनका उपभोग किया गया है। यदि अधिकारी ने अवैतनिक अवकाश प्रायः लिया हो और उसका पूर्ण विवरण उपलब्ध न हो या शंकाजनक हों तो किसी एक वर्ष में ऐसे अवकाश का अधिकतमकाल ही उतना इस प्रकार का अवकाश विवरण उपलब्ध न होने वाले या शंकाजनक सेवाकाल के पूरे वर्षों में प्रत्येक वर्ष माना जायेगा।

(2) यदि किसी अधिकारी की सेवा पुस्तिका या सेवा रोल अथवा लेखों में उसके बिना वेतन अनुपस्थित के प्रमाण पाये जाते हैं और इस प्रकार की अनुपस्थिति के बाद भी अन्य प्रयोजनों के लिए उसकी सेवा लगातार मानी गयी हो तो किसी एक वर्ष में ऐसी अनुपस्थिति का जो अधिकतमकाल हो उतनी अनुपस्थिति उसके सेवाकाल से प्रत्येक

प्राधिकारी द्वारा निर्धारित अधिक आयु को स्वीकार न करें अथवा जिसे चिकित्सा परीक्षा में संशोधनकरण के योग्य न पाया जाये तो उसे अपने व्यय से चिकित्सा प्राधिकारी के सम्मुख दोबारा उपस्थित होने की अनुमति निम्नांकित शर्तों पर दी जा सकती है।

1– पहली तथा दूसरी चिकित्सा परीक्षा में समय का अन्तर एक वर्ष से अधिक हो।
2– दूसरी चिकित्सा परीक्षा चिकित्सा परिषद द्वारा हो तथा।
3– चिकित्सा प्राधिकारी को पिछली चिकित्सा परीक्षा से एक वर्ष से अधिक लिखित प्रमाण के अतिरिक्त पिछली चिकित्सा परीक्षा की रिपोर्ट की प्रतिलिपि भी भेजी जानी चाहिये।

भाग – 5
विविध

नगर निगम पावतों की वसूली :–

10– (1) मुख्य नगर अधिकारी की स्वीकृति से उपादान अथवा स्वीकृत पारिवारिक पेन्शन के धनांक से सम्बन्धित अधिकारी/कर्मचारियों द्वारा नगर निगम को देय कोई धन काटा जा सकता है।

बर्खास्तगी का प्रभाव–

(2) यदि कोई अधिकारी/कर्मचारी किसी कारण बर्खास्त कर दिया गया हो अथवा निकाल दिया गया हो तो साधारणतया उसे अथवा उसके परिवार को कोई उपादान अथवा पारिवारिक पेन्शन देय न होगी, किन्तु यदि कार्य कारिणी समिति ऐसा निश्चय करे तो विनियम –4 के अन्तर्गत प्राप्त हो सकने वाले उपादान के धनांक का आधा दया के आधार पर स्वीकृत कर सकती है।

निवृत्ति वेतन निधि तथा अंशदान

11– इन विनियमों के अन्तर्गत जिन पर यह विनियम लागू होंगे उनके वेतन तथा महगाई भत्ते के 12% की दर से अथवा समय–समय पर शासन द्वारा संशोधित दरों पर पेन्शन अंशदान प्रत्येक मास उस तिथि से जिससे उनका वेतन देय हो, निकाल कर सेवानिवृत्ति वेतन निधि में जमा करेंगे। यह निधि किसी राष्ट्रीयकृत बैंक में जमा की जायेगी। यदि किसी समय उपरोक्त खाते में सेवानिवृत्ति वेतन अथवा उपादान के भुगतान के लिए आवश्यकतानुसार धन न हो तो मुख्य नगर अधिकारी नगर निगम निधि से आवश्यक अग्रिम देंगे और बाद में उसे निवृत्ति वेतन निधि से निकालकर निगम निधि में जमा करेंगे अथवा देय पेन्शन अंशदान में समायोजित करेंगे। पेन्शन निधि में धन उपलब्ध होने पर उसे विनियोजित भी कराया जा सकता है।

(13) यदि संराशिकरण की कार्यवाही पूर्ण हो जाने के दिनांक या उसके बाद बिना संराशिकरण का धन प्राप्त किये पेन्शनर मृत हो जाये तो सारा धन उसके उत्तराधिकारियों को भुगतान किया जायेगा।

(सि0पे0 कम्यूटेशन रूल्स संख्या–13)

(14) 1– यदि चिकित्सा परीक्षक की राय में किसी ऐसी विशेष परीक्षा की आवश्यकता हो जिसे वह नहीं कर सकता है तो वह परीक्षा प्रार्थी के व्यय पर करायी जायेगी। संराशिकरण स्वीकृत न होने पर इस प्रकार के व्यय की पूर्ति नगर निगम द्वारा नहीं की जाएगी।

2– किसी पेंशनर के निम्नलिखित में किसी भी एक रोग से प्रभावित होने पर पेंशन के किसी भाग का संराशिकरण नहीं किया जा सकता है।

रोगों के नाम –

1– एन्यूरिजम
2– ट्यूबरक्लोसिस आफ लंग्स
3– डायोबिटीज
4– हाई ब्लड प्रेशर 200 सिस्टामिक से उपर
5– हाई ब्लड प्रेशर 160 सिस्टामिक से ऊपर एलबोम्यूबेरिया के साथ
6– अनकम्पन्सटेड कार्डिक डीजीज
7– परनिशस ऐनिमिया कीयिवा
8– ल्यूकोरिया
9– एनाजिला पेवटाशिस
10– एपोलेक्सी
11– एसीटीज
12– बेरीबेरी
13– कैंसर के ऑप्रेशन के बाद
14– मिट्रल एटोनोसिस
15– इन सैनिटी

(सि0पे0 कम्यूटेशन रूल्स संख्या–18)

(15) चिकित्सा प्राधिकारी को निर्धारित प्रपत्र के प्रथम भाग को पेन्शनर से अपने सामने भराना चाहिए तथा उसके बाद उसकी पूरी चिकित्सा परीक्षा करके अपनी सम्मति, यह स्पष्ट करते हुए कि प्रार्थी ने कहां तक सही सूचना दी है, देनी चाहिए। चिकित्सा प्राधिकारी को प्रपत्र का भाग प्रार्थी के सामने भरके उसके हस्ताक्षर तथा उसके बांये हाथ का अंगूठा व उंगलियों के निशान करा लेने चाहिए। प्रार्थी की आवश्यकता के कारणों पर भी विचार करके अपनी सम्मति देनी चाहिए।

(सि0पे0 कम्यूटेशन रूल्स संख्या–19)

(16) सि0पे0 कम्यूटेशन रूल्स के नियम 24 के अनुसार यदि कोई पेन्शनर चिकित्सा

(सि0पे0 कम्यूटेशन रूल्स संख्या–14 के आधार पर)

(8) विभागीय अधिकारी/विभागाध्यक्ष को प्रार्थना पत्र में दिये विवरणों की तथा विशेष रूप से यह जांच करनी चाहिए कि संराशिकरण प्रार्थी के स्पष्ट और स्थायी हित में है। यदि वह स्थिति से सन्तुष्ट हो तो उसे प्रार्थी से चिकित्सा प्रमाण पत्र प्राप्त कराकर अपनी स्पष्ट अनुशंसा के साथ–साथ प्रार्थना पत्र तथा चिकित्सा प्रमाण पत्र लेखा अधिकारी को भेजना चाहिए।

(9) चिकित्सा प्रामण पत्र देने के लिए निर्धारित प्राधिकारी – जिले के मुख्य चिकित्सा अधिकारी को किया गया है। प्रार्थी शासन द्वारा निर्धारित शुल्क मुख्य चिकित्सा अधिकारी के कार्यालय में जमा करके आगे दिये गए प्रपत्र पर चिकित्सा प्रमाण पत्र प्राप्त कर सकेगा। प्रत्येक संराशिकरण प्रार्थना पत्र के लिए अलग चिकित्सा प्रमाण पत्र आवश्यक है। यदि प्रार्थी शुल्क जमा करने के बाद चिकित्सा परीक्षा न कराये तो मुख्य चिकित्सा अधिकारी द्वारा शुल्क लौटाने की स्वीकृति देने पर शुल्क लौटाया जा सकेगा।

(सि0पे0 कम्यूटेशन रूल्स संख्या–22 के आधार पर)

(10) लेखा अधिकारी आवश्यक जांच के बाद संराशिकारण की धनराशि तथा संराशिकरण के बाद देय पेंशन की धनराशि निर्धारित करके मुख्य नगर लेखा परीक्षक को आवश्यक जांच हेतु भेजेंगे आर उनके प्रमाण पत्र के आधार पर संराशिकरण के प्रभावी होने का दिनांक भरकर लेखा अधिकारी स्वीकृति प्राधिकारी की स्वीकृति प्राप्त करेंगे तथा आवश्यक भुगतान तथा निवृति वेतन भुगतान आदेश पत्रिका में तदनुसार प्रविष्टियाँ करने की कार्यवाही करेंगे। संराशिकारण की स्वीकृति की सूचना लेखाधिकारी की पेन्शनर को इस प्रकार भेजना उचित है कि वह उसे प्राप्त कर समय से भुगतान प्राप्त कर सकें।

(11) संराशिकरण, स्वीकृति आदेश के दिये दिनांक से ही प्रभावी होगा। यह दिनांक स्वीकृति आदेश के पारित होने के प्रायः 15 दिन बाद होना उचित है तथा सारी गणना इसी आधार पर होनी चाहिए और संराशिकरण का धनांक यथासम्भव उसी दिन भुगतान किया जाना चाहिए।

(सि0पे0 कम्यूटेशन रूल्स संख्या–10 व 11 के आधार पर)

(12) प्रार्थी स्वीकृति से पूर्व तक अपना प्रार्थना पत्र वापस ले सकता है। संराशिकरण स्वीकृति हो जाने के बाद संराशिकरण का धन प्राप्त न करने तथा उसे लौटाने तथा पूरी पेंशन प्राप्त करने का अधिकार प्रार्थी को नहीं होगा और न वह स्वीकृत किया जा सकता है।

canned fruit, dried fruit or fruit pulp, with water, sugar, dextrose, invert sugar or liquid glucose either singly or in combination by boiling to a suitable consistency and with or without—

(*a*) citric, malic, ascorbic acid,

(*b*) permitted preservative and colours,

(*c*) [32][pectin derived from any fruit].

The minimum soluble solids w/w shall be [1][65 per cent]. Jam shall not contain—

(*a*) less than 45 per cent of fruit except where fruit is strawberry or raspberry where it shall contain not less than 25 per cent,

(*b*) sweetening agent other than specified above,

(*c*) apple or rhubarb, but it may contain in any amount that reasonably compensates for any deficiency in the natural acidity or pectin content of the fruit used in its preparation,

(*d*) tartaric acid, or

(*e*) [2][* * *], agar or gelatin.

[3][It shall be free from mould growth. When dry fruit is used, it shall be clearly declared on the label.]

[4][* * *]

[5][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

A. 16.08.—[6][* * *]

[7][A. 16.09.—MARMALADE means the product made from any combination of peel, pulp, and juice of the named citrus fruit by boiling with water, sugar, dextrose, invert sugar, liquid glucose either singly or in combination, to a suitable consistency and with or without an acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation, consisting of—

(*a*) citric, [8][* *], tartaric, or ascorbic acid,

(*b*) lemon or lime juice,

---

32. *Subs.* by Noti. No. GSR 992, dated 4-6-1971.
1. *Subs.* by Noti. No. GSR 1364, dated 17-11-1982.
2. *Omitted* by Noti. No. GSR 992, dated 4-6-1971.
3. *Ins.* by Noti. No. GSR 992, dated 4-6-1971.
4. *Omitted* by Noti. No. GSR 286(E), dated 15-11-1976 (w.e.f. 16-11-1976).
5. *Ins.* by Noti. No. GSR 249(E), dated 8-9-1983.
6. *Omitted* by Noti. No. GSR 992, dated 4-6-1971.
7. *Added* by Noti. No. SRO 1607, dated 29-5-1976.
8. *Omitted* by Noti. No. GSR 1364, dated 17-11-1982.

(*c*) [9][*omitted*].

It may contain permitted [10][preservatives, colours or pectin derived from any fruit.

It shall not contain less than 45 per cent of the named fruit.

Total soluble solids w/w shall be not less than [11][65 per cent].]

[12][* * *]

[13][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

A. 16.10.—[14][* * *].

[15][A. 16.11.—FRUIT CHUTNEY means a preparation made from sound fruits [16][* * *] with spices, salt, onion, garlic, sugar, [16a][* * *] vinegar or acetic acid, and shall contain not less than 50 per cent of total soluble solids w/w [17][and may contain permitted preservative].

[18][The minimum percentage of fruit in the final product shall not be less than 40.0. The percentage acidity of the product expressed as acetic acid by weight shall be not less than 0.75 and not more than 2.0. The ash content shall not exceed 5.0 per cent.]

[19][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[20][A. 16.12.—SAUCE shall be the product derived from any suitable kind and variety of fruit and vegetable which are wholesome and which shall be practically free from insect or fungal attack or blemish affecting the quality of the fruit or vegetable. The only substances that may be added are fruit, vegetable, their pulp, juice, dried fruit, sugar, spices, salt, vinegar, acetic acid, citric acid, malic acid, onion, garlic, flavouring material [21][and permitted preservatives. It shall not contain any coaltar dye.]

[22][* * *]

---

9. *Omitted* by Noti. No. GSR 109, dated 2-2-1981.
10. *Subs.* by Noti. No. GSR 992, dated 4-6-1971.
11. *Subs.* by Noti. No. GSR 1364, dated 17-11-1982.
12. *Omitted* by Noti. No. GSR 764(E), dated 15-11-1976 (w.e.f. 16-11-1976).
13. *Ins.* by GSR 249(E), dated 8-9-1983.
14. *Omitted* by Noti. No. GSR 992, dated 4-6-1971.
15. *Added* by Noti. No. SRO 1607, dated 14-5-1976.
16. *Omitted* by Noti. No. GSR [illegible] dated 4-6-1971.
17. *Subs.* by Noti. No. GSR 1333, dated 27-10-1983.
18. *Subs.* by Noti. No. GSR 1333, dated 27-10-1983.
19. *Ins.* by Noti. No. GSR 249(E), dated 8-9-1983.
20. *Added* by Noti. No. SRO 1607, dated 14-5-1976.
21. *Subs.* by Noti. No. GSR 1333 of 8-7-1968 (w.e.f. 24-2-1969).
22. *Omitted* by Noti. No. GSR 764(E), dated 15-11-1976 (w.e.f. 16-11-1976).

(घ) ऐसे स्वामी का यह अनुपात जो प्रत्येक स्वामी द्वारा देय हो ।

(3) उन अनेक भू-गृहादि के तत्कालीन स्वामी जो मिल कर कोई ऐसा गल्फ या खंड बनाते हों, जिनका उपधारा (1) के अधीन जल-निस्सारण किया जाता हो, निर्मित की गई (constructed), खड़ी की गयी (erected) या लगायी गई (fixed) या केवल ऐसे भू-गृहादि के विशेष प्रयोग और लाभ के लिए जारी रखी गयी (continued) प्रत्येक नाली के संयुक्त स्वामी (joint owners) होंगे और यह निर्धारित किये जाने पर कि मुख्य नगराधिकारी द्वारा उपधारा (1) के अधीन किये गये व्ययों को उक्त भू-गृहादि के स्वामियों को किस अनुपात में वहन करना है, वे स्वामी उसी अनुपात में उन व्ययों के लिए भी उत्तरदायी (responsible) होंगे, जो प्रत्येक ऐसी नाली को अच्छी मरम्मत करके इसे कुशल दशा (efficient condition) में संधारित रखने के संबंध में हों :

किन्तु प्रतिबन्ध यह है कि प्रत्येक ऐसी नाली को समय-समय पर [1][निगम] निधि से व्यय करके मुख्य नगराधिकारी द्वारा धुलाया जायेगा (cleansed), साफ किया जायगा तथा खाली किया जायगा ।

242. मुख्य नगराधिकारी वर्तमान निजी नालियों का प्रयोग बन्द अथवा सीमित कर सकता है–(1) यदि किसी भू-गृहादि को किसी [1][निगम] की नाली या अन्य स्थान से जो नालियों के जल के निकास के लिए विधिक रूप से अलग कर दिया गया हो, जोड़ने वाली नाली चाहे वह उक्त भू-गृहादि के यथोद्देश्य जल-निस्सारण के लिए पर्याप्त हो तथा अन्य किसी प्रकार से भी आपत्तिजनक न हो, मुख्य नगराधिकारी की राय में नगर की या नगर के उस भाग की, जिसमें वह नाली स्थित हो, सामान्य जलोत्सारण प्रणाली (general drainage system) से अनुकूलित (adapted) नहीं है, तो मुख्य नगराधिकारी–

(क) उपधारा (2) के उपबन्धों के अधीन रहते हुए उक्त नाली को बन्द कर सकता है, रोक सकता है या यह कर सकता है और भू-गृहादि के स्वामी या अध्यासी को नोटिस देने के पश्चात् उक्त प्रयोजन के लिए आवश्यक कोई कार्य कर सकता है;

(ख) आदेश दे सकता है कि ऐसी नाली, उस दिनांक से जो वह एतदर्थ निर्दिष्ट करे, केवल गन्दे पानी (sullage) और मल इत्यादि (sewage) के लिए या केवल बरसाती पानी के लिए या केवल अदूषित उपभूमिगत पानी (unpolluted subsoil water) के लिए या केवल बरसाती पानी और अदूषित उपभूमिगत पानी दोनों के लिए प्रयुक्त की जायगी और लिखित नोटिस द्वारा सम्बद्ध भू-गृहादि के स्वामी या अध्यासी से मांग कर सकता है कि वह बरसाती पानी या अदूषित उपभूमिगत पानी या बरसाती पानी और अदूषित उपभूमिगत पानी दोनों के लिए या गन्दे पानी (sullage) और मल इत्यादि (sewage) के लिये पृथक्: भिन्न नाली बनाये ।

(2) मुख्य नगराधिकारी उपधारा (1) के खंड (क) के अधीन किसी नाली को तब तक बन्द, रोक या बदल कर सकेगा जब तक कि वह भू-गृहादि के जल-निस्सारण के लिए वैसी ही प्रभावी और ऐसी [1][निगम] की नाली अथवा उपयुक्त अन्य स्थान, जिसे मुख्य नगराधिकारी ठीक समझे, से संबंधित दूसरी नाली की व्यवस्था न कर देगा और मुख्य नगराधिकारी द्वारा इस प्रकार बनायी गयी नाली और उक्त खंड के अधीन किये गये किसी कार्य के निर्माण के व्यय का भुगतान मुख्य नगराधिकारी द्वारा किया जायगा ।

243. सम्पत्ति के एक मात्र (sole) प्रयोग के लिए नालियों का निहित किया जाना और उनका संधारण–धारा 228 की उपधारा (2) के उपबन्धों के अधीन रहते हुए प्रत्येक नाली, जो बनायी गयी, लगायी गयी, खड़ी की गयी या स्थापित की गयी हो, चाहे इसका व्यय [1][निगम] ने वहन किया हो या नहीं, या जो किसी भू-गृहादि या भू-गृहादि के गण के एक मात्र प्रयोग और लाभ के लिए जारी रखी गई हो–

(क) धारा 244 में किसी बात के होते हुये भी, निश्चित दिन पर और से, ऐसे भू-गृहादि या भू-गृहादि के गण के स्वामी में निहित हो जायगी;

(ख) नाली के लिए अन्य सभी उपकरणों तथा संयंत्रणों (fittings) को व्यवस्था की जायगी, जो उसके अधिक प्रभावकर ढंग से काम में लाने के लिए मुख्य नगराधिकारी को आवश्यक प्रतीत हो और ऐसे भू-गृहादि या भू-गृहादि के गण, स्वामी द्वारा उक्त नाली को समय-समय पर अच्छी प्रकार मरम्मत की जाएगी, उसे अच्छी दशा में रखा जायगा और उसे समय-समय पर [1][निगम] निधि पर धारित व्यय से धोया जायगा (flush) साफ किया जायगा और खाली किया जायगा ।

244. ऐसे भू-गृहादि की जो [1][निगम] के न हों, नालियों आदि पर [1][निगम] का अधिकार, जिनका निर्माण आदि [1][निगम] निधि से किया गया है–ऐसे जल निस्सारण निर्माण-कार्य से सम्बद्ध सभी नालियाँ, संवीजन-दण्डों (ventilation shafts) और पाइप तथा निर्माण-कार्य सम्बन्धी सभी उपकरण एवं संयंत्रण (fittings) जो किसी भी समय [1][निगम] निधि या किसी ऐसे स्थानीय प्राधिकारी को निधि से किये गये व्यय से, जिसका [1][निगम] की स्थापना के दिनांक से पूर्व नगर के किसी भाग में किसी ऐसे भू-गृहादि पर क्षेत्राधिकार हो जो [1][निगम] का न हो, बनाये गये हों, खड़े किये गये हों या स्थापित किये गये हों और उक्त भू-गृहादि या भू-गृहादि के गण के एकमात्र प्रयोग या लाभ के लिए ही न हों, [1][निगम] में निहित हो जायेंगे, जब तक कि [1][निगम] ने अन्यथा निर्धारित न किया हो ।

245. नये भवन बिना नालियों के नहीं बनाये जायेंगे–(1) कोई भवन को निर्मित करना या किसी नव निर्मित या पुनर्निर्मित भवन पर अध्यासीन होना तब तक वैध न होगा, जब तक कि–

(क) किसी ऐसे आकार, सामग्री और प्रकार की तथा ऐसे धरातल (level) पर और ऐसी गिरावट की कोई नाली न बनायी गयी हो, जो मुख्य नगराधिकारी को उस भवन के यथोद्देश्य जल-निस्सारण (drainage) के लिए आवश्यक प्रतीत हो;

(ख) ऐसे भवन और उससे सम्बद्ध (appurtenant thereto) भू-गृहादि में ऐसे सभी उपकरणों और संयंत्रणों (fittings) की व्यवस्था न की गई हो और उन्हें स्थापित (set-up) न किया गया हो जो उक्त भवन और उक्त भू-गृहादि से नालियों के जल को इकट्ठा करने और ग्रहण करने तथा बाहर ले जाने के प्रयोजनों के लिए और उक्त भवन और उससे सम्बद्ध प्रत्येक संलग्नक (fixture) की नाली को सफल रूप से (effectually) धोने (flushing) के लिए मुख्य नगराधिकारी को आवश्यक प्रतीत हो ।

(2) पूर्वोक्त प्रकार से निर्मित की जाने वाली नाली किसी [1][निगम] की नाली में या किसी ऐसे स्थान पर जो नालियों के जल के निकास (discharge) के लिए विधित: (lawfully) अलग कर दिया गया है और जो उस भू-गृहादि से, जिसमें उक्त भवन स्थित हो, 100 फीट से अधिक दूरी पर न हो, खाली होगी, किन्तु यदि उस दूरी के भीतर कोई ऐसी नाली या स्थान न हो तो वह नाली ऐसी गलकूप (cesspool) में खाली होगी जिसे मुख्य नगराधिकारी निर्दिष्ट करे ।

246. नालियों के स्वामियों का अपनी नालियों का अन्य व्यक्तियों को प्रयोग करने या संयुक्त स्वामित्व की अनुज्ञा देने का आधार–किसी [1][निगम] नाली या ऐसे अन्य स्थान से, जो नालियों के जल के निकास के लिए विधित: अलग किया गया हो, जुड़ी हुई नाली का प्रत्येक स्वामी अन्य व्यक्तियों को उसके प्रयोग करने की अनुज्ञा देने या उन्हें उसके संयुक्त स्वामी के रूप में ऐसे विबन्धनों पर स्वीकार करने के लिए बाध्य होगा जो धारा 247 के अधीन विहित किये जायँ ।

247. स्वामी से भिन्न व्यक्ति द्वारा किसी नाली के प्रयोग और संयुक्त स्वामित्व का अधिकार कैसे प्राप्त किया जा सकता है–(1) कोई भी व्यक्ति जो, अपने भू-गृहादि को किसी ऐसी नाली द्वारा जिसका वह

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

इस प्रकार भरवायेगा, पुनः स्थापित करायेगा (reinstate) तथा पूरा करायेगा (make good) कि उसमें काम से कम व्यवधान जितना हो;

(ग) किसी ऐसे व्यक्ति को प्रतिकर (compensation) देगा जिसे उक्त निर्माण कार्य के सम्पादन के कारण क्षति उठानी पड़ी हो।

(6) यदि किसी ऐसी भूमि, जिसके भीतर से, बीच से या नीचे से इस धारा के अधीन उस समय कोई नाली ले जायी गयी थी जब उस पर कुछ बना नहीं था, का स्वामी बाद में किसी समय उक्त भूमि पर भवन निर्मित करने (erect) की इच्छा करे तो मुख्य नगराधिकारी लिखित नोटिस द्वारा उस भू-गृहादि के स्वामी या अध्यासी, जिसके लाभ के लिए उक्त नाली का निर्माण किया गया था, से यह माँग करेगा कि वह उस रीति से, जिसे मुख्य नगराधिकारी अनुमोदित करेगा, उसे बन्द करा दे, हटा दे या मोड़ दे (divert) तथा भूमि को इस प्रकार भरवाने (fill in), पुनःस्थापित (reinstate) तथा पूरा कराये (make good) मानो उक्त नाली उसके भीतर से, बीच से या नीचे से नहीं ले जायी गयी थी :

किन्तु प्रतिबन्ध यही है कि ऐसी कोई माँग (requisition) तब तक न की जायगी जब तक कि वे मुख्य नगराधिकारी की राय में यह आवश्यक और उचित (expedient) न हो कि प्रस्तावित भवन के निर्माण की अनुज्ञा दिये जाने के लिए अथवा उसके सुरक्षित उपभोग (safe enjoyment) के लिए नाली को बन्द कर दिया जाय, हटा दिया जाय या मोड़ दिया जाय।

238. मुख्य नगराधिकारी [निगम] की नाली से सौ फीट के भीतर स्थित ऐसे भू-गृहादि में जल-निस्सारण व्यवस्था को लागू कर सकता है, जिनमें जल-निस्सारण की व्यवस्था न हो—जब मुख्य नगराधिकारी की राय में कोई भू-गृहादि यथोद्देश्य जल-निस्सारण के पर्याप्त साधनों से रहित हो और कोई [1][निगम] नाली या नालियों के जल के विकास (discharge) के लिए विधिक रूप से अलग किया गया कोई स्थान उक्त भू-गृहादि के किसी भाग से सौ फीट से अनधिक दूरी पर स्थित हो तो मुख्य नगराधिकारी लिखित नोटिस द्वारा उक्त भू-गृहादि के स्वामी या अध्यासी से माँग कर सकता है कि वह—

(क) ऐसी सामग्री (material), ऐसे नाकार (size) और ऐसे प्रकार (description) की नाली बनाये तथा उसे उस सतह (level) पर रखे और इस प्रकार संरेखित (alignment) करे तथा ऐसी [1][निगम] की नाली में या पूर्वोक्त स्थान में खाली करे जिसे मुख्य नगराधिकारी आवश्यक या उचित समझे;

(ख) ऐसे समस्त उपकरणों (appliances) तथा संस्थापनों (fittings) की व्यवस्था करे और उन्हें स्थापित करे जो मुख्य नगराधिकारी को उक्त भू-गृहादि से जल-निस्सरण (drainage) को इकट्ठा करने (gathering) और प्राप्त करने तथा उसे उसके बाहर तक पहुँचाने तथा उक्त नाली तथा उससे सम्बद्ध प्रत्येक संलग्न (fixture) को यथोद्देश्य रूप से (effectually) जल से धोने (flushing) के प्रयोजनों के लिए आवश्यक प्रतीत हो;

(ग) किसी ऐसी वर्तमान नाली या अन्य उपकरणों (appliances) या वस्तुओं को, जो जल-निस्सारण के लिए प्रयुक्त हों या जिनका उसके लिए प्रयुक्त किया जाना अभिप्रेत हो, हटा दे जो मुख्य नगराधिकारी की राय में स्वास्थ्य के लिए हानिकारक हों अथवा किसी खुली नाली के स्थान पर बन्द नाली की व्यवस्था करे अथवा उसी प्रकार के अन्य ऐसे उपकरणों (appliances) या वस्तुओं की व्यवस्था करे, जिन्हें वह आवश्यक समझे ;

(घ) ऐसे समस्त उपकरणों तथा संस्थापनों (fittings) की व्यवस्था करे तथा उन्हें लगाये (set-up) जो शौचों के नीचे जाने के समय उनके फर्श तथा दीर्घाओं (galleries) से आने वाले बेकार पानी (waste water) को इकट्ठा करने तथा उसे ग्रहण करने (receiving) और टोंटियों (spouts) से या जल पीचे जाने वाले पाइपों (down-take pipes) द्वारा स्वयंचालित करने (conveying) के प्रयोजन के लिए मुख्य नगराधिकारी को आवश्यक प्रतीत हो ताकि उक्त बेकार पानी को सीधे सड़कों या भू-गृहादि के किसी निचले भाग के भीतर जाने से रोका जा सके।

239. मुख्य नगराधिकारी ऐसे भू-गृहादि पर, जो [1][निगम] की नाली से सौ फीट के भीतर स्थित न हो जो जल-निस्सारण की व्यवस्था से रहित (undrained) हों, जल निस्सारण की व्यवस्था को लागू कर सकता है—जब कोई भू-गृहादि मुख्य नगराधिकारी की राय में सफल जल-निस्सारण के पर्याप्त साधनों से रहित हो, किन्तु उक्त भू-गृहादि के किसी भाग से सौ फीट के भीतर कोई [1][निगम] नाली स्थित न हो, तो मुख्य नगराधिकारी लिखित नोटिस द्वारा उक्त भू-गृहादि के स्वामी या अध्यासी से माँग कर सकता कि वह—

(क) एक नाली उस स्थान (point) तक, जो ऐसे नोटिस में विहित किया जायगा, निर्मित कराये, किन्तु वह स्थान उक्त भू-गृहादि के किसी भाग से सौ फीट की दूरी से अधिक दूरी पर नहीं होना चाहिये; अथवा

(ख) ऐसे बन्द मलकूल (cesspool) का निर्माण कराये, जो ऐसी सामग्री (material), ऐसे आकार (size) और ऐसे प्रकार (description) का हो और ऐसी स्थिति (position) में हो, ऐसे धरातल (level) पर हो और उसमें ऐसे निराकट (fall) की गुंजाइश (allowance) हो, जो मुख्य नगराधिकारी आवश्यक समझे और ऐसी नाली या नालियों का भी निर्माण कराये, जो इस मलकूल (cesspool) में खाली होती हों।

240. व्यापारिक व्यर्थ द्रव-पदार्थ (trade effluent) से सम्बद्ध विशेष उपबन्ध—इस अधिनियम, नियमों तथा उपविधियों (bye-laws) और एतद्‌र्थ किसी अन्य विधि के उपबन्धों के अधीन रहते हुये, किसी व्यापारिक भू-गृहादि (trade premises) का अध्यासी उस भू-गृहादि से निकलने वाले किसी व्यापारिक व्यर्थ द्रव-पदार्थ (trade effluent) को [1][निगम] की नालियों में गिरा सकता है।

241. मुख्य नगराधिकारी का भू-गृहादि से संयुक्त रूप से जल-निस्सारण का अधिकार—(1) जब मुख्य नगराधिकारी की यह राय हो कि भू-गृहादि के किसी ऐसे गण या खंड (group or block) में जिसका कोई भाग किसी [1][निगम] नाली से अथवा [1][निगम] द्वारा नालियों के जल-निकास के लिए पृथक किये गये किसी ऐसे स्थान से, चाहे वह पहले से ही वर्तमान हो या जिसका निर्माण होने वाला हो, सौ फीट के भीतर स्थित हो, जल-निस्सारण की व्यवस्था पृथक् रूप से जल-निस्सारित किये जाने की अपेक्षा संयुक्त रूप से अधिक सिफायतपूर्वक अथवा सस्तपद ढंग से की जा सकती है, तो मुख्य नगराधिकारी भू-गृहादि के ऐसे गण या खंड में ऐसी रीति (method) से जल-निस्सारण की व्यवस्था करवा सकता है, जो मुख्य नगराधिकारी को उसके निमित्त सर्वोत्तम प्रतीत हो तथा ऐसा करने में मुख्य नगराधिकारी द्वारा किये गये व्यय का भुगतान उन भू-गृहादि के स्वामियों को ऐसे अनुपात में करना पड़ेगा, जिसे मुख्य नगराधिकारी उचित समझे।

(2) इस धारा के अधीन किसी निर्माण-कार्य (work) के प्रारम्भ होने के कम से कम 15 दिन पहले मुख्य नगराधिकारी ऐसे समस्त भू-गृहादि के, जो जल-निस्सारण किये जाने वाले हैं, स्वामियों को निम्नलिखित के संबंध में लिखित रूप में नोटिस देगा—

(क) अभिप्रेत निर्माण-कार्य का स्वरूप (nature);

(ख) उसके ऊपर होने वाला अनुमानित व्यय, तथा

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित

(घ) किसी [1][निगम] की नाली में प्रत्यक्ष या अप्रत्यक्ष रूप से निसार धारा 243 के उपबन्धों के अनुकूल किसी व्यापारिक अर्थ इस पदार्थ (trade effluent) अथवा किसी ऐसे द्रव या अन्य पदार्थ को गिराना, जिसका गिराना इस अधिनियम अथवा तत्समय प्रवर्तित किसी अन्य विधि के द्वारा या अधीन प्रतिषिद्ध हो ;

(ङ) जहाँ गन्दे पानी (foul water) तथा सतह के पानी (surface water) के लिए [1][निगम] की अलग-अलग नालियों की व्यवस्था हो, वहाँ प्रत्यक्ष या अप्रत्यक्ष रूप से-

(1) गन्दे पानी की ऐसी नाली में गिराना जिसकी व्यवस्था सतह के पानी के लिए की गयी हो, या

(2) मुख्य नगराधिकारी की अनुज्ञा प्राप्त किये बिना सतह के पानी को ऐसी नाली में गिराना जिसकी व्यवस्था गन्दे पानी के लिए की गई है ।

(च) अपनी नाली इस प्रकार बनाना कि वह झंझा के पानी (storm water) को वहा ले जाने वाली नाली से जाकर सीधी मिले ।

(2) उपधारा (1) के उपबन्धों से लाभ उठाने की इच्छा रखने वाला प्रत्येक व्यक्ति मुख्य नगराधिकारी को लिखित अनुज्ञा प्राप्त करेगा और उन शर्तों को पूरा करेगा, जिन्हें मुख्य नगराधिकारी उस रीति (mode) तथा अपीक्षण (superintendence) के सम्बन्ध में विहित करे जिसके अनुसार या अधीन नालियाँ पूर्वोक्त [1][निगम] की नालियों अथवा पूर्वोक्त अन्य स्थानों से जोड़ी जायेंगी ।

(3) मुख्य नगराधिकारी, यदि वह उचित समझे तो उपधारा (2) के अधीन पूर्वोक्त अनुज्ञा देने के बदले, सम्बद्ध व्यक्ति को उसके प्रार्थनापत्र को प्राप्त होने के 14 दिनों के भीतर नोटिस देने के उपरान्त स्वयं नाली या नाले (drain or sewer) को उक्त प्रकार से जुड़वा (connect) सकता है । यदि मुख्य नगराधिकारी ने इस उपधारा के अधीन किसी मामले में कोई कार्यवाही की हो तो इस प्रकार किसी निर्माण-कार्य के लिए किया गया उचित व्यय पूर्वोक्त व्यक्ति द्वारा दिया जायगा ।

235. मुख्य नगराधिकारी के नालियों अथवा प्रस्तावित नालियों के इस प्रकार निर्मित किये जाने की माँग करने का (to require) अधिकार कि वे सामान्य प्रणाली के भाग बन जायँ–(1) यदि कोई व्यक्ति किसी नाली के निर्माण का विचार करे तो मुख्य नगराधिकारी यदि वह समझता है कि प्रस्तावित नाली की आवश्यकता ऐसी सामान्य जल-निस्सारण प्रणाली का भाग बनने के लिए है अथवा पड़ सकती है, जिसकी [1][निगम] द्वारा व्यवस्था की गयी है अथवा जिसकी व्यवस्था करने का उसका विचार है, उस व्यक्ति से यह माँग कर सकता है कि वह उस नाली का निर्माण, पाइपों के धातु (material), आकार (size) गहराई, गिरावट (fall), दिशा, (directions) या बाह्य गिरावट (outfall), के सम्बन्ध में या अन्यथा उस रीति से जिससे निर्माण करने का उसका विचार हो, भिन्न रीति से कराये और तत्पश्चात् उक्त व्यक्ति का कर्तव्य हो जायगा कि वह मुख्य नगराधिकारी की माँग (requisition) का पालन करे ।

(2) मुख्य नगराधिकारी उपधारा (1) के अनुसार नाली का निर्माण कराने वाले व्यक्ति को [1][निगम] निधि में से उस अतिरिक्त व्यय को, जो उसने माँग का पालन करने में समुचित रूप से किया हो, भरपाई (reimburse) कर देगा तथा जब तक वह [1][निगम] की नाली नहीं हो जाती, वह [1][निगम] निधि में से समय-समय पर उसे उसके द्वारा समुचित रूप से किये गये उसने व्यय की भरपाई कर देगा जिससे उसकी मरम्मत तथा उसके संधारण पर उस माँग के पालन करने में किया गया समझा जा सके ।

236. धारा 233 तथा 234 के अनुकूल [1][निगम] की नालियों से अन्य नालियों को जोड़ने का कार्य (connections) नहीं किया जायगा–धारा 233 और 234 में उपबन्धित व्यवस्था अथवा किसी

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

लिखित की गयी व्यवस्था को छोड़कर कोई भी व्यक्ति अपनी अथवा किसी अन्य व्यक्ति की नाली को किसी [1][निगम] की नाली अथवा किसी अन्य स्थान से जो नालियों के जल के निकास के लिए विधिक रूप से अलग कर दिया गया हो, न तो जोड़ेगा और न जुड़वायेगा और मुख्य नगराधिकारी सम्बद्ध व्यक्ति को सूचना देने के उपरान्त इस धारा का उल्लंघन करके बनाये गये किसी ऐसे जोड़ (connection) को बन्द करा सकता है, तुड़वा सकता है अथवा उसे परिवर्तित या पुनर्निर्मित कर सकता है तथा ऐसा करने में मुख्य नगराधिकारी द्वारा किये गये व्यय उस सड़क के स्वामी को या उस भू-गृहादि के स्वामी या अध्यासी को, जिसके लाभ के लिए जोड़ (connection) बनाया गया था अथवा दोषी (offending) व्यक्ति को वहन करना पड़ेगा ।

237. नालियों को अन्य व्यक्तियों की भूमि के बीच से ले जाने के भू-गृहादि के स्वामियों तथा अध्यासियों के अधिकार–(1) यदि मुख्य नगराधिकारी को ऐसा प्रतीत हो कि सर्वाधिक सुविधाजनक साधनों (most convenient means) में एकमात्र साधन, जिसके द्वारा किसी भू-गृहादि का स्वामी अथवा अध्यासी अपनी नाली को [1][निगम] की नाली में अथवा किसी अन्य ऐसे स्थान में, जो नालियों के जल के निकास (discharge) के लिए विधिक रूप से अलग कर दिया गया हो, खाली कर सकता है, यही है कि वह उसे उक्त स्वामी या अध्यासी से भिन्न किसी व्यक्ति की भूमि के भीतर से (into), बीच से (through) अथवा नीचे से ले जाय तो मुख्य नगराधिकारी लिखित आज्ञा द्वारा उक्त स्वामी को प्राधिकृत (authorize) कर सकता है कि वह अपनी नाली उक्त भूमि के भीतर से, बीच से अथवा नीचे से ऐसी रीति से ले जाय जिसकी अनुज्ञा देना (allow) वह उचित समझे ।

(2) उपधारा (1) के अधीन तब तक कोई प्राधिकार प्रदान (authorization) नहीं किया जायगा जब तक कि भूमि के स्वामी को नोटिस न दे दी गयी हो तथा उसके द्वारा प्रस्तुत की गयी आपत्ति पर, यदि कोई हो, विचार न कर लिया गया हो ।

(3) उपधारा (1) के अधीन ऐसी प्रत्येक आज्ञा, जिस पर मुख्य नगराधिकारी के हस्ताक्षर हों, उस व्यक्ति को जिसके पक्ष में वह दी गयी हो अथवा उसके अभिकर्ता (agent) या सेवक (servant) को इस बात का पूर्ण प्राधिकार (complete authority) देगी कि वह समुचित रूप से नोटिस देने के बाद उक्त भूमि पर सूर्योदय और सूर्यास्त के बीच किसी भी समय अपने सहायकों और श्रमिकों (workmen) के सहित प्रवेश करे (enter upon) और आवश्यक निर्माण कार्य (work) सम्पादित करे ।

(4) इस अधिनियम के उपबन्धों के अधीन रहते हुये किसी भू-गृहादि का स्वामी अथवा अध्यासी अथवा इस प्रयोजन के लिए उसके द्वारा नियोजित कोई अभिकर्ता या व्यक्ति, किसी ऐसे भूमि के स्वामी को, जिसमें उसके उक्त भू-गृहादि के जल-निस्सारण के लिए पहले ही कोई नाली विधितः निर्मित है, अपने ऐसा करने के आशय का समुचित रूप से लिखित नोटिस देने या प्रस्तुत करने के उपरान्त अपने सहायकों तथा श्रमिकों (workmen) के सहित उक्त भूमि पर सूर्योदय तथा सूर्यास्त के बीच किसी भी समय प्रवेश कर सकता है तथा वर्तमान नाली के स्थान पर नयी नाली बना सकता है या इस प्रकार निर्मित किसी नाली की मरम्मत कर सकता है या उसे परिवर्तित कर सकता है ।

(5) इस धारा के अधीन किसी कार्य को सम्पादित करने में यथासंभव कम से कम क्षति (damage) पहुँचायी जायगी तथा उस भू-गृहादि का, जिसके लाभ के लिए निर्माण-कार्य किया जा रहा है, स्वामी या अध्यासी–

(क) निर्माण-कार्य का सम्पादन इस प्रकार करायेगा कि उसमें कम से कम व्यवधान विलम्ब हो,

(ख) उक्त निर्माण-कार्य के सम्पादन के प्रयोजन के लिए खुदवायी गयी, तोड़ी गयी अथवा हटायी गयी किसी भूमि अथवा किसी भवन के भाग या अन्य किसी निर्माण का अपने व्यय से तथा

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

229. [निगम] द्वारा नालियों तथा नालियों के जल के या मलादि (drainage or sewage) के निस्सारण के निर्माण-कार्यों का अधिग्रहण जाना (adoption)—(1) इस धारा के अन्य उपबन्धों के अधीन रहते हुए मुख्य नगराधिकारी किसी भी समय [1][निगम] के अनुमोदन से घोषणा कर सकता है कि कोई नाली अथवा उसका कोई भाग या नालियों या मलादि के निस्सारण के कोई निर्माण-कार्य जो नगर के भीतर स्थित हों अथवा नगर अथवा उसके किसी भाग के उपयोग में आ रहे हों, इस दिनांक से, जो घोषणा में निर्दिष्ट की जाये [1][निगम] में निहित हो जायेंगे।

(2) मुख्य नगराधिकारी, यह निर्णय करने में कि उपधारा (1) के अधीन घोषणा की जाये या नहीं, मामले की समस्त परिस्थितियों तथा विशेषकर निम्नलिखित बातों का ध्यान रखेगा—

(क) सम्बद्ध नाली अथवा निर्माण-कार्य (works) किसी जलोत्सारण (drainage) या नालियों के निस्सारण (drainage disposal) अथवा मल-निस्सारण (sewage disposal) की किसी ऐसी सामान्य प्रणाली के लिये, जिसकी व्यवस्था मुख्य नगराधिकारी ने नगर अथवा उसके किसी भाग के निमित्त की हो, अनुकूल है या नहीं अथवा उसके या उनके लिये अपेक्षित है या नहीं;

(ख) नाली सड़क के अथवा उस भूमि के नीचे है या नहीं जो इस अधिनियम द्वारा अथवा उसके उपबन्धों के अथवा तत्समय प्रचलित किसी अन्य विधि के द्वारा, अथवा अधीन, सड़क के लिए सुरक्षित है;

(ग) भवनों की संख्या, जिनके लिये नाली का उपयोग अभिप्रेत है, और अन्य भवनों की निकटता (proximity) या भावी विकास की संभावना का ध्यान रखते हुए क्या यह संभव है कि यह अतिरिक्त भवनों के उपयोग के लिये अपेक्षित हो सकती है;

(घ) नाली अथवा निर्माण-कार्यों के बनाये जाने की रीति और उनकी मरम्मत की दशा, तथा

(ङ) क्या प्रस्तावित घोषणा का करना सम्बद्ध नाली या निर्माण-कार्य के स्वामी के लिये अत्यधिक हानिकर (seriously detrimental) होगा।

(3) जब कभी उपधारा (1) के अधीन घोषणा करने का प्रस्ताव हो; तो मुख्य नगराधिकारी सम्बद्ध नाली अथवा निर्माण-कार्य के स्वामी अथवा स्वामियों को प्रस्ताव की लिखित सूचना देगा कि वे तामील के दिनांक से एक मास की अवधि के भीतर उसके विरुद्ध कारण बतायें तथा पूर्वोक्त अवधि के समाप्त होने तक, या जब कोई आपत्ति प्रस्तुत की गयी हो तो उस आपत्ति के निस्तारण तक, घोषणा न की जायेगी।

(4) जब उपधारा (1) में निर्दिष्ट घोषणा का सम्बन्ध किसी ऐसी नाली, नालियों के जल के या मलादि (drainage or sewage) के निस्सारण के निर्माण-कार्यों से हो जो [1][निगम] से भिन्न किसी स्थानीय प्राधिकारी के क्षेत्राधिकार में स्थित हों, अथवा नगर के भीतर स्थित हों, किन्तु ऐसे क्षेत्र अथवा क्षेत्र के भाग के उपयोग में आ रहे हों, जो उक्त स्थानीय प्राधिकारी के क्षेत्राधिकार में हो, तो मुख्य नगराधिकारी उस प्राधिकारी को भी सूचना देगा तथा कोई घोषणा न की जायेगी, जब तक या तो उसके लिये उस प्राधिकारी की सहमति न प्राप्त हो गई हो अथवा राज्य सरकार ने चाहे बिना किसी शर्त के अथवा किन्हीं ऐसी शर्तों के अधीन, जिन्हें लगाना वह उचित समझे, ऐसी सहमति की कोई आवश्यकता न समझी हो।

(5) उपधारा (1) के अधीन किसी ऐसी नाली अथवा नाली के भाग या किसी निर्माण कार्य के सम्बन्ध में, जो [1][निगम] से भिन्न किसी स्थानीय प्राधिकारी अथवा केन्द्रीय सरकार अथवा रेलवे प्रशासन में निहित हो या हों, सम्बद्ध प्राधिकारी सरकार या रेलवे प्रशासन की प्रार्थना के बिना कोई घोषणा न की जायेगी।

(6) कोई व्यक्ति, जो उपधारा (1) के अधीन घोषणा होने के तत्काल पूर्व सम्बद्ध नाली को उपयोग में लाने का अधिकारी था, घोषणा के होते हुए भी उसी अथवा उसके स्थान पर बनायी गयी दूसरी नाली को पहले की आपति (extent) तक ही उपयोग में लाने का अधिकारी होगा।

230. नालियाँ बनाने का अधिकार—(1) मुख्य नगराधिकारी, [1][निगम] की किसी नाली को किसी सड़क अथवा किसी अन्य स्थान के, जो सड़क के रूप में तैयार की गयी (laid out) हो या उसके लिये

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित

अभिप्रेत (intended) हो, बीच में से या उसके आधार या उसके नीचे अथवा किसी सड़क के नीचे स्थित गोदाम (cellar) या तहखाने (vault) के नीचे से ले जा सकता है तथा सम्बद्ध भूमि के स्वामी या अध्यासी (occupier) को समुचित लिखित नोटिस देकर, नगर के भीतर स्थित किसी भी भूमि के भीतर से, बीच में या नीचे से ले जा सकता है या मल (sewage) इत्यादि को बाहर निपटान (outfall) या विसरण के प्रयोजन के लिये नगर के बाहर स्थित भूमि के सम्बन्ध में भी ऐसा हो कर सकता है।

(2) मुख्य नगराधिकारी किसी ऐसी भूमि में, जहाँ पहले ही से [1][निगम] की कोई नाली विधित: निर्मित हो, प्रवेश कर सकता है और वर्तमान नाली के स्थान पर कोई नयी नाली बना सकता है या इस प्रकार बनायी गयी [1][निगम] की किसी नाली की मरम्मत कर सकता है या उसे परिवर्तित कर सकता है।

231. नालियों में परिवर्तन और उन्हें बन्द करना—मुख्य नगराधिकारी, किसी किसी नाली को बढ़ा सकता है, उसका मार्ग परिवर्तित कर सकता है या उसे गहरा कर सकता है या उसे छोटी कर सकता है, उस पर मेहराब बना सकता है या अन्य प्रकार से उसका सुधार कर सकता है तथा किसी ऐसी नाली को हटा (discontinue) कर सकता है, बन्द कर सकता है या नष्ट कर सकता है, जो उसके मतानुसार बेकार या अनावश्यक हो गयी हो या किसी ऐसी नाली का उपयोग या तो दूषितजल या गन्दे पानी के उत्सारण के प्रयोजन के लिये या सतह के जल के उत्सारण (surface drainage) के प्रयोग के लिये प्रतिषिद्ध कर सकता है :

किन्तु प्रतिबन्ध यह है कि यदि इस धारा में की गयी किसी बात के कारण कोई व्यक्ति किसी नाली के विधिपूर्वक प्रयोग से वंचित होता हो, तो मुख्य नगराधिकारी उसके उपयोग के लिये यथाशक्य शीघ्र [1][निगम] के व्यय से उतनी ही उपयुक्त किसी अन्य नाली की व्यवस्था कर देगा जितनी वह नाली थी, जो हटायी, बन्द की या नष्ट की गयी थी अथवा जिसका प्रयोग प्रतिषिद्ध कर दिया गया था।

232. नालियों की सफाई—(1) [1][निगम] की नालियाँ इस प्रकार निर्मित की जायेंगी, संधारित एवं बनाये रखी जायेंगी कि उनसे कम से कम व्यवहार्य अड़चन (practicable nuisance) उत्पन्न हो। इन नालियों को समय-समय पर जोर से बहा (flushed), साफ किया और खाली किया जायगा।

(2) उक्त नालियों को जल से धोने, इनकी सफाई करने तथा उन्हें खाली करने के लिए मुख्य नगराधिकारी ऐसे हौज (reservoirs), बाँध (sluice), इंजन तथा अन्य निर्माण-कार्य (works), बना अथवा स्थापित कर सकता है, जिन्हें वह समय-समय पर आवश्यक समझे।

निजी सड़कों की नालियों तथा भू-गृहादि का निस्सारण

233. निजी सड़क की नालियों को [1][निगम] की नाली से जोड़ने का अधिकार—किसी निजी सड़क का स्वामी, विहित की जाने वाली शर्तों को पूरा करने पर, ऐसी सड़क की नाली को [1][निगम] की नाली से जोड़ सकता है।

234. भवनों तथा भूमि के स्वामियों और अध्यासियों को [1][निगम] की नालियों में जल-निस्सारण का अधिकार—(1) इस धारा के बाद उपबन्धों के अधीन रहते हुए, किसी भू-गृहादि के स्वामी या अध्यासी को यह अधिकार होगा कि वह अपनी नाली को [1][निगम] की नाली में अथवा अन्य ऐसे स्थान पर खाली करे (empty) जो नालियों के जल के निकास (discharge of drainage) के लिए वैध रूप से अलग कर दिया गया हो:

किन्तु प्रतिबन्ध यह है कि इस उपधारा की कोई बात किसी व्यक्ति को निम्नलिखित का अधिकार नहीं देगी—

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

[222. सर्वेक्षण, परिमाप और क्षेत्रफल का निर्धारण.—(1) किसी भू-पृष्ठधारी के संबंध में कर के प्रयोजन के लिए मुख्यतः उसी प्रयोजन से अथवा तत्समय प्रवृत्त किसी अन्य विधि के अधीन सर्वेक्षण के संबंध में या भूमि के क्षेत्रफल के संबंध में एक विवरण ऐसे प्ररूप में और ऐसे समय पर जो इस निमित्त विहित किया जाये, निगम को प्रस्तुत करेगा।

(2) यदि इस निमित्त, ऐसी रीति से, जो विहित की जाये, की गई जांच से निगम का यह समाधान हो जाये कि उपधारा (1) के अधीन प्रस्तुत किया गया विवरण, तथ्यात्मक रूप से असत्य है, क्योंकि यथास्थिति भवन के कारपेट एरिया के किसी भाग या भूमि के क्षेत्रफल के किसी भाग को छिपाया गया है, तो निगम व्यतिक्रमी पर, ऐसी रीति से, जो इस निमित्त विहित की जाये, एक हजार रुपये से अनधिक की शास्ति आरोपित कर सकता है।]

222. दायित्व प्रकट करने का आधार—[1][निगम] लिखित-पत्र (communication) द्वारा नगर के किसी निवासी को ऐसी सूचना देने का आदेश दे सकता है जो निम्नलिखित किसी बात को निश्चित रूप से मालूम करने के लिये आवश्यक हो—

(क) क्या उक्त निवासी पर इस अधिनियम के अधीन लगाये गये किसी कर को अदा करने का दायित्व है;

(ख) उस पर कितना कर निर्धारित किया जाना चाहिये;

(ग) उस भवन अथवा भूमि का वार्षिक मूल्य, जो उसके अध्यासन में हो और उसके स्वामी का नाम तथा पता।

(2) यदि कोई निवासी, जिसे इस प्रकार सूचना देने का आदेश दिया गया हो, उक्त सूचना नहीं देता अथवा ऐसी सूचना देता है जो असत्य हो तो दोषसिद्ध होने पर उस पर जुर्माना किया जा सकता है, जो 500 रुपये तक हो सकता है।

223. खोज (discovery) करने के अधिकार—मुख्य नगराधिकारी अथवा [2][निगम] के इस्तदर्थ प्राधिकृत कोई अन्य पदाधिकारी या सेवक मूल्यांकन के प्रयोजनों के लिये किसी भवन में प्रवेश कर सकता है, उसका निरीक्षण तथा उसको नाप (measure) कर सकता है अथवा किसी अस्तबल या वाहनगृह (coach house) अथवा ऐसे अन्य स्थान में, जहाँ उसको यह विश्वास करने का कारण हो कि वहाँ कोई ऐसा वाहन अथवा पशु है जिस पर इस अधिनियम के अधीन कर लगाया जा सकता है, प्रवेश कर सकता है और उसका निरीक्षण कर सकता है और ऐसे निरीक्षणों पर धारा 560, 562 तथा 563 के उपबन्ध लागू होंगे।

224. अपवाद (Saving)—कोई निर्धारण सूची या अन्य सूची, नोटिस, प्राप्यक (bill) या इसी प्रकार का अन्य कोई लेखन (document), जिसमें किसी कर, प्रभार (charge), किराया या शुल्क के संबंध में किसी व्यक्ति, सम्पत्ति, वस्तु या विषय (persons, property, thing or circumstances) का निर्देश किया गया हो, अथवा जिसमें ऐसा करना अभिप्रेत हो, केवल इसी कारण से अवैध न माना जायेगा कि उसमें उक्त व्यक्ति के नाम, निवास-स्थान, व्यापार के स्थान अथवा धंधे (occupation) में अथवा सम्पत्ति, वस्तु या विषय के विवरण के संबंध में कोई गलती है, अथवा केवल लिपि संबंधी भूल (clerical error) अथवा उसके प्ररूप (form) में कोई त्रुटि रह गयी है और अभिज्ञान (identification) के प्रयोजन के लिये किसी व्यक्ति, सम्पत्ति, वस्तु या विषय का पर्याप्त वर्णन कर दिया जाना हो यथेष्ट होगा तथा किसी कर को देनदारी के संबंध में किसी सम्पत्ति के स्वामी अथवा अध्यासी का नाम दिया जाना आवश्यक न होगा।

अनुपूरक कर

225. अनुपूरक-कर (supplementary taxation) लगाने के रूप में इस अधिनियम के अधीन आरोपित किये जा सकने वाले शोध्य किसी कर में वृद्धि की जा सकती है अथवा उसे नये रूप से लगाया जा सकता है—जब कभी किसी वित्तीय वर्ष में [2][निगम] अनुपूरक कर लगाने का निश्चय करे तो वह, इस अधिनियम में अथवा राज्य सरकार को आज्ञाओं अथवा स्वीकृति (sanction) में ऐसे कर के

1. उ० प्र० अधिनियम सं० 17 सन् 1999 द्वारा 221-ख अन्तःस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

लिये विहित सीमा अथवा शर्तों के अधीन रहते हुए उक्त वर्ष को लागू होने वाले कर को दरों में, जो इस अधिनियम के अधीन आरोपित किया जा सकता हो, वृद्धि करके, अथवा इस अधिनियम के अधीन आरोपित किये जा सकने वाले ऐसे कर को, जो तत्समय न लगाया जा रहा हो, तत्पश्चात् स्वीकृति से लगाकर, ऐसा कर सकता है।

226. कर संबंधी विषयों में दीवानी तथा फौजदारी न्यायालयों के क्षेत्राधिकार का विषेध—इस अधिनियम में व्यवस्थित रीति तथा प्राधिकार के अतिरिक्त किसी अन्य रीति से तथा अन्य प्राधिकारी के सम्मुख किसी मूल्यांकन अथवा निर्धारण पर कोई आक्षेप न किया जायेगा और न उस व्यक्ति की, जिस पर निर्धारित किया जाने वाला हो या कर लगाया जाने वाला हो, देनदारी पर कोई प्रश्न किया जायेगा।

227. विधम बनाने का अधिकार—(1) राज्य सरकार इस अध्याय के उपबन्धों को कार्यान्वित करने के प्रयोजन के लिये विधम बना सकती है।

(2) पूर्वोक्त अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना इन नियमों में निम्नलिखित सभी या किसी की व्यवस्था की जा सकती है—

(क) धारा 219 में निर्दिष्ट विषय;

(ख) वाहन, पशु तथा पशुओं पर करों से सम्बद्ध पंजी (register) का संधारण तथा निरीक्षण;

(ग) [1][* * *]

(घ) [1][* * *]

(ङ) करों का अंतिम भुगतान;

(च) अभिग्रहण (distress) और कुर्की (attachment) के विरुद्ध की गयी आपत्तियों का सरसरी निस्तारण (summary disposal);

(छ) शर्तें, जिनके अधीन करों की छूट तथा वापसी स्वीकृत की जायेगी।

अध्याय 10

नालियाँ तथा जलोत्सारण

[निगम] की नालियाँ

228. मुख्य नगराधिकारी द्वारा नालियों का निर्माण तथा उनकी मरम्मत की व्यवस्था—(1) सामान्य आदेशों के अधीन रहते हुए, जो कार्यकारिणी समिति इस्तदर्थ समय-समय पर दे, मुख्य नगराधिकारी [2][निगम] की समस्त नालियों का संरक्षण (maintain) तथा उनकी मरम्मत करायेगा और कार्यकारिणी समिति के अनुमोदन से नगर के भीतर तथा बाहर ऐसी नयी नालियों का निर्माण करायेगा, जो नगर तथा उसके सान्निकट के चारितिक क्षेत्र में यथोद्देश्य जल निस्तारण के लिये समय-समय पर आवश्यक प्रतीत हों।

किन्तु प्रतिबन्ध यह है कि किसी छावनी (cantonment) की सीमाओं के भीतर किसी भी नाली का निर्माण राज्य सरकार के अनुमोदन के बिना तथा उस डिवीजन के, जिसमें उक्त छावनी स्थित हो, जनरल आफिसर कमांडिंग की सहमति के प्रतिफल या ऐसी सहमति न दिये जाने की दशा में केन्द्रीय सरकार की पूर्व स्वीकृति के बिना, न किया जायेगा।

(2) किसी ऐसी सड़क की दशा में, जिसमें [2][निगम] की नाली हो, मुख्य नगराधिकारी [2][निगम] की निधि पर भारित व्यय से किसी भू-गृहादि (premise) की नाली के, जिसे उक्त [2][निगम] की नाली से जोड़ना हो, ऐसे भाग को भी निर्मित करायेगा जिसका उक्त सड़क के किसी भाग के नीचे बनाना आवश्यक हो तथा सड़क के नीचे इस प्रकार बनायी हुयी जोड़ने वाली नालियों (connecting drains) का भाग [2][निगम] में निहित हो जायेगा और मुख्य नगराधिकारी द्वारा [2][निगम] की नाली की भाँति ही उसको संधारित किया जायेगा और उसकी मरम्मत की जाती रहेगी।

1. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा निकाल गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(ख) उपधारा (2) के अधीन रखी गयी पंजी में उपर्युक्त जोड़ का परिणाम लिखवायेगी, और

(ग) ऐसे परिणाम के अनुसार निर्धारण-सूची में आवश्यक संशोधन करायेगी।

210. सूची का प्रमाणीकरण और उसकी अभिरक्षा—[1][(1) जब या उसके किसी भाग के लिए, जैसी भी दशा हो, सूची से सम्बन्धित आपत्तियों का निपटारा हो जाने के पश्चात्, [2][कार्यकारिणी] समिति या सम्बन्धित उप-समिति, यदि कोई हो, का सभापति उक्त सूची को और धारा 209 की उपधारा (3) के अधीन उसमें किये गये सभी संशोधनों को भी अपने हस्ताक्षर से प्रमाणीकृत करेगा।]

(2) इस प्रकार प्रमाणीकृत प्रत्येक सूची [3][निगम] के कार्यालय में जमा कर दी जायेगी।

(3) जब सम्पूर्ण नगर की सूची इस प्रकार जमा कर दी जाये तब वह सार्वजनिक नोटिस द्वारा निरीक्षण के लिए उपलब्ध घोषित कर दी जायेगी।

211. सूची का पुनरीक्षण तथा उसकी अवधि—(1) प्रत्येक [4][दो वर्ष] में एक बार धारा 207 से 210 तक में विहित रीति के अनुसार साधारणतया एक नयी निर्धारण सूची तैयार की जायेगी।

(2) धारा 213 के अधीन किये गये किसी परिवर्तन अथवा संशोधन तथा धारा 472 के अधीन की गई अपील के परिणाम के अधीन रहते हुए मूल्यांकन सूची में दर्ज प्रत्येक मूल्यांकन (valuation) तथा निर्धारण [5][नगर या उसके भाग में उस सूची के प्रभावी होने के दिनांक से और नई सूची के ठीक पश्चात् आगामी मास के प्रथम दिन तक] वैध रहेगा।

[6][किन्तु प्रतिबन्ध यह है कि यदि किसी विधि न्यायालय के किसी आदेश या निर्णय के परिणामस्वरूप नयी निर्धारण सूची या उसका कोई भाग प्रभावी न हो सकता हो तो ऐसे आदेश या निर्णय के अधीन रहते हुए पुरानी निर्धारण सूची या उसका तदनुरूप भाग प्रभावी बना रहा समझा जायेगा।]

212. सूची की प्रविष्टियों (entries) का निश्चयात्मक होना—निर्धारण सूची में की गई कोई प्रविष्टि—

(क) उक्त सूची से सम्बन्ध रखने वाले कर से सम्बद्ध किसी प्रयोजन के निमित्त उस धनराशि के लिये, जो सूची से सम्बद्ध कालावधि में किसी भवन या भूमि के सम्बन्ध में लगायी जा सकती हो; और

(ख) किसी अन्य [1][निगम] कर के निर्धारण के प्रयोजन के निमित्त उक्त कालावधि में किसी भवन अथवा भूमि के वार्षिक मूल्य के लिये निश्चायक प्रमाण होगी।

213. सूची में संशोधन तथा परिवर्तन—(1) कार्यकारिणी समिति अथवा एतदर्थ नियुक्त की गई उसकी कोई उप-समिति किसी भी समय निम्न प्रकार से निर्धारण-सूची में संशोधन अथवा परिवर्तन कर सकती है—

(क) उसमें किसी ऐसे व्यक्ति अथवा सम्पत्ति के नाम को, जिसकी प्रविष्टि होनी चाहिये थी अथवा किसी ऐसी सम्पत्ति को, जो निर्धारण सूची के प्रमाणीकरण के पश्चात् कर-आरोपण के योग्य हो गयी हो, प्रविष्ट करके; या

(ख) उसमें किसी सम्पत्ति के स्वामी अथवा अध्यासी के नाम के स्थान पर किसी ऐसे अन्य व्यक्ति के नाम को प्रविष्ट करके जिसे हस्तान्तरण (transfer) अथवा अन्य किसी प्रकार से उस सम्पत्ति के स्वामित्व अथवा अध्यासन का उत्तराधिकार प्राप्त हो गया हो;

1. उ० प्र० अधिनियम संख्या 8 सन् 1970 द्वारा रखा गया
2. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा जोड़ा गया
3. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम संख्या 17 सन् 1999 द्वारा शब्द "पाँच वर्ष" के स्थान पर प्रतिस्थापित
5. उ० प्र० अधिनियम संख्या 3 सन् 1987 द्वारा रखा गया
6. उ० प्र० अधिनियम संख्या 21 सन् 1964 की धारा 18 द्वारा प्रतिबन्धात्मक खण्ड जोड़ा गया

(ग) किसी ऐसी सम्पत्ति के मूल्यांकन अथवा निर्धारण में वृद्धि करके, जिसका [1][मूल्यांकन या निर्धारण गलत हो गया है या जिसका मूल्यांकन या निर्धारण छल, भ्रान्त कथन या त्रुटियों के कारण गलत किया गया है।]

(घ) किसी ऐसी सम्पत्ति का फिर से मूल्यांकन अथवा निर्धारण करके, जिसका मूल्य भवन में किये गये परिवर्द्धनों अथवा परिवर्तनों के कारण बढ़ गया हो; अथवा

(ङ) जब [1][इस अधिनियम के उपबन्धों] के अधीन उस वार्षिक मूल्य का जिस पर कोई कर लगाया जाने वाला हो, प्रतिशत [2][निगम] द्वारा परिवर्तित कर दिया गया हो तो प्रत्येक मामले में देय कर की धनराशि में तदनुरूप (corresponding) परिवर्तन करके;

(च) स्वामी का प्रार्थना-पत्र प्राप्त होने पर, या इस बात पर सन्तोषजनक साक्ष्य मिलने पर कि स्वामी का पता नहीं है (is untraceable) और साथ ही साथ कमी करने की आवश्यकता सिद्ध हो गयी है, स्वतः किसी ऐसे भवन के मूल्यांकन में कमी करके जो पूर्णतः या अंशतः गिरा दिया गया हो अथवा नष्ट कर दिया गया हो; अथवा

(छ) किसी लिपि संबंधी गणना की (clerical, arithmetical) या अन्य प्रत्यक्ष भूल को ठीक करके :

किन्तु प्रतिबन्ध यह है कि यथास्थिति कार्यकारिणी समिति या उप-समिति स्वत्व रखने वाले (interested) किसी व्यक्ति को उपधारा (1) के खंड (क), (ख), (ग) अथवा (घ) के अधीन कार्यकारिणी समिति या उपसमिति द्वारा प्रस्तावित किसी परिवर्तन [3][या संशोधन] का और उस दिनांक का, जिस पर परिवर्तन [3][या संशोधन] किया जायगा, कम से कम एक महीने की नोटिस देगी।

[4][(1-क) सन्देहों के निवारणार्थ एतद्द्वारा यह घोषणा की जाती है कि यह आवश्यक न होगा कि धारा 148 के अधीन कर की दर निर्धारित करने के परिणामस्वरूप उपधारा (1) के खंड (ङ) के अधीन किये गये परिवर्तन के संबंध में धारा 199 से 203 या धारा 207 से 210 तक में निर्धारित प्रक्रिया का अनुसरण किया जायगा।]

(2) धारा 209 की उपधारा (2) तथा (3) के उपबन्ध जो उनमें उल्लिखित आपत्तियों पर लागू होते हों, [5][यथासंभव उपधारा (1) के प्रबन्धात्मक खंड के अधीन जारी किये गये किसी नोटिस के अनुसरण में की गयी किसी आपत्ति पर तथा उपधारा (1) के खंड (च) के अधीन दिये गये किसी प्रार्थना-पत्र पर भी लागू होंगे।

(3) उपधारा (1) के अधीन किया गया प्रत्येक परिवर्तन [3][या संशोधन] धारा 210 द्वारा प्राधिकृत व्यक्ति के हस्ताक्षर या हस्ताक्षरों द्वारा प्रमाणीकृत किया जायगा और धारा 472 के अधीन की गई अपील के परिणाम के अधीन रहते हुए उस दिनांक से प्रभावी होगा, जिस पर अगली किस्त देय हो।

214. संशोधन के प्रयोजनों के लिए सूचना देने का आभार—जब कोई भवन निर्मित या पुनर्निर्मित किया जाय अथवा उसका विस्तार किया जाय तो स्वामी उक्त भवन के निर्माण, पुनर्निर्माण अथवा विस्तार की सम्पत्ति के दिनांक से अथवा उक्त भवन के अध्यासन के दिनांक से, जो भी दिनांक के पहले पड़े, 15 दिन के भीतर उसका नोटिस मुख्य नगराधिकारी को देगा।

1. उ० प्र० अधिनियम सं० 3 सन् 1987 द्वारा रखा गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 21, 1964 की धारा 19 (1) द्वारा शब्द जोड़े गये
4. उ० प्र० अधिनियम संख्या 21, 1964 की धारा 19 (2) द्वारा जोड़ी गई के संदेह से जोड़ी गयी उपधारा
5. उ० प्र० अधिनियम संख्या 33, 1981 द्वारा शब्द तथा अंक "उपधारा (2) के अधीन जारी किये गये किसी नोटिस के अनुसरण में" के स्थान पर रखा गया

(2) निगम कर लगाने या उसमें वृद्धि की एक अधिसूचित [निगम] के पास भेज दी जायगी और तदुपरान्त [निगम] विशेष संकल्प द्वारा उस निदेश से जो संकल्प में निर्दिष्ट किया जायगा, कर के आरोपण का आदेश देगा।

203. कर का आरोपण—(1) धारा 202 के अधीन पारित संकल्प की एक प्रति राज्य सरकार को भेजी जायगी।

(2) संकल्प की प्रतिलिपि प्राप्त होने पर राज्य सरकार किसी निश्चित दिनांक से कर का आरोपण सरकारी गजट में विज्ञापित करेगी और सभी दशाओं में इस प्रकार विज्ञापित किये जाने की शर्त के अधीन ही कोई कर आरोपित किया जा सकेगा।

(3) उपधारा (2) के अधीन कर के आरोपण की विज्ञप्ति इस बात का निश्चायक प्रमाण होगी कि कर इस अधिनियम के उपबन्धों के अनुसार आरोपित किया गया है।

204. करों को परिवर्तित करने की प्रक्रिया (procedure)—किसी कर को हटाने अथवा धारा 19 की उपधारा (1) के खंड (ख) तथा (ग) में निर्दिष्ट विषयों के संबंध में किसी कर को परिवर्तित करने की प्रक्रिया, जहाँ तक संभव हो, वही होगी जो धारा 199 से लेकर 202 में कर के आरोपण के लिये विहित है।

205. राज्य सरकार का किसी कर को कम करने अथवा समाप्त कर देने का अधिकार—(1) जब कभी राज्य सरकार को शिकायत किये जाने पर या अन्यथा प्रतीत हो कि किसी कर को उगाहना सार्वजनिक हितों के विरुद्ध है या यह कि कोई कर अपने भार में (incidence) उचित नहीं है, तो राज्य सरकार सम्बद्ध [निगम] के स्पष्टीकरण पर विचार करने के पश्चात् आज्ञा द्वारा उस [निगम] को यह आदेश दे सकती है कि वह उस अवधि के भीतर, जो उक्त आज्ञा में निर्दिष्ट होगी, ऐसी किसी भी त्रुटि (defect) को दूर करने का उपाय करे, जो राज्य सरकार के विचार में उस कर में अथवा उसके निर्धारण या वसूली की पद्धति से विद्यमान है।

(2) यदि [निगम] राज्य सरकार के मतोचानुसार उपधारा (1) के अधीन दिये गये आदेश का पालन न कर सके या पालन करने में असमर्थ रहे तो राज्य सरकार विज्ञप्ति द्वारा कर की अथवा उसके किसी अंश की उगाही उस समय तक विलम्बित कर सकती है, जब तक कि त्रुटि दूर न कर दी जाय अथवा कर को समाप्त या कम कर सकती है।

206. [निगम] को कर-आरोपण का आदेश देने का राज्य सरकार का अधिकार—(1) राज्य सरकार सरकारी गजट में प्रकाशित सामान्य अथवा विशेष आज्ञा द्वारा [निगम] को आदेश दे सकती है कि वह धारा 172 की उपधारा (2) में उल्लिखित कोई ऐसा कर, जो आरोपित न किया गया हो, ऐसी दर से और ऐसी अवधि के भीतर, जो विज्ञप्ति में निर्दिष्ट की जाय, आरोपित करे और तत्पश्चात् [निगम] तदनुसार कार्य करेगा।

(2) राज्य सरकार [निगम] को किसी आरोपित किये गये कर की दर को बढ़ाने, परिष्कृत करने अथवा परिवर्तित करने का आदेश दे सकती है और तदुपरान्त [निगम] कर को आदेशानुसार बढ़ायेगा, परिष्कृत करेगा अथवा परिवर्तित कर देगा।

(3) यदि [निगम] उपधारा (1) अथवा (2) के अधीन दिये गये आदेश का पालन न कर सके तो राज्य सरकार कर को आरोपित करने, बढ़ाने, परिष्कृत करने अथवा परिवर्तित करने के लिये उपयुक्त आज्ञा दे सकती है और तदुपरान्त राज्य सरकार की आज्ञा उसी प्रकार प्रवर्तन में आयेगी मानो वह [निगम] द्वारा यथावत् पारित संकल्प हो।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

207. निर्धारण-सूची का तैयार किया जाना—मुख्य नगराधिकारी [वार्ड, सेक्टर या जोन या उसके किसी भाग के] सभी भवनों या भूमियों अथवा दोनों की निर्धारण सूची तैयार करायेगा, जिसमें निम्नलिखित का उल्लेख होगा—

(क) सड़क या मोहल्ले का नाम, जिसमें सम्पत्ति स्थित हो;

(ख) सम्पत्ति का नाम (designation), या तो नाम से अथवा संख्या से जो पहचान के लिये पर्याप्त हो;

(ग) स्वामी और अध्यासी के, यदि ज्ञात हों, नाम;

(घ) वार्षिक किराये का मूल्य अथवा वार्षिक मूल्य निर्धारित करने वाले अन्य विवरण; तथा

(ङ) उस पर निर्धारित की गई कर की धनराशि।

[1][207-क. स्व-निर्धारित सम्पत्ति कर जमा करने का विकल्प—इस अधिनियम में किसी अन्य उपबन्ध के होते हुए भी, किसी आवासीय भवन का स्वामी, या अध्यासी जो ऐसे भवन के संबंध में कर का भुगतान करने के लिये मुख्यतः दायी हो; अपने द्वारा देय सम्पत्ति कर की धनराशि से संबंधित अपने दायित्व का निर्धारण प्रत्येक वर्ष स्वयं कर सकता है और ऐसा करने में वह धारा 174 के खण्ड (ख) के उपबन्धों के अनुसार भूतल का वार्षिक मूल्य स्वयं अवधारित कर सकता है और अपने द्वारा इस प्रकार निर्धारित कर को ऐसी रीति से ऐसे प्रपत्र में, ऐसे स्व-निर्धारण विवरण के साथ, जैसा विहित किया जाये, जमा कर सकता है।]

208. सूची का प्रकाशन—[2][जब सम्पूर्ण नगर या [3][उसके किसी भाग] के लिए निर्धारण सूची, जिसमें धारा 207 के खण्ड (क) से (ङ) तक के मदों दिये गये हों, तैयार हो जायें तब] मुख्य नगराधिकारी उस स्थान के सम्बन्ध में सार्वजनिक नोटिस देगा जहाँ पर उक्त सूची अथवा उसकी प्रतिलिपि का निरीक्षण किया जा सकेगा और [4][उक्त सूची] सम्पत्ति का स्वामी अथवा अध्यासी होने का दावा करने वाला प्रत्येक व्यक्ति और उसका अभिकर्ता [4][उक्त सूची] का निरीक्षण कर सकेगा और बिना कोई शुल्क दिये उससे अंकतरण (extract) भी ले सकेगा।

209. सूची की प्रविष्टियों पर आपत्तियाँ—(1) साथ ही मुख्य नगराधिकारी इसके कम से कम एक मास पश्चात् ऐसे दिनांक का सार्वजनिक नोटिस देगा जबकि कार्यकारिणी समिति [1][धारा 208 में उल्लिखित सूची में दर्ज] मूल्यांकनों तथा निर्धारणों (valuations and assessments) पर विचार प्रारम्भ करेगी और ऐसे सभी मामलों में, जिनमें किसी सम्पत्ति पर प्रथम बार निर्धारण किया गया हो, अथवा उसके निर्धारण में वृद्धि की गई हो, वह ऐसी सम्पत्ति के स्वामी अथवा अध्यासी को भी, यदि ज्ञात हों, उसका नोटिस देगी।

(2) मूल्यांकन (valuation) तथा निर्धारण के सम्बन्ध में सभी आपत्तियाँ नोटिस में निश्चित किये गये दिनांक से पूर्व, मुख्य नगराधिकारी के पास लिखित प्रार्थना-पत्र के रूप में की जायेंगी, जिसमें उन कारणों का उल्लेख किया जायेगा जिनके आधार पर मूल्यांकन तथा निर्धारण पर आपत्ति की गयी हो और इस प्रकार दिये गये समस्त प्रार्थना-पत्रों का पंजीयन (registration) मुख्य नगराधिकारी द्वारा इस प्रयोजन के लिये रखी गयी पोथी (book) में किया जायेगा।

(3) कार्यकारिणी समिति, अथवा कार्यकारिणी समिति द्वारा एतदर्थ नियुक्त की गई उपसमिति, प्रार्थी को स्वयं या उसके अभिकर्ता द्वारा सुनवाई का अवसर देने के पश्चात्—

(क) आपत्तियों का अनुसंधान और निबटारा करेगी;

1. उ० प्र० अधिनियम संख्या 3 सन् 1997 द्वारा शब्द "धारा के" के स्थान पर रखा गया
2. उ० प्र० अधिनियम संख्या 17 सन् 1999 द्वारा अन्तःस्थापित
3. उ० प्र० अधिनियम संख्या 8 सन् 1970 द्वारा रखा गया
4. उ० प्र० अधिनियम संख्या 3 सन् 1997 द्वारा शब्द "उसके किसी कथ" के स्थान पर रखा गया

196. अप्राधिकृत विज्ञापनों का हटाया जाना—यदि धारा 192 अथवा 193 के उपबन्धों के प्रतिकूल कोई विज्ञापन लगाया, प्रदर्शित किया, चिपकाया या कायम रखा गया हो अथवा उसे इस प्रकार किसी अवधि के लिए लगाने, प्रदर्शित करने, चिपकाने या कायम रखने के लिए दी गयी अनुमति समाप्त या शून्य हो गयी हो, तो मुख्य नगराधिकारी ऐसी भूमि, भवन, टीकाल विज्ञापन-फलक (hoarding) या ढांचे के, जिस पर या जिसके ऊपर विज्ञापन लगाया, प्रदर्शित किया, चिपकाया या रखा गया हो, स्वामी या अध्यासी को लिखित नोटिस देकर यह आदेश दे सकता है कि वह ऐसे विज्ञापन को उतार ले या हटा दे अथवा वह किसी भवन, भूमि या संपत्ति में प्रवेश कर सकता है और विज्ञापन को हटवा सकता है ।

197. प्रेक्षागृह कर से मुक्ति (exemptions from theatre tax)—निम्नलिखित के विषय में प्रेक्षागृह-कर नहीं लगाया जा सकेगा-

(क) कोई मनोरंजन (entertainment) अथवा आमोद-प्रमोद (amusement), जिसमें प्रवेश के लिए कोई शुल्क न लिया जाता हो अथवा केवल नाममात्र (nominal) शुल्क लिया जाता हो;

(ख) कोई मनोरंजन (entertainment) अथवा आमोद-प्रमोद (amusement) जो सर्वसाधारण के लिए शुल्क पर उपलब्ध न हो;

(ग) कोई मनोरंजन अथवा आमोद-प्रमोद, जिसकी सम्पूर्ण आय बिना व्यय काटे हुए किसी सार्वजनिक दानीला प्रयोजन (charitable purpose) के लिए व्यय की जाने वाली हो ।

स्पष्टीकरण—इस धारा के प्रयोजनों के लिए नाममात्र शुल्क (nominal charge) वह शुल्क होगा जो नियमों द्वारा निश्चित किया जाय ।

टिप्पणियाँ

प्रेक्षागृह-कर—उ० प्र० मनोरंजन तथा दीपबाजी अधिनियम के उपबन्धों के कारण दोहरे कर का सिद्धान्त लागू नहीं होगा । यह कर इस कारण अविधिमान्य नहीं हो सकता [*निरंजन लाल धानुक बनाम उ० प्र० राज्य*, 1969 ए० एल० जे० 293] । इस पद की परिभाषा में हर प्रकार के आमोद-प्रमोद तथा मनोरंजन आते हैं, चाहे वह किसी भवन के भीतर किये जायँ, अथवा इसके बाहर किये जायँ [1969 ए० एल० जे० 192] । गलत नाम का संकरण करने अथवा अधिनियम में व्यापक धारा का प्रयोग किये जाने मात्र से शक्ति का प्रयोग तब तक अविधिमान्य नहीं हो सकता जब तक कि आक्षेपित विषय पर कानून बनाने की शक्ति बनी रहती है।

कर की विधिमान्यता—किसी वस्तु का हर प्रकार का करारोपण, चाहे उसका सम्पादन मंच पर सीधे किया जाय अथवा इसका सम्पादन फिल्मों द्वारा पर्दे पर किया जाय, तथा निःसंदेह रूप से हर प्रकार का मनोरंजन एवं आमोद-प्रमोद संविधान द्वारा प्रदत्त राज्य की करारोपण की शक्ति की परिधि के अन्तर्गत आता है [*निरंजन लाल धानुक बनाम उ० प्र० राज्य*, 1969 ए० एल० जे० 325 पृष्ठ 303] ।

198. चुंगी की सीमाएँ निश्चित करने का अधिकार—[1][* * *]

करों का आरोपण

199. प्रारम्भिक प्रस्थापनाओं (proposals) का तैयार किया जाना—(1) [2][निगम] धारा 172 की उपधारा (2) में निर्दिष्ट कोई कर आरोपित करना चाहे तो वह संकल्प द्वारा कार्यकारिणी समिति को प्रस्थापनाएँ तैयार करने का आदेश देगी जिसमें निम्नलिखित बातें निर्दिष्ट होंगी-

(क) कर, जो धारा 172 की उपधारा (2) में अन्तर्विष्ट कर्रों में से हो, जिसे वह आरोपित करना चाहती है;

(ख) व्यक्ति अथवा व्यक्तियों या वर्ग, जिनको उक्त कर देने के लिये उत्तरदायी ठहराया जाय तथा सम्पत्ति का अथवा अन्य वस्तु अथवा विषय (circumstances) जिस पर कर लगाया जा सकता हो, का विवरण, जिसके सम्बन्ध में उन्हें उत्तरदायी बनाया जायगा, सिवाय वहाँ और उस सीमा तक जहाँ इस अधिनियम द्वारा अथवा खंड (क) के अधीन पहले ही किसी वर्ग का विवरण (description) की परिभाषा पर्याप्त रूप से कर दी गयी हो;

(ग) धनराशि अथवा दर, जो ऐसे प्रत्येक व्यक्ति या व्यक्तियों के वर्ग से वसूल की जाने वाली हो;

(घ) धारा 219 में निर्दिष्ट अन्य कोई विषय, जिसे राज्य सरकार नियम द्वारा निर्दिष्ट करने का आदेश दे ।

(2) उपधारा (1) के अधीन संकल्प के पारित हो जाने पर कार्यकारिणी समिति प्रस्थापनाएँ तैयार करेगी और उन नियमों का पांडुलेख (draft) भी तैयार करेगी, जिन्हें वह धारा 219 में निर्दिष्ट विषयों के सम्बन्ध में राज्य सरकार द्वारा बनवाना चाहती हो ।

(3) तत्पश्चात् कार्यकारिणी समिति उपधारा (1) के अधीन तैयार की गयी प्रस्थापनाओं और उपधारा (2) के अधीन तैयार किये गये नियमों के पांडुलेख तथा साथ में नियम द्वारा विहित किये जाने वाले प्रपत्र (form) में एक नोटिस, नियम द्वारा विहित रीत्यानुसार प्रकाशित करायेगी ।

200. प्रस्थापनाएँ तैयार करने के पश्चात् की प्रक्रिया—(1) उक्त नोटिस के प्रकाशन के दो सप्ताह के भीतर नगर का कोई भी निवासी [1][निगम] की पूर्ववर्ती धारा के अधीन बनाये गये किसी एक या सभी प्रस्थापनाओं के सम्बन्ध में अपनी लिखित आपत्ति भेज सकता है और इस प्रकार भेजी गयी किसी भी आपत्ति पर [1][निगम] विचार करेगी और विशेष संकल्प द्वारा उस पर आज्ञा देगी ।

(2) यदि [1][निगम] परिष्कृत करने का निश्चय करे, तो मुख्य नगराधिकारी परिष्कृत प्रस्थापनाओं के, और यदि आवश्यक हो, नियमों के संशोधित पांडुलेख को प्रकाशित करेगा, और उसके साथ ही इस आशय का एक नोटिस भी प्रकाशित करेगा कि उक्त प्रस्थापना और नियम (यदि कोई हो) आपत्ति के निमित्त पूर्व प्रकाशित प्रस्थापनाओं और नियमों के परिष्कृत रूप हैं ।

(3) परिष्कृत प्रस्थापनाओं के सम्बन्ध में जो आपत्तियाँ प्राप्त होंगी उन पर उपधारा (1) में विहित रीति के अनुसार कार्यवाही की जायगी ।

(4) जब [1][निगम] अपनी प्रस्थापनाओं को अन्तिम रूप से निश्चित कर ले तो मुख्य नगराधिकारी उन्हें इस सम्बन्ध में प्राप्त हुई आपत्तियों (यदि कोई हो), सहित राज्य सरकार के पास भेज देगी ।

201. प्रस्थापनाओं को स्वीकृति, अस्वीकृति अथवा परिष्कृत करने का राज्य सरकार का अधिकार—पूर्ववर्ती धारा के अधीन प्रस्थापनायें और आपत्तियाँ प्राप्त होने पर, राज्य सरकार उन पर स्वीकृति देने से इन्कार कर सकती है, अथवा उन्हें [1][निगम] के पास अतिरिक्त विचार हेतु भेज सकती है अथवा उन्हें, बिना किसी परिष्कार के अथवा ऐसे परिष्कार के साथ जिससे आरोपित की जाने वाली धनराशि में वृद्धि न हो, जैसा कि उसे उचित प्रतीत हो, स्वीकार कर सकती है ।

202. कर-आरोपण का आदेश देने के हेतु [1][निगम] का संकल्प—(1) राज्य सरकार द्वारा प्रस्थापनाएँ स्वीकृत कर ली जाने पर, राज्य सरकार, [1][निगम] द्वारा प्रस्तुत नियमों के पांडुलेख पर विचार करने के पश्चात् कर के सम्बन्ध में ऐसे नियम बनाने के लिये कार्यवाही करेगी जिसे वह तत्समय आवश्यक समझे ।

1. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा निकाल दी गयी
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(4) इस धारा के प्रयोजनों के लिए टेलिग्राफ अधिनियम, 1885 की धारा 4क को इस प्रकार पढ़ा जायगा और उसका अर्थ इस प्रकार लगाया जायगा मानो उसमें [1][निगम] और राज्य सरकार दोनों ही को निर्दिष्ट किया गया हो ।

192. विज्ञापनों का कर—जहाँ [1][निगम] ने धारा 172 की उपधारा (2) के खंड (ज) में उल्लिखित कर आरोपित किया है प्रत्येक व्यक्ति जो किसी भूमि, भवन, दीवार, तख्ती (boarding) या ढाँचे (structure) पर या उसके ऊपर कोई विज्ञापन लगाता, प्रदर्शित करता, चिपकाता या रखता है (erects, exhibits, fixes or retains) अथवा जो किसी भी स्थान में खड़े वह सार्वजनिक हो या निजी, किसी भी रीति से सर्वसाधारण के सम्मुख कोई विज्ञापन प्रदर्शित कराता है, इस प्रकार लगाये गये, प्रदर्शित किये गये, चिपकाये गये, कायम रखे गये अथवा सार्वजनिक रूप में प्रदर्शित किये गये, प्रत्येक विज्ञापन के लिए ऐसी दरों पर और ऐसी रीति से तथा ऐसी छुटकियों (exemptions) के अधीन रहते हुये, जिनकी व्यवस्था इस अधिनियम या इसके अनुसार बनाये गये नियमों द्वारा की गई हो, लगाये गये कर का शोधन करेगा :

किन्तु प्रतिबन्ध यह है कि इस धारा के अधीन निम्नलिखित प्रकार के विज्ञापन या नोटिस पर कोई कर नहीं लगाया जायगा—

(क) सार्वजनिक सभाओं (meetings) का; या

(ख) किसी विधायिका संस्था या [1][निगम] के निर्वाचन का; या

(ग) उक्त निर्वाचन के सम्बन्ध में डम्मीदारी का :

यह भी प्रतिबन्ध होगा कि यह कर किसी ऐसे विज्ञापन पर न लगाया जायगा जो आकाश चिह्न (sky sign) न हो और जो—

(घ) किसी भवन की खिड़की के भीतर प्रदर्शित किया जाय; या

(ङ) उस भूमि या भवन के भीतर किये जाने वाले व्यवसाय या व्यवसाय के बारे में हो, जिस पर या जिसके ऊपर विज्ञापन प्रदर्शित किया जाता हो या ऐसी भूमि या भवन या उनके भीतर साधारण प्रभाव (effects) की किसी बिक्री या उसको किराये पर देने के बारे में हो या उसमें या उसके भीतर होने वाली किसी बिक्री, मनोरंजन या बैठक के बारे में हों; या

(च) ऐसी भूमि अथवा भवन के भाग के बारे में हो, जिस पर अथवा जिसके ऊपर विज्ञापन प्रदर्शित किया जाता हो या उस भूमि या भवन के स्वामी अथवा अध्यासी के भाग के बारे में हो; या

(छ) किसी रेलवे प्रशासन के कारबार में हो; या

(ज) किसी रेलवे स्टेशन के भीतर या रेलवे प्रशासन की किसी दीवाल या किसी अन्य सम्पत्ति पर लिखाये ऐसी दीवाल या सम्पत्ति की सतह के किसी भाग के, जो किसी सड़क के सामने पड़ती हो, प्रदर्शित किया जाता हो ।

स्पष्टीकरण 1—इस धारा में शब्द "ढाँचा" (structure) के अन्तर्गत चलितेदार ऐसा सचल बोर्ड (movable board) भी होगा जिसका प्रयोग विज्ञापन अथवा विज्ञापन के साधन के रूप में किया जाता हो ।

स्पष्टीकरण 2—इस धारा के प्रयोजनों के लिए शब्द "सार्वजनिक स्थान" का तात्पर्य है कोई ऐसा स्थान, जो जनता के प्रयोग एवं आमोद-प्रमोद के लिए उपलब्ध हो चाहे वह जनता द्वारा स्वामित्व में प्रयोग या उपयोग में लाया जाता हो या न लाया जाता हो ।

193. मुख्य नगराधिकारी की लिखित अनुमति के बिना विज्ञापनों का प्रतिषेध—(1) [1][निगम] द्वारा धारा 192 के अधीन कर का लगाया जाना निर्धारित किये जाने के पश्चात् मुख्य नगराधिकारी की लिखित अनुमति के बिना कर के भीतर किसी भूमि, भवन, दीवाल, विज्ञापन-फलक या ढाँचे पर कोई भी विज्ञापन न लगाया जायगा, न प्रदर्शित किया जायगा, न चिपकाया या कायम रखा जायगा और न किसी स्थान में, किसी भी ढंग से प्रदर्शित किया जायगा ।

(2) मुख्य नगराधिकारी ऐसी अनुमति न देगा यदि—

(क) उक्त विज्ञापन धारा 541 के [1][खंड (48)] के अधीन [2][निगम] द्वारा बनायी गई किसी उपविधि का उल्लंघन करता हो; या

(ख) विज्ञापन के सम्बन्ध में देय कर का, यदि कोई हो, भुगतान न किया गया हो ।

(3) उपधारा (2) के उपबन्धों के अधीन रहते हुए किसी ऐसे विज्ञापन के सम्बन्ध में, जिस पर विज्ञापन कर लग सकता हो, मुख्य नगराधिकारी ऐसी अवधि के लिये अनुमति प्रदान करेगा, जिससे कर का भुगतान सम्बन्ध रखता हो, और ऐसी अनुमति ऐसे के निमित्त कोई शुल्क न लिया जायगा :

किन्तु प्रतिबन्ध यह है कि इस धारा के उपबन्ध किसी रेलवे प्रशासन के कारोबार संबंधी विज्ञापन पर या ऐसे विज्ञापन पर लागू न होंगे, जो किसी रेलवे कम्पनी के भू-गृहादि पर लगाया गया हो, प्रदर्शित किया गया हो, चिपकाया या कायम रखा गया हो ।

194. कतिपय दशाओं में मुख्य नगराधिकारी की अनुमति का शून्य होना—धारा 193 के अधीन दी गयी अनुमति निम्नलिखित दशाओं में शून्य (void) होगी, अर्थात्—

(क) यदि विज्ञापन धारा 541 के खंड (48) के अधीन [2][निगम] द्वारा निर्मित किसी उपविधि का उल्लंघन कराता हो;

(ख) यदि विज्ञापन में कोई परिवर्द्धन किया गया हो, सिवाय उस दशा के जब मुख्य नगराधिकारी के आदेशानुसार उसे सुरक्षित रखने के प्रयोजन से ऐसा किया जाय;

(ग) यदि विज्ञापन अथवा उसके किसी भाग में कोई महत्वपूर्ण (material) परिवर्तन किया जाय;

(घ) यदि विज्ञापन अथवा उसका कोई भाग दुर्घटना के अतिरिक्त किसी अन्य प्रकार से गिर जाय;

(ङ) यदि उस भवन, दीवाल या ढाँचे में, जिस पर या जिसके ऊपर विज्ञापन लगाया, प्रदर्शित किया, चिपकाया या कायम रखा गया हो, कोई परिवर्द्धन या परिवर्तन किया जाय और ऐसा परिवर्द्धन या परिवर्तन विज्ञापन अथवा उसके किसी भाग के लिये आवश्यक सिद्ध होता हो; और

(च) यदि भवन, दीवाल या ढाँचा, जिस पर या जिसके ऊपर विज्ञापन लगाया गया, प्रदर्शित किया गया, चिपकाया या कायम रखा गया हो, गिराया या नष्ट कर दिया जाय ।

195. विज्ञापन से लाभानुभोगी उत्तरदायी समझा जायगा—यदि कोई विज्ञापन धारा 192 अथवा 193 का उल्लंघन करके किसी भूमि, भवन, दीवाल, विज्ञापन फलक (boarding) अथवा ढाँचे (structure) पर अथवा उसके ऊपर लगाया (erected), प्रदर्शित किया, चिपकाया या कायम रखा जाय अथवा उसे इस प्रकार किसी अवधि के लिए लगाने, प्रदर्शित करने, चिपकाने या कायम रखने के लिए दी गयी लिखित अनुमति समाप्त या शून्य हो गई, तो वह व्यक्ति, जिसके लिए अथवा जिसके प्रयोजनार्थ विज्ञापन प्रत्यक्षतः लगाया, प्रदर्शित किया, चिपकाया या कायम रखा गया हो, के विषय में यह समझा जायगा कि वह व्यक्ति है जिसने उपबन्धों का उल्लंघन करके इस प्रकार विज्ञापन को लगाया (erected), प्रदर्शित किया, चिपकाया या रखा गया है, जब तक कि वह यह सिद्ध न कर दे कि ऐसा उल्लंघन ऐसे व्यक्ति द्वारा किया गया है जो उसकी नौकरी अथवा नियन्त्रण में नहीं था अथवा वह बिना उसके आज्ञापित्व (connivance) के किया गया था ।

1. उ० प्र० अधिनियम सं० 23 सन् 1961 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(2) धारा 172 की उपधारा (1) के खंड (ग) के अधीन का निम्नलिखित के सम्बन्ध में न लगाया जाएगा-

(क) पशु जो [निगम] के हों,

(ख) भारत के संघ में विहित पशु जब कि भारत का संविधान के अनुच्छेद 285 के खंड (2) के उपबन्ध लागू न होते हों,

(ग) भारत के संघ में सम्मिलित किसी राज्य में विहित पशु जो केवल सार्वजनिक प्रयोजनार्थ प्रयुक्त होते हों तथा लाभ के प्रयोजनार्थ न तो वे प्रयुक्त होते हों और न एतदर्थ उनका प्रयोग अभिप्रेत हो।

(3) यदि उपधारा (1) के खंड (ख) या खंड (ग) या उपधारा (2) के खंड (ख) या खंड (ग) के अधीन इस आशय का कोई प्रश्न उठ खड़ा हो कि भारत के संघ या उसमें सम्मिलित किसी राज्य में विहित कोई पशु, यान या पशु लाभ के प्रयोजनार्थ प्रयुक्त होता है या नहीं, अथवा एतदर्थ उसका प्रयोग अभिप्रेत है या नहीं तो उसका निर्णय राज्य सरकार द्वारा किया जाएगा और इस सम्बन्ध में राज्य सरकार का निर्णय अन्तिम होगा।

अन्य कर

184. वृद्धि कर-परिवृद्धि कर से तात्पर्य वह कर है, जो किसी ऐसी भूमि के मूल्य की वृद्धि पर लिया जाए जो अध्याय 14 के अधीन प्रकृत किसी योजना में सम्मिलित हो, किन्तु उसके निमित्त के लिए अर्जित न हो अथवा ऐसी किसी भूमि के मूल्य की वृद्धि पर, जो उक्त योजना को प्रभाव के पश्चात् (क) ही और उससे एक-चौथाई मील के भीतर हो, किन्तु प्रतिबन्ध यह है कि उक्त पश्चवर्ती भूमि नगर के अन्तर्गत स्थित हो।

185. परिवृद्धि कर की दरनिर्धारण-परिवृद्धि कर की दरनिर्धारण धारा 187 की उपधारा (2) के अधीन नोटिस में निर्दिष्ट दिनांक को उक्त भूमि के बाजार-मूल्य और अध्याय 14 के अधीन योजना के [से विज्ञापित किये जाने के दिनांक को या उसके ठीक पूर्व दिनांक पर उक्त भूमि के बाजार-मूल्य [दरनिर्धारण के आधार के अन्तर होगी।

[प्रतिबन्ध यह है कि [धारा के अधीन शिक्षण संस्थान के प्रयोजनों के लिए भूमि सम्बन्धी [लगाई जाएगी।

186. परिवृद्धि कर का भुगतान-जहाँ [निगम] ने धारा 172 की उपधारा (2) के खंड (ब) में यथा आरोपित किया है, धारा 184 में उल्लिखित भूमि का प्रत्येक स्वामी या कोई ऐसा व्यक्ति, उक्त भूमि के मूल्य की वृद्धि के सम्बन्ध में कोई स्वत्व हो, आगे उपबन्धित रीति से [निगम] को परिवृद्धि कर अदा करेगा, जिसका मुख्य नगराधिकारी निर्धारण करे।

187. परिवृद्धि कर लगाये जाने की नोटिस-(1) राज्य सरकार सरकारी गजट में विज्ञप्ति द्वारा यह घोषित करेगी, कि वह योजना पूर्व हुई समझी जायगी।

(2) उपधारा (1) में घोषित योजना पूर्ण होने के एक वर्ष के भीतर मुख्य नगराधिकारी [निगम] के अभिप्राय का एक सार्वजनिक नोटिस देगा कि वह एक निर्दिष्ट दिनांक से परिवृद्धि कर लगाने चाहता है।

188. परिवृद्धि कर का निर्धारण-(1) मुख्य नगराधिकारी उक्त नोटिस के प्रकाशन के एक मास के अन्दर किसी भी समय सम्बद्ध व्यक्ति द्वारा देय परिवृद्धि कर की धनराशि निर्धारित करेगा और उस व्यक्ति को लिखित नोटिस देगा, जिसमें कर की धनराशि और किस्तें यदि कोई हों, तथा दिनांक जब कर का देय किया जाएगा और ऐसे अन्य विवरणों का जो आवश्यक हो, उल्लेख किया जाएगा।

[उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(2) कोई व्यक्ति, जिस पर उपधारा (1) के अधीन निर्धारण का नोटिस तामील किया गया हो, ऐसे नोटिस तामील किये जाने के दिनांक से एक मास के भीतर उक्त निर्धारण के विरुद्ध मुख्य नगराधिकारी के समक्ष आपत्ति प्रस्तुत कर सकता है :

किन्तु प्रतिबन्ध यह है कि उपधारा (1) में उल्लिखित अवधि की समाप्ति के पश्चात् भी कोई आपत्ति स्वीकार की जा सकती है यदि उपधारा (3) में अभिहित कार्यकारिणी समिति या उसकी उपसमिति का यह समाधान हो जाय कि आपत्ति ऐसे कारणों से प्रस्तुत न की जा सकी थी, जो आपत्तिकर्ता के वश से बाहर थे।

(3) आपत्तिकर्ता को सुनवाई का अवसर दिये जाने के पश्चात् कार्यकारिणी समिति या तदर्थ नियुक्त उसकी उपसमिति आपत्ति का निर्णय करेगी और तत्पश्चात् वह कर निर्धारण की पुष्टि कर सकती है, उसमें परिवर्धन कर सकती है या उसे रद्द (cancel) कर सकती है।

(4) यदि वह व्यक्ति, जिस पर उपधारा (1) के अधीन का निर्धारण का नोटिस तामील किया गया हो, उपधारा (2) के अधीन आपत्ति प्रस्तुत नहीं करता तो कर निर्धारण की मात्रा निश्चायक होगी और उस पर किसी न्यायालय या न्यायाधिकरण में कोई आक्षेप नहीं किया जाएगा।

189. परिवृद्धि कर का भुगतान करने के सम्बन्ध में विकल्प-(1) परिवृद्धि कर का देयता कोई व्यक्ति, यदि वह चाहे, तो [निगम] को उसका भुगतान करने के बजाय [निगम] के साथ इस आशय का एक अनुबन्ध निष्पादित कर सकता है कि वह इस शर्त के अधीन रहते हुए जिसपर वे [अतिरिक्त की दर से ब्याज की निर्धारित अदायगी करता रहेगा, भूमि में अपने स्वत्व पर एक भार (charge) के रूप में उक्त भुगतान को बकाया रखेगा।

(2) कोई व्यक्ति, जिसने उपधारा (1) के अधीन विकल्प का प्रयोग किया हो, किसी भी समय धारा 188 के अधीन निर्धारित कर की धनराशि की अदायगी कर सकता है, किन्तु उसे अपने इस अभिप्राय का 6 मास का नोटिस देना होगा।

190. परिवृद्धि कर की बकाया धनराशि की वसूली-परिवृद्धि कर की बकाया की वसूली अध्याय 21 में व्यवस्थित रीति से की जायगी।

191. अचल सम्पत्ति हस्तान्तरण के लेखों (deeds of transfer) पर कर-(1) यदि [निगम] ने धारा 172 के खंड (छ) में निर्दिष्ट कर लगाया हो तो अचल सम्पत्ति के किसी हस्तान्तरण लेखे पर इंडियन स्टाम्प ऐक्ट, 1899 द्वारा लगाया गया शुल्क (duty) नगर के भीतर स्थित अचल सम्पत्ति की दशा में [अतिरिक्त की धनराशि या मूल्य पर, जिसके अन्तर्गत उक्त अधिनियम के अधीन शुल्क की गणना की जाय] 2 प्रतिशत के हिसाब से बढ़ा दिया जाएगा।

(2) उक्त वृद्धि के फलस्वरूप, उगाही गई समस्त धनराशि, प्रासंगिक (incidental) अपवाद, यदि कोई हों, के घटाने के पश्चात्, राज्य सरकार द्वारा [निगम] को उस रीति से अदा की जायगी जो नियमों द्वारा विहित की जाय।

(3) इस धारा के प्रयोजनों के लिए इंडियन स्टाम्प ऐक्ट, 1899 की धारा 27 इस प्रकार पढ़ी जायगी मानो उसमें निर्दिष्ट शब्दों निम्नलिखित के सम्बन्ध में पृथक्-पृथक् दिये उनके द्वारा विहित रूप से अधिष्ठित हों-

(क) नगर के भीतर स्थित संपत्ति, और

(ख) नगर के बाहर स्थित सम्पत्ति।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 29 सन् 1966 की धारा 2 द्वारा प्रतिस्थापित

179क. वार्षिक मूल्य का सम्पाश्र्व आने वाले व्यक्तियों सम्पत्ति-करों के लिए प्राक्कलित इत्तालिका—(1) अध्याय VIII की पूर्व व्यवस्थाओं को प्रतिकूल पक्षों या भूमियों के वार्षिक मूल्य का निर्धारण कर (जो उस निर्धारण कर से व्यथित हो) प्राक्कलित आय से उस सम्पत्ति के, जिस पर उक्त कर निर्धारित किये गये हैं, संकलित अन्यांशों का राजस्व अधिकारी यदि वह उक्त भवनों या भूमियों का स्थानीय हो या उसके उन्हें केन्द्रीय या राज्य सरकार या [निगम] से सम्बन्धित पट्टे या अन्य पट्टे पर या किसी व्यक्ति से भवन संबंधी पट्टे पर लिख दी।

(2) किसी अन्य दशा में कर प्रथमतः (primarily) निम्नलिखित कर से लगाया जायेगा, अर्थात्—

(क) यदि सम्पत्ति किराये पर उठाई गई हो तो पट्टाकृत से;

(ख) यदि सम्पत्ति शिकमी पट्टे पर दी गई हो तो शरिफ (superior) पट्टाकृत से;

(ग) यदि सम्पत्ति किराये पर नहीं उठाई गई हो तो उस व्यक्ति से, जिसमें [1] [पाये पर उठाने का अधिकार निहित हो।

[2][(घ) यदि सम्पत्ति, उत्तर प्रदेश शहरी भवन (किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम, 1972 के अधीन किसी आदेश के अनुसरण में किराये पर उठाई गई हो, तो किरायेदार से।]

(3) प्रथमतः देनदार व्यक्ति से कोई देयी सम्पत्ति, जो उससे उक्त कर के रूप में प्रदेय (due) हो, वसूल न होने पर मुख्य नगराधिकारी उस व्यक्ति या भूमियों के, जिनके संबंध में वह देय हो, किसी भाग के अध्यासी (occupier) से उक्त कर का ऐसे भाग वसूल कर सकता है, जो देय कर की सम्पूर्ण धनराशि के उस अनुपात में हो जो उक्त अध्यासी द्वारा देय वार्षिक किराये की धनराशि में तथा उक्त पूरे भवन या भूमि के सम्बन्ध में ऐसे कुल किराये की धनराशि का प्राधानीकृत कर निर्धारण सूची (authenticated assessment list) में उसके किराये के मूल्य की कुल धनराशि में हो।

(4) यदि कोई अध्यासी कोई ऐसा भुगतान करे, जिसके लिए पूर्वोक्त उपबन्धों के अधीन वह प्रथमतः देनदार नहीं है तो किसी विपरीत संविदा के न होने पर वह प्रथमतः देनदार व्यक्ति से उस धनराशि की भरपाई (reimbursement) पाने का अधिकारी होगा।

180. ऐसे अन्य करों के भुगतान का दायित्व—(1) भवनों या भूमियों के वार्षिक मूल्य पर कर निर्धारण कर या स्थापना कर उस संपत्ति के, जिस पर ये कर निर्धारित किये गये हों, वास्तविक अध्यासी से वसूल किये जायेंगे।

किन्तु प्रतिबन्ध यह है कि यदि ऐसी संपत्ति एक से अधिक अध्यासियों को किराये पर उठाई गई हो तो मुख्य नगराधिकारी को यह विकल्प (option) प्राप्त होगा कि वह वास्तविक अध्यासियों के बजाय पट्टाकृता (lessee) से कर वसूल करे।

(2) कोई पट्टाकृता, जिसने उपधारा (1) के प्रतिकथनात्मक खंड के अधीन कर वसूल किया हो, किसी विपरीत संविदा के न होने पर उक्त कर की धनराशि किसी या सभी वास्तविक अध्यासियों से वसूल कर सकता है।

181. सम्पत्ति-कर उस भू-गुहादि पर, जिस पर वे निर्धारित किये गये हों, प्रथम भार (charge) होगा—(1) राज्य सरकार को किसी भूमि या भवन के सम्बन्ध में देय सालगुजारी, यदि कोई हो, का पहले भुगतान कर दिये जाने के प्रतिबन्धों के अधीन रहते हुये इस अधिनियम के अधीन उस भवन या भूमि के संबंध में देय सम्पत्ति कर, राज्य सरकार से पीछे लिये गये (held immediately) किसी भवन या भूमि की

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित

दशा में, उक्त भवन या भूमि में उस करों के देयदार व्यक्ति के स्वामित्व या उस उक्त भवन के भीतर या भूमि में स्थित चल सम्पत्ति पर, यदि कोई हो, विधिक बंधकों हो और किसी अन्य भवन या भूमि को दशा में उक्त भवन या भूमि पर, जो उक्त व्यक्ति को हो, जो ऐसे करों का देयदार है, सर्वप्रथम भार होगा।

स्पष्टीकरण—इस धारा में "सम्पत्ति कर" के संबंध में यह समझा जायगा कि उसके अन्तर्गत ऐसे व्यय, जो किसी भू-गुहादि की मरम्मत किये गये जाने के कारण देय हों और नियमावली में निर्दिष्ट सम्पत्ति कर की वसूली पर होने वाले व्यय, आ जाते हैं।

(2) उपधारा (1) के अधीन उत्पन्न किसी भार (charge) को कार्यान्वित कराने के लिए प्रस्तुत वाद की किसी डिक्री में न्यायालय यह आदेश दे सकता है कि देय धनराशि पर वाद प्रस्तुत किये जाने के दिनांक से डिक्री वसूली के दिनांक तक उस भवन की दर से, जो न्यायालय को न्यायसंगत प्रतीत हो, [1][निगम] को अदा दिया जाय और ऐसे भवन तथा ऐसे भार को कार्यान्वित कराने के सम्बन्ध में होने वाले सब व्यय, जिसमें वाद-व्यय और उक्त डिक्री के अधीन शब्दशः भू-गुहादि या उस सम्पत्ति की बिक्री पर होने वाला व्यय भी सम्मिलित है। उपर्युक्त बातों के अधीन रहते हुए देय धनराशि सहित ऐसे भू-गुहादि और उस सम्पत्ति पर प्रथम भार होगा यदि न्यायालय यह आदेश दे सकता है कि डिक्री को अदा में से उक्त धनराशियों का भुगतान [1][निगम] को कर दिया जाय।

वाहनों और नावों तथा पशुओं पर कर

182. वाहनों और नावों तथा पशुओं पर कर—(1) धारा 172 की उपधारा (1) के खंड (ख) या खंड (ग) के अधीन कोई कर उन दरों से जैसी दरों पर या समाहृत किया जाय जो राज्य सरकार, समय-समय पर साधारण, परिस्थिति, वाहनों और नावों अथवा पशुओं के सम्बन्ध में नियमों द्वारा निर्दिष्ट करे।

(2)[(निगम) धर्म-प्रतिकर धारा 148 के अनुसार वह दरें निर्धारित करेगी, जिसके अनुसार उपधारा (1) में निर्दिष्ट कर लगाया जायगा।

(3) किसी ऐसे वाहन (vehicle), नाव या पशु के सम्बन्ध में जो नगर की सीमाओं के बाहर रखा गया हो, किन्तु जो निर्धारित काल से उन सीमाओं के भीतर प्रयुक्त होता हो, यह समझा जायगा कि वह नगर में प्रयोग के लिए रखा गया है।

183. धारा 172 में प्रतिषेधित कतिपय करों से मुक्ति—(1) धारा 172 की उपधारा (1) के खंड (ख) के अधीन कर निम्नलिखित के सम्बन्ध में न लगाया जा सकेगा—

(क) वाहन और नावें, जो [1][निगम] की हों।

(ख) भारत का संविधान के अनुच्छेद 285 के खंड (2) के उपबन्ध जहाँ लागू होते हों, उसे छोड़कर वाहन और नावें, जो भारत के संघ में निहित हों;

(ग) भारत के संघ में अन्तर्गत किसी राज्य में निहित वाहन और नावें, जो केवल सार्वजनिक प्रयोजनार्थ प्रयुक्त होती हों तथा लाभ के प्रयोजनार्थ न तो वे प्रयुक्त होती हों और न तत्संबंध उनका प्रयोग अपेक्षित हो;

(घ) वाहन और नावें, जो केवल खानों, कोयरों या सुरंगों को निःशुल्क साने-से जाने के लिए अपेक्षित हों;

(ङ) बत्तखों के पेठाधुलेटा और टीन चौपये की सवारियाँ;

(च) वाहन या नावें, जिन्हें वाहनों या नावों के वास्तविक व्यापारी (bona fide dealers) केवल विक्रय के प्रयोजनार्थ अपने पास रखते हों और जो प्रयुक्त न होती हों;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

स्पष्टीकरण—इस धारा के प्रयोजनों के लिए,—

(क) 'भवन' में उसका अहाता (यदि कोई हो), और, जहाँ एक ही साधारण अहाते में अनेक भवन हों, वहाँ ऐसे साधारण भवन और साधारण अहाता भी सम्मिलित हैं;

(ख) 'भू-खण्ड' का तात्पर्य किसी ऐसे भूमि के खण्ड से है जो किसी एकल अध्यासी द्वारा या अनेक अध्यासियों द्वारा साधारण रूप से धर हो, जिसका कोई भी भाग किसी दूसरे भाग से किसी अन्य अध्यासी या अध्यासियों की भूमि या सार्वजनिक सम्पत्ति के द्वारा पूर्णतया पृथक्कृत न हो।]

176. जल-करों और जल-निस्सारण के निर्धारण-कार्यों से होने वाली आय को एकत्र करना—जल-कर, जल-निस्सारण कर और स्वच्छता कर से होने वाली आय तथा ऐसी अन्य समस्त आय को, जो जल-कलों, जल-निस्सारण कार्यों, नालियों तथा संडासों, मूत्रालयों और मलकूपों से इकट्ठा किए गए मल, डाकादि और दूषित पदार्थों और ऐसे पदार्थों के निस्सारण से तथा "सलेज फार्मों" से होती हो, एकत्र किया जायेगा और इसे उक्त जल-कलों और जल-निस्सारण निर्माण कार्यों के निर्माण, संधारण, विस्तार और सुधार के सम्बन्ध में और संडासों, मूत्रालयों तथा मलकूपों से मल इत्यादि और दूषित पदार्थ इकट्ठा करने, हटाने और उनका निस्तारण करने के सम्बन्ध में, जिसके अन्तर्गत सलेज फार्मों का संधारण भी है, होने वाले व्ययों को पूरा करने के लिए खर्च किया जायेगा।

177. किन भू-गृहादि पर सामान्य कर आरोपित किया जायेगा—सामान्य कर नगर में स्थित (सभी) भवनों और भूमियों पर लगाया जायेगा, सिवाय—

(क) उन भवनों और भूमियों के, जो एकमात्र भूतकों के निस्तारण से संबद्ध प्रयोजनों के लिए प्रयुक्त होती हों;

(ख) उन भवनों और भूमियों या उनके ऐसे भाग के, जो केवल सार्वजनिक उपासना या दातोत्सर्ग के प्रयोजन के लिए अध्यासित हैं;

[1][(ग) भवन जो एकमात्र जेलों, न्यायालय, गृहों, कोषागार, स्कूल और कालेजों के रूप में प्रयुक्त होते हों, किन्तु ऐसे सैनिक, व्यावसायिक, प्रशिक्षित और चिकित्सीय संस्थानों को छोड़कर जिन्हें सरकार द्वारा न तो चलाया जाता है और न प्रबन्ध किया जाता है।]

(घ) एन्शिएन्ट मान्युमेन्ट्स प्रिजर्वेशन ऐक्ट, 1904 (प्राचीन संस्मारक परिरक्षण अधिनियम, 1904) में परिभाषित प्राचीन स्मारकों के किन्तु ऐसी किसी स्मारक के सम्बन्ध में राज्य सरकार के दिये हुए किसी आदेश के अधीन रहते हुए;

[2][(ङ) किसी ऐसे भवन या भूमि के, जिसका वार्षिक मूल्य तीन सौ साठ रुपये या इससे कम हो, प्रतिबन्ध यह है कि उसके स्वामी का उसी नगर में कोई अन्य भवन या भूमि न हो, [3][और [4][निगम] की मुख्य सड़क सीमर लाइन से तीस मीटर के भीतर किसी भवन की स्थिति में लागत प्रतिबन्ध यह है कि उसमें फलता की व्यवस्था संहित झोपड़ात हों]] [5][* *]

(च) भारत के संविधान के अनुच्छेद 285 के खंड (2) के उपबन्ध जहाँ लागू होते हों उन्हें छोड़ कर भवन तथा भूमि जो भारत के संघ में निहित हों।

[6][(छ) स्वामी द्वारा अध्यासित ऐसा कोई आवासिक भवन जो तीस वर्ग मीटर के भूखण्ड पर निर्मित किया गया हो या जिसका कारपेट एरिया 15 वर्ग मीटर तक हो; प्रतिबन्ध यह है कि उसके स्वामित्व में नगर में कोई अन्य भवन न हो;

(ज) स्वामी द्वारा अध्यासित आवासिक भवन जो किसी ऐसे क्षेत्र में हो जिसे किसी विशेष वर्ष के भीतर नगर में सम्मिलित किया गया हो।]

टिप्पणी

छूट सम्बन्धी खंड (Exemption clause)—किसी कानूनिक कानून का विशिष्ट प्रमुख प्रावधान यही है कि वह अधिरोपित किया जाये। छूट देने का प्रावधान दूसरी स्थान पर आता है। [*अध्यक्ष ग्राम सभा नागपाल बनाम बिक्रीकर अधिकारी*, 6 एस० टी० सी० 288 : ए० आई० आर० 1955 इला० 585]। छूट देने से पूर्व कानून में निर्धारित शर्तों को पूरा किया जाना चाहिए। [*इलाहाबाद स्वास्थ्य बिक्रीकर अधिकारी* (1961) 12 एस० टी० सी० 919]।

178. अनध्यासन (non-occupation) के कारण छूट—(1) जब किसी वर्ष कोई भवन या भूमि निरन्तर नब्बे या इससे अधिक दिनों तक खाली रहा हो और उससे किराया न मिलता रहा हो तो मुख्य नगरपालिका अधिकारी उस वर्ष के प्रत्येक संपत्ति कर में उतनी छूट दे देगा या उसे वापस कर देगा, जो उतने दिनों के अनुपात में हो, जितने दिनों तक उक्त भवन या भूमि खाली रही हो और उससे किराया न मिला हो।

(2) यदि किसी भवन में अलग-अलग समुद्गृह (tenements) हों और उनमें से एक या अधिक अल्प अवधिक्षित किसी अवधि तक खाली रहा हो और उससे किराया न मिला हो, तो मुख्य नगरपालिका प्रशासक कर या किराए के ऐसे भाग (यदि कोई हो) को छूट दे सकता है या उसे वापस कर सकता है, जो निर्धारित किया जाये :

किन्तु प्रतिबन्ध यह है कि उस समय तक कोई छूट न दी जायेगी जब तक [1][निगम] को इस बात का लिखित नोटिस न दे दिया गया हो कि भवन या भूमि खाली है और उसमें कोई किराया नहीं मिल रहा है और ऐसा नोटिस देने के दिन से पूर्व की किसी अवधि के लिए कोई छूट या वापसी प्रदायी न होगी।

(3) उन तथ्यों को, जिनके कारण कोई व्यक्ति इस धारा के अधीन उपशम (relief) प्राप्त करने का अधिकारी हो, प्रमाणित करने का भार स्वयं उसी पर होगा।

(4) इस धारा के प्रयोजनों के लिए कोई भवन-भूमि खाली समझी जायेगी यदि वह आमोद-प्रमोद के स्थान (pleasure resort) या नगरगृह या ग्रामगृह (town or country house) के रूप में संपत्ति की जाती हो अथवा यह न समझा जायेगा कि उससे किराया नहीं मिल रहा है। यदि उसे किसी ऐसे किरायेदार या काश्तकार (tenant) के पास छोड़ दिया गया हो, जिसे उसके निरन्तर अध्यासन का अधिकार हो, चाहे यह उसके वास्तविक अध्यासन में हो या न हो।

टिप्पणियाँ

संलग्नक नोटिस का दिया जाना—मुख्य नगर अधिकारी नोटिस दिये जाने की रीति का [illegible] करेगा। उ० प्र० बिक्री कर अधिनियम के उपबन्धों का उल्लेख करते हुये यह धारण किया [illegible] इस मामले का विनिश्चय कि क्या कोई रीति विशेष मान्य है या नहीं, बिक्री कर अधि[illegible] किया जायेगा। [*गोपालदास उमेश चन्द बनाम बिक्रीकर अधिकारी*, (1970) 25 एस० [illegible] 229]।

क्या डाक द्वारा तामील पर्याप्त है—जब कर निर्धारण की प्रतियाँ रजिस्ट्री डाक द्वारा भेजी गई तो उ० प्र० सामान्य खंड अधिनियम की धारा 27 में अन्तर्विष्ट उपधारणा (presumption) की गई। यह धारण किया गया कि रजिस्ट्री डाक द्वारा भेजे गये कर निर्धारण आदेशों की तामील पायी जा हो गई है। [*भारत एसबेस्टस कैम्पनी बनाम बिक्री कर अधिकारी, द्वितीय इलाहाबाद* (1964) 21 एस० टी० सी० 447, पृष्ठ 448]।

क्या तार द्वारा तामील पर्याप्त है—तामील तार द्वारा नहीं की जा सकती। बाद अधिकरण का हस्तक्षेप केवल एक ही रीति, अर्थात् रजिस्ट्री डाक द्वारा ही सकता है, तार द्वारा तामील नहीं की जा सकती। [*किशोरी लाल अग्रवाल बनाम उ० प्र० राज्य*, 1968 ए० एल० जे० 172, पृष्ठ 174]।

---

1. उ० प्र० अधिनियम संख्या 17 सन् 1999 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 10 सन् 1978 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा बढ़ाया गया
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगरपालिका" के स्थान पर प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 17 सन् 1999 द्वारा शब्द "और" निकाल गया
6. उ० प्र० अधिनियम सं० 17 सन् 1999 द्वारा अन्त:स्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

173. सम्पत्ति-कर लगाये जा सकेंगे.—(1) धारा 172 की उपधारा (1) के प्रयोजनों के लिए सम्पत्ति कर में निम्नलिखित कर सम्मिलित होंगे, जो आगे उपबन्धित अपवादों, परिसीमाओं और शर्तों के अधीन रहते हुए नगर में भवनों या भूमियों पर लगाये जायेंगे—

(क) साधारण कर, जो यदि [1][निगम] ऐसा निर्धारित करे, आनुक्रमिक दर (graduated scale) से आरोपित किया जा सकता है;

(ख) [2][(ख) जल-कर जो उन क्षेत्रों में लगाया जा सकेगा जहाँ निगम द्वारा जल की आपूर्ति की जाती हो];

(ग) जल निस्सारण कर (drainage tax), जो उन क्षेत्रों में लगाया जा सकेगा, जहाँ [3][निगम] में नालों (sewer) की प्रणाली की व्यवस्था की हो;

(घ) ऐसे क्षेत्रों में स्वच्छता कर (conservancy tax), जहाँ [4][निगम] संडासों, मूत्रालयों और नलकूपों से मलमूत्र और दूषित पदार्थ इकट्ठा करने, हटाने तथा उनका निस्तारण करने का कार्य-भार वहन कराती है।

(2) इस अधिनियम या इसके अधीन बनाई गई नियमावली में स्पष्ट रूप से की गयी अन्य व्यवस्था को छोड़कर ये कर यथास्थिति भवन या भूमि के वार्षिक मूल्य (annual value) पर लगाये जायेंगे :

[1][किन्तु प्रतिबन्ध यह है कि सम्पत्ति-करों का योग, किसी भी दशा में भवन या भूमि या दोनों हो, जिस पर उक्त कर निर्धारित किये गये हों, के वार्षिक मूल्य के बारह प्रतिशत से कम और बीस प्रतिशत से अधिक न होगा, किन्तु इस प्रकार कि साधारण कर, वार्षिक मूल्य के दस प्रतिशत से कम और पन्द्रह प्रतिशत से अधिक न होगा, जल-कर, वार्षिक मूल्य के साढ़े सात प्रतिशत से कम और साढ़े बारह प्रतिशत से अधिक न होगा, जल निस्सारण-कर, वार्षिक मूल्य के आठ प्रतिशत से कम और पाँच प्रतिशत से अधिक न होगा और स्वच्छताकर, वार्षिक मूल्य के दो प्रतिशत से अधिक न होगा।]

174. वार्षिक मूल्य की परिभाषा—[5][(1)] वार्षिक मूल्य से तात्पर्य है—

[1][(क) रेलवे प्लेटफार्मों, कालेजों, छात्रावासों, कारखानों, वाणिज्यिक भवनों और अन्य अनावासिक भवनों की दशा में, नियम द्वारा निश्चित की गई दर से मूल्यांकनकर्ष्य व्यय घटाने के पश्चात् भवन-निर्माण की वर्तमान अनुमानित लागत और उनके संलग्न भूमि के अनुमानित मूल्य को जोड़कर निकाली गयी धनराशि का 5 प्रतिशत से अन्यून भाग जिसे एतदर्थ बनाये गये नियम द्वारा निश्चित किया जायेगा; और]

[1][(ख) ऐसे भवन या भूमि की दशा में, जो खण्ड (क) के उपबन्धों के अन्तर्गत न आती हो, भवन के कारपेट एरिया या भूमि के क्षेत्र पर, यथास्थिति, भवन के मामले में कारपेट एरिया का प्रति वर्ग फुट पर किराये की प्रयोज्य न्यूनतम मासिक दर से या भूमि के मामले में क्षेत्र का प्रति वर्ग फुट पर किराये की प्रयोज्य न्यूनतम मासिक दर से गुणा करने पर प्राप्त मूल्य का बारह गुना और इस प्रयोजन के लिए प्रति वर्ग फुट किराये की न्यूनतम मासिक दर ऐसी होगी जैसी मुख्य नगर अधिकारी द्वारा प्रत्येक दो वर्ष में एक बार भवन या भूमि की अवस्थिति, भवन के निर्माण की प्रकृति, भाराधीय माध्य अधिनियम, 1899 के प्रयोजन के लिये कलेक्टर द्वारा निर्धारित सर्किल रेट और ऐसे भवन या भूमि के लिये उस क्षेत्र में किराये की वर्तमान न्यूनतम दर और ऐसे अन्य कारकों के आधार पर और ऐसी रीति से, जो विहित की जाये, निर्धारित की जा सकती है:

किन्तु प्रतिबन्ध यह है कि यदि उपर्युक्त रीति से हिसाब लगाने पर निगम की राय में, किसी असाधारण परिस्थिति के कारण किसी भवन का वार्षिक मूल्य अत्यधिक होता हो तो निगम वार्षिक मूल्य के रूप में कोई ऐसी कम धनराशि भी निश्चित कर सकती है जो उसे न्याय संगत प्रतीत हो।

स्पष्टीकरण-एक—वार्षिक मूल्य की गणना के प्रयोजन के लिए कारपेट एरिया की गणना निम्न प्रकार से की जायेगी :—

(एक) कमरे—आन्तरिक आयाम की पूर्ण माप;

(दो) आच्छादित बरामदा—आन्तरिक आयाम की पूर्ण माप;

(तीन) बालकनी, कनीडर—आन्तरिक आयाम की पचास प्रतिशत माप;
रसोई और भण्डार गृह

(चार) गैराज—आन्तरिक आयाम की एक चौथाई माप;

(पाँच) स्नानगृह, शौचालय, पोर्टिको और जीने से आच्छादित क्षेत्र कारपेट एरिया का भाग नहीं होगा।

स्पष्टीकरण दो—किसी भवन के मानक किराया, सम्मत किराया या रीजनेबुल एनुअल रेन्ट की, जो उत्तर प्रदेश शहरी भवन (किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम, 1972 के प्रयोजन के लिए है, गणना उस भवन के वार्षिक मूल्य की गणना करते समय, नहीं की जायेगी।]

[1][(2) यदि निगम ऐसा संकल्प करे तो वार्षिक मूल्य, सम्पत्ति कर के निर्धारण के प्रयोजनार्थ, निम्न प्रकार होगा—

(क) भूमि और स्वामी द्वारा अध्यधिकृत आवासिक भवन के मामले में उपधारा (1) के खण्ड (ख) के अधीन अवधारित वार्षिक मूल्य से, यदि भवन दस वर्ष से अधिक पुराना नहीं है तो 25 प्रतिशत कम और यदि वह दस वर्ष से अधिक किन्तु बीस वर्ष से कम पुराना है तो 32.5 प्रतिशत कम और यदि वह बीस वर्ष से अधिक पुराना है तो चालीस प्रतिशत कम, समझा जायेगा; और

(ख) किराये पर उठाये गये आवासिक भवन के मामले में उपधारा (1) के खण्ड (ख) के अधीन अवधारित वार्षिक मूल्य से, यदि भवन दस वर्ष से अधिक पुराना है तो 25 प्रतिशत और यदि वह दस वर्ष से अधिक किन्तु बीस वर्ष से कम पुराना है तो 12.5 प्रतिशत, अधिक समझा जायेगा और यदि वह बीस वर्ष से अधिक पुराना है तो उसका वार्षिक मूल्य उपधारा (1) के खण्ड (ख) के अधीन अवधारित वार्षिक मूल्य के बराबर समझा जायेगा।]

[6][जल कर लगाने पर प्रतिबन्ध]

[7][175. जल कर लगाने पर प्रतिबन्ध—धारा 173 की उपधारा (1) के खण्ड (ख) के अधीन कर इस निबन्धन के अधीन रहते हुए लगाया जायेगा कि निम्नलिखित पर ऐसा कर न लगाया जाये—

(1) किसी ऐसी भूमि पर जिसका उपयोग एकमात्र कृषि प्रयोजनों के लिए किया जाता हो, जब तक कि [8][निगम] द्वारा ऐसे प्रयोजनों के लिए जल सम्भरित न किया जाये; या तो

(2) किसी ऐसी भू-खण्ड या भवन पर जिसका वार्षिक मूल्य तीन सौ साठ रुपये से अधिक न हो और जिसे [8][निगम] द्वारा जल सम्भरित न किया जाता हो; या

(3) किसी ऐसे भू-खण्ड या भवन पर जिसका कोई भाग निकटतम नल्का या अन्य जलकल से जहाँ पर जल की [8][निगम] द्वारा जल उपलब्ध कराया जाता हो, उस नगर के लिए विहित अर्धव्यास के भीतर हो।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 17 सन् 1999 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 17 सन् 1999 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 17 सन् 1999 द्वारा धारा 174 की उपधारा (1) के रूप में पुनः संख्यांकित किया गया
5. उ० प्र० अधिनियम सं० 3 सन् 1967 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1999 द्वारा उपधारा (2) अन्तःस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा जल उपकर
3. उ० प्र० अधिनियम सं० 10 सन् 1972 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(ग) ऋण-पत्र की द्वितीय प्रति (duplicate) जारी किए बिना ही मूलधन का भुगतान करने की दशा में धारा 165 की उपधारा (2) में विहित विधि के प्रकाशन के दिनांक से 6 वर्ष व्यतीत हो जाने के पश्चात्,

समस्त दायित्वों से मुक्त हो जायेगा।

169. क्षति-पूर्ति (indemnity)—धारा 166 में किसी बात के होते हुए भी मुख्य नगराधिकारी उस धारा के अधीन किसी स्थिति से उत्पन्न होने पर-

(1) मूल ऋण-पत्र के अधीन दावा प्रस्तुत करने वाले समस्त व्यक्तियों के दावों से [1][निगम] तथा मुख्य नगराधिकारी के पक्ष में क्षति निवारण (indemnity) प्राप्त करने के पश्चात्, जैसा कि वह उचित समझे, एक स्वीकृत ऋण-पत्र जारी कर सकता है, या

(2) जब तक उक्त क्षति-निवारण न हो जाय तब तक ऐसा स्वीकृत ऋण-पत्र जारी करना अस्वीकृत कर सकता है।

170. वार्षिक विवरणपत्र मुख्य नगराधिकारी द्वारा तैयार किया जायगा—(1) मुख्य नगराधिकारी प्रत्येक वर्ष के अन्त में एक विवरण-पत्र तैयार करेगा, जिसमें निम्नांकित दिखाये जाएँगे-

(क) पिछले वर्षों में लिये गये ऋण, जिनके लिए [1][निगम] उत्तरदायी हो और जिनका वर्ष आरम्भ होने के पूर्व पूर्णतः भुगतान न किया गया हो, वर्ष के आरम्भ में अदत्त धनराशि (amount outstanding) का ब्योरा, ऋण लेने का दिनांक तथा वार्षिक ऋण परिव्यय (loan charges);

(ख) वर्ष में [1][निगम] द्वारा लिये गये ऋण तथा ऋण लेने के दिनांक तथा उसकी धनराशि विषयक ब्यौरे और वार्षिक ऋण परिव्यय (plan charges),

(ग) ऐसे प्रत्येक ऋण की दशा में, जिसके निमित्त निक्षेप निधि खोली गयी हो, वर्ष के अन्त में निक्षेप निधि में जमा धनराशि (accumulation), जिसमें वर्ष में उक्त निधि के हिसाब में जमा धनराशि अलग से दिखायी गयी हो;

(घ) वर्ष में चुकाये गये ऋण और किस्तों में या वार्षिक रूप से निकाली गयी धनराशियों द्वारा चुकाये गये ऋणों की दशा में उस वर्ष में चुकायी गयी धनराशियाँ और वर्ष के अन्त में देय शेष धनराशि;

(ङ) उन प्रतिभूतियों के ब्योरे, जिनमें निक्षेप निधियाँ लगायी गयी हों या जिनके लिए वे रक्षित हों।

(2) ऐसा प्रत्येक विवरण-पत्र [1][निगम] की बैठक के समक्ष रखा जायगा और सरकारी गजट में प्रकाशित किया जायगा और इस विवरण-पत्र की एक-एक प्रति राज्य सरकार तथा एकाउन्टेन्ट, लोकल फंड एकाउन्ट्स को भेजी जायगी।

171. नियम बनाने के अधिकार—राज्य सरकार इस अध्याय के सभी या किन्हीं प्रयोजनों को कार्यान्वित करने के लिए और विशेषतः एतद्द्वारा प्रदत्त अधिकारों की व्यापकता पर कोई प्रभाव डाले बिना निम्नांकित प्रयोजनों के लिए नियम बना सकती है-

(क) इस अध्याय के अधीन सरकार की स्वीकृति प्राप्त करने की प्रक्रिया;

(ख) विशेष निधि की स्थापना;

(ग) निक्षेप निधि में धन लगाना;

(घ) निक्षेप निधि की वार्षिक जाँच और लेखा-परीक्षा;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(ङ) [1][निगम] निधि के चुकाने की रीति, और

(च) ऋण-पत्रों का मुद्रण।

अध्याय 9

[1][निगम]—कर

172. इस अधिनियम के अधीन कर लगाये जायेंगे—(1) इस अधिनियम के प्रयोजनों के लिए और इसके तथा भारत का संविधान के अनुच्छेद 285 के उपबन्धों के अधीन रहते हुए [1][निगम] निम्नलिखित कर लगायेगा-

(क) सम्पत्ति कर;

(ख) यंत्रचालित वाहनों से भिन्न वाहनों (vehicles) तथा किराये पर चलने या नगर के भीतर रखी गयी गाड़ियों (conveyances) या वहाँ बाँधी जाने वाली नावों पर कर;

(ग) सवारी करने, जोतने, गाड़ी खींचने या बोझा ढोने के लिए उपयोग में लाये जाने वाले पशुओं पर कर, जब वे [1][निगम] के भीतर रखे जायँ।

(2) उपधारा (1) में विहित करों के अतिरिक्त [1][निगम] इस अधिनियम के प्रयोजनों के लिए तथा उसके उपबन्धों के अधीन रहते हुये निम्नलिखित करों में से कोई भी कर लगा सकती है-

(क) व्यापारों, आजीविकाओं (callings) और व्यवसायों तथा सार्वजनिक या निजी नियुक्ति होने पर कर;

(ख) [2][* * *]

(ग) [2][* * *]

(घ) [2][* * *]

(ङ) नगर के भीतर रखे पये कुत्तों पर कर;

(च) परिवृद्धि कर (betterment tax);

(छ) नगर के भीतर स्थित अचल संपत्ति के हस्तान्तरण लेखों पर कर;

(ज) समाचार-पत्रों में प्रकाशित विज्ञापनों से भिन्न विज्ञापनों पर कर,

(झ) प्रेक्षागृहों (theatres) पर कर;

(ञ) [3][* * *]

[4][* * *]

(3) [1][निगम] कर इस अधिनियम के उपबन्धों और उसके अधीन बनाई गई नियमावली और उपविधियों के अनुसार निर्धारित (assess) किये जायेंगे और लगाये जायेंगे (levied)

(4) इस धारा की कोई बात, कोई ऐसा कर लगाने का प्राधिकार न देगी, जिसे भारत का संविधान के अधीन राज्य विधान मंडल को राज्य में लगाने का अधिकार नहीं है :

किन्तु प्रतिबन्ध यह है कि यदि कोई कर भारत का संविधान के प्रारम्भ के ठीक पूर्व नगर में सम्मिलित किसी क्षेत्र में विधितः लगाया जा रहा था तो ऐसा कर का लगाया जाना और इस अधिनियम के प्रयोजन के लिए प्रयुक्त किया जाना जारी रखा जा सकता है जब तक कि संसद इसके विपरीत कोई उपबन्ध न बनाये।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा खण्ड (ख), (घ) एवं (च) निकाल दिये
3. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा खण्ड (ञ) निकाल दिया
4. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा "प्रतिस्थापक खण्ड" निकाल दिया

(ख) यदि वह ऋण-पत्र, जिसे खोया हुआ, चुराया गया, नष्ट हुआ, विरूपण हुआ अथवा विकृत किया हुआ बताया गया हो, उपधारा (2) में निर्दिष्ट विधि के प्रकाशन के दिनांक के पश्चात् 6 वर्ष से अनधिक की अवधि में देय हो, तो–

(1) उस ऋण-पत्र की द्वितीय प्रति (duplicate) जारी होने तक उस ऋण-पत्र से सम्बद्ध ब्याज के भुगतान के लिए,

(2) प्रार्थी को देय ऋण-पत्र की द्वितीय प्रति जारी की जाने के लिए, या

(ग) यदि वह ऋण-पत्र, जिसे खोया हुआ, चुराया गया, नष्ट हुआ, विरूपण हुआ अथवा विकृत किया हुआ बताया गया हो, उपधारा (2) में निर्दिष्ट विधि के प्रकाशन के दिनांक के पश्चात् 6 वर्ष से अनधिक की अवधि में देय हो, तो–

(1) उस ऋण-पत्र की द्वितीय प्रति को जारी हुए बिना ही उस ऋण-पत्र से सम्बद्ध ब्याज के भुगतान के लिए, और

(2) प्रार्थी को, उस दिनांक को या उसके पश्चात्, जिस पर भुगतान देय होता हो, उस ऋण-पत्र का देय (due) मूल धनराशि का भुगतान किये जाने के लिए ,

(2) उपधारा (1) के अधीन कोई आज्ञा तब तक न दी जायगी जब तक कि ऋण-पत्र के खोने, चुराए जाने, नष्ट हो जाने, विरूपण हो जाने अथवा विकृत किये जाने के बारे में ऐसी विधि जारी न हो जाय जो [1][नियम] द्वारा विहित की जाय और जब तक कि ऐसी अवधि समाप्त न हो जाय जो [1][नियम] द्वारा विहित की जाय और वह आज्ञा उस समय तक न दी जायगी जब तक प्रार्थी ऐसी क्षतिपूर्ति (indemnity) न दे दे जो खोये हुए, चुराये गये या नष्ट हुए ऋण-पत्र के अन्तर्गत आगम प्राप्त करने वाली (All persons deriving title) के दावों के संबंध में [1][नियम] द्वारा अपेक्षित हो ।

(3) उन ऋण-पत्रों की एक सूची, जिनके संबंध में उपधारा (1) के अधीन कोई आज्ञा दी जाय, आफिशी गजट में प्रकाशित की जायगी ।

(4) यदि किसी ऐसे ऋण-पत्र के सम्बन्ध में, जो पूरा-पूरा खोया हुआ, चुराया गया, नष्ट हुआ, विरूपण हुआ या विकृत किया हुआ बताया गया हो, धारा 168 के उपबन्धों के अधीन [1][नियम] अपने दायित्वों से मुक्त होने के पूर्व किसी भी समय ऐसा ऋण-पत्र मिल जाय तो इस धारा के अधीन उसके सम्बन्ध में दी गयी आज्ञा रद्द कर दी जायगी, किन्तु इससे भुगतान या ब्याज का कोई ऐसा भुगतान, जो चाहे किया जा चुका हो, अविधि न होगा ।

166. ऋण-पत्रों का नामीकरण–(1) कोई व्यक्ति, जो इस अधिनियम के अधीन जारी किए गए किसी ऋण-पत्र का अधिकारी (entitled) होने का दावा करे, मुख्य नगाधिकारी को प्रार्थना-पत्र देकर और अपने दावे के औचित्य के बारे में उसका समाधान करके उस प्रकार ऋण-पत्र को ऐसी रीति से देकर और ऐसा शुल्क देकर, जिसे मुख्य नगाधिकारी विहित करे, ऐसा एक नामीकृत (registered) ऋण-पत्र प्राप्त कर सकता है जो प्रार्थना-पत्र देने वाले व्यक्ति को देय हो ।

(2) यदि इस अधिनियम के अधीन जारी किए गए किसी ऐसे ऋण-पत्र के बारे में, जिसके नामीकरण के लिए प्रार्थना-पत्र दिया गया हो, आगम (title) विषयक कोई विवाद प्रस्तुत हो तो मुख्य नगाधिकारी–

(क) यदि विवाद से सम्बद्ध किसी पक्ष को समक्ष क्षेत्राधिकारयुक्त न्यायालय से कोई ऐसा अंतिम निर्णय प्राप्त हो गया हो, जिसके द्वारा उसे ऋण-पत्र का अधिकारी घोषित किया गया हो, ऐसे पक्ष के नाम एक नामीकृत ऋण-पत्र जारी कर सकता है,

(ख) उक्त निर्णय होने तक ऋण-पत्र का नामीकरण आस्थगित कर सकता है, या

(ग) ऐसी जाँच, जिसकी आवश्यक समझे की गयी है, करने तथा उसके परिणाम पर विचार करने के पश्चात् लिखित आज्ञा द्वारा घोषित कर सकता है कि उसके सामान्यतः सम्बद्ध नहीं में से अनुसार पक्ष उस ऋण-पत्र का अधिकारी है और ऐसी घोषणा के होने मात्र की सन्तुष्टि के पश्चात्, उपधारा (1) के उपबन्धों के अनुसार ऐसे पक्ष के नाम-जब तक कि उस अवधि के दौरान मुख्य नगाधिकारी को इस आशय का नोटिस न प्राप्त हुआ हो कि ऐसे ऋण-पत्र के सम्बन्ध में अपने आगम (title) की स्थापित करने के लिये किसी व्यक्ति के सक्षम क्षेत्राधिकारयुक्त किसी न्यायालय में कार्यवाही चल दी है–एक नामीकृत ऋण-पत्र जारी कर सकता है ।

स्पष्टीकरण–इस उपधारा के प्रयोजनों के लिए पद "अंतिम निर्णय" ऐसे निर्णय, जिसके विरुद्ध अपील न की जा सकती हो या ऐसा निर्णय, जिसके विरुद्ध अपील की जा सकती हो, किन्तु ऐसे विधि द्वारा अनुज्ञात (allowed) कालावधि के भीतर की न गयी हो ।

(3) उपधारा (2) में निर्दिष्ट जाँच के प्रयोजनार्थ मुख्य नगाधिकारी ऐसे सम्बन्धित व्यक्ति या उसके किसी भाग को, जैसा कि सम्बद्ध पक्ष प्रस्तुत करे, उसमें अभिदेखित कर सकता है या किसी मजिस्ट्रेट से या उसके अधीनस्थ किसी मैजिस्ट्रेट से अभिदेखित कराने का अनुरोध कर सकता है । मामला अभिदेखित करने वाला मैजिस्ट्रेट ऐसे समन का अभिलेख मुख्य नगाधिकारी को प्रेषित करेगा ।

(4) मुख्य नगाधिकारी या इस धारा के अधीन कार्य करने वाला कोई मैजिस्ट्रेट, यदि वह उचित समझे, तो साक्ष्य लेकर सारत: अभिदेखित कर सकता है ।

167. नामीकृत ऋण-पत्र के सम्बन्ध में दायित्व–(1) यदि धारा 166 के अधीन किसी व्यक्ति के पक्ष में कोई नामीकृत ऋण-पत्र जारी किया जा चुका हो तो इस प्रकार जारी किए गए ऋण-पत्र के सम्बन्ध में यह समझा जायगा कि वह [1][नियम] तथा ऐसे व्यक्ति और उसके द्वारा अधःवर्ती आगम प्राप्त करने वाले समस्त व्यक्तियों के पक्ष किया गया संविदा है ।

(2) ऐसे किसी नामीकरण का इन अधिकारियों पर कोई प्रभाव न होगा, जो इस प्रकार नामीकृत ऋण-पत्र के सम्बन्ध में किसी अन्य व्यक्ति को [1][नियम] के विरुद्ध प्राप्त हों ।

168. क्षतिपूर्ण स्थितियों में भुगतान होना–यदि धारा 165 के अधीन ऋण-पत्र की द्वितीय प्रति जारी की जा चुकी हो या यदि धारा 166 के अधीन कोई नामीकृत ऋण-पत्र जारी किया जा चुका हो या यदि किसी ऐसे ऋण-पत्र पर, जिसके सम्बन्ध में ऋण-पत्र की द्वितीय प्रति जारी किये बिना ही मूल नगादेश लौटाने की आज्ञा धारा 165 के अधीन दी जा चुकी हो, देय मूलधन भुगतान के लिए नियत दिनांक को या तत्पश्चात् लौटा दिया गया हो, तो [1][नियम] ऐसे ऋण के सम्बन्ध में, जिसके स्थान पर ऋण-पत्र की द्वितीय प्रति या नामीकृत ऋण-पत्र इस प्रकार जारी किया जा चुका हो या जिसके सम्बन्ध में देय धन लौटाया जा चुका हो, जैसी भी स्थिति हो,

(क) ऋण-पत्र की द्वितीय प्रति (duplicate) की दशा में धारा 165 की उपधारा (3) में निर्दिष्ट विधि के प्रकाशन के दिनांक से या मूल ऋण-पत्र के स्थान के पिछले भुगतान के दिनांक से 6 वर्ष पश्चात्, इनमें से जो भी दिनांक पश्चात्वर्ती हो,

(ख) नामीकृत ऋण-पत्र की दशा में उसके जारी किये जाने के दिनांक से 6 वर्ष व्यतीत हो जाने के पश्चात्, और

1. 3. 3. अधिनियम सं. 12 सन् 1964 द्वारा अन्तःस्थापित

(2) विशेष-निधि में जमा धनराशि का विनियम भविष्य में किये जाने वाले ऐसे सम्पूर्ण भुगतानों के, जो इस अधिनियम के उपबन्धों के अधीन ऐसी निधि में करना आवश्यक हो, वर्तमान मूल्य के आधार पर यह कल्पना करके लगाया जायगा कि सम्पूर्ण धनराशियाँ नियमित रूप से लगायी जाती हैं और उन पर पहले की प्राक्कलित (estimated) दर से ब्याज मिलता है ।

(3) किसी विशेष-निधि की प्रतिभूतियों का मूल्यांकन इस धारा के प्रयोजनों के लिये उनके चालू बाजार-मूल्य पर किया जायगा, किन्तु ऋण-पत्रों का मूल्य, जो इस अधिनियम के अधीन जारी किये गये हों, सममूल्य (at par) पर लगाया जायगा, किन्तु प्रतिबन्ध यह है कि [1][निगम] उस हानि को पूरा करेगी, जो ऋण के भुगतान के समय ऐसे ऋण-पत्रों के वास्तविक विक्रय पर हुई हो ।

(4) [1][निगम] किसी विशेष-निधि में, जब तक कि राज्य सरकार विशिष्ट रूप से क्रमिक पुनर्संधान (gradual readjustment) की स्वीकृति न दे दे, किसी ऐसी धनराशि का पूरना भुगतान करेगी, जिसके कम होने को इकत्तालिस लोकल फंड एकाउन्ट्स ने प्रमाणित किया हो ।

(5) यदि किसी विशेष-निधि में जमा रोकड़ (cash) तथा प्रतिभूतियों का मूल्य उस धनराशि से अधिक हो, जो उसमें जमा होनी चाहिये, तो एकत्तालिस लोकल फंड एकाउन्ट्स ऐसी अतिरिक्त (excess) धनराशि को प्रमाणित करेगा और तत्पश्चात् [1][निगम] उक्त अतिरिक्त धनराशि को [1][निगम] निधि में स्थानान्तरित कर सकती है ।

(6) यदि उपधारा (4) या (5) के अधीन एकत्तालिस लोकल फंड एकाउन्ट्स द्वारा दिये गये किसी प्रमाण-पत्र की शुद्धता (accuracy) के सम्बन्ध में कोई विवाद उत्पन्न हो, तो [1][निगम] भुगतान या स्थानान्तरण करने के पश्चात् संबद्ध विषय को राज्य सरकार को भेज सकती है, जिसका निर्णय अन्तिम होगा ।

161. ऋण के भुगतान न करने पर [1][निगम] निधि का कुर्क किया जाना—(1) यदि [1][निगम] द्वारा उधार ली गयी किसी धनराशि या उस पर देय ब्याज या किसी व्यय (costs) का ऋण की शर्तों के अनुसार भुगतान न किया जाय, तो राज्य सरकार, यदि उसका ऋण स्वयं उसी ने दिया हो, [1][निगम] निधि या उसके किसी भाग को कुर्क कर सकती है और यदि ऋण उसने नहीं दिया तो वह ऋणदाता द्वारा प्रार्थना-पत्र दिये जाने पर तथा उसके सम्बन्ध में [1][निगम] के सन्तोषकरण पर, यदि कोई हो, विचार करने के पश्चात् [1][निगम] निधि या **उसके किसी** भाग को कुर्क करेगी ।

(2) ऐसी कुर्की के पश्चात् कोई व्यक्ति, सिवाय उस पदाधिकारी के, जिसे राज्य सरकार ने एतदर्थ नियुक्त किया हो, कुर्क की गयी निधि या उसके किसी भाग के सम्बन्ध में किसी भी प्रकार की कार्यवाही न करेगा, किन्तु वह पदाधिकारी उसके सम्बन्ध में ऐसे समस्त कार्य कर सकता है, जो [1][निगम] के किसी प्राधिकारी, पदाधिकारी या कर्मचारी ने उस दशा में किये होते, यदि ऐसी कुर्की न हुई होती और आगम (Proceeds) उनके सम्पूर्ण ब्याज तथा उनके सम्बन्ध में देय व्यय और कुर्की के उस पश्चातीं कार्यवाहियों के कारण हुए समस्त व्ययों के शोधन के लिये कर सकता है :

किन्तु प्रतिबन्ध यह है कि ऐसी कुर्की से कोई ऐसा ऋण न तो मात जायगा (defeated) और न उसका उस ऋण पर कोई प्रतिकूल प्रभाव हो पड़ेगा, जिसके लिये कुर्क निधि या उसका कोई भाग विधि के अनुसार पहले बन्धक (pledged) रहा हो और ऐसे समस्त परिव्ययों (price charges) का भुगतान निधि के आगम या उसके किसी भाग से किया जायगा, इसके पूर्व कि आगम के किसी भाग का उपयोग उस दायित्व के शोधन में किया जाय, जिसके सम्बन्ध में कुर्की हुई थी ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

162. ऋण-पत्रों के आकार-पत्र—(1) इस अधिनियम के अधीन जारी किये जाने वाले ऋण-पत्र ऐसे आकार-पत्र (Form) में होंगे, जिसे [1][निगम] राज्य सरकार की पूर्व स्वीकृति से समय-समय पर निर्दिष्ट करे ।

(2) किसी ऐसे ऋण-पत्र का, जो उपधारा (1) के अधीन यथाकृत् प्राधिकृत आकार-पत्र में हो, गृहीता ऐसी शर्तों पर, जो [1][निगम] समय-समय पर निर्धारित करेगी, अपने ऋण-पत्र के विनिमय (Exchange) में कोई ऐसा ऋण-पत्र प्राप्त कर सकता है जो अन्य प्रकार के अधिकृत आकार-पत्र में हो ।

(3) [1][निगम] द्वारा इस अधिनियम के अधीन जारी किया गया प्रत्येक ऋण-पत्र पृष्ठांकन (endorsement) द्वारा हस्तांतरणीय (transferable) होगा ।

(4) उक्त किन्हीं ऋण-पत्रों द्वारा सुरक्षित धनराशियों की प्राप्ति का तथ्य उसके संबंध में वाद प्रस्तुत करने का अधिकार तत्समयक ऋण-पत्र-गृहीता में निहित होगा और इस संबंध में इस बात के लिये कोई अधिमान (preference) प्राप्त न होगा कि ऐसे ऋण-पत्रों में से मूल दूसरों से पहले के दिनांकों के हैं ।

163. ऋण-पत्रों से संलग्न कूपनों पर कार्यकारिणी समिति के सभापति और मुख्य नगराधिकारी के हस्ताक्षर होंगे—इस अधिनियम के अधीन जारी किये गये ऋण-पत्रों से संलग्न समस्त कूपनों पर [1][निगम] की ओर से कार्यकारिणी समिति के सभापति और मुख्य नगराधिकारी के हस्ताक्षर होंगे और ऐसे हस्ताक्षर किसी यांत्रिक रीति द्वारा चित्रित (engrave) किये जा सकते हैं, लिपी से लिखे जा सकते हैं या मुद्रांकित (impressed) किये जा सकते हैं ।

164. दो या दो से अधिक व्यक्तियों को संयुक्त रूप से जारी किये गये ऋण-पत्र—इंडियन कंट्रैक्ट ऐक्ट, 1872 की धारा 45 में किसी बात के होते हुए भी—

(1) यदि इस अधिनियम के अधीन जारी किया गया कोई ऋण-पत्र या प्रतिभूति दो या दो से अधिक व्यक्तियों को संयुक्त रूप से देय हो और उनमें से दोनों की या किसी एक की मृत्यु हो जाये तो उक्त ऋण-पत्र या प्रतिभूति ऐसे व्यक्तियों के उत्तरजीवी (Survivor) को अथवा उत्तरजीवियों को देय होगी ।

किन्तु प्रतिबन्ध यह है कि इस उपधारा में दी हुई किसी बात का मृत व्यक्ति के किसी विधिक प्रतिनिधि द्वारा उस उत्तरजीवी या उत्तरजीवियों के विरुद्ध प्रस्तुत किये गये दावे (claim) पर कोई प्रतिकूल प्रभाव न पड़ेगा ।

(2) यदि दो या दो से अधिक व्यक्ति इस अधिनियम के अधीन जारी किये गये किसी ऋण-पत्र या प्रतिभूति के संयुक्त गृहीता (joint holders) हों, तो जब तक ऐसे व्यक्तियों में से किसी दूसरे व्यक्ति द्वारा [1][निगम] को कोई प्रतिकूल नोटिस न दिया गया हो, ऐसे ऋण-पत्र या प्रतिभूति के संबंध में देय किसी ब्याज या लभांश (dividend) के लिये उनमें से कोई भी व्यक्ति प्रभावकारी (effectual) रसीद दे सकता है ।

165. प्रतिभूतियों की द्वितीय प्रतियाँ (duplicates) का जारी किया जाना—(1) यदि इस अधिनियम के अधीन जारी किये गये किसी ऋण-पत्र के बारे में यह कहा जाय कि वह खो गया है, चुरा लिया गया है, पूर्णतया या अंशतः नष्ट हो गया है, उसका विरूपण हो गया है अथवा वह विकृत कर दिया गया है और कोई व्यक्ति यह दावा करता है कि मैं वही व्यक्ति हूँ जिसे खो न जाये, चुरा न लिये जाये, नष्ट न हो जाये, विरूपण न होने अथवा विकृत न होने की दशा में ऋण-पत्र देय होता, तो वह मुख्य नगराधिकारी को प्रार्थना-पत्र देकर और ऋण-पत्र के खो जाने, चुराये जाने, विरूपण होने अथवा विकृत किये जाने, नष्ट हो जाने के बारे में तथा अपने दावे के औचित्य की संतोषजनक प्रमाण प्रस्तुत करके निम्नांकित के लिये आज्ञा प्राप्त कर सकता है—

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(घ) किसी ऐसी अवधि से जो इस प्रयोजन के लिए धारा 154 की उपधारा (1) के खंड (घ) के अधीन बनाए गई हो;

(ङ) अंततः उस निक्षेप-निधि में जो ऋण के सम्बन्ध में धारा 157 के अधीन स्थापित की गई हो और अंततः उस धनराशि से जो इस प्रयोजन के लिए धारा 154 की उपधारा (1) के खंड (ख) के अधीन उधार ली गयी हो,

(च) ऐसी अन्य विधि से, जिसमें रुपया निकालना भी सम्मिलित है, जिसे सरकार निर्दिष्ट करे।

(2) ऐसे किसी ऋण का, जो निगम दिन से पहले लिया गया हो, भुगतान सामान्यतः उसी विधि से किया जायगा जो ऐसे ऋण के भुगतान के लिए प्रवृत्त रही हो या यदि ऐसी कोई विधि न रही हो तो भुगतान उपधारा (1) में निर्दिष्ट किसी भी विधि से किया जायगा।

157. निक्षेप निधि का संभारण तथा उपयोग—(1) जब कभी धारा 154 की उपधारा (1) के प्रतिबन्ध (1) के अधीन निक्षेप निधि से किसी ऋण के भुगतान की स्वीकृति दी गई हो तो [निगम] ऐसी विधि को स्थापित करेगी और उसमें ऐसे दिनांकों पर जो उक्त प्रतिबन्ध के अधीन अनुमोदित हुए हों, उतनी धनराशि देगी, जो चक्रवृद्धि ब्याज सहित समस्त व्ययों के देने के बाद, अनुमोदित अवधि के भीतर ऋण को अदायगी के लिए पर्याप्त हो :

किन्तु प्रतिबन्ध यह है कि यदि किसी समय ऋण के भुगतान के लिए स्थापित निक्षेप निधि में जमा धनराशि इतनी हो कि यदि उसे चक्रवृद्धि ब्याज पर बढ़ने दिया जाय तो उससे अनुमोदित अवधि के भीतर ऋण चुकता हो जायगा, तो राज्य सरकार की अनुज्ञा से ऐसी निधि में और धनराशियों का देय बन्द किया जा सकता है।

(2) [निगम] किसी निक्षेप निधि या उसके किसी भाग को उस ऋण के परिशोध (discharge) में या उसके निमित्त उपयोग में ला सकती है, जिसके लिए ऐसी निधि स्थापित की गयी हो और जब तक कि ऐसा ऋण या उसका भाग पूर्णतः चुकता न हो जाय तब तक वह उसका उपयोग किसी अन्य प्रयोजन के लिए नहीं करेगी।

158. निक्षेप निधि का लगाया जाना (investment)—(1) निक्षेप निधि में जमा की गई समस्त धनराशियाँ [निगम] द्वारा यथासंभव शीघ्र मुख्य नगराधिकारी के नाम में—

(क) सरकारी प्रतिभूतियों में, या

(ख) सरकार द्वारा संरक्षित (guaranteed) प्रतिभूतियों में, या

(ग) [निगम] के ऋणपत्रों में,

लगायी जायगी और [निगम] द्वारा जारी किये गये ऋण-पत्रों के समय-समय पर भुगतान के प्रयोजन के लिए [निगम] के कब्जे में रहेंगी।

(2) समस्त लभांश (dividends), ब्याज तथा अन्य धनराशियाँ जो इस प्रकार लगायी गई किसी धनराशि (investment) के सम्बन्ध में प्राप्त हों, प्राप्ति के पश्चात् यथासंभव शीघ्र उपयुक्त निक्षेप-निधि में जमा की जायेंगी और उपधारा (1) में विहित रीति से लगायी जायेंगी (invested)।

(3) दो या दो से अधिक निक्षेप निधियों के नाम से जमा धनराशियाँ [निगम] के स्वविवेकानुसार किसी एक ही (common) निधि में लगायी जा सकती है और [निगम] के लिए यह आवश्यक नहीं होगा कि वह इस प्रकार लगायी गई प्रतिभूतियों को विभिन्न निक्षेप निधियों में बाँट दे।

1. डा० डा० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(4) यदि निक्षेप निधि का कोई भाग [निगम] के कब्जे में या उसके नाम में मुख्य नगर निधिक अधिकारी से भिन्न ऋण के किसी भाग को चुकाने के लिए उपयोग में लाया जाय तो मुख्य नगर, जो आवश्यक ऐसे ऋण-पत्रों या ऋण के ऐसे भाग पर देय होगा, निक्षेप निधि में दिया जायगा और उसी उपधारा (1) में निर्दिष्ट रीति से लगाया जायगा (invested)।

(5) इस धारा के अधीन लगाये गये धन में उपधारा (1) के प्रतिबन्धों के अधीन रहते हुए परिवर्तन किया जा सकता है या उसे किसी दूसरी मद में स्थानान्तरित किया जा सकता है (transposed)।

किन्तु प्रतिबन्ध यह है कि जब कोई लगाई गई धनराशि किसी मद में स्थानान्तरित किया जाय तो उस निक्षेप निधि में, जिसमें से वह धनराशि दूसरी मद में स्थानान्तरित की गयी हो (transposed) उतनी ही धनराशि बढ़ा दी जायगी।

(6) उस वर्ष में जिसमें ऋण, जिसके चुकाने के लिए निक्षेप-निधि स्थापित की गयी है, देय हो, वह धनराशि जो ऐसी निक्षेप-निधि के मूलधन के भाग के रूप में अलग की जायगी और वह धनराशि, जो ऐसी निक्षेप-निधि के अंशभूत भाग पर ब्याज के रूप में प्राप्त हो, [निगम] द्वारा ऐसे रूप में रखवी जायगी (retained) जिसे वह ठीक समझे।

159. निक्षेप निधि तथा अतिरिक्त धनराशि का [निगम] द्वारा जारी किये गये ऋण-पत्रों में लगाया जाना—(1) किन्हीं ऐसे निक्षेप निधियों के सम्बन्ध में जिन्हें इस अधिनियम के द्वारा [निगम] को सार्वजनिक प्रतिभूतियों में लगाने का आदेश या अधिकार दिया गया हो और किसी अतिरिक्त (surplus) धनराशि के सम्बन्ध में जिसे इस अधिनियम के द्वारा [निगम] की ओर से मुख्य नगराधिकारी को प्रतिभूतियों में लगाने का अधिकार दिया गया हो, [निगम] के लिए यह वैध होगा कि वह इस प्रकार धनराशि लगाने (investment) के प्रयोजन के हेतु किन्हीं ऋण-पत्रों को, जो किसी ऐसे ऋण के निमित्त जिसके लिए राज्य सरकार की यथाप्राप्त स्वीकृति ले ली गयी हो, जारी किये गये हों, या किये जाने वाले हों, रक्षित तथा पृथक् कर दें (reserve and set aside) :

किन्तु प्रतिबन्ध यह है कि इस प्रकार ऋण-पत्रों को रक्षित तथा पृथक् करने का आशय राज्य सरकार को ऋण जारी करने की एक शर्त के रूप में विज्ञापित (notified) कर दिया गया हो।

(2) [निगम] की ओर से शीर्ष मुख्य नगराधिकारी को और उसके नाम में उस किन्हीं ऋण-पत्रों के जारी किये जाने का प्रभाव यह न होगा कि ऋण-पत्र समाप्त या रद्द हो जायेंगे, किन्तु इस प्रकार जारी किया गया प्रत्येक ऋण-पत्र सभी प्रकार से उसी रूप में वैध होगा मानो वह किसी अन्य व्यक्ति को और उसके नाम में जारी किया गया हो।

(3) [निगम] द्वारा जारी किये गये किसी ऋण-पत्र का [निगम] द्वारा क्रय या [निगम] अथवा मुख्य नगराधिकारी को उसका हस्तान्तरण (transfer), अभ्यर्पण (assignment) या पृष्ठांकन (endorsement) का प्रभाव यह नहीं होगा कि वह ऋण-पत्र समाप्त या रद्द हो जायगा, किन्तु वह उसी प्रकार और उसी अवधि तक वैध (valid) और परक्राम्य (negotiable) होगा मानो वह किसी अन्य व्यक्ति के कब्जे में हो या उसे हस्तांतरित, अभ्यर्पित या पृष्ठांकित किया गया हो।

160. निक्षेप निधियों की वार्षिक परीक्षा—(1) इस अधिनियम के अधीन स्थापित या संधारित सम्पूर्ण निक्षेप निधियों की एकत्रीकरण लोकल फंड एकाउन्ट्स द्वारा वार्षिक परीक्षा की जायगी, जो इस बात को सुनिश्चित करेगा कि रोकड़ (cash) और उससे सम्बन्धित प्रतिभूतियों का मूल्य वास्तव में उस धनराशि के बराबर है या नहीं, जो इस प्रकार की निधियों के रूप में जमा होती, यदि रुपया विधिवत रूप से लगाया गया होता और उस पर उस दर से ब्याज मिला होता जो पहले से प्राक्कलित (estimated) की गयी थी।

1. डा० डा० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

153. निधम बनाने के अधिकार—राज्य सरकार इस अध्याय के समस्त अथवा किन्हीं उद्देश्यों को कार्यान्वित करने के लिये तथा विशेषतया एतद्द्वारा प्राप्त अधिकारों की व्यापकता पर बिना प्रतिकूल प्रभाव डाले हुए निम्नलिखित प्रयोजनों के लिए नियम बना सकती है—

(क) [1][निगम] निधि के खाते में मुख्य नगराधिकारी द्वारा भुगतानों को प्राप्त करना तथा प्राप्त धन को किसी बैंक अथवा बैंकों में रखना;

(ख) [1][निगम] की निधियों का संचालन (operation);

(ग) [1][निगम] निधि के किसी अंश को नगर के बाहर स्थित किसी बैंक अथवा अधिकरण (Agency) के पास करना;

(घ) बचत (surplus) के धन को लाभ पर लगाना;

(ङ) [1][निगम] द्वारा रखे जाने वाले लेखे, वह रीति, जिससे लेखों का लेखा-परीक्षण किया तथा उन्हें प्रकाशित किया जायगा [2][,] किसी व्यय को न मानने (disallowance) तथा अधिभार (Surcharge) के सम्बन्ध में लेखा परीक्षकों के अधिकार [3][और वह रीति जिसके अनुसार अधिभार की कार्यवाहियाँ की जायँगी]

(च) बजट की एक मद से दूसरी मद में अथवा एक ही मद के अन्दर धनराशियों का स्थानान्तरण अथवा उनमें कमी करना;

(छ) प्रशासन सम्बन्धी वार्षिक प्रतिवेदन (report) और लेखों के विवरण की तैयारी;

(ज) [1][निगम] के लेखों को रखने की रीति।

अध्याय 8

ऋण लेने के अधिकार

154. [1][निगम] के ऋण लेने के अधिकार—(1) [1][निगम], राज्य सरकार की पूर्व स्वीकृति से तथा रिजर्व बैंक ऑफ इंडिया ऐक्ट, 1934 की धारा 31 के उपबन्धों के अधीन रहते हुए, समय-समय पर, एक या अधिक ऋण ले सकती है तथा ऋण-पत्रों (debentures) को जारी करके या अन्य प्रकार से किसी ऐसी अचल सम्पत्ति की प्रतिभूति (security) पर जो [1][निगम] में निहित हो या जिसे [1][निगम] द्वारा इस अधिनियम के अधीन अर्जित किये जाने का प्रस्ताव हो, या समस्त अथवा किन्हीं करों (taxes), महसूलों (duties), पथकरों (tolls), उपकरों (cesses), शुल्कों (fees) तथा अदेयों (dues) जिन्हें [1][निगम] को इस अधिनियम के प्रयोजनों के लिए लगाने का प्राधिकार दिया गया हो, की प्रतिभूति पर अथवा उन समस्त प्रतिभूतियों पर ब्याज पर ऐसी धनराशि ले सकता है, जो निम्नलिखित किन्हीं प्रयोजनों के लिए आवश्यक हो—

(क) इस अधिनियम के अनुसार किये गये कार्यों पर [1][निगम] द्वारा खर्च की गई लागतों, परिव्ययों या व्ययों के भुगतान के लिए;

(ख) इस अधिनियम के अधीन लिये गये किसी उधार (loan) के भुगतान के लिए या किसी ऐसे अन्य उधार या ऋण के भुगतान [illegible] दायित्व [1][निगम] पर हो;

(ग) सामान्यतया इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए जिसमें इस अधिनियम के अधीन अधिकृत ऋण देना भी सम्मिलित है:

किन्तु प्रतिबन्ध यह है कि—

(1) कोई ऋण ऐसे किसी स्थायी कार्य (permanent work) से भिन्न किसी अन्य कार्य के सम्पादनार्थ नहीं लिया जायगा। स्थायी कार्य के अन्तर्गत कोई ऐसा कार्य सम्मिलित होगा, जिस पर होने वाला व्यय राज्य सरकार की राय में, कई वर्षों तक होता रहे।

(2) कोई ऋण तब तक नहीं लिया जायगा, जब तक कि राज्य सरकार ऋण का प्रयोजन, उस पर देय ब्याज की दर तथा तत्सम्बन्धी अन्य शर्तें, जिसमें ऋण उगाहने का दिनांक तथा उसके भुगतान की अवधि तथा रीति सम्मिलित है, अनुमोदित न कर दे;

(3) वह अवधि जिसके भीतर ऋण का भुगतान किया जायगा किसी भी दशा में 30 वर्ष से अधिक न होगी।

(2) जब कोई धनराशि उपधारा (1) के अधीन ऋण के रूप में ली गई हो या फिर से ली गई हो (borrowed) तो—

(क) ऋण का कोई भाग, राज्य सरकार की पूर्व स्वीकृति के बिना, उस प्रयोजन से भिन्न किसी प्रयोजन के लिए उपयोग में नहीं लाया जायगा, जिसके लिए ऋण लिया गया था; और

(ख) किसी धनराशि का कोई भाग, जो किसी निर्माण कार्य (work) के सम्पादन के लिए प्रथम बार या पुनः ऋण के रूप में लिया गया हो, [1][निगम] के किसी पदाधिकारी या कर्मचारी के वेतन या भत्ते के भुगतान को, सिवाय उनके जो एक मात्र (exclusively) उस निर्माण-कार्य के सम्पादन में लगे हुए हों, जिसके लिए उक्त धनराशि ली गयी थी, अथवा आवर्तक प्रकार के व्ययों की पूर्ति के लिए उपयोग में न लाया जायगा :

किन्तु प्रतिबन्ध यह है कि [1][निगम] के ऐसे पदाधिकारियों या कर्मचारियों के, जो अंशतः नक्शों तथा प्राक्कलन तैयार करने या उक्त निर्माण-कार्य के लेखे रखने के लिए नियुक्त किये गये हों, वेतनों तथा भत्तों पर होने वाले व्यय का उतना भाग, जो कार्यकारिणी समिति निश्चित करे, ऋण के रूप में ली गयी या फिर से ली गयी धनराशि में से अदा किया जा सकता है।

155. [1][निगम] का सार्वजनिक प्रतिभूतियों पर बैंक से ऋण लेने पर अधिकार—धारा 154 में किसी बात के होते हुए भी, किन्तु रिजर्व बैंक ऑफ इंडिया ऐक्ट, 1934 की धारा 31 के उपबन्धों के अधीन रहते हुए [1][निगम] इस अधिनियम के प्रयोजनों के लिए किसी ऐसे बैंक या बैंकों से जिनमें या जिसमें [1][निगम] निधि की बचत धनराशियाँ जमा की गयी हों, किन्हीं सार्वजनिक प्रतिभूतियों पर, जिनमें तत्समय [1][निगम] का नकदी शेष (cash balance) लगायी गयी हो, ऋण ले सकती है :

किन्तु प्रतिबन्ध यह है कि किसी ऋणी [1][निगम] की दशा में इस धारा के अधीन ऋण राज्य सरकार के पूर्वानुमोदन से ही लिया जायगा।

156. कब और कैसे ऋण का भुगतान किया जाय—(1) प्रत्येक ऋण का, जो धारा 154 के अधीन लिया गया हो, उस अवधि के भीतर भुगतान किया जायगा, जो उक्त धारा के अधीन उसके लिए अनुमोदित हो। यह भुगतान निम्नलिखित विधियों में से उस विधि से किया जायगा, जो उक्त उपबन्ध के अधीन अनुमोदित की जाय अर्थात्—

(क) किसी ऐसी विशेष निधि (sinking fund) में से भुगतान (payment) करके जो ऋण के सम्बन्ध में धारा 157 के अधीन स्थापित की गयी हो;

(ख) मूलधन तथा ब्याज के समीकृत भुगतानों (equal payments) द्वारा;

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा क्रमशः "नगरपालिका" के स्थान पर प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 17 द्वारा क्रमशः "और" के स्थान पर रखा गया
3. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 17 द्वारा रखा गया

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(च) नगर प्रमुख द्वारा स्वविवेक से धारा 114 अथवा 115 में अभिहित किसी एक अथवा एकाधिक विषयों पर व्यय करने के लिये 5 हजार रुपये से अधिक धनराशि की व्यवस्था होगी ।

(3) कार्यकारिणी समिति मुख्य नगराधिकारी द्वारा तैयार किये गये बजट तखमीनों पर यथास्थिति 10 दिसम्बर अथवा 10 जनवरी को या उसके पश्चात् यथाशीघ्र विचार करेगी और उसमें ऐसे परिष्कार (modifications) करेगी जिन्हें वह उचित समझे तथा उन्हें ऋणी [निगम] की दशा में 15 जनवरी तथा अन्य [निगमों] की दशा में 15 फरवरी से पहले [निगम] को प्रस्तुत करेगी ।

(4) [निगम] बजट के तखमीनों को, यदि वह ऋणी है तो एक मार्च से पूर्व और यदि ऋणी नहीं है तो तखमीनों से सम्बद्ध वर्ष के प्रारम्भ से पूर्व अन्तिम रूप से अंगीकार करेगा और उनकी प्रतियाँ राज्य सरकार को तुरन्त भेजेगा :

किन्तु प्रतिबन्ध यह है कि यदि किसी कारणवश [निगम] ने तखमीनों से सम्बद्ध वित्तीय वर्ष के प्रारम्भ से पूर्व बजट के तखमीनों को अन्तिम रूप से अंगीकार नहीं किया है तो मुख्य नगराधिकारी द्वारा तैयार किये गये बजट के तखमीनों अथवा यदि उपधारा (3) के अधीन कार्यकारिणी समिति ने इन तखमीनों को प्रस्तुत कर दिया है तो ऐसे तखमीनों के सम्बन्ध में यह समझा जायगा कि वे जब तक [निगम] द्वारा कार्यवाही नहीं की जाती उस वर्ष के बजट के तखमीने हैं ।

और प्रतिबन्ध यह भी है कि ऋणी [निगम] के सम्बन्ध में इस उपधारा के अधीन बजट के तखमीनों का अंगीकार किया जाना राज्य सरकार के पुष्टिकरण के अधीन होगा ।

147. बजट के पुनरीक्षित तखमीने—ऋणी [निगम] के सम्बन्ध में 1 सितम्बर तथा ऐसी [निगम] के सम्बन्ध में जो ऋणी नहीं है 1 अक्तूबर के पश्चात् यथासंभव शीघ्र उस वर्ष के बजट के पुनरीक्षित तखमीने [निगम] द्वारा अंगीकार किये जायेंगे, जहाँ तक संभव होगा, किन्तु यहाँ उल्लिखित परिष्कारों (modifications) के अधीन रहते हुए, ये पुनरीक्षित तखमीने धारा 146 के समस्त उपबन्धों के अधीन रहेंगे ।

परिष्कार—(1) धारा 146 की उपधारा (1) और (3) में "10 दिसम्बर" और "10 जनवरी" के स्थान पर क्रमशः "10 अगस्त" और "10 सितम्बर" रखे गये समझे जायेंगे;

(2) धारा 146 की उपधारा (3) में "15 जनवरी" और "15 फरवरी" के स्थान पर क्रमशः "15 अगस्त" और "15 सितम्बर" रखे गये समझे जायेंगे ।

(3) धारा के अन्त में प्रथम प्रतिबन्धक (proviso) के स्थान पर निम्नलिखित प्रतिबन्धक रखा गया समझा जायगा ।

किन्तु प्रतिबन्ध यह है कि जब तक [निगम] बजट के पुनरीक्षित तखमीनों को अंगीकार नहीं करता तब तक इस अधिनियम के अधीन सम्बद्ध वर्ष की 1 अक्तूबर को प्रवृत्त बजट तखमीने, धारा 149 और 151 के उपबन्धों के अधीन रहते हुए उस वर्ष के बजट तखमीने रहेंगे ।

148. करों की दरों का निर्धारण—[निगम] यदि वह ऋणी है तो 15 जनवरी को या उसके पूर्व अन्य दशाओं में 15 मार्च को या उसके पूर्व, कार्यकारिणी समिति के प्रस्तावों पर विचार करने के पश्चात् अध्याय 9 में विहित परिसीमाओं (limitations) तथा शर्तों के अधीन रहते हुए उन दरों का निर्धारण करेगी जिनके हिसाब से धारा 172 की उपधारा (1) में निर्दिष्ट [निगम] कर आगामी वित्तीय वर्ष में लगाये जायेंगे ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

149. [निगम] बजट अनुदानों की राशि बढ़ा सकती है और अतिरिक्त अनुदान भी दे सकती है—(1) कार्यकारिणी समिति की सिफारिश पर [निगम] किसी वित्तीय वर्ष में समय-समय पर बजट के किसी अनुदान की राशि में वृद्धि कर सकती है अथवा उक्त वर्ष में किसी विशेष अथवा अप्रत्याशित आवश्यकता की पूर्ति के लिये बजट में कोई अतिरिक्त अनुदान भी कर सकती है, किन्तु इस बात का ध्यान रखा जायगा कि वर्ष के अन्त में अनुमानित नगद शेषराशि (cash balance) जिसमें किसी विशेष निधि की शेषराशि (balance), यदि कोई हो, अपवर्जित (exclude) कर दी जायगी, धारा 146 की उपधारा (2) के खंड (ङ) के अधीन विहित धनराशि से अथवा [निगम] निधि या अन्य विशेष निधियों के सम्बन्ध में [निगम] द्वारा तत्समय एतदर्थ निश्चित की गई किसी और बड़ी धनराशि से कम न हो ।

(2) ऐसे बढ़ाये गये अथवा अतिरिक्त बजट अनुदानों के बारे में यह समझा जायगा कि ये [निगम] द्वारा उस वर्ष के लिये, जिसमें कि वे किये गये हैं, अनुमोदित बजट तखमीनों में सम्मिलित कर लिये गये हैं ।

(3) बजट के एक मद (head) से दूसरे मद में अथवा एक ही मद के भीतर धनराशियों का स्थानान्तरण अथवा उसमें कमी कार्यकारिणी समिति द्वारा निर्मित नियमों के अनुसार की जायगी ।

150. [निगम] निधि के परिव्यय पर प्रतिबन्ध—उन दशाओं को छोड़ कर जिनकी व्यवस्था नियमों द्वारा एतदर्थ की जाय [निगम] निधि में उस समय तक कोई व्यय अथवा भुगतान न किया जायगा जब तक कि उसकी व्यवस्था किसी चालू बजट के अनुदान में नहीं हो जाती तथा जब तक कि ऐसे बजट अनुदान में ऐसी कमी अथवा स्थानान्तरण के होते हुए भी जो धारा 149 की उपधारा (3) के उपबन्धों के अनुसार किया गया हो उसमें पर्याप्त बचत (balance) उपलब्ध न हो ।

151. बजट के तखमीनों में परिवर्तन—[निगम] धारा 146 अथवा धारा 147 के अधीन अंगीकृत बजट तखमीनों को समय-समय पर, जैसा कि परिस्थितियों को देखते हुए वांछनीय हो, बदल अथवा परिवर्तित कर सकती है :

किन्तु प्रतिबन्ध यह है कि ऋणी [निगम] की दशा में इस धारा के अधीन परिवर्तन या तब्दीली राज्य सरकार के पुष्टिकरण के अधीन होगी ।

152. ऋणी [निगम]—यदि राज्य सरकार की राय में किसी [निगम] पर इतना ऋण है कि उसके बजट पर राज्य सरकार का नियंत्रण करना वांछनीय हो जाता है, तो राज्य सरकार सरकारी गजट में आज्ञा विज्ञापित करके इस स्थिति की घोषणा कर सकती है और इस अधिनियम के प्रयोजनों के लिये ऐसी [निगम] ऋणी [निगम] समझी जायगी ।

[152-क. अधिभार—(1) [निगम] का नगर प्रमुख, उपनगर प्रमुख तथा प्रत्येक सदस्य, पदाधिकारी और सेवक [निगम] के किसी धन या सम्पत्ति की हानि, अपव्यय या दुरुपयोग के लिये अधिभार का भागी होगा, यदि ऐसी हानि, अपव्यय या दुरुपयोग ऐसे नगर प्रमुख, उपनगर प्रमुख, सदस्य, पदाधिकारी या सेवक के इस रूप में कार्य करते समय उसकी उपेक्षा या दुराचरण के सीधे परिणामस्वरूप हुआ हो ।

(2) अधिभार की प्रक्रिया और हानि, अपव्यय या दुरुपयोग के अन्तर्गस्त धनराशि की वसूली की रीति ऐसी होगी, जो नियमों द्वारा विहित की जाय ।

(3) यदि अधिभार की कार्यवाही न की जाय तो [निगम] राज्य सरकार की पूर्व स्वीकृति से ऐसे नगर प्रमुख, उपनगर प्रमुख, सदस्य पदाधिकारी या सेवक के विरुद्ध प्रतिकर के लिए वाद संस्थित कर सकती है ।]

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा रखा गया
2. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 16 द्वारा अन्तःस्थापित

[*स्पष्टीकरण*—इस धारा के प्रयोजनार्थ, ऐसे किसी व्यक्ति को सफाई मजदूर समझा जायगा यदि वह निगम] की सड़कों, गलियों, रास्तों, नालियों, सीवरों, शौचालयों और मूत्रालयों में झाड़ू लगाने और ी सफाई करने, मृत पशुओं और कूड़ा-करकट को ढोने के प्रयोजनों के लिए और इसी प्रकार के अन्य ि के लिए [2][निगम] द्वारा नियोजित हो ।]

[1][**140-क. कतिपय मुकदमों पर [1][निगम] निधि से होने वाले व्यय पर निर्बन्धन**—राज्य सरकार धारा 83, धारा 84, धारा 534, धारा 535, [4][धारा 537 या धारा 538] के अधीन, जो आदेश दिया गया ा दिया हुआ तात्पर्यित है; उसके सम्बन्ध में किसी नगर [2][निगम] या नगर प्रमुख या उसके किसी कारी द्वारा या उसकी ओर से किसी न्यायालय में संस्थित या प्रारम्भ की गयी किसी कार्यवाही पर खर्च ा के प्रयोजनार्थ [2][निगम] निधि से कोई व्यय, निदेशक की लिखित पूर्व स्वीकृति के बिना नहीं किया ग ।]

141. सार्वजनिक सेवाओं के लिए अत्यावश्यक कार्यों के निमित्त [1][निगम] निधि से अस्थायी लान—(1) राज्य सरकार अथवा विहित प्राधिकारी को लिखित अधियाचना (requisition) पर मुख्य धिकारी किसी भी समय ऐसे किसी कार्य का संपादन कर सकता है जिसके बारे में यथास्थिति राज्य ार अथवा उक्त प्राधिकारी यह प्रमाणित करे कि सार्वजनिक उपयोगिता के लिये उस कार्य का करना धिक आवश्यक है । मुख्य नगराधिकारी इस प्रयोजन के लिये [2][निगम] निधि में से कोई भुगतान, जहाँ कि वह [2][निगम] प्रशासन के नियमित कार्यों में असम्यक रूप से बाधा डाले बिना किया जा सकता हो, सकता है ।

(2) उपधारा (1) के अधीन अधियाचना प्राप्त होने पर मुख्य नगराधिकारी उसकी एक प्रति तत्काल [2][निगम] को भेज देगा। इस प्रति के साथ वह [2][निगम] की सूचना के लिये उस कार्यवाही का एक वेदन (report) भी भेजेगा जो उसने उक्त अधियाचना के संबंध में की है ।

(3) राज्य सरकार उपधारा (1) के अधीन सम्पादित किये गये समस्त कार्यों तथा उन कार्यों में लगे हुए पन (establishment) के व्यय वहन करेगी और उस व्यय को [2][निगम] निधि के खाते में डाल दिया ग (credited) ।

142. लेखे रखना तथा उनकी परीक्षा—(1) [2][निगम] की प्राप्तियों तथा व्यय के लेखे ऐसी रीति से जायेंगे जो विहित की जाय ।

(2) मुख्य नगर लेखा परीक्षक प्रतिमास [2][निगम] के लेखों की जाँच एवं परीक्षण करेगा और ैकारिणी समिति को एक मास के भीतर उसके सम्बन्ध में प्रतिवेदन (report) देगा जो अन्तिम पूर्वगामी ा की प्राप्तियों और व्यय का सार (abstract) जिस पर समिति के दो से अन्यून सदस्यों तथा मुख्य नगर ा-परीक्षक के हस्ताक्षर होंगे, प्रत्येक मास प्रकाशित करेगी ।

(3) कार्यकारिणी समिति भी समय-समय पर और ऐसी अवधि के लिए, जिसे वह उचित समझे, ेष रूप से (independently) महापालिका के लेखों की जाँच तथा उनकी परीक्षा भी करा सकेगी ।

143. विशेष लेखा परीक्षा—राज्य सरकार किसी भी समय राज्य सरकार द्वारा एतदर्थ नियुक्त लेखा क्षकों से [2][निगम] के ऐसी अवधि के, जिसे वह उचित समझे, लेखों की विशेष जाँच और परीक्षा करने के आदेश दे सकती है। उपर्युक्त लेखा परीक्षक ऐसी जाँच तथा परीक्षा का एक प्रतिवेदन (report) राज्य सरकार को देंगे ।

144. लेखा परीक्षकों को समस्त [1][निगम] लेखा तथा अभिलेखों, आदि का प्राप्त होना—(1) धारा 142 अथवा 143 के अधीन लेखों की जाँच एवं परीक्षा के प्रयोजनों के लिये मुख्य नगर लेखा परीक्षक तथा धारा 143 के अधीन नियुक्त लेखा परीक्षक को [1][निगम] के समस्त लेखे तथा उनसे सम्बद्ध समस्त अभिलेख और पत्र-व्यवहार प्राप्त होंगे तथा मुख्य नगराधिकारी उक्त लेखा परीक्षकों अथवा कार्यकारिणी समिति की प्राप्तियों तथा व्यय (disposal) से सम्बद्ध ऐसा कोई भी स्पष्टीकरण, जिसे वे माँगे, तत्काल प्रस्तुत करेगा ।

(2) इन धाराओं के अधीन लेखों की जाँच एवं परीक्षा के लिये आवश्यक समस्त परिव्यय, शुल्क एवं व्यय (charges, fees and expenses) [1][निगम] द्वारा वहन किये जायेंगे ।

145. वार्षिक प्रशासकीय प्रतिवेदन तथा लेखों के विवरणों की तैयारी—(1) मुख्य नगराधिकारी प्रति वर्ष पहली अप्रैल के बाद यथाशक्य शीघ्र पूर्वगामी, राजकीय वर्ष (official year) में नगर के स्थानीय प्रशासन का एक विस्तृत प्रतिवेदन (report) और साथ ही एक ऐसा विवरण-पत्र तैयार करेगा जिसमें उक्त वर्ष में [1][निगम] निधि में जमा की गयी धनराशियाँ तथा उसमें से निकाले गये भुगतान (disbursement) उक्त वर्ष की समाप्ति पर निधि के खाते में बची पूँजी (balance) दिखायी जायगी। मुख्य नगराधिकारी इस प्रतिवेदन तथा विवरण-पत्र को कार्यकारिणी समिति के समक्ष रखेगा ।

(2) प्रतिवेदन ऐसे आकार में होगा तथा उसमें ऐसी सूचनायें दी जायेंगी, जिनका कार्यकारिणी समिति समय-समय पर निर्देश करे ।

(3) तत्पश्चात् कार्यकारिणी समिति उक्त प्रतिवेदन तथा विवरण-पत्र की जाँच करेगी। उक्त विवरण-पत्र तथा समिति की समीक्षा (revise) की एक-एक प्रति राज्य सरकार तथा प्रत्येक सदस्य के पास भेज दी जायगी। उनकी प्रतियाँ [1][निगम] के कार्यालय में बिक्री के लिये भी रखी जायेंगी ।

146. बजट—(1) मुख्य नगराधिकारी ऋणी (indebted) [1][निगमों] की दशा में प्रति वर्ष 10 दिसम्बर को या उसके पूर्व तथा अन्य [1][निगमों] की दशा में प्रतिवर्ष 10 जनवरी को या उसके पूर्व आगामी वित्तीय वर्ष के लिये [1][निगम] की निधि के आय और व्यय के तखमीने तैयार करायेगा और उन्हें कार्यकारिणी समिति के समक्ष ऐसे आकार में, जो विहित किया जाय, और ऐसी रीति में रखा जायगा, जिसे कार्यकारिणी समिति अनुमोदित करे ।

(2) ऐसे तखमीनों में—

(क) सरकार द्वारा दिये गये ऋण तथा अनुदानों का ध्यान रखा जायगा;

(ख) समस्त ऋणों के, जिनके अन्तर्गत सरकार से लिये गये ऐसे ऋण तथा उन पर देय ब्याज भी है, जिन्हें चुकाने का दायित्व [1][निगम] पर है, चुकाने की व्यवस्था होगी;

(ग) धारा 126 की उपधारा (1) के खंड (ख) के द्वारा [1][निगम] पर आरोपित दायित्व के विमोचन (discharge) की व्यवस्था होगी;

(घ) [1][निगम] निधि में ऐसी धनराशि को, जो शिक्षा के लिये निर्दिष्ट अनुदान की धनराशि के बराबर होगी, सुविधाजनक किस्तों में अथवा एकमुश्त अदा करने की व्यवस्था होगी;

(ङ) उक्त वर्ष के अन्त में ऐसी धनराशि से अन्यून नगद धनराशि (cash balance) रखने की व्यवस्था होगी, जिसे राज्य सरकार विहित करे;

उ० प्र० अधिनियम सं० 15 सन् 1983 द्वारा कड़ाया गया ।
उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित ।

अध्याय 7

[निगम] निधि तथा अन्य निधियाँ

139. [निगम] निधि तथा अन्य निधियों का संगठन—(1) प्रत्येक [1][निगम] के लिए एक निधि, जिसे आगे [1][निगम] निधि कहा जायगा, की स्थापना की जायगी और इस अधिनियम तथा इसके अन्तर्गत बने नियमों के अधीन, इस निधि में वे सभी धनराशियाँ जमा की जायेंगी जो इस अधिनियम अथवा अन्य किसी विधि अथवा संविदा के अधीन [1][निगम] द्वारा अथवा उसकी ओर से प्राप्त हों। इन धनराशियों में निम्नलिखित भी सम्मिलित हैं—

(क) [1][निगम] की सम्पत्ति से प्राप्त होने वाला धन;

(ख) [1][निगम] की सम्पत्ति के किराये;

(ग) इस अधिनियम द्वारा अथवा इसके अधीन लगाये गये व्यापार करों अथवा शुल्कों (fees) और जुर्मानों (न्यायालय द्वारा लगाये गये जुर्मानों से भिन्न) से प्राप्त धन;

(घ) इस अधिनियम के उपबन्धों के अधीन प्रतिकर के रूप में अथवा अपराधों की अभिसंधिक (compounding) करने से प्राप्त समस्त धनराशियाँ;

(ङ) [1][निगम] के धन के किसी विनिहितकरण (investment) से अथवा इस धन के विनिमिते में किये गये किसी संव्यवहार (transaction) से प्राप्त समस्त ब्याज और लाभ;

(च) [1][निगम] द्वारा अथवा उसकी ओर से सरकार अथवा सार्वजनिक संस्थाओं, निजी संस्थाओं (private bodies) अथवा अन्य व्यक्तियों से अनुदान, दान (gift) अथवा जमा की हुई धनराशि के रूप में समस्त प्राप्त धन [2][जिसमें राज्य की संचित निधि से प्राप्त स्थापना अनुदान सम्मिलित हैं] इन शर्तों के अधीन रहते हुए, यदि कोई हों, जो ऐसे अनुदान, दान अथवा जमा की हुई राशि पर लागायी जायँ।

(2) [1][निगम] निधि में जमा की जाने वाली समस्त धनराशियों को मुख्य नगरपालिका कार्यकारी सम्बद्ध मेरठ बैंक ऑफ इण्डिया [3][अथवा राज्य सरकार की पूर्व स्वीकृति से उत्तर प्रदेश को-आपरेटिव बैंक अथवा अन्य ऐसे अनुसूचित बैंक या बैंकों में, जिन्हें [1][निगम] निश्चित करे] एक खाते में जिसे "..... की [1][निगम] निधि का खाता" कहा जायगा जमा कर देगा।

किन्तु प्रतिकर यह है कि मुख्य नगरपालिका कार्यकारिणी समिति द्वारा जारी किये गये किन्हीं सामान्य या विशेष आदेशों के अधीन रहते हुए इतना नकद रुपया रोक सकता है जितना चालू भुगतानों के लिए आवश्यकता हो।

(3) [1][निगम] [4][एक विकास निधि की स्थापना करेगी और] ऐसी विशेष निधियों को जो विहित की जायँ, अथवा ऐसी अन्य निधियों को भी जो इस अधिनियम के प्रयोजनों के लिये आवश्यक हों, स्थापना कर सकती है। ऐसी निधियों का संगठन तथा विसंयोजन विहित की रीति से किया जायगा।

140. प्रयोजन जिनके लिए [निगम] निधि का उपयोग किया जायगा—[5][1][निगम] निधि में समय-समय पर जमा की जाने वाली धनराशियों का उपयोग, सर्वप्रथम सफाई मजदूरों के वेतन और भत्तों का भुगतान करने के लिए और तत्पश्चात निम्नलिखित अभिप्राय-क्रम में किया जायगा] :

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित
3. उ० प्र० अधिनियम सं० 21, सन् 1964 की धारा 15 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 22 सन् 1961 द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 15 सन् 1963 द्वारा लोप किया गया

प्रथम, अध्याय 8 के उपबन्धों के अधीन [1][निगम] द्वारा देय समस्त करों की धारणी की यथोचित व्यवस्था (provision) करने में;

द्वितीय, धारा 126 की उपधारा (1) के खंड (ख) द्वारा [1][निगम] पर आरोपित समस्त दायित्वों का निर्वहन करने में;

तृतीय, ऐसी समस्त धनराशियों, परिव्ययों (charges) तथा व्ययों (costs) के भुगतानों में जो धारा 114 तथा 115 में विहित प्रयोजनों के लिये तथा इस अधिनियम के अन्य किसी प्रकार से कार्यान्वित करने के लिये आवश्यक हों अथवा जिन भुगतानों की अदायगी इस अधिनियम के किन्हीं उपबन्धों के अधीन विधिपूर्ण स्वीकृत की जायगी जिनमें निम्नलिखित भी सम्मिलित होंगे

(क) [1][निगम] लेखों की लेखा परीक्षा के व्यय;

(ख) इस अधिनियम के अधीन हुए प्रत्येक निर्वाचन के व्यय;

(ग) मुख्य नगरपालिका तथा अन्य किसी ऐसे पदाधिकारी के, जिसकी सेवाएँ राज्य सरकार [1][निगम] की प्रार्थना पर [1][निगम] को दे दे, वेतन, भत्ते तथा सेवा निवृत्तियों के अंशदान (contributions to pensions) तथा छुट्टियों के वेतन;

[2][(घ) सफाई मजदूरों से भिन्न [1][निगम] के पदाधिकारियों और सेवकों के वेतन और भत्ते, और इस अधिनियम के उपबन्धों के अधीन [1][निगम] के समस्त पदाधिकारियों और सेवकों की देय समस्त निवृत्ति-वेतन, उपदान, अंशदान और कालत्व अग्रिम;

(ङ) [1][निगम] के प्रशासन अथवा उपक्रम (undertaking) से उत्पन्न होने वाले किसी विषय के सम्बन्ध में की जाने वाली कोई सेवा अथवा दिये जाने वाले किसी भागदान के लिये विशेषज्ञों के वेतन तथा शुल्क;

(च) इस अधिनियम द्वारा [1][निगम] का अथवा उस [1][निगम] पदाधिकारियों पर आरोपित किसी कर्तव्य के निर्वहन में अथवा प्रदत्त किसी अधिकारी के प्रयोग में [1][निगम] अथवा [1][निगम] की ओर से उस [1][निगम] पदाधिकारियों द्वारा किये गये समस्त व्यय और लगी लागत जिसके अन्तर्गत वह धन भी है जिसे प्रतिकर के रूप में देना [1][निगम] के लिए अपेक्षित हो अथवा उसके अधिकार में हो;

(छ) प्रत्येक धनराशि जो—

(1) यथास्थिति राज्य सरकार की आज्ञा से अथवा आर्बीट्रेशन ऐक्ट, 1940 के अधीन दिये गये किसी निर्णय (award) के अनुसार अथवा दीवानी न्यायालय की डिक्री अथवा आज्ञा के अनुसार;

(2) मुख्य नगरपालिका के विरुद्ध की गई किसी दीवानी अथवा फौजदारी न्यायालय की किसी आज्ञा अथवा डिक्री के अधीन;

(3) किसी चार अथवा अन्य विधिक कार्यवाही अथवा दावे में हुई सुलह के अनुसार, देय हो;

(ज) सार्वजनिक संस्थाओं को दिये जाने वाले ऐसे चन्दे, जिनके बारे में [1][निगम] का परामर्श लेने के बाद, राज्य सरकार यह घोषित करे कि ये नगर-निवासियों के हित में हैं।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 15 सन् 1963 द्वारा प्रतिस्थापित

(घ) उपर्युक्त प्रकार से स्वीकृत योजना में ग्राम सभा की स्वीकृति के लिए कोई व्यवस्था (financial) परिव्यय न किया जाना ।

स्पष्टीकरण–इस धारा में और धारा 133 में शब्द "संक्रामण" (extension) में सम्मिलित है समय योजना के लिये कुल संक्रामण, जिसमें समय संक्रामण (transaction) भी शामिल योजना करती है, प्रतिबंधित है ।

[1][136-क. अंतिम परियोजनाओं के सम्बन्ध में विशेष उपबन्ध–इस अधिनियम में दी गई किसी बात के होते हुए भी, राज्य सरकार द्वारा प्रायोजित या विश्व बैंक या किसी अन्य विदेशी संगठन से सहायता प्राप्त करने वाली किसी नगर विकास परियोजना के सम्बन्ध में प्रत्येक अवस्था पर सक्षमीय राज्य सरकार द्वारा अनुमोदित योजना के अनुसार तैयार या स्वीकृत किया जायगा ;

किन्तु प्रतिबन्ध यह है कि राज्य सरकार द्वारा परियोजना के अनुमोदन के दिनांक से एक साल के भीतर ऐसी नगर विकास परियोजनाओं के लिए नियमों की स्वीकृति के लिए नियम को बैंकक आयोजित करने विनिश्चय किया जायगा ;

किन्तु प्रतिबन्ध यह भी है कि यदि नियम की बैंकक प्रथम प्रतिबन्धात्मक खण्ड में विनिर्दिष्ट अवधि के भीतर न आयोजित की जाय या विनिश्चय न किया जाय, तो समझा जायगा कि नियम ने यथि स्वीकृत कर दी है और यदि स्वीकृत करने से इन्कार कर दिया जाय या उपान्तरों सहित स्वीकृति दी जाय तो मामला राज्य सरकार को निर्दिष्ट किया जायगा और राज्य सरकार का विनिश्चय अंतिम होगा और नियम पर बाध्यकारी होगा और यह समझा जायगा कि नियम ने उपरसत यथि स्वीकृत कर दी है। मुख्य नगर अधिकारी तदोपरान्त परियोजना का निष्पादन कर सकता है, सिर्फ यह कर सकता है और नियम अवश्य के भीतर परियोजना का पूरा होना सुनिश्चित करेगा ;

प्रतिबन्ध यह भी है कि नियम,परियोजनाओं का नियमित अनुक्रम करेगा और अपनी अवश्य राज्य सरकार को भेजेगा;]

137. भूमि के तत्कालीन स्वामी के विरुद्ध समझौते (covenants) प्रवृत्त (enforce) कराने के [1] नियम] के अधिकार–इस अधिनियम के प्रयोजनों के लिये किसी अचल सम्पत्ति के संबंध में कोई ऐसा समझौता, जो उस सम्पत्ति के स्वामी अथवा किसी ऐसे व्यक्ति द्वारा, जिसे [2][नियम] की यह सम्पत्ति बिक्री अथवा विनिमय (exchange) द्वारा हस्तांतरित की गई हो, [2][नियम] के साथ समय किया गया हो–इस बात के होते हुए भी किसी ऐसे अचल सम्पत्ति पर, जिसके सम्बन्ध में समझौता हुआ था, न तो [2][नियम] का कब्जा हो और न उसमें प्रवेश कोई हित ही है, इसी प्रकार और उसी सीमा तक [1][नियम] द्वारा किसी ऐसे व्यक्ति के विरुद्ध प्रवर्तनीय (enforceable) होगा, जिसे समझौते के अन्तर्गत स्वामित्व के अधिकार मिलते हों, मानो [2][नियम] का उस पर कब्जा है अथवा उसका उसमें हित है ।

138. नियम बनाने के अधिकार–(1) राज्य सरकार इस अध्याय के उपबन्धों को कार्यान्वित करने के प्रयोजनार्थ नियम बना सकती है ।

(2) उपर्युक्त अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना ऐसे नियमों में निम्नलिखित की व्यवस्था की जा सकती है–

(क) धारा 126 की उपधारा (1) के खंड (क) के अधीन [2][नियम] में विहित होने वाली सम्पत्ति या आस्तियाँ (assets) निर्धारित करने के लिए प्रक्रिया;

(ख) धारा 126 की उपधारा (1) के खंड (ख) के अधीन [2][नियम] के अधिकार, दायित्व और हानियां निर्धारित करने के लिये प्रक्रिया;

(ग) [1][नियम] के लिये या उसकी ओर से सम्पत्ति अर्जित या उसे अर्जित करने संबंध [2][नियम] में विहित प्रयोजनों के लिये अर्जित सम्पत्ति की बिक्री, उसका पट्टा करने, उसे विनिमय पर देने, उसका निर्धारण या निस्तारण करने के लिये व्यवस्था प्रक्रिया;

(घ) के निबन्धन (terms) तथा शर्तें, जिनके अनुसार [1][नियम] के लिए कोई अचल सम्पत्ति खरीदी जायगी किसी अनुबन्ध (agreement) द्वारा अर्जित की जाए;

(ङ) [1][नियम] के लिए उसे प्रयोजनों और से किसी सम्पत्ति को अनिवार्य रूप से अर्जित करने के सम्बन्ध में देय खर्चों, उसके लिये दिए गए प्रतिकर (compensation) तथा व्यवस्थापकी अन्य परिव्यय (charges) का भुगतान;

(च) संविदे करने के सम्बन्ध में प्रक्रिया;

(छ) ऐसे किसी संविदे निष्पादित किये जायँ;

(ज) संविदों के समाधान संतोषण (performance) के लिए लेनी जाने वाली प्रतिभूति;

(झ) निर्माण-कार्यों के लिए विस्तृत नक्शों और प्राक्कलनों का तैयार और स्वीकृत किया जाना तथा ठेकों का अनुबन्धित किया जाना, उनकी जाँच और उनका संशोधन किया जाना;

(ञ) निर्माण-कार्यों का निष्पादन तथा उनकी स्वीकृति की शर्तें;

(ट) **वे विषय जो निर्दिष्ट किये जाने वाले हों या किये जायँ।**

---

[3]अध्याय 6-क
वित्त आयोग

138-क. वित्त आयोग–(1) वित्त आयोग नियमों की वित्तीय स्थिति का भी पुनर्विलोकन करेगा और राज्यपाल को निम्नलिखित के सम्बन्ध में सिफारिशें करेगा–

(क) उन सिद्धान्तों को जिनका को निम्नलिखित को शासित करेंगे–

(एक) राज्य द्वारा उद्ग्रहणीय ऐसे करों, शुल्कों, पथकरों और फीसों के शुद्ध आगमों का राज्य और नियमों के बीच वितरण और ऐसे आगमों में नियमों के अंश का आवंटन;

(दो) ऐसे करों, शुल्कों, पथकरों और फीसों का अवधारण जो नगरपालिकाओं को समनुदेशित या उनके द्वारा विनियोजित किये जा सकेंगे;

(तीन) राज्य की वित्तीय स्थिति में दी नियमों के लिए सहायक अनुदान;

(ख) नियमों की वित्तीय स्थिति को सुधारने के लिए आवश्यक उपाय;

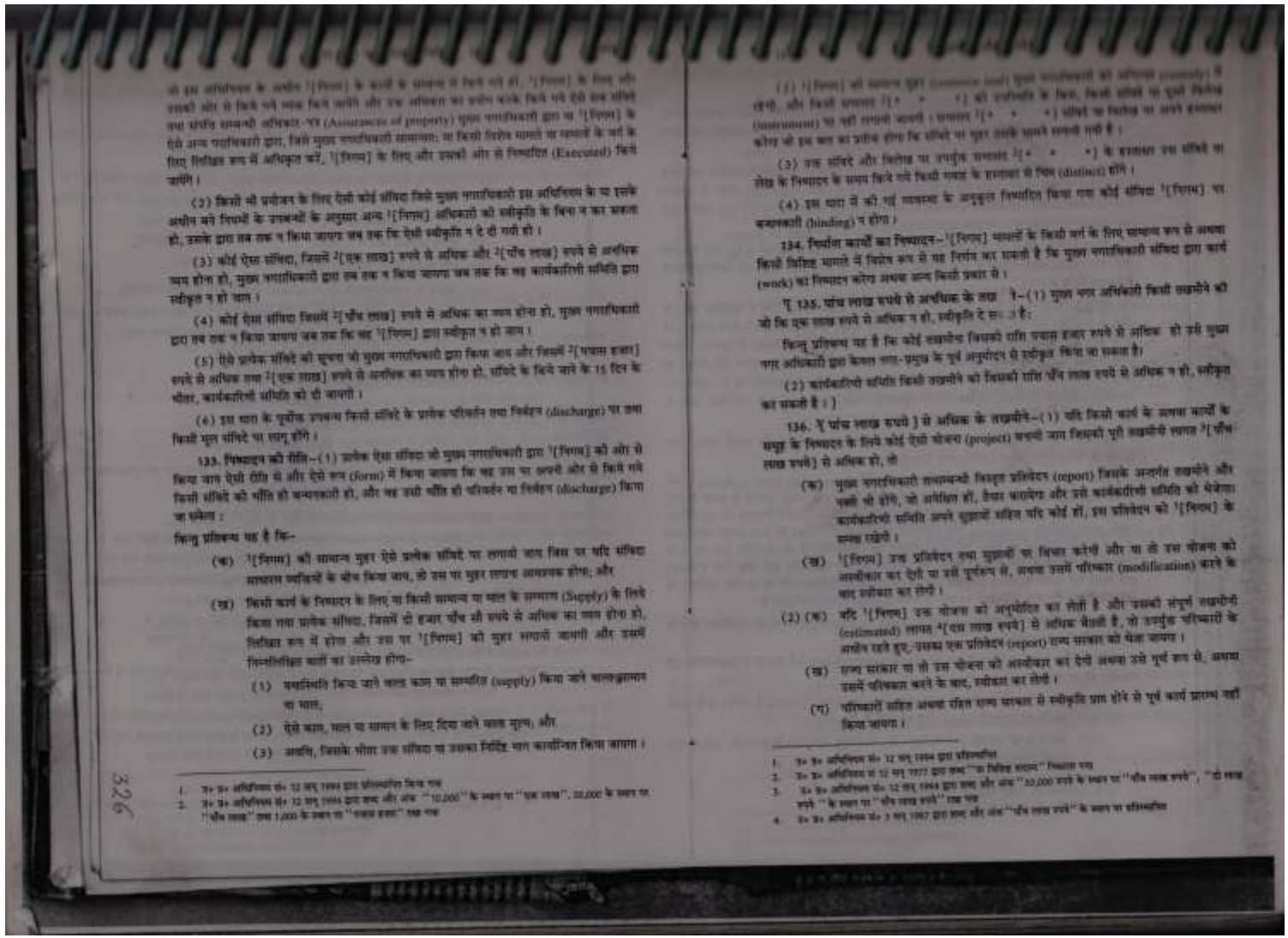
(ग) कोई अन्य विषय जो राज्यपाल द्वारा नियमों की उत्तम वित्त व्यवस्था के हित में वित्त आयोग को निर्दिष्ट किया जाय।

(2) राज्यपाल उपधारा (1) के अधीन वित्त आयोग द्वारा की गयी प्रत्येक सिफारिश को उस पर की गयी कार्यवाही के स्पष्टीकरण ज्ञापन के साथ राज्य विधान मण्डल के दोनों सदनों के समक्ष रखवायेगा।]

---

1. सं० 20 अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. सं० 20 अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. सं० 20 अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. सं० 20 अधिनियम सं० 12 सन् 1994 द्वारा मूल अधिनियम की धारा 138 के पश्चात् "अध्याय 6-क" अंतःस्थापित



(ii) इस अधिनियम के अधीन [निगम] के कार्यों के संबंधन में किये गये हों, [निगम] के लिए और उसकी ओर से किये गये समझे जाएंगे और उक्त अधिकार का प्रयोग करके किये गये ऐसे सब संविदे तथा संपत्ति सम्बन्धी अधिकार-पत्र (Assurances of property) मुख्य नगरपिकारी द्वारा या [निगम] के ऐसे अन्य पदाधिकारी द्वारा, जिसे मुख्य नगरपिकारी सामान्यतः या किसी विशेष मामले या मामलों के वर्ग के लिए लिखित रूप में अधिकृत करें, [निगम] के लिए और उसकी ओर से निष्पादित (Executed) किये जायेंगे।

(2) किसी भी प्रयोजन के लिए ऐसी कोई संविदा किये मुख्य नगरपिकारी इस अधिनियम के या इसके अधीन बने नियमों के उपबन्धों के अनुसार अन्य [निगम] अधिकारी की स्वीकृति के बिना न कर सकता हो, उसके द्वारा तब तक न किया जायगा जब तक कि ऐसी स्वीकृति न दे दी गयी हो।

(3) कोई ऐसा संविदा, जिसमें [एक लाख] रुपये से अधिक और [पाँच लाख] रुपये से अनधिक व्यय होना हो, मुख्य नगरपिकारी द्वारा तब तक न किया जायगा जब तक कि वह कार्यकारिणी समिति द्वारा स्वीकृत न हो जाय।

(4) कोई ऐसा संविदा जिसमें [पाँच लाख] रुपये से अधिक का व्यय होना हो, मुख्य नगरपिकारी द्वारा तब तक न किया जायगा जब तक कि वह [निगम] द्वारा स्वीकृत न हो जाय।

(5) ऐसे प्रत्येक संविदे की सूचना जो मुख्य नगरपिकारी द्वारा किया जाय और जिसमें [पचास हजार] रुपये से अधिक तथा [एक लाख] रुपये से अनधिक का व्यय होना हो, संविदे के किये जाने के 15 दिन के भीतर, कार्यकारिणी समिति को दी जायगी।

(6) इस धारा के पूर्वोक्त उपबन्ध किसी संविदे के प्रत्येक परिवर्तन तथा निर्वहन (discharge) पर उसी किसी मूल संविदे पर लागू होंगे।

133. निष्पादन की रीति.–(1) प्रत्येक ऐसा संविदा जो मुख्य नगरपिकारी द्वारा [निगम] की ओर से किया जाय ऐसी रीति से और ऐसे रूप (form) में किया जायगा कि वह उस पर अपनी ओर से किये गये किसी संविदे की भाँति ही बन्धनकारी हो, और वह उसी भाँति ही परिवर्तन या निर्वहन (discharge) किया जा सकेगा :

किन्तु प्रतिबन्ध यह है कि–

(क) [निगम] की सामान्य मुहर ऐसे प्रत्येक संविदे पर लगायी जाय जिस पर यदि संविदा साधारण व्यक्तियों के बीच किया जाय, तो उस पर मुहर लगाना आवश्यक होगा; और

(ख) किसी कार्य के निष्पादन के लिए या किसी सामान या माल के सम्भरण (Supply) के लिये किया गया प्रत्येक संविदा, जिसमें दो हजार पाँच सौ रुपये से अधिक का व्यय होना हो, लिखित रूप में होगा और उस पर [निगम] की मुहर लगायी जायगी और उसमें निम्नलिखित बातों का उल्लेख होगा–

(1) पर्यवेक्षित किये जाने वाले काम या सम्भरित (supply) किये जाने वाले पदार्थ या माल;

(2) ऐसे काम, माल या सामान के लिए दिया जाने वाला मूल्य, और

(3) अवधि, जिसके भीतर उक्त संविदा या उसका निर्दिष्ट भाग कार्यान्वित किया जायगा।

(ii) [निगम] की साधारण मुहर (common seal) मुख्य नगरपिकारी को अभिरक्षा (custody) में रहेगी, और किसी दस्तावेज [* * *] की प्रमाणिकता के लिए, किसी संविदे या मुख्य विलेख (instrument) पर वही लगायी जायगी। दस्तावेज [* * *] संविदे या विलेख या अपने हस्ताक्षर द्वारा यह कहना कि इस बात का प्रयोग होना कि संविदे पर मुहर उसके सामने लगायी गयी है।

(3) उक्त संविदे और विलेख पर उपर्युक्त दस्तावेज [* * *] के हस्ताक्षर उस संविदे या लेख के निष्पादन के समय किये गये किसी गवाह के हस्ताक्षर से भिन्न (distinct) होंगे।

(4) इस धारा में की गई व्यवस्था के अनुकूल निष्पादित किया गया कोई संविदा [निगम] पर बन्धनकारी (binding) न होगा।

134. निर्माण कार्यों का निष्पादन.–[निगम] सामान्यों के किसी वर्ग के लिए सामान्य रूप से अथवा किसी विशिष्ट मामले में विशेष रूप से यह निर्णय कर सकती है कि मुख्य नगरपिकारी संविदा द्वारा कार्य (work) का निष्पादन करेंगे अथवा अन्य किसी प्रकार से।

[135. पाँच लाख रुपये से अधिक के लेखे.–(1) मुख्य लेखा अधिकारी किसी लेखमीने को जो कि एक लाख रुपये से अधिक न हो, स्वीकृति दे सकता है:

किन्तु प्रतिबन्ध यह है कि कोई लेखमीना जिसकी राशि पचास हजार रुपये से अधिक हो उसे मुख्य नगर अधिकारी द्वारा केवल नगर-प्रमुख के पूर्व अनुमोदन से स्वीकृत किया जा सकता है।

(2) कार्यकारिणी समिति किसी लेखमीने को जिसकी राशि पाँच लाख रुपये से अधिक न हो, स्वीकृत कर सकती है।]

136. [पाँच लाख रुपये] से अधिक के लेखमीने.–(1) यदि किसी कार्य के अलावा कार्यों के समूह के निष्पादन के लिये कोई ऐसी योजना (project) बनायी जाय जिसकी पूरी लेखमीनी रकम [पाँच लाख रुपये] से अधिक हो, तो

(क) मुख्य नगरपिकारी तत्सम्बन्धी विस्तृत प्रतिवेदन (report) जिसके अन्तर्गत लेखमीने और पहले भी होंगे, जो अपेक्षित हों, तैयार करायेंगे और उसे कार्यकारिणी समिति को भेजेंगे। कार्यकारिणी समिति अपने सुझावों सहित यदि कोई हों, इस प्रतिवेदन को [निगम] के समक्ष रखेगी।

(ख) [निगम] उक्त प्रतिवेदन तथा सुझावों पर विचार करेगी और या तो उस योजना को अस्वीकार कर देगी या उसे पूर्वरूप में, अथवा उसमें परिष्कार (modification) करने के बाद स्वीकार कर लेगी।

(2) (क) यदि [निगम] उक्त योजना को अनुमोदित कर लेती है और उसकी संपूर्ण लेखमीनी (estimated) लागत [दस लाख रुपये] से अधिक पैसती है, तो उपर्युक्त परिष्कारों के अलावे रहते हुए, उसका एक प्रतिवेदन (report) राज्य सरकार को भेजा जायगा।

(ख) राज्य सरकार या तो इस योजना को अस्वीकार कर देगी अथवा उसे पूर्ण रूप से, अथवा उसमें परिष्कार करने के बाद, स्वीकार कर लेगी।

(ग) परिष्कारों सहित अथवा रहित राज्य सरकार से स्वीकृति प्राप्त होने से पूर्व कार्य प्रारम्भ नहीं किया जायगा।

---

1. 3= 8= अधिनियम सं= 12 सन् 1994 द्वारा प्रतिस्थापित किया गया
2. 3= 8= अधिनियम सं= 12 सन् 1994 द्वारा शब्द और अंक "10,000" के स्थान पर "एक लाख", 50,000 के स्थान पर "पाँच लाख" तथा 1,000 के स्थान पर "पचास हजार" रखा गया

1. 3= 8= अधिनियम सं= 12 सन् 1994 द्वारा प्रतिस्थापित
2. 3= 8= अधिनियम सं= 12 सन् 1977 द्वारा क्रम "के विशेष संदाय" निकाल दिया
3. 3= 8= अधिनियम सं= 12 सन् 1994 द्वारा शब्द और अंक "50,000 रुपये के स्थान पर "पाँच लाख रुपये", "दो लाख रुपये" के स्थान पर "पाँच लाख रुपये" रखा गया
4. 3= 8= अधिनियम सं= 3 सन् 1967 द्वारा शब्द और अंक "पाँच लाख रुपये" के स्थान पर प्रतिस्थापित

इस्तांतरित की जाए, उसके बाजार-मूल्य से अन्य प्रकारों पर न ये की जाएगी, न पट्टे पर दी जाएगी और न अन्य प्रकार से उसका इस्तांतरण किया जाएगा,

(क) कोई परिषित विकास;

(ख) कोई ऐसा व्यक्ति जो किसी ऐसी भूमि (जो कृषि, औद्योगिकी या पशु-पालन जिसके अन्तर्गत अश्व-पालन तथा कुक्कुट-पालन भी है, से सम्बद्ध प्रयोजनों के लिए पृथ या अन्यथित न हो) या भवन से, इस अधिनियम के अधीन उसके अधिग्रहण रूप से अर्जन किये जाने के कारण, विस्थापित हो और जिसके पास नगर में कोई अन्य भूमि या भवन न हो, या

(ग) सोसाइटी रजिस्ट्रीकरण अधिनियम, 1960 के अधीन रजिस्ट्रीकृत किसी सोसायटी को शैक्षिक, सांस्कृतिक या अन्य पूर्त प्रयोजन के लिए (जिसके अन्तर्गत कोई धर्म कार्य या उसका प्रचार नहीं है जिसमें धर्म, जाति या जन्म-स्थान के आधार पर सदस्यिकों के सम्बन्ध में विभेद नहीं है)।

प्रतिबन्ध यह है कि सिवाय राज्य सरकार के पूर्वानुमोदन से भूमि को बेचने, पट्टे पर देने या अन्य प्रकार से इस्तांतरण करने की दशा में इस प्रकार दी गयी किसी रियायती मूल्य का-

(1) पट्टे की दशा में, वार्षिक किराया मूल्य के आगे से,

(2) किसी अन्य इस्तांतरण की दशा में, बाजार-मूल्य के आगे या दस हजार रुपये से, इसमें जो भी कम हो, अधिक न होगा।

स्पष्टीकरण—यदि प्रस्तावित रियायती मूल्य के सम्बन्ध में कोई प्रश्न उठे कि किसी प्रस्तावित इस्तांतरण का उपर्युक्त के अनुसार कोई शैक्षिक, सांस्कृतिक या अन्य पूर्त प्रयोजन है या नहीं, तो राज्य सरकार का निर्णय अंतिम होगा।

(5-क) केन्द्रीय सरकार या किसी अन्य प्राधिकरण द्वारा स्वीकृत किसी ऋण से [निगम] द्वारा बनाया गया कोई गृह या अंकित मूल्यखण्ड ऐसे ऋण के सिद्धान्तों और शर्तों के अनुसार [निगम] द्वारा बेचा जा सकता है, पट्टे पर दिया जा सकता है या अन्य प्रकार से इस्तांतरित किया जा सकता है।

(5-ख) राज्य सरकार की सदर्थ किसी सामान्य या विशेष आदेश के अधीन रहते हुए, [निगम] का कोई गृह या गृह-स्थान, संघ के सशस्त्र बलों के किसी ऐसे सदस्य के पक्ष में, जिसके सम्बन्ध में विहित प्राधिकारी ने डिफेन्स सेटलमेंट (लिटिगेशन) ऐक्ट, 1925 के अधीन इस बात का प्रमाण-पत्र दिया हो कि वह शत्रु की कार्यवाही से अंगहीन हुआ है, अथवा यदि उक्त विहित प्राधिकारी ने यह प्रमाण-पत्र दिया हो कि शत्रु की कार्यवाही से उसकी मृत्यु हुई है, तो उसके ऐसे आश्रितों के पक्ष में जो उसकी मृत्यु के समय उस पर आश्रित थे, निःशुल्क अथवा ऐसी रियायती शर्तों पर, जैसा कि [निगम] उचित समझे, बेचा जा सकता है, पट्टे पर दिया जा सकता है, या अन्य प्रकार से इस्तांतरित किया जा सकता है।]

(6) उपधारा (3) अथवा उपधारा (4) के अधीन कार्यकारिणी समिति की अथवा [निगम] की स्वीकृति सामान्य रूप से मामलों के किसी वर्ग के लिए या किसी विशेष मामले के लिए विशिष्ट रूप से दी जा सकती है।

(7) इस धारा के पूर्वोक्त उपबन्ध तथा नियमों के उपबन्ध इस अधिनियम के अधीन या इसके प्रयोजन के लिए किये गये [निगम] की सम्पत्ति के प्रत्येक निस्तारण पर लागू होंगे।

[129-क. [निगम] के भू-गुहादि के सम्बन्ध में उत्तर प्रदेश अधिनियम संख्या 1, वर्ष 1966 के अध्याय 2 का लागू किया जाना—उत्तर प्रदेश आवास एवं विकास परिषद् अधिनियम, 1956 के

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 30 सन् 1972 द्वारा अन्तःस्थापित

उपबन्ध किसी ऐसे भू-गुहादि के सम्बन्ध में जो [निगम] के ही या उसमें निहित हो लेकिन [निगम] द्वारा पट्टे पर दिये गये हों, इस अधिनियम के प्रयोजनों के लिये उसी प्रकार लागू होंगे जिस प्रकार वे उस अधिनियम में यथापरिभाषित "परिषद् के भू-गुहादि" के सम्बन्ध में लागू हों, और उसमें-

(क) परिषद्,

(ख) जिला प्राधिकारी,

(ग) न्यायाधिकरण, और

(घ) उक्त अधिनियम के अधीन विषय के लिए किये गये आदेश, कथन,

(i) [निगम],

(ii) जिला मजिस्ट्रेट, जिसके अन्तर्गत उसके द्वारा सामान्य या विशेष आज्ञा द्वारा सदर्थ प्राधिकृत प्रथम श्रेणी का कोई मजिस्ट्रेट या प्रथम श्रेणी का कोई सहायक कलेक्टर भी है,

(iii) धारा 271 के अधीन संगठित न्यायाधिकरण, और

(iv) इस अधिनियम के अधीन विहित विषय-

के लिए किए गए आदेश समझे जायेंगे।]

130. अर्जित सम्पत्ति के अनुबन्ध द्वारा अर्जित न होने की दशा में प्रक्रिया—(1) जब कभी मुख्य नगराधिकारी किसी अचल सम्पत्ति को या किसी सुखाधिकार (Easement) को, जिसका [निगम] में विहित किसी अचल सम्पत्ति से सम्बन्ध हो, धारा 127 के अधीन किसी अनुबंध (Agreement) द्वारा अर्जित करने में असमर्थ हो या जब कभी कोई अचल सम्पत्ति या कोई सुखाधिकार जिसका [निगम] में विहित किसी अचल सम्पत्ति से सम्बन्ध हो इस अधिनियम के प्रयोजनों के लिये अपेक्षित हो तो राज्य सरकार स्वविवेकानुसार, कार्यकारिणी समिति के अनुमोदन से दिये गये मुख्य नगराधिकारी के प्रार्थना-पत्र पर और इस अधिनियम के अन्य उपबन्धों के अधीन रहते हुए यह आज्ञा दे सकती है कि उसे [निगम] की ओर से अर्जित करने के लिये कार्यवाही की जाय, चाहे वह सम्पत्ति या सुखाधिकार, (property or easement) लैन्ड एक्वीजीशन ऐक्ट, 1894 या उस मामले में लागू होने वाली किसी अन्य विधि के आशयानुसार कोई ऐसी भूमि है, जिसकी सार्वजनिक प्रयोजन के लिये आवश्यकता है।

(2) जब कभी किसी नयी सड़क की व्यवस्था करने के लिये या किसी वर्तमान सड़क को चौड़ी करने अथवा उसमें सुधार करने के लिये भूमि अर्जित करने के निमित्त उपधारा (1) के अधीन कोई प्रार्थना-पत्र दिया जाय तो मुख्य नगराधिकारी के लिये यह वैध होगा कि वह ऐसी नयी सड़क या वर्तमान सड़क की भूमि से मिली हुई ऐसी अतिरिक्त भूमि को, जो सड़क के दोनों किनारों पर बनायी जाने वाली इमारतों के लिये अपेक्षित हो, प्रार्थना-पत्र में और ऐसी अतिरिक्त भूमि के सम्बन्ध में यह समझा जायगा कि वह भूमि इस अधिनियम के प्रयोजनों के लिये अपेक्षित है।

(3) यह धारा अध्याय 14 के अधीन किसी अर्जन (Acquisition) पर लागू नहीं होगी।

131. संविदे (Contracts) करने का [निगम] का अधिकार—इस अधिनियम के उपबन्धों के अधीन रहते हुये [निगम] को ऐसे संविदे करने का अधिकार प्राप्त होगा जो इस अधिनियम के अधीन या इसके प्रयोजनों के लिए आवश्यक या इष्टकर हों।

132. संविदों के निबन्धित किये जाने से संबद्ध कुछ उपबन्ध—(1) धारा 131 में निर्दिष्ट ऐसे सब संविदे, जिनमें अचल सम्पत्ति या उसमें किसी स्वत्व के अर्जन और निस्तारण से संबद्ध संविदे सम्मिलित हों,

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित

या अन्य ऐसे स्थानीय प्राधिकारी में जो नगर के अन्तर्गत किसी क्षेत्र के लिए अथवा ऐसे क्षेत्र के किसी भाग के लिए स्थापित हो, अथवा ऐसे क्षेत्र, के भीतर और बाहर दोनों ही जगह क्षेत्राधिकार प्राप्त किसी स्थानीय प्राधिकारी में निहित थी [* * *] इस अधिनियम के प्रयोजनों के लिए ऐसे नगर की [1][निगम] में निहित हो जायेगी और उसके अधिकार में रहेगी ; और

(ख) पूर्वोक्त [2][नगरपालिका परिषद्, इम्प्रूवमेन्ट ट्रस्ट अथवा अन्य स्थानीय प्राधिकारी के [3][नगर में सम्मिलित क्षेत्र के सम्बन्ध में] समस्त अधिकार, दायित्व तथा आधार चाहे वे किसी संविदा से या अन्य प्रकार से उत्पन्न हुए हों, और जो उक्त दिनांक से तत्काल पूर्व वर्तमान ऐसे [2][निगम] के अधिकार, दायित्व तथा आभार हो जायेंगे ।

(2) यदि ऐसा कोई संशय या विवाद उत्पन्न हो कि अमुक सम्पत्ति, स्वत्व या आस्ति उपधारा (1) के अधीन [2][निगम] में निहित हो गयी है या नहीं, अमुक अधिकार, दायित्व या आभार [2][निगम] के अधिकार, दायित्व या आभार हो गये हैं या नहीं, तो ऐसा संशय या विवाद मुख्य नगराधिकारी द्वारा राज्य सरकार को भेज दिया जायगा, जिसका निर्णय, यदि वह किसी न्यायालय के किसी निर्णय से, असंगत न हो जाय, अंतिम होगा ।

127. सम्पत्ति के अर्जन को नियमित करने वाले कतिपय उपबन्ध–(1) सम्पत्ति के अर्जन, [2][निगम] की ओर से मुख्य नगराधिकारी द्वारा किये जायेंगे ।

(2) जहाँ कहीं यह व्यवस्था हो कि मुख्य नगराधिकारी किसी नगर के भीतर या बाहर किसी चल या अचल सम्पत्ति या ऐसी अचल सम्पत्ति में किसी स्वत्व को अर्जित कर सकेगा अथवा जहाँ कहीं इस अधिनियम के प्रयोजन के लिये यह व्यवस्था आवश्यक या इष्टकर हो तो मुख्य नगराधिकारी ऐसी सम्पत्ति को अनुदेय (agreement) द्वारा या अन्य प्रकार से अर्जित कर सकेगा :

किन्तु प्रतिबन्ध यह कि–

(क) मुख्य नगराधिकारी कार्यकारिणी समिति के किसी ऐसे संकल्प से बाधित होगा जिसके द्वारा किसी विशेष मामले के किसी वर्ग के लिये निबन्धन, दरें या अधिकतम मूल्य विहित किये जायँ ।

(ख) निम्नलिखित के सम्बन्ध में कार्यकारिणी समिति की स्वीकृति प्राप्त करने की आवश्यकता होगी–

(1) किसी सम्पत्ति के अनियत काल से अर्जित करने में,

(2) किसी अचल सम्पत्ति के विनिमय ;

(3) 12 महीने से अधिक की अवधि के लिये किसी सम्पत्ति को पट्टे पर लेने में; या

(4) किसी आभारयुक्त सम्पत्ति का कोई दान अथवा निक्षेपण स्वीकार करने में, और

(ग) निम्नलिखित के सम्बन्ध में [2][निगम] की स्वीकृति की आवश्यकता होगी:

(1) किसी अचल सम्पत्ति को स्वीकार करना या उसे अर्जित करना, यदि उस सम्पत्ति का, जिसे स्वीकार करना या अर्जित करने या विनिमय में देने का विचार हो, मूल्य 5,000 रुपये से अधिक हो,

(2) किसी सम्पत्ति को तीस वर्ष से अधिक की अवधि के लिये पट्टे पर लेना, या

(3) किसी आभारयुक्त सम्पत्ति का कोई दान या निक्षेपण स्वीकार करना, यदि ऐसी सम्पत्ति का मूल्य 5,000 रु० से अधिक हो ।

128. सम्पत्ति बेचने के अधिकार–(1) इस अधिनियम के प्रयोजनों के लिये और उसके तथा उसके अधीन बने नियमों के उपबन्धों के अधीन रहते हुए [1][निगम] को यह अधिकार होगा कि वह ऐसी किसी भी सम्पत्ति को या उसमें किसी स्वत्व को, जो इस अधिनियम के अधीन [1][निगम] द्वारा अर्जित किया गया हो या उसमें निहित हो, बेचे, किराये पर दे, पट्टे पर उठाये, उसका विनिमय करे, उसी बन्धक रखे, दान में दे या अन्य प्रकार से उसका निस्तारण करे :

किन्तु प्रतिबन्ध यह है कि सरकार द्वारा [1][निगम] को हस्तान्तरित की गई कोई भी सम्पत्ति राज्य सरकार की पूर्व स्वीकृति के बिना हस्तान्तरण के निबन्धनों के विपरीत किसी रीति से न तो बेची जायेगी, न किराये पर दी जायेगी, न विनिमय की जायगी, न बंधक रखी जायगी, अथवा न अन्य किसी प्रकार से ही किसी को हस्तान्तरित की जायगी ।

129. सम्पत्ति के निस्तारण सम्बन्धी उपबन्ध–उस सम्पत्ति के निस्तारण के लिये जो कि [1][निगम] की हो, निम्नलिखित उपबन्ध प्रभावी होंगे अर्थात्–

(1) [1][निगम] की सम्पत्ति का प्रत्येक निस्तारण [1][निगम] की ओर से मुख्य नगराधिकारी द्वारा किया जायगा ।

(2) मुख्य नगराधिकारी सर्वसाधारणपुरुष [1][निगम] की किसी ऐसी चल सम्पत्ति को बेच कर, किराये पर देकर या अन्य रूप से व्ययन कर सकता है, जिसका मूल्य प्रत्येक अवसर में 500 रुपये से अथवा उस मूल्य से अधिक न हो, जिसे [1][निगम] राज्य सरकार के अनुमोदन से समय-समय पर निर्धारित करे, या [1][निगम] की अचल सम्पत्ति का पट्टा, जिसमें मकानी भाड़े या फल इकट्ठा करने या ले लेने तथा इसी प्रकार का कोई और अधिकार सम्मिलित हो, किसी ऐसी अवधि के लिये दे सकता है जो किसी एक समय में 12 महीने से अधिक न हो ।

किन्तु प्रतिबन्ध यह है कि यदि यह मासिक लगान का संविदा न हो या उसका वार्षिक लगान 3,000 रु० से अधिक न होता हो, मुख्य नगराधिकारी कार्यकारिणी समिति को अचल सम्पत्ति के प्रत्येक पट्टे की सूचना उसके दिये जाने के 15 दिन के अन्दर देगा ।

मुख्य नगर अधिकारी, कार्यकारिणी समिति की स्वीकृति से [1][निगम] की किसी ऐसी चल सम्पत्ति को बेच सकता है, किराये पर दे सकता है, या अन्य प्रकार से उसका निस्तारण कर सकता है, जिसका मूल्य 5,000 रु० से अधिक न हो, और इसी प्रकार की स्वीकृति से [1][निगम] की किसी अचल सम्पत्ति को जिसके अन्तर्गत कोई ऐसा अधिकार भी है, जिसके बारे में पहले कहा जा चुका है, किसी ऐसे अवधि के लिये जो एक साल से अधिक हो, पट्टे पर दे सकता है, या [1][निगम] की किसी भी ऐसी अचल सम्पत्ति को बेच सकता है, या स्थायी रूप से उसे पट्टे पर दे सकता है जिसका मूल्य या नजराना (Premium) 50,000 रुपये से अधिक न हो या जिसका वार्षिक किराया 3,000 रुपये से अधिक न हो ।

(4) मुख्य नगराधिकारी [1][निगम] की किसी चल या अचल सम्पत्ति को [1][निगम] की स्वीकृति से पट्टे पर दे सकता है, बेच सकता है, किराये पर उठा सकता है या अन्य प्रकार से उसका हस्तान्तरण कर सकता है ।

[2][(5) उपधारा (5-क) और (5-ख) से सम्बन्धविच्छेद के सिवाय, [1][निगम] की कोई अचल सम्पत्ति उस दशा के सिवाय जब निम्नलिखित को भूमि बेची जाय, पट्टे पर दी जाय या अन्य प्रकार से

1. उ० प्र० अधिनियम सं० 14 सन् 1959 की धारा 6 (1) द्वारा निकाल दिया गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 12 सन्, 1994 की द्वारा शब्द "नगरनिगम बोर्ड" के स्थान पर प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 14 सन् 1959 की धारा 6 (3) द्वारा स्थापित गया

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा प्रतिस्थापित

(छ) इस अधिनियम के प्रशासन या नगर के स्थानीय प्रशासन विषयक किसी मामले से सम्बद्ध या संसक्त कोई विवरणी, रजिस्टर-रिटर्नें, विवरण-पत्र, लेखा या आंकड़े प्रस्तुत करे;

(ज) इस अधिनियम के प्रशासन या नगर के स्थानीय प्रशासन से सम्बद्ध या संसक्त किसी विषय में स्वयं एक प्रतिवेदन प्रस्तुत करे या अपने किसी अधीनस्थ अधिकारी से एक प्रतिवेदन प्राप्त करके उसे अपनी टिप्पणों के साथ प्रस्तुत करे।

(2) मुख्य नगरपालिकारी ऐसी प्रत्येक अपेक्षा की पूर्ति करेगा जब तक कि उसके मतानुसार उसकी तामील पूर्ति करना, [1][निगम] या जनता के हितों के प्रतिकूल न हो, जिस दशा में वह उक्त तथ्य को लिखित रूप से भीक्षण करेगा और यदि [1][निगम] या कार्यकारिणी समिति द्वारा आदेश दिया जाय तो वह प्रश्न सभा प्रस्तुत की पेश करेगा, जिसका निर्णय अंतिम होगा।

123. आवश्यक व्यय के सम्बन्ध में अधिकारों का प्रयोग [1][निगम] की स्वीकृति के अधीन होगा—इस अधिनियम द्वारा या इसके अधीन किसी [2][निगम] प्राधिकारी को दिये गये किसी अधिकार के प्रयोग या उस पर आरोपित किसी ऐसे कर्तव्य का पालन, जिसमें कोई व्यय होगा हो, उस दशा को छोड़कर जब कि इस अधिनियम द्वारा या इसके अधीन स्पष्टतः अन्यथा व्यवस्था हो, निम्नांकित प्रतिबन्धों के अधीन होगा:

(क) ऐसे व्यय के लिये, जहाँ तक उसे उक्त अधिकार के प्रयोग या कर्तव्य का पालन से सम्बद्ध वित्तीय वर्ष में करना हो, बजट अनुदान के अन्तर्गत व्यवस्था की गई हो, और

(ख) यदि ऐसे अधिकार का प्रयोग या कर्तव्य के पालन में उक्त वित्तीय वर्ष की किसी अवधि के लिये या उसकी समाप्ति के पश्चात् किसी भी समय कोई व्यय होना हो, या होने की सम्भावना हो तो ऐसे व्यय के लिए उचित प्रावधान करने के पूर्व [1][निगम] की स्वीकृति ले ली गयी हो।

124. नियम बनाने का अधिकार— (1) राज्य सरकार इस अध्याय के उपबन्धों को कार्यान्वित करने के लिये नियम बना सकती है।

(2) पूर्वोक्त अधिकार की व्यापकता पर कोई प्रतिकूल प्रभाव डाले बिना ऐसे नियमों में निम्नलिखित की व्यवस्था की जा सकती है:

(क) धारा 114 के खंड (1) के अधीन सीमाचिह्नक चिह्नों के निवारण तथा स्थान के अनुमोदन की रीति;

(ख) उन स्थितियों पर, जिनके निमित्त उक्त अधिनियम में कोई विशिष्ट व्यवस्था न की गयी हो, धारा 114 और 115 में निर्दिष्ट कर्तव्यों के निर्वहन या दायित्वों की पूर्ति से सम्बद्ध रीति तथा प्रक्रिया;

(ग) नगर के स्थानीय प्रशासन को कार्यकारिणी समिति के अधीक्षण के अधिकारों से सम्बद्ध प्रक्रिया;

(घ) वह रीति, जिसके अनुसार मुख्य नगरपालिकारी द्वारा कार्यालिका अधिकारों का प्रयोग किया जायगा;

(ङ) धारा 117 की उपधारा (6) के खंड (क) में निर्दिष्ट [3][नगर निगम] के पदाधिकारियों तथा सेवकों के कार्यालय, निरीक्षण (supervision) और नियंत्रण से सम्बद्ध विषय;

(च) मुख्य नगरपालिकारी के अधीनस्थ पदाधिकारियों तथा सेवकों के कृत्यों के विषय में संसूची तथा विवरणों का निर्णय;

(छ) धारा 119 तथा 120 की उपधारा (2) के अधीन मुख्य नगरपालिकारी के अधिकारों को किसी अन्य पदाधिकारी को प्रतिनियोजित किये जाने से सम्बद्ध विषय;

(ज) धारा 120 की उपधारा (2) के अधीन मुख्य नगरपालिकारी द्वारा अपने अधिकारों के प्रतिनियोजित करने से सम्बद्ध प्रक्रिया;

(झ) रीति, जिसके अनुसार धारा 121 और 122 के अधीन कार्यवाहियों या अन्य लेखों या पत्रादि से उद्धरण प्रस्तुत किये जाने की अभियाचना की जाय;

(ञ) ऐसी अभियाचना की पूर्ति विषयक प्रक्रिया;

(ट) रीति, जिसके अनुसार धारा 122 की उपधारा (1) के अधीन लेखों तथा अन्य पत्रादि को प्रस्तुत करने का प्रश्न अंतिम रूप से निर्णय के लिये नगर प्रमुख को पेश जायगा;

(ठ) रीति, जिसके अनुसार धारा 122 की उपधारा (2) के अधीन मुख्य नगरपालिकारी की मौखिक [1][निगम] को प्रेषित की जायगी;

(ड) [1][निगम] या मुख्य नगरपालिकारी का सामान्यतः किसी ऐसे विषय में पक्ष-प्रदर्शन जो इस अध्याय के अधीन उनके कर्त्तव्यों के पालन, कृत्यों का सम्पादन या अधिकारों के प्रयोग से संसक्त हो, और

(ढ) ऐसे विषय जो इस अध्याय के अधीन विहित किये जाने वाले हों, या किये जायँ।

अध्याय 6

सम्पत्ति और संविदे

125. [1][निगम] के सम्पत्ति अर्जित करने और रखने के अधिकार—(1) [1][निगम] को इस अधिनियम के प्रयोजनों के लिये सम्पत्तियों या उसमें किसी स्वार्थ को अर्जित करने, अपने अधिकार में रखने और उसका निस्तारण करने का अधिकार होगा चाहे वह सम्पत्ति नगर की सीमाओं के भीतर स्थित हो या बाहर।

(2) ऐसी जंगम सम्पत्ति और सम्पत्ति में स्वार्थ, जिन्हें [1][निगम] ने अर्जित किया हो, इस अधिनियम के प्रयोजनों के लिये और इसके उपबन्धों के अधीन [1][निगम] में निहित होंगे।

(3) [1][निगम] ऐसी किसी अचल सम्पत्ति को, जो सरकार द्वारा उसे हस्तान्तरित की जाय, ऐसी शर्तों के अधीन रहते हुए जिनके अन्तर्गत किसी निर्दिष्ट संभावना की स्थिति के उत्पन्न होने पर सरकार द्वारा उसका पुनर्ग्रहण भी है, अपने अधिकार में रखेगा और उसका उपयोग उन प्रयोजनों के लिये किया जायगा जिन्हें राज्य सरकार हस्तान्तरण करते समय आरोपित या निर्दिष्ट करे।

126. कतिपय दशाओं में सम्पत्ति, आस्तियों, अधिकारों, दायित्वों और आभारों का हस्तान्तरण—(1) नियत दिनांक से [2][तथा राज्य सरकार के किन्हीं सामान्य निदेशों के अधीन रहते हुए]

(क) समस्त सम्पत्ति और सम्पत्ति में स्वार्थ और नगदी शेषराशि सहित आस्तियाँ (assets), चाहे वह कहीं भी हो, जो उक्त दिनांक से ठीक पहले किसी [3][नगरपालिका परिषद्] इन्दौर [उज्जैन

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगरपालिका" के स्थान पर प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 14 सन् 1959 की धारा 6 (1) द्वारा अन्तःस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "म्युनिसिपल बोर्ड" के

(ख) किसी आपातकाल (emergency) में जनता की सेवा या सुरक्षा के लिए या [1][निगम] की सम्पत्ति की रक्षा के लिए ऐसी तात्कालिक कार्यवाही करेगा जो आपात को देखते हुये अपेक्षित हो, भले ही ऐसी कार्यवाही इस अधिनियम के अधीन किसी अन्य [1][निगम] प्राधिकारी या राज्य सरकार की स्वीकृति, अनुमोदन या प्राधिकार के बिना न की जा सकती हो :

किन्तु प्रतिबन्ध यह है कि मुख्य नगराधिकारी कार्यकारिणी समिति और [1][निगम] को तत्काल उस कार्यवाही की सूचना देगा, जो उसने की है और साथ ही उसे ऐसी कार्यवाही करने के कारण भी बतायेगा। मुख्य नगराधिकारी कार्यकारिणी समिति को यह भी सूचित करेगा कि ऐसी कार्यवाही के फलस्वरूप उस पर कितना धन, यदि कोई हो, जिसकी बजट अनुदान में व्यवस्था नहीं है, खर्च हुआ है अथवा खर्च होने की संभावना है :

और प्रतिबन्ध यह भी है, कि मुख्य नगराधिकारी इस खंड के अधीन अपने अधिकारों का प्रयोग न करेगा, यदि उस कार्य विशेष को करने में बजट अनुदान के अतिरिक्त किसी ऐसी धनराशि के व्यय होने की संभावना हो, जो–

(क) 10,000 रु० से या जब उस कार्य के लिए नगर प्रमुख की सहमति प्राप्त हो तो 20,000 रु० से अधिक हो; या

(ख) संबद्ध वित्तीय वर्ष में इस खंड के अधीन बजट अनुदान से अधिक पहले से व्यय हो चुकी किसी धनराशि के सहित 50,000 रु० से या जब उस कार्यवाही के लिए नगर प्रमुख की सहमति प्राप्त हो, 1,00,000 रु० से अधिक हो।

118. मुख्य नगर लेखा परीक्षक के अधिकार तथा कर्त्तव्य–मुख्य नगर लेखा-परीक्षक–

(क) ऐसे कर्त्तव्यों का पालन करेगा, जिनके लिए इस अधिनियम द्वारा अथवा उसके अधीन निर्देश हो तथा [1][निगम] निधि के लेखों के परीक्षण के संबंध में ऐसे अन्य कर्त्तव्यों का पालन करेगा, जो [1][निगम] अथवा कार्यकारिणी समिति द्वारा उससे अपेक्षित हो;

(ख) कार्यकारिणी समिति द्वारा समय-समय पर दिये गये निर्देशों के अधीन रहते हुए अपने तुरन्त अधीनस्थ लेखा परीक्षक तथा सहायक लेखा परीक्षक, लिपिक तथा कर्मचारियों के कर्त्तव्यों को नियत करेगा; तथा

(ग) कार्यकारिणी समिति की या की आज्ञाओं के अधीन रहते हुये उक्त लेखा परीक्षकों, सहायक लेखा परीक्षकों, लिपिकों तथा कर्मचारियों का निरीक्षण तथा नियंत्रण करेगा तथा नियमों के अधीन रहते हुये उक्त लेखा परीक्षकों, सहायक लेखा परीक्षकों, लिपिकों तथा कर्मचारियों की सेवाओं, प्रतिफलों और विशेषाधिकारों से सम्बद्ध समस्त प्रश्न का निपटारा करेगा।

119. कृत्यों का प्रतिनिधान—(1) इस अधिनियम के अन्य उपबन्धों तथा इसके अधीन बने नियमों के अधीन रहते हुये तथा ऐसी शर्तों और प्रतिबन्धों के अधीन रहते हुये, [1][निगम] द्वारा निर्दिष्ट किये जायँ–

(क) [1][निगम] कार्यकारिणी समिति को या मुख्य नगराधिकारी को इस अधिनियम के अधीन अपने कृत्यों में से किन्हीं ऐसे कृत्यों को प्रतिनिधानित कर सकती है जो अनुसूची 1 के भाग (क) में निर्दिष्ट कृत्यों से भिन्न हों;

(ख) कार्यकारिणी समिति मुख्य नगराधिकारी को इस अधिनियम के अधीन अपने कृत्यों में से किन्हीं ऐसे कृत्यों को प्रतिनिधानित कर सकेगी जो अनुसूची 1 के भाग (ख) में निर्दिष्ट कृत्यों से भिन्न हों;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "निगम" रखा गया

(ग) विकास समिति मुख्य नगराधिकारी को इस अधिनियम के अधीन अपने कृत्यों में से किन्हीं ऐसे कृत्यों को प्रतिनिधानित कर सकेगी, जो अनुसूची 1 के भाग (ग) में निर्दिष्ट कृत्यों से भिन्न हों;

(घ) मुख्य नगराधिकारी किसी [1][निगम] कार्यधारी को अपने कृत्यों में से किसी ऐसे कृत्य को प्रतिनिधानित कर सकेगा जो अनुसूची 1 के भाग (घ) में निर्दिष्ट कृत्यों से भिन्न हों;

परन्तु प्रतिबन्ध यह है कि राज्य सरकार समय-समय पर सरकारी गजट में विज्ञप्ति द्वारा अनुसूची 1 के भाग क, भाग ख, भाग ग अथवा भाग घ में उल्लिखित किसी कृत्य को प्रतिनिधान्य कृत्य के रूप में, अथवा ऐसे किसी कृत्य को, जिसका उसमें उल्लेख नहीं है, अप्रतिनिधान्य कृत्य के रूप में घोषित कर सकती है तथा इस प्रकार की घोषणा के उपरान्त वह उपर्युक्त कृत्य जैसी भी स्थिति हो, प्रतिनिधानित किया जा सकेगा अथवा प्रतिनिधान्य कृत्य के रूप में न रह जायगा, मानो अनुसूची 1 में उसका कोई उल्लेख नहीं है अथवा उक्त सूची में उसका उल्लेख है।

(2) यदि मुख्य नगराधिकारी द्वारा कृत्यों को प्रतिनिधानित किया जाय, तो उस आज्ञा की, जिसके द्वारा प्रतिनिधान किया जाय, एक प्रति कार्यकारिणी समिति के समक्ष सूचनार्थ रखी जायगी।

(3) मुख्य नगराधिकारी द्वारा इस अधिनियम की इस धारा के अधीन उसके किसी कृत्य का प्रतिनिधान होते हुये भी मुख्य नगराधिकारी उक्त कृत्य के यथाविधि सम्पादन के लिये उत्तरदायी बना रहेगा।

120. मुख्य नगराधिकारी द्वारा अन्य विधियों के अधीन [1][निगम] के अधिकारों का प्रयोग तथा कर्त्तव्यों का पालन–(1) तत्समय प्रवर्तित किसी अन्य विधि द्वारा [1][निगम] को दिये गये, उस पर आरोपित किये गये या उसमें निहित कोई भी अधिकार, कर्त्तव्य और कृत्य ऐसी विधि के उपबन्धों तथा ऐसे प्रतिबन्धों, सीमाओं और शर्तों के अधीन रहते हुये, जो [1][निगम] द्वारा आरोपित की जाय, मुख्य नगराधिकारी द्वारा प्रयुक्त, संपादित या निर्वहित किये जायँगे।

(2) मुख्य नगराधिकारी इस सम्बन्ध में किन्हीं नियमों के अधीन रहते हुए, लिखित आज्ञा द्वारा जिसकी एक प्रति सूचनार्थ कार्यकारिणी समिति के समक्ष रखी जायगी, मुख्य नगर लेखा परीक्षक से भिन्न किसी भी [1][निगम] पदाधिकारी को मुख्य नगराधिकारी के नियंत्रणाधीन किसी अधिकार, कर्त्तव्य या कृत्य को, अपने पुनरीक्षण तथा ऐसी शर्तों और परिसीमाओं, यदि कोई हों, के अधीन रहते हुए जिन्हें आरोपित करना वह उचित समझे प्रयोग, सम्पादन तथा निर्वहन करने का अधिकार दे सकता है।

121. [1][निगम], कार्यकारिणी समिति से कार्यवाहियों, आदि के अवतरण मँगा सकती है–[1][निगम] किसी भी समय इस अधिनियम के अधीन बनी किसी समिति या उपसमिति की कार्यवाहियों के अवतरण मँगा सकती है और वह किसी ऐसे विषय से सम्बद्ध या संसक्त विवरणी, विवरण-पत्र, लेखा या रिपोर्ट भी मँगा सकेगी जिसमें कार्यवाही करने के लिये ऐसी समिति या उपसमिति को इस अधिनियम द्वारा या इसके अधीन अधिकार प्राप्त हों और यथास्थिति मुख्य नगराधिकारी या उप-समिति द्वारा ऐसी किसी भी अधिगृहीत की पूर्ति अनुचित विलम्ब किये बिना की जायगी।

122. मुख्य नगराधिकारी से लेखा विवरणी तथा प्रतिवेदन, आदि प्रस्तुत कराने के सम्बन्ध में [1][निगम] के अधिकार–(1) [1][निगम] अथवा कार्यकारिणी समिति, किसी भी समय मुख्य नगराधिकारी को आदेश दे सकती है कि वह–

(क) किसी ऐसे अभिलेख, पत्र-व्यवहार, योजना या अन्य लेखा को प्रस्तुत करे जो मुख्य नगराधिकारी के रूप में उसके कब्जे या नियंत्रण में हो या जो उसके कार्यालय अथवा उसके अधीनस्थ किसी [1][निगम] पदाधिकारी या किसी [1][निगम] पदाधिकारी या किसी सेवक के कार्यालय की पत्रावलियों में अभिलिखित हो;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(19) पुस्तकालयों, संग्रहालयों और कलात्मक वस्तुओं के संग्रहालयों, नगरपति-विज्ञान चित्रपट या जीवविज्ञान चित्रपट, संग्रहालयों को स्थापना और संधारण या उनकी सहायता देना तथा उनके लिए भवनों का खरीदना या बनवाना;

(20) स्नानागारों, स्नान घाटों, कपड़ा धोने के घाटों, तालाबों, कुओं, बाँधों तथा सार्वजनिक उपयोग के अन्य कार्यों का निर्माण, उनकी स्थापना, उनका संधारण या उनके संधारण के लिए अंशदान देना;

(21) अस्पतालों के लिए सेवाओं या पशुओं के लिए चिकित्सालयों का निर्माण तथा संधारण;

(22) ऐसे पशु-पक्षियों को, जिनके कारण अपदूषण (nuisance) पैदा होता हो या हानिकारक कीड़े-मकोड़े (vermins) को नष्ट करना तथा छुट्टे या लावारिस कुत्तों को पकड़ कर बन्द करना (confinement) या उन्हें नष्ट करना;

(23) नगर के भीतर पीड़ित व्यक्तियों के सहायतार्थ अथवा लोक-कल्याणार्थ स्थापित किसी सार्वजनिक निधि में अंशदान देना;

(24) अभिनन्दन-पत्र प्रदान करना तथा स्वागत करना;

(25) पशुधर भूमियों का अर्जन तथा संधारण और प्रजनन के लिए पशुओं के साँड़ों (breeding stud) की स्थापना तथा उनका संधारण;

(26) विवाहगृहों की व्यवस्था करने में या गृह निर्माण योजनाओं को कार्यान्वित करने में अभिरुचि रखने वाली किसी व्यक्ति, समिति या संस्था को ऋण या अन्य प्रकार की सुविधाएँ देना;

(27) गरीबों की सहायता की व्यवस्था करना;

(28) गौशालाओं और किराये की गाड़ियों में प्रयुक्त होने वाले घोड़ों, ट्टुओं और पशुओं के लिए आरोग्यकर पशुशालाओं का निर्माण, क्रय तथा संधारण;

(29) भवनों या भूमियों का सर्वेक्षण ;

(30) किसी ऐसी आपदा के, जिसका प्रभाव नगर की जनता पर पड़ता हो, निवारणार्थ सहायता कार्यों की व्यवस्था करना;

(31) धारा 144 में या इस धारा के अन्य खंडों में निर्दिष्ट उपायों से भिन्न अन्य उपाय करना, जिनसे सार्वजनिक सुरक्षा, स्वास्थ्य या सुविधाओं में विकास होने की संभावना हो;

(32) बजट में धनराशि की व्यवस्था होने पर नगर में किसी सार्वजनिक समारोह या मनोरंजन के निमित्त अंशदान देना;

(33) पर्यटक-कार्यालय की स्थापना तथा संधारण;

(34) [1][निगम] के कार्य के लिए तथा फालतू समय में मूल्य लेकर निजी कार्यों के लिए प्रेस और कारखाना स्थापित करना तथा उसका संधारण;

(35) विष्ठा (night soil) और कूड़ा-करकट से कम्पोस्ट खाद तैयार करने का प्रबन्ध करना;

(36) व्यापार तथा उद्योग की उन्नति के उपायों की व्यवस्था करना तथा [1][निगम] बैंक की स्थापना करना;

(37) अपने कर्मचारियों के लिए श्रम-हितकारी केन्द्रों की स्थापना करना और ऐसे कर्मचारियों के किसी संगठन, यूनियन या क्लब का सामान्य प्रगति के लिए अनुदान अथवा ऋण देकर उसके कार्य-कलापों में आर्थिक सहायता देना;

(38) [1][निगम] यूनियनों को संगठित करना और उन्हें अंशदान देना;

(39) अनुसूचित जातियों तथा पिछड़े वर्गों की सामाजिक निर्योग्यताओं को दूर करने की व्यवस्था करना;

(40) भिक्षा-वृत्ति के नियंत्रण तथा निवारण के लिए कार्यवाही करना;

(41) राज्य सरकार की पूर्व स्वीकृति से पुलिस के ऐसे कर्मचारी का, जो निहित की जायँ उनका नियंत्रण करने के लिए [1][निगम] के पुलिस बल की स्थापना तथा संधारण;

(42) राज्य सरकार की पूर्व स्वीकृति से किसी ऐसे व्यावसायिक कार्य का भार ग्रहण करना, जिसका उद्देश्य सुख-सुविधा या सेवाओं की व्यवस्था करना या उसमें वृद्धि करना अथवा बेकारी को दूर करना हो;

(43) कोई ऐसा कार्य जिस पर किये गये व्यय के संबन्ध में राज्य सरकार की स्वीकृति से [1][निगम] यह घोषित करे कि वह [1][निगम] निधि पर उपयुक्त रूप से भारित है:

किन्तु प्रतिबन्ध यह है कि राज्य सरकार गजट में विज्ञप्ति द्वारा किसी एक [1][निगम] या समस्त [1][निगमों] के सम्बन्ध में यह घोषणा कर सकती है कि इस धारा में उल्लिखित कृत्यों में से कोई कृत्य को सम्पन्न करना, सम्बद्ध [1][निगम] या [1][निगमों] का कर्तव्य होगा और तदुपरान्त इस अधिनियम के उपबन्ध उस सम्बन्ध में इस प्रकार लागू होंगे मानो वह धारा 144 द्वारा आरोपित कोई कर्तव्य हो ।

116. [1][निगम] के प्राधिकारियों में कृत्यों का विभाजन—(1) विधित [1][निगम] प्राधिकारियों के कृत्य क्रमशः वे हो होंगे, जो इस अधिनियम के द्वारा या अधीन विशिष्ट रूप से विहित किये जायँ ।

(2) यदि ऐसा कोई संशय या विवाद उत्पन्न हो कि अमुक कृत्य किस [1][निगम] प्राधिकारी विशेष का कृत्य है, तो मुख्य नगराधिकारी संशय या विवाद को राज्य सरकार को प्रतिप्रेषित कर सकता है या यदि नगर प्रमुख ऐसा आदेश दे तो वह उसे राज्य सरकार को प्रतिप्रेषित करेगा। इस सम्बन्ध में राज्य सरकार का निर्णय अन्तिम होगा और उसके बारे में किसी न्यायालय में आपत्ति न की जा सकेगी ।

117. [1][निगम] के प्राधिकारियों के कृत्य—(1) उस दशा को छोड़कर जबकि इस अधिनियम में स्पष्टतः अन्यथा व्यवस्था की गयी हो नगर का [1][निगम] प्रशासन [1][निगम] में निहित होगा ।

[2][(1-क) इस अधिनियम में स्पष्ट रूप से अन्यथा उपबन्धित अवस्था को छोड़कर प्रत्येक कक्ष समिति में, उस क्षेत्र के संबंध में जिसके लिए उसको संगठित किया गया है, निगम की ओर से ऐसी शक्तियाँ और कृत्य निहित होंगे, जिन्हें नियमों द्वारा निहित किया जाय ।]

(2) इस अधिनियम में स्पष्ट रूप से अन्यथा उपबन्धित अवस्था को छोड़कर नगर के [1][निगम] प्रशासन का अधीक्षण, [1][निगम] के लिए और उसकी ओर से कार्यकारिणी समिति में निहित होगा ।

(3) विकास समिति, अध्याय 14 में उल्लिखित कृत्यों का सम्पादन करेगी और उसे उक्त अध्याय में उल्लिखित अधिकार प्राप्त होंगे ।

(4) धारा 5 के खंड (ङ) के अधीन नियुक्त समिति के कृत्य और अधिकार वही होंगे जो उसे राज्य सरकार की पूर्व स्वीकृति से [1][निगम] द्वारा सौंपे जायँ ।

(5) नगर प्रमुख के सामान्य नियंत्रण और निदेश के, तथा जहाँ कहीं भी इसमें स्पष्टतः ऐसा निदेश किया गया हो, यथास्थिति, [1][निगम] या कार्यकारिणी समिति की स्वीकृति के अधीन रहते हुए, तथा इस अधिनियम द्वारा या इसके अधीन आरोपित अन्य समस्त प्रतिबन्धों, परिशोधनों तथा शर्तों के अधीन रहते हुये, इस अधिनियम को कार्यान्वित करने के प्रयोजनार्थ कार्यपालिका के अधिकार मुख्य नगराधिकारी में निहित होंगे, जो उन समस्त कार्यों का पालन तथा उन समस्त अधिकारों का प्रयोग भी करेगा, जो विशिष्ट रूप से उस पर आरोपित किये गये हों या उसे दिये गये हों ।

(6) उपधारा (5) के उपबन्धों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना मुख्य नगराधिकारी—

(क) इस अधिनियम के तथा इसके अधीन बने नियमों के उपबन्धों के अधीन रहते हुये मुख्य नगर लेखा परीक्षक तथा उसके तुरन्त अधीनस्थ [1][निगम] पदाधिकारियों और सेवकों को छोड़कर समस्त [1][निगम] पदाधिकारियों तथा सेवकों के कर्तव्य विहित करेगा और उनके कार्यों तथा कार्यवाहियों का नियंत्रण और निरीक्षण करेगा और उक्त पदाधिकारियों तथा सेवकों की सेवा तथा विशेषाधिकारों एवं भत्तों से सम्बद्ध समस्त प्रश्नों का निस्तारण करेगा ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित

(24) सड़कों, पुलों और अन्य सार्वजनिक स्थानों में या पर, उपविधि (obstruction) करनेवाली तथा बाहर निकली हुई अतिक्रामित चीजों (projections) को हटाना;

(25) प्रारंभिक शिक्षा, जिसके अन्तर्गत शिशु शिक्षा (nursery education) भी है, के लिए स्कूलों की स्थापना, उनका संधारण तथा उनकी सहायता करना और उनके लिए उपयुक्त स्थान की व्यवस्था करना;

(26) शहर संबद्धित मामलों की संख्याओं की स्थापना और उनका संधारण करना या उन्हें सहायता देना;

(27) पशु-चिकित्सालयों का संधारण या उनके संधारण के लिए अनुदान देना ;

(28) कांजीहौसों (cattlepounds) के निर्माण या अर्जन (acquisition) और संधारण;

(29) सार्वजनिक सड़कों, पुलों, उपमार्गों, पुलियों, पुलों की डौकी सड़कों (cause-ways) तथा अन्य ऐसी ही जगहों का निर्माण, संधारण और उनमें परिवर्तन या सुधार करना;

(30) सड़कों के किनारों तथा अन्य सार्वजनिक स्थानों का पुष्पारोपण करना तथा उनका संधारण;

(31) यातायात (traffic) का विनियमन तथा यातायात चिह्नों (traffic signs) की व्यवस्था करना;

(32) [निगम] के सभाएं कार्यवाहियों तथा सब प्रकार के सामेक कर्मों के लोगों को, उनके रहने के लिए बस्तियों का निर्माण तथा संधारण करके अथवा ऋण देकर निवास-व्यवस्था में सहायता करना;

(33) नगर नियोजन तथा सुधार, जिसमें गन्दी बस्तियों की सफाई, पुनः-निर्माण योजनाओं को तैयार करना तथा उन्हें कार्यान्वित करना और नये सड़कों का विन्यास भी सम्मिलित है;

[1][(33-अ) नगरीय यातियों और अतिरिक्तियों पहलुओं की वृद्धि और पर्यावरण का संरक्षण;]

(34) [2][निगम] में निहित अथवा उसके प्रबन्ध में दीये गये सम्पत्ति का संधारण तथा उसके मूल्य में विकास करना;

[3][(34-क) समाज के दुर्बल वर्गों के, जिसके अन्तर्गत विकलांग और मानसिक रूप से मंद व्यक्ति भी हैं, हितों का संरक्षण;

(34-ख) संस्कृतिक, शैक्षणिक और सौंदर्यपरक वस्तुओं की अभिवृद्धि;

(34-ग) कांजी हाउस का निर्माण और संधारण और पशुओं के प्रति क्रूरता का निवारण;]

(35) [1][निगम] कार्यालय, सगत सार्वजनिक स्थानों, खुले स्थानों तथा अन्य [1][निगम] में निहित सम्पत्ति का संधारण;

(36) एक खुलेटिन प्रकाशित करना, जिसमें [1][निगम] तथा उसकी समितियों की कार्यवाहियों (proceedings) का उन कार्यवाहियों के बाद तथा [1][निगम] के कार्य-कलापों (activities) की अन्य सूचनार्थ दी गयी हों;

(37) सरकारी पदों का सत्यापन स्थान देना और ऐसे विवरण-पत्रों (return statements) तथा ऐसी रिपोर्टों को तैयार और प्रस्तुत करना, जिन्हें प्रस्तुत करने के लिए राज्य सरकार [1][निगम] को आदेश दे; और

(38) इस अधिनियम या तत्समय प्रवृत्त किसी विधि द्वारा या उसके अधीन आरोपित किसी अन्य कर्तव्य (obligation) की पूर्ति करना ।

[3][(39) गन्दी बस्ती का सुधार और उन्नयन;

(40) पर्यावरण निर्माण कार्य करना;

(41) पर्यावरण सुरक्षा-सुविधाओं तथा सुविधाओं जैसे कि पार्क, उद्यान और खेल के मैदानों की व्यवस्था करना ।]

115. [1][निगम] के स्वविवेकानुसार (discretionary) कर्तव्य—[1][निगम] निम्नलिखित समस्त या किन्हीं विषयों के लिए समय-समय पर स्वविवेकानुसार पूर्ति, या अंशतः व्यवस्था कर सकेगा है;

(1) नगर के सीमा या बाहर, ऐसी व्यक्तियों को देख-रेख के लिए, जो असक्त (infirm), रोग या आक्रान्त रूप से रोगग्रस्त हों या अंधे, बहरे, गूँगे या अन्य रूप से असमर्थ (disabled) व्यक्तियों या सुविधाएँ

1. सन् 5 अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. सन् [illegible] अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित

(handicapped) बच्चों को देखभाल तथा प्रशिक्षण के लिए संस्थाओं का, जिसमें पालनगृहों, कुष्ठाश्रम अनाथालय तथा मलिन-बस्ती आश्रय सम्मिलित हैं, संधारण, संचालन अथवा प्रबन्ध करना;

(2) नर्सरियों या दूध पिलाने वाली (nursing) माताओं या शिशुओं या स्कूली बच्चों के लिए दूध की व्यवस्था करना;

(3) तैरने के जल-कुण्ड (pools), कपड़ा धोने के सार्वजनिक घाट (wash houses), स्नानगृह तथा अन्य सेवाएँ जो पानी के किनारों पर स्नान घाटों के विकास तथा निर्माण के लिए हों;

(4) पशु-चिकित्सालयों के साथसाथ दूध या दूध से बने पदार्थों का संग्रहण, वितरण और वैज्ञानिक निर्माण-क्रिया (Processing) के निमित्त नगर में या उसके बाहर दुग्धशालाएँ या डेरी स्थापित करना;

(5) सार्वजनिक सड़कों या स्थानों में मनुष्यों के लिए पीने के पानी के फौव्वारे (drinking fountain) सड़क पर्याप्त के पानी के कलों (standpoints) का तथा पशुओं के लिए नालियों (water troughs) का निर्माण तथा संधारण;

(6) मंगीत तथा अन्य ललित कलाओं (fine arts) को प्रोत्साहन देना तथा सार्वजनिक स्थानों और सार्वजनिक सम्मान-स्थानों पर संगीत की व्यवस्था करना;

(7) नगर के सीमा तथा बाहर स्थित शिक्षा संबन्धी तथा सांस्कृतिक संस्थाओं को अनुदान देना;

(8) [* * *] मनोविनोद के मैदानों (recreation grounds), पूर्ति-स्थापन तथा नगर को सुन्दर बनाने की व्यवस्था करना;

(9) क्रीड़ाएँ, व्यायाम प्रदर्शन (athletics) या खेलकूद के आयोजों का आयोजन;

(10) नगर में ठहरने की जगहों (lodging house), शिविर-स्थलों (camping grounds) और विश्राम-गृहों का विनियमन;

(11) प्रेक्षागृहों (theatres), चित्रशाला-गृहों तथा अन्य सार्वजनिक भवनों का निर्माण, उनकी स्थापना तथा उनका संधारण;

(12) वस्तुओं की दुष्प्राप्यता के समय जीवन-धारण के लिए आवश्यक वस्तुएँ बेचने के निमित्त दुकानों और घाटों का संगठन तथा संधारण;

(13) [1][निगम] के पदाधिकारियों तथा कर्मचारियों के लिए निवास-गृहों (dwellings) का निर्माण, उनकी खरीद तथा उनका संधारण;

(14) [2][निगम] के कर्मचारियों को दिवालिया-मार्ग के लिए ऐसे विज्ञापनों पर और ऐसी शर्तों के अधीन, जो [2][निगम] द्वारा विहित की जाये, ऋण देना;

(15) [2][निगम] के कार्यवाहियों या उसके किसी वर्ग के कल्याणार्थ कोई अन्य कार्य (measures) करना;

(16) राज्य सरकार की पूर्व सहमति से बिजली या गैस का संभरण करने के लिए किसी संस्थापन (undertaking) को खरीदना या ऐसे किसी संस्थापन को, जो उसके सामान्य हितों के लिए हो, चालना या उसे आर्थिक सहायता देना;

(17) नगर के सीमा या बाहर व्यक्तियों तथा माल को लाने-ले जाने के लिए राज्य सरकार की पूर्व सहमति से ट्राम-वे, जिस पानी की टूरों पर चलाए व्यक्तियों द्वारा यातायात की सुविधाओं का निर्माण, उनकी सम्पत्ति, उनका संधारण, संचालन या प्रबन्ध;

(18) धारा 144 के खंड (25) में उल्लिखित शिक्षा सम्बन्धी उद्देश्यों से भिन्न उद्देश्यों को बढ़ावा देना और नगर के सीमा और बाहर स्थित शिक्षा संस्थाओं को अनुदान देना;

1. सन् [illegible] अधिनियम सं० 12 सन् 1994 द्वारा क्रमशः "सार्वजनिक घाटों, स्थानों, खेल के मैदानों" विस्थापित है
2. सन् [illegible] अधिनियम सं० 12 सन् [illegible] द्वारा अधिनियमित

(2) पूर्वोक्त अधिकारी की व्यापकता पर प्रतिकूल प्रभाव डाले बिना इन नियमों में निम्नलिखित बातों की व्यवस्था की जा सकती है :

(क) [निगम] के कार्य संचालनार्थ सृजित पदों पर नियुक्त किये जाने वाले व्यक्तियों की अर्हताएँ उन्हीं पदों की रीति ;

(ख) धारा 106 की उपधारा (1) के खंड (ब) के अधीन सृजित पदाधिकारियों, कर्मचारी वर्ग तथा अन्य सेवकों के पदों के नाम तथा वेतन-क्रम;

(ग) अस्थायी अथवा स्थानापन्न (officiating) रूप से व्यक्तियों की नियुक्ति;

(घ) पूर्वोक्त पदों पर नियुक्त व्यक्तियों के वेतन उपलब्धियाँ और अन्य भत्ते;

(ङ) [निगम] के पदाधिकारियों, कर्मचारी वर्ग और अन्य सेवकों की छुट्टी, रोक व्यवस्था, जिसके अन्तर्गत पदच्युति अथवा नौकरी से हटाया जाना भी होगा, अपील, अनुशासन सम्बन्धी अन्य कार्यवाहियाँ तथा सेवा की शर्तें;

(च) पदाधिकारियों को [निगम] के विभागाध्यक्षों के रूप में निर्दिष्ट करना; [2][और]

[2][(छ) धारा 112-क के अधीन म्युनिसिपल सेवाएँ सृजित करना तथा उनमें भर्ती करना, वर्तमान पदाधिकारियों तथा सेवकों का उनमें लेना और ऐसे पदाधिकारियों तथा सेवकों का स्थानान्तरण, छुट्टी, रोक, जिसके अन्तर्गत पदच्युति और हटाया जाना भी है अपील तथा अन्य अनुशासनिक विषय और सेवा की अन्य शर्तें]।

अध्याय 5

[1][निगम] और उसके प्राधिकारियों के कर्त्तव्य और अधिकार

114. [1][निगम] के अनिवार्य कर्त्तव्य—[1][निगम] का यह अनिवार्य कर्त्तव्य होगा कि वह निम्नांकित विषयों में से प्रत्येक के लिए किसी भी ऐसे प्रयत्न या उपाय द्वारा, जिसका प्रयोग करने या जिसे ग्रहण करने के लिए वह विधिक रूप से सक्षम है, समुचित और पर्याप्त व्यवस्था करे :

(1) उन स्थानों पर, जहाँ प्राकृतिक सोतेसदृश सिद्ध न हों, इस प्रकार के और उस स्थान पर, जो राज्य सरकार द्वारा अनुमोदित किये जायेंगे; पर्याप्त संख्या में ऐसे सोतेसदृश सिद्ध खड़े करना, जिनके द्वारा नगर की सीमाओं में किसी परिवार का निर्धारण होना हो;

(2) [1][निगम] में स्थित सड़कों और सार्वजनिक स्थानों के पास रहना या उनको संख्या विशिष्ट करना या भू-गृहादि पर संख्या निश्चयन;

(3) मल इत्यादि (sewage), दूषणयुक्त पदार्थ (offensive matter) और कूड़े-करकट को एकत्रित कराना और हटवाना तथा उसके उपयोग और निस्तारण की व्यवस्था करना, जिसमें पशुओं या फेंकड़ी स्थापित करना और उसका संधारण भी सम्मिलित है ;

(4) नगर की समस्त सार्वजनिक सड़कों और स्थानों को पानी से धुलाई, बुहारी द्वारा उनकी सफाई तथा उन्हें स्वच्छ रखना और वहाँ से सारा कूड़ा-करकट हटवाना;

(5) नालियों और जल-निस्तारण निर्माण-कार्यों, सार्वजनिक शौचालयों, जलघरों (water closets), मूत्रालयों तथा ऐसी ही अन्य सुविधाओं का निर्माण, उनका संधारण और उनकी सफाई ;

(6) [1][निगम] द्वारा अनुमोदित सामान्य व्यवस्था के अनुसार भू-गृहादि के मल (sewage) इत्यादि को प्राप्त करने और उसे [1][निगम] के नियन्त्रण के अधीन नालियों को पहुँचाने के उद्देश्य से भू-गृहादि पर या उसके प्रयोग के लिए घरों (receptacles), संस्थापनों, पायनों तथा अन्य उपकरणों का सम्भरण (supply) और निर्माण तथा संधारण;

(7) समस्त [1][निगम] जलकलों का प्रबन्ध तथा संधारण और ऐसे नये कार्यों का निर्माण या अर्जन (acquisition), जो [2][घरेलू, औद्योगिक तथा वाणिज्यिक प्रयोजनों के लिये] पर्याप्त जल-सम्भरण (supply water) के लिए आवश्यक हों;

(8) मनुष्यों के उपयोग के लिए प्रयुक्त होने वाले जल को दूषित (polluted) न होने देना और दूषित जल के ऐसे उपयोग को रोकना;

(9) [1][निगम] में स्थित सार्वजनिक सड़कों, बाजारों तथा सार्वजनिक भवनों तथा अन्य सार्वजनिक स्थानों में रोशनी का प्रबन्ध करना;

[3][(9-क) पार्किंग स्थलों, बस स्टापों और जन सुविधाओं का निर्माण और उसका संधारण ;]

(10) सार्वजनिक चिकित्सालयों को, जिनमें संक्रामक या संसर्गजन्य रोगों से ग्रस्त अथवा इस प्रकार संदिग्ध व्यक्तियों को अलग रख कर उनकी चिकित्सा करने के चिकित्सालय भी सम्मिलित हैं, स्थापना, उनका संधारण या उनको सहायता करना तथा जनता को चिकित्सा सम्बन्धी सुविधायें देने के लिए अन्य आवश्यक साधनों की व्यवस्था करना;

(11) संक्रामक, संसर्गजन्य तथा भयानक रोगों को रोकथाम करना और उनके प्रसार को नियंत्रित करना;

(12) जानलेवा रोगों (amirable diseases) की चिकित्सा की व्यवस्था करना;

(13) रोगियों को ले जाने वाली गाड़ियों (ambulance service) का संधारण;

(14) सार्वजनिक रूप से टीके लगाने (public vaccination) की पद्धति की स्थापना तथा उसका संधारण;

(15) प्रमुख आँकड़ों (statistics), जिसमें जन्म-मरण के आँकड़े भी हैं, का संकलन (registration);

[1][(16) मातृत्व केन्द्रों और शिशु कल्याण एवं संगति निग्रह संदर्भों की स्थापना, उनका संधारण तथा उनकी सहायता करना और जन्मांकन नियंत्रण, परिवार कल्याण और छोटे परिवार के मानक का प्रचार;]

(17) रोगों का या खाद्य पदार्थों के मिलावट का पता लगाने या सार्वजनिक स्वास्थ्य से सम्बद्ध खोज-कार्यों के निमित्त पानी, खाद्य पदार्थ या पेयों की परीक्षा या विश्लेषण के लिए रासायनिक या जीवाणु विज्ञान सम्बन्धी प्रयोगशालाओं (bacteriological laboratories localities) की व्यवस्था, उनका संधारण अथवा प्रबन्ध;

(18) अस्वास्थ्यकर स्थानों का पुनरुद्धार (reclamation), हानिकर (noxious), उद्भव (vegetation) का हटाया जाना और उपद्रवों (nuisance) का समाप्त किया जाना ;

(19) आपत्तिजनक (offensive) तथा खतरनाक किस्म के व्यापारों, आजीविकों (callings) तथा कार्यों, जिनके अन्तर्गत वेश्यावृत्ति भी है, का विनियमन तथा उनका समाप्त किया जाना;

(20) मृतकों के दाह-निस्तारण के स्थानों का संधारण, उन्हें नियत कराना तथा उनका विनियमन और उक्त प्रयोजनों के लिए तथा ऐसे शवों का निस्तारण करने के लिए, जिनका कोई न हो, नये स्थानों की व्यवस्था करना या किसी दूसरी संस्था द्वारा उक्त उद्देश्यों के लिए की गई व्यवस्थाओं को पर्याप्तरीति सहायता देना;

(21) सार्वजनिक बाजारों और [1][पशुशालाओं और चर्मशोधनशालाओं] का निर्माण तथा संधारण एवं समस्त बाजारों और पशुशालाओं का विनियमन;

(22) खतरनाक भवनों तथा स्थानों को निरापद (secure) बनाना या हटाना;

(23) पानी निकालने के कामों का संधारण तथा आग लगने पर ऐसी सहायता पहुँचाना, जिसके लिए राज्य सरकार सामान्य या विशेष आदेश द्वारा समय-समय पर आदेश दे। इस सहायता में आग लगने पर उसे बुझाने के लिए इंजनों का संधारण या प्रबन्ध और जन-धन की रक्षा भी सम्मिलित है;

---

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम संख्या 21 सन् 1964 द्वारा संशोधित

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्दों "सार्वजनिक तथा किसी प्रयोजनों के लिये" के स्थान पर प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा जोड़ा गया

नहीं करता तो राज्य सरकार उस अधिकारी को दंडित अथवा ऐसे तथ्य राज्य के लोक सेवा आयोग से परामर्श करने के बाद, यदि आवश्यक हो, उस पद पर नियुक्ति कर सकेगी और तत्पश्चात् वह नियुक्ति समस्त प्रयोजनों के लिए सम्बद्ध प्राधिकारी द्वारा की गयी नियुक्ति समझी जायेगी ।

112. कतिपय पदाधिकारियों के अधिकार तथा कर्तव्य–(1) मुख्य नगराधिकारी के नियन्त्रण के अधीन रहते हुए [1][अपर मुख्य नगर अधिकारी, उप नगराधिकारी] तथा सहायक नगराधिकारी, मुख्य नगराधिकारी के ऐसे अधिकारों का प्रयोग तथा कर्तव्यों का पालन करेंगे, जिन्हें मुख्य नगराधिकारी व्यतदर्थ निर्दिष्ट करें ।

(2) उपधारा (1) के अधीन उसे प्रतिनियोजित अधिकारों के अनुसरण में [2][अपर मुख्य नगर अधिकारी,] उपनगराधिकारी अथवा सहायक नगराधिकारी को उसके द्वारा सम्पादित समस्त कार्य तथा प्रयुक्त समस्त क्षेत्राधिकार सभी प्रयोजनों के लिए मुख्य नगराधिकारी द्वारा संपादित और प्रयुक्त समझे जायेंगे ।

(3) [3][मुख्य अभियंता] नगर स्वास्थ्य अधिकारी, मुख्य नगर लेखाधीक्षक तथा अन्य ऐसे पदाधिकारी, जिन्हें राज्य सरकार निर्दिष्ट करे, [4][निगम] के विभागों के अध्यक्ष कहलायेंगे और ऐसे कर्तव्य का पालन तथा ऐसे अधिकारों का प्रयोग करेंगे जो उन पर इस अधिनियम द्वारा अथवा इसके अधीन, अथवा तत्समय प्रवर्तित किसी अन्य विधान के अधीन अधिरोपित किये गये हों ।

112-क. सेवाओं का केन्द्रीकरण–[5][(1) धारा 106 से 110 में किसी बात के होते हुए भी, राज्य सरकार किसी भी समय ऐसे पदाधिकारियों और सेवकों को, जिन्हें वह उपयुक्त समझे, एक या अधिक ऐसी सेवायें सृजित करने के लिये निगमों द्वारा व्यवस्था कर सकती है, जो राज्य को [6][निगमों] के लिये या [7][निगमों], [8][नगर पंचायतों, नगरपालिका परिषदों] और जल संस्थानों के लिये सामान्य हों, और किसी ऐसी सेवा में भर्ती करने की रीति और उसमें नियुक्त व्यक्तियों की सेवा की शर्तें विहित कर सकती है ।]

[9][सहीकरण–इस उपधारा के प्रयोजनों के लिए यह समझ लिया जाता है कि राज्य के कुमाऊँ, और गढ़वाल मण्डलों से समविष्ट जिलों में नगर पंचायतों और नगरपालिका परिषदों, या नगर पंचायतों, नगरपालिका परिषदों, जल निगमों और जल संस्थानों के लिए सामान्य सेवाएँ सृजित की जा सकेंगी ।]

(2) जब कोई ऐसी सेवा सृजित की जाय तो सेवा में प्रतिनियोजित पदों पर काम करने वाले पदाधिकारियों और सेवकों तथा धारा 277 के खंड (ठ्ठ) के उपखण्ड (1) के अधीन उन पदों के कर्तव्यों का पालन तथा कृत्यों का सम्पादन करने वाले पदाधिकारियों और सेवकों को भी, यदि वे उपयुक्त पाये जायें, विहित रीति से, अस्थायी या अन्तिम रूप से सेवा में लिया जा सकता है और अन्य व्यक्तियों को सेवायें विहित रीति से समाप्त हो जायेंगी ।

[10][प्रतिबन्ध यह है कि सेवा में ऐसे आयोजन से सेवा के किसी सदस्य के विरुद्ध ऐसे आयोजन के दिनांक के पूर्व किये गये किसी कार्य के सम्बन्ध में कोई अनुशासन की कार्यवाही करने या जारी रखने में कोई रुकावट न होगी ।]

(3) उपधारा (1) और (2) के उपबन्धों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियमों में, उक्त उपधाराओं में अभिहित किन्हीं विषयों के सम्बन्ध में राज्य लोक सेवा आयोग से परामर्श करने की भी व्यवस्था की जा सकती है ।

[11][(4) पूर्ववर्ती उपधारा (1), (2) और (3) में या अधिनियम के किसी अन्य उपबन्ध में किसी बात के होते हुए भी, राज्य सरकार, विहित दिनांक के पूर्व की गयी अस्थायी और तदर्थ नियुक्तियों को, राज्य लोक सेवा आयोग से परामर्श किये बिना विनियमित करने के लिये भी नियमों द्वारा उपबन्ध कर सकती है ।]

112-ख. आवश्यक सेवाएँ–[12][निगम] की निम्नलिखित सेवाएँ आवश्यक सेवाएँ होंगी–

(क) चिकित्सा एवं स्वास्थ्य सेवाएँ;
(ख) जल-कल एवं पाविक अभियन्त्रण सेवाएँ;
(ग) पेट्रोल;
(घ) रोशनीकरण का कर्मचारी वर्ग;
(ङ) परिवहन सेवाएँ; और
(च) ऐसी अन्य सेवाएँ जो नियमों में विहित की जायें ।

112-ग. आवश्यक सेवाओं के सदस्य बिना अनुमति के त्याग-पत्र, आदि न देंगे–आवश्यक सेवा का कोई सदस्य–

(क) (1) मुख्य नगराधिकारी या उसके द्वारा तदर्थ प्राधिकृत किसी पदाधिकारी को लिखित अनुमति प्राप्त किये बिना, या

(2) बीमारी अथवा ऐसी दुर्घटना के बिना जिससे कि वह अपने कर्तव्यों का पालन करने में असमर्थ हो जाय या ऐसे अन्य कारण के बिना जिसे मुख्य नगराधिकारी अथवा उसके द्वारा तदर्थ प्राधिकृत पदाधिकारी पर्याप्त समझे, या

(3) मुख्य नगराधिकारी को तीन महीने का लिखित नोटिस दिये बिना,

न तो अपने पद से त्याग-पत्र देगा, न अपने पद के कर्तव्यों से विलग होगा और न अपने काम पर अनुपस्थित रहेगा, और

(ख) न अपने कर्तव्यों की उपेक्षा करेगा और न उन्हें पालन करने से इंकार करेगा और न जानबूझ कर उनका पालन ऐसी रीति से करेगा जो मुख्य नगराधिकारी या ऐसे अन्य उपयुक्त पदाधिकारी की राय में अदक्षतापूर्ण हो ।

[13]112-घ. आपात की घोषणा करने का राज्य सरकार का अधिकार–(1) यदि राज्य सरकार की यह राय हो कि आवश्यक सेवाओं में से किसी के कार्य-कलाप के रुक जाने या बन्द हो जाने से नगर के जन-समुदाय की सुरक्षा या स्वास्थ्य अथवा ऐसी सेवाओं को, जो जन-समुदाय के जीवन के लिये आवश्यक हों, बनाये रखने में प्रतिकूल प्रभाव पड़ेगा तो वह सरकारी गजट में विज्ञप्ति द्वारा यह घोषणा कर सकती है कि नगर में आपात विद्यमान है और ऐसी अवधि निर्दिष्ट करेगी जब तक ऐसी घोषणा लागू रहेगी ।

(2) जब उपधारा (1) के अधीन आपात की घोषणा लागू हो, तब ऐसी आवश्यक सेवाओं का, जो विज्ञप्ति में निर्दिष्ट की जायें, कोई सदस्य तत्समय प्रवर्तित किसी विधि या अनुबन्ध में किसी विपरीत बात के होते हुए भी–

(क) बीमारी या ऐसी दुर्घटना के बिना जिससे कि वह अपने कर्तव्यों का पालन करने में असमर्थ हो जाय, न तो वह अपने कर्तव्यों से विलग होगा और न अपने काम पर अनुपस्थित रहेगा, और

(ख) न अपने कर्तव्यों की उपेक्षा करेगा और न उन्हें पालन करने से इंकार करेगा और न जान-बूझकर उनका पालन ऐसी रीति से करेगा जो ऐसे पदाधिकारी की राय में, जिसे राज्य सरकार तदर्थ निर्दिष्ट करे, अदक्षतापूर्ण हो ।]

113. नियम बनाने का अधिकार–(1) राज्य सरकार इस अध्याय के उपबन्धों के प्रभावी बनाने के प्रयोजनों के लिये नियम बना सकती है ।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित
3. उ० प्र० अधिनियम सं० 5 सन् 1994 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगरपालिका बोर्डों" के स्थान पर रख गया
5. उ० प्र० अधिनियम सं० 15 सन् 1993 द्वारा अन्तःस्थापित
1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 12 द्वारा अंतःस्थापित नहीं

किन्तु प्रतिबन्ध यह है कि यदि राज्य सरकार इस आशय का आदेश देती है कि [1][निगम] किसी पद का सृजन करे तो उसके लिए उस पद का सृजन करना अनिवार्य होगा।

और प्रतिबन्ध यह भी है कि प्रथम प्रतिबन्ध के अधीन सृजित किसी पद की समाप्ति राज्य सरकार की स्वीकृति के बिना न की जायेगी।

(2) उपधारा (1) के अधीन सृजित पदों पर नियुक्त किये जाने वाले व्यक्तियों की अर्हतायें वही होंगी, जो राज्य सरकार द्वारा विहित की जायें।

107. पदों पर नियुक्ति— (1) उपनगराधिकारी, सहायक नगराधिकारी, [2][मुख्य अभियन्ता, नगर स्वास्थ्य अधिकारी, मुख्य नगर लेखा परीक्षक और ऐसे अन्य पदों पर, जो राज्य सरकार विनिर्दिष्ट करे, नियुक्तियाँ राज्य लोक सेवा आयोग से परामर्श करने के पश्चात् [2][नगर प्रमुख द्वारा विहित रीति से की जायेंगी] अन्य प्रकार से नहीं:

किन्तु प्रतिबन्ध यह है कि नगर स्वास्थ्य अधिकारी की नियुक्ति वहाँ तक हो सके सार्वजनिक स्वास्थ्य विभाग के उन अधिकारियों में से जिनको कि राज्य सरकार प्रतिनियुक्ति (deputation) पर भेजना स्वीकार करे, की जायेगी तथा ऐसी दशा में राज्य के लोक सेवा आयोग से परामर्श करना आवश्यक होगा।

(2) [3][ऐसे पदों पर जो उपधारा (1) में निर्दिष्ट पदों में सम्मिलित नहीं हैं, पर नियुक्तियाँ] राज्य लोक सेवा आयोग से परामर्श करने के पश्चात् विहित रीति से की जायेंगी, अन्य प्रकार से नहीं। [1][निगम] के ऐसे पदाधिकारियों तथा सेवकों की नियुक्ति का अधिकार—

(क) उन पदाधिकारियों एवं सेवकों के सम्बन्ध में, जो मुख्य नगर लेखा परीक्षक के तुरन्त अधीनस्थ हों, मुख्य नगर लेखा परीक्षक को; तथा

(ख) अन्य समस्त पदाधिकारियों एवं सेवकों के सम्बन्ध में मुख्य पदाधिकारी को,

होगा।

(3) उपधारा (1), (2) तथा (5) में उल्लिखित नियुक्तियों को छोड़कर अन्य सब नियुक्तियाँ उपधारा (4) के अधीन संगठित चुनाव करने वाली समिति की सिफारिशों के अनुसार की जायेंगी, और ऐसी नियुक्तियों का अधिकार—

(क) उन पदाधिकारियों एवं सेवकों के सम्बन्ध में, जो मुख्य नगर लेखा परीक्षक के तुरन्त अधीनस्थ हों, मुख्य नगर लेखा परीक्षक को; तथा

(ख) अन्य समस्त पदाधिकारियों एवं सेवकों के सम्बन्ध में मुख्य नगराधिकारी

होगा।

(4) उपधारा (3) में उल्लिखित समिति में मुख्य नगराधिकारी या उसके द्वारा नामांकित व्यक्ति [2][मुख्य नगर लेखा परीक्षक] तथा उस विभाग का अध्यक्ष जिसके लिए नियुक्ति करनी हो, होंगे। मुख्य नगराधिकारी तथा उनकी अनुपस्थिति में उनके द्वारा एतदर्थ नामनिर्दिष्ट किया गया सदस्य, चुनाव करने वाली समिति का सभापति होगा:

किन्तु प्रतिबन्ध यह है कि मुख्य नगर अधिकारी या मुख्य नगर लेखा परीक्षक के तुरन्त अधीनस्थ पदाधिकारियों तथा सेवकों की नियुक्ति के सम्बन्ध में जो ऊपर उल्लिखित समिति बनाई जायेगी उसमें मुख्य नगर अधिकारी या मुख्य नगर लेखा परीक्षक, जैसे भी दशा हो, सभापति के रूप में होंगे तथा [1][निगम] के दो और पदाधिकारी, जिनको कार्यकारिणी समिति नामनिर्दिष्ट करेगी, सदस्यों के रूप में होंगे।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 36 सन् 1965 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 22 सन् 1961 द्वारा प्रतिस्थापित

(5) [1][निगम] के इंजीनियरिंग, [1][लोक स्वास्थ्य और विगम के अन्य विभागों के ऐसे पदों पर जिनका वेतनमान उपधारा (3) में निर्दिष्ट पदों के वेतनमान से कम हो] नियुक्तियाँ, [1][निगम] द्वारा एतदर्थ बनायी गयी किन्हीं उपसमितियों के अधीन रहते हुए, धारा 112 में उल्लिखित सम्बद्ध विभागाध्यक्षों द्वारा की जायेंगी।

(6) नियुक्ति करने वाले प्राधिकारी तथा राज्य के लोक सेवा आयोग के बीच मतभेद होने की दशा में मुख्य नगराधिकारी सम्बद्ध मामले को राज्य सरकार को भेज देगा जिसका निर्णय अंतिम होगा।

108. कतिपय पदों पर स्थापनापन्न और अस्थायी नियुक्तियाँ—धारा 107 में किसी बात के होते हुए भी उस धारा की उपधारा (1), (2) और (3) में उल्लिखित पदों पर स्थापनापन्न तथा अस्थायी नियुक्तियाँ उन उपधाराओं में निर्दिष्ट नियुक्ति करने वाले प्राधिकारियों द्वारा बिना राज्य के लोक सेवा आयोग के परामर्श के अथवा बिना चुनाव करने वाली समिति की सिफारिश प्राप्त किये की जा सकती है, किन्तु पश्चातवर्ती बिना राज्य के लोक सेवा आयोग के परामर्श के अथवा बिना चुनाव करने वाली समिति की सिफारिश के अनुसरण में ऐसी कोई नियुक्ति एक वर्ष से अधिक अवधि तक नहीं चलेगी और न कोई ऐसी नियुक्ति की जाये जिसके एक वर्ष से अधिक तक चलते रहने की आशा हो।

[1][108-क. [1][निगम] द्वारा अनुरक्षित संस्थाओं के अध्यापकों की नियुक्ति—धारा 107 और 108 में किसी बात के होते हुए भी—

(क) उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, 1973 में यथापरिभाषित किसी विश्वविद्यालय से सम्बद्ध और किसी [1][नगर निगम] द्वारा अनुरक्षित किसी महाविद्यालय में किसी अध्यापक की नियुक्ति उस अधिनियम के उपबन्धों के अनुसार की जायगी; और

(ख) इन्टरमीडिएट शिक्षा अधिनियम, 1921 के अनुसार मान्यताप्राप्त और किसी [2][नगर निगम] द्वारा अनुरक्षित किसी संस्था के अध्यापक या प्रधान की नियुक्ति उस अधिनियम के उपबन्धों के अनुसार की जायगी।]

109. सेवा की शर्तें, इत्यादि—[1][निगम] के पदाधिकारियों, कर्मचारीवर्ग तथा अन्य सेवकों की उपलब्धियों और सेवा की अन्य शर्तें वही होंगी जिन्हें राज्य सरकार विहित करे।

110. [1][निगम] के पदाधिकारियों के दण्ड की व्यवस्था—[3][(1) [1][निगम] के किसी पदाधिकारी या सेवक को, जिस प्राधिकारी द्वारा वह नियुक्त किया गया था उसके अधीनस्थ प्राधिकारी द्वारा पदच्युत न किया जायगा, न हटाया जायगा, न अन्य प्रकार से दण्डित किया जायगा :

प्रतिबन्ध यह है कि उस पदाधिकारी या सेवक की स्थिति में, जिसे धारा 107 के अधीन राज्य लोक सेवा आयोग के परामर्श से नियुक्त किया जाना अपेक्षित है, सम्बद्ध प्राधिकारी के लिए यह आवश्यक होगा कि वह किसी ऐसे पदाधिकारी या सेवक को पदच्युत करने, हटाने या पंक्तिच्युत करने की आज्ञा देने के पूर्व विहित रीति से आयोग से परामर्श करे।]

(2) [1][निगम] के पदाधिकारियों तथा सेवकों को दंडित होने के बाद अपील करने का वह अधिकार प्राप्त रहेगा जो विहित किया जाय।

111. राज्य सरकार के नियुक्ति सम्बन्धी अधिकार—यदि धारा 107 में उल्लिखित कोई प्राधिकारी धारा 106 में उल्लिखित अथवा उसके अधीन सृजित किसी पद पर किसी उचित अवधि के भीतर नियुक्ति

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 10 सन् 1978 द्वारा बढ़ायी गयी
3. उ० प्र० अधिनियम सं० 10 सन् 1978 द्वारा प्रतिस्थापित

(2) [निगम] अथवा उपसमिति (1) में विशेष कोई समिति, विशेष समिति, संयुक्त समिति अथवा उपसमिति [निगम] के किसी भी पदाधिकारी को आदेश दे सकती है कि वह उसके किसी ऐसे अधिवेशन में उपस्थित हो, जहाँ किसी ऐसे विषय पर चर्चा हो रही हो, जिस पर उस पदाधिकारी ने अपने कर्तव्यों का पालन करते हुए कोई कार्यवाही की हो और यदि किसी पदाधिकारी को ऐसे किसी अधिवेशन में उपस्थित होने के आदेश मिलते हैं तो पदाधिकारी [निगम] समिति, विशेष समिति, संयुक्त समिति अथवा उपसमिति के आदेशानुसार उसमें कोई सहायता देने अथवा सहमतियों का स्पष्टीकरण करने अथवा किसी विषय से, जिस पर उसने कार्यवाही की है, सम्बद्ध किसी ऐसी सूचना को प्रकट करने के लिए, जो उसके पास हो, अनुरोध किया जा सकता है।

(3) किसी भी ऐसे पदाधिकारी को, जिसे राज्य सरकार ने विशेष रूप से तुलनार्थ प्रतिपादन किया हो, [निगम] के अधिवेशन में उपस्थित रहने तथा उसमें किसी ऐसे विषय पर भाषण देने का अधिकार होगा, जिसका प्रभाव उसके विभाग पर पड़ता हो अथवा जिसके सम्बन्ध में उसे विशेष ज्ञान हो।

(4) [निगम] राज्य सरकार से प्रार्थना कर सकता है कि वह किसी सरकारी विभाग के अध्यक्ष अथवा इस विभाग के किसी अन्य अधिकारी को [निगम] के अधिवेशन में उपस्थित होने का निर्देश दे।

102. [निगम], कार्यकारिणी समिति, इत्यादि की कार्यवाहियाँ—[निगम], कार्यकारिणी समिति, [निकाय समिति, कर समिति] तथा अन्य सभी समितियों एवं उपसमितियों का अधिवेशन तथा उसके समक्ष आये हुये कार्यों का व्यवहार और निस्तारण [की] करायी गयी उपविधियों द्वारा निर्दिष्ट रीति से किया जायेगा।

103. इस अध्याय के अधीन निर्मित उपविधियाँ—(1) इस अधिनियम के उपबन्धों से भिन्न तथा इसके अधीन रहते हुए [निगम] आपने और कार्यकारिणी समिति, [निकाय समिति, कर समिति] तथा ऐसी समितियों, जिनका निर्माण धारा 5 के खंड (ङ) के अन्तर्गत हुआ हो, विशेष समितियों तथा उपसमितियों के अधिवेशनों का आयोजन तथा इन अधिवेशनों में सम्पादित किये जाने वाले कार्यों का विनियमन करने के लिए उपविधियाँ बना सकती हैं।

(2) उपधारा (1) के अधीन प्रदत्त अधिकारों की व्यापकता पर बिना प्रतिकूल प्रभाव डाले हुए उपविधियों में निम्नलिखित की व्यवस्था की जा सकती है:

(1) [निगम] समितियों और उपसमितियों के अधिवेशनों का प्रारम्भ तथा स्थान,

(2) नोटिस, जिससे ऐसे अधिवेशनों की सूचना दी जायगी,

(3) तथा अधिवेशनों का प्रक्रम तथा स्थगन और उनसे सम्बन्धित सब से कार्यवाहियाँ के नियमन, जिसके अन्तर्गत आवश्यक करने के दोनों सदनों को निकालना तथा उन्हें नियन्त्रित करना भी है,

(4) [निगम], समिति अथवा उपसमिति के अधिवेशनों की प्रक्रिया,

(5) निकाय-पुस्तिका तथा [निगम], समितियों तथा उपसमितियों का अभिलेख रखना,

(6) कार्यकारिणी के विभागों तथा प्रतिवेदनों की जाँच और सुलझ अदा करने का अथवा अन्य प्रकार से उसकी प्रतिवर्ती सदस्यों तथा अन्य व्यक्तियों को देना,

(7) समितियों और उपसमितियों का संगठन,

(8) किसी उपसमिति को नियुक्त करने वाली समिति के समक्ष उप-समिति के निर्माण की अपील,

(9) प्रश्न पूछने के अधिकारों से सम्बद्ध शर्तें तथा ऐसे प्रश्नों के उत्तर।

1. 31 अ० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(3) इस धारा के अधीन निर्मित उपविधियों बनाने [धारा 102, 103, 104, 105, 106, 107, 108 के अधीन होंगी।

104. रिक्ति, आदि के कारण कार्यवाहियाँ अवैध न समझी जायेंगी—(1) [निगम] अथवा इस अधिनियम के अधीन नियुक्त किसी समिति अथवा उपसमिति का कोई कार्य अथवा उसकी कार्यवाही इस कारण कि उसमें कोई रिक्ति थी, न तो अवैध ही होगी और न इस पर आपत्ति ही की जायगी।

(2) किसी व्यक्ति के की सदस्यता [* * *] अथवा उस प्रयुक्त अथवा उपगत प्रयुक्त अथवा [निगम] के पीठासीन प्राधिकारी अथवा इस अधिनियम के अधीन नियुक्त किसी समिति अथवा उपसमिति के सभापति अथवा उप सभापति अथवा सदस्य के रूप में कार्य का त्याग है, निर्वाचन अथवा उसकी नियुक्ति सम्बन्धी किसी अपहरण अथवा त्रुटि के कारण सभासिति [निगम] अथवा किसी समिति अथवा उपसमिति के, जिसमें उक्त व्यक्ति ने भाग लिया है, किसी कार्य अथवा कार्यवाही को दोषपूर्ण नहीं समझा जायगा ; किन्तु प्रतिबन्ध यह है कि जिन व्यक्तियों ने उक्त कार्य अथवा कार्यवाही में भाग लिया हो उनका अयोग्य होने करने का अधिकारी रहा हो।

(3) जब तक अन्यथा सिद्ध न हो जाय [निगम] अथवा किसी समिति अथवा उपसमिति का सचिव अधिवेशन, ऐसी कार्यवाहियों के बारे में जिनका विवरण इस अधिनियम अथवा उपविधियों के अधीन तैयार तथा हस्ताक्षरित हो चुका हो, यथास्थिति आयोजित और किया गया समझा जायगा तथा अधिवेशन के सम्बन्ध स्थानों के विषय में यह समझा जायगा कि वे यथास्थिति अर्हे गये हैं, और यदि वे कार्यवाहियाँ किसी समिति अथवा उपसमिति की हों तो उस समिति अथवा उपसमिति के विषय में यह समझा जायगा कि उसका यथास्थिति संगठन हुआ था और उसे विभाग पुस्तिका में निर्दिष्ट व्यवसों के सम्बन्ध में कार्यवाही करने का अधिकार था।

105. केवल अधिनियम के आधार पर कार्य और कार्यवाहियों पर आपत्ति करने के सम्बन्ध में प्रतिबन्ध—इस अधिनियम के अधीन किये गये किसी कार्य अथवा कार्यवाही पर, प्रक्रिया में किसी ऐसे दोष अथवा अनियमितता के ही आधार पर, जिससे मूल रूपों पर कोई प्रभाव न पड़ता हो, किसी न्यायालय में कोई आपत्ति न की जा सकेगी।

अध्याय 4

पदाधिकारी तथा कर्मचारी वर्ग

106. पदों का सृजन—ऐसे पदों के अतिरिक्त, जो विहित की जायँ, [निगम] अपने कार्यों के संचालनार्थ समय समय पर निम्नलिखित एक या एक से अधिक पदों का, जैसा वह आवश्यक समझे, सृजन कर सकता है—

(1) उप-सचिवाधिकारी,

(2) सहायक सचिवाधिकारी,

[(3) मुख्य अभियन्ता]

(4) अन्य सहायक अधिकारी,

(5) मुख्य कर लेखा परीक्षक, और

(6) पदाधिकारियों, कर्मचारी वर्ग तथा अन्य सेवकों के अन्य ऐसे पद जो उसके कृत्यों के कुशल संचालन के लिये आवश्यक हों।

1. 31 अ० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. 31 अ० अधिनियम सं० 12 सन् 1994 द्वारा मूल "अथवा विहित अवधि" निकाल दिये गये

(5) प्रत्येक विशेष समिति तथा संयुक्त समिति अपने में से किसी एक सदस्य को सभापति नियुक्त करेगी, किन्तु प्रतिबन्ध यह है कि [1][निगम] का कोई भी सदस्य एक से अधिक विशेष समितियों अथवा संयुक्त समितियों का सभापति न हो सकेगा और ऐसा कोई भी व्यक्ति किसी समिति का सभापति नियुक्त न किया जायगा जो [1][निगम] का सदस्य न हो।

(6) किसी विशेष समिति अथवा संयुक्त समिति के अधिवेशन में सभापति की अनुपस्थिति में उस समिति की अध्यक्षता करने के लिए अपने में से एक सदस्य चुनेंगे, किन्तु प्रतिबन्ध यह है कि ऐसा कोई भी व्यक्ति जो [1][निगम] का सदस्य नहीं होगा, इस पद के लिए नहीं चुना जायगा।

(7) किसी विशेष समिति का प्रतिवेदन यथासाध्य शीघ्र [1][निगम] के समक्ष रखा जायगा और तत्पश्चात् [1][निगम] उसके सम्बन्ध में ऐसी कार्यवाही करेगा जिसे वह उचित समझे अथवा उसे ऐसी अन्य जाँच-पड़ताल करने तथा ऐसा प्रतिवेदन प्रस्तुत करने के निमित्त, जिसके लिए वह आदेश दे, विशेष समिति को वापस भेज सकता है।

96. अन्य स्थानीय प्राधिकारियों के साथ संयुक्त रूप से कार्य सम्पादन—(1) [1][निगम] समय-समय पर निम्नलिखित के लिए छावनी के प्राधिकारी (cantonment authority) अथवा अन्य किसी स्थानीय प्राधिकारी अथवा इन प्राधिकारियों के समवाय के साथ मिल कर कार्य कर सकता है और यदि राज्य सरकार द्वारा अपेक्षित हो तो, ऐसा कार्य अवश्य करेगा—

(क) किसी ऐसे प्रयोजन के लिए जिसमें उपर्युक्त सभी प्राधिकारियों का संयुक्त हित हो, उनके अपने-अपने निकायों में से एक संयुक्त समिति की स्थापना तथा ऐसी समिति के सभापति की नियुक्ति;

(ख) उक्त समिति को ऐसे निबन्धनों (terms) के, जो किसी संयुक्त कार्य के निर्माण और उसके बाद्यी संधारण के सम्बन्ध में ऐसे प्रत्येक निकाय के लिये बन्धनकारी हों, बनाने का अधिकार और अन्य ऐसा अधिकार प्रतिनिधायित करना जो इन निकायों द्वारा प्रस्तुत किया जा सकता हो; और

(ग) किसी ऐसे प्रयोजन के लिए, जिसके हेतु समिति की नियुक्ति की गयी है, ऐसी किसी समिति की कार्यवाहियों का विनियमन करने के निमित्त उपविधियाँ बनाना और उनमें संशोधन करना।

(2) यदि किसी मामले के सम्बन्ध में [1][निगम] ने उपधारा (1) के उपबन्धों के अधीन किसी अन्य प्राधिकारी की सहमति प्राप्त करने की प्रार्थना की हो और उस अन्य स्थानीय प्राधिकारी ने सहमत होने से इन्कार कर दिया हो तो राज्य सरकार पूर्वोक्त मामले में छावनी प्राधिकारी से भिन्न उस अन्य प्राधिकारी की सहमति प्राप्त कराने के लिए ऐसी आज्ञा जारी कर सकती है, जिसे वह उचित समझे तथा उक्त अन्य प्राधिकारी उस आज्ञा का पालन करेगा।

(3) यदि [1][निगम] तथा उक्त किसी अन्य प्राधिकारी के मध्य, जो इस धारा के अधीन [1][निगम] से भिन्न गयी हो, कोई मतभेद उत्पन्न हो जाय तो उसे राज्य सरकार को भेज दिया जायगा तथा इस संबंध में राज्य सरकार का निर्णय अंतिम और बन्धनकारी होगा।

किन्तु प्रतिबन्ध यह है कि यदि सम्बद्ध प्राधिकारी [illegible] छावनी प्राधिकारी हो तो उस पर उक्त निर्णय तब तक बन्धनकारी न होगा जब तक कि केन्द्रीय सरकार उसकी पुष्टि न करे।

(4) [1][निगम], छावनी प्राधिकारी अथवा किसी स्थानीय प्राधिकारी अथवा इन प्राधिकारियों के समवाय के साथ इन प्राधिकारियों की ओर से स्वयं पर्ती (octroi) अथवा चुंगी कर (terminal tax) अथवा पथकर लगाने के लिए समय-समय पर करार कर सकती है और ऐसी दशा में लगाये गये करों के सम्बन्ध में इस अधिनियम के उपबन्ध उसी प्रकार लागू होंगे मानो नगर का क्षेत्र इतना बढ़ा दिया गया हो कि उसके अन्तर्गत वे क्षेत्र आते हों, जो ऐसे प्राधिकारी अथवा इन प्राधिकारियों के समवाय के नियंत्रण के अधीन हों।

(5) [1][निगम] जिन निबन्धनों पर उपधारा (1) अथवा उपधारा (4) के अधीन किसी छावनी प्राधिकारी अथवा स्थानीय प्राधिकारी अथवा इन प्राधिकारियों के समवाय के साथ सम्मिलित होने का विचार करे वे लिखित रूप में रखे जायेंगे तथा राज्य सरकार के पूर्वानुमोदन के अधीन होंगे।

(6) राज्य सरकार के पूर्वानुमोदन के अधीन उपधारा (5) में उल्लिखित निबन्धन समस्त सम्बद्ध स्थानीय प्राधिकारियों की सहमति से परिवर्तित अथवा विखण्डित किये जा सकते हैं, और इस प्रकार का कोई परिवर्तन अथवा विखंडन ऐसे दिनांक से प्रभावी होगा जो पारस्पर निश्चित कर लिया जाय तथा पूर्वोक्त स्थानीय प्राधिकारियों द्वारा निर्दिष्ट कर दिया जाय।

97. उपसमितियाँ—(1) कार्यकारिणी समिति [2][विकास समिति, कला समिति] धारा 5 के खण्ड (ङ) के अधीन नियुक्त कोई समिति, अथवा कोई संयुक्त समिति किसी ऐसे प्रयोजन के लिए, जिसके सम्बन्ध में उसे कार्यवाही करने का अधिकार हो और जो उसके मतानुसार अधिक उपयोगी ढंग से किसी उपसमिति द्वारा पूरा किया जा सकता हो, एक अथवा एकाधिक उपसमितियों को नियुक्त कर सकती है।

(2) उपधारा (1) के अधीन नियुक्त कोई उपसमिति ऐसे अधिकारों का उपयोग तथा ऐसे कर्तव्यों और कृत्यों का पालन करेगी, जो उस नियुक्त करने वाली समिति समय-समय पर उसे प्रतिनिधायित करें, अथवा दे।

98. प्रश्न करने का अधिकार—नियमों द्वारा विहित शर्तों के अधीन रहते हुए कोई सभासद [3][* * *] इस अधिनियम की कार्यान्विति अथवा नगर के [1][निगम] से सम्बद्ध किसी विषय पर प्रश्न कर सकता है।

99. अन्य समितियों के अधिवेशनों में किसी समिति के सभापति की उपस्थिति—नगर प्रमुख की अनुमति से [1][निगम] की किसी समिति का कोई सभापति [1][निगम] की किसी अन्य समिति के अधिवेशन में उपस्थित रह सकता है तथा उसमें भाषण कर सकता है; परन्तु इस धारा के कारण वह उस समिति में मताधिकार का अधिकारी न होगा।

100. नगर प्रमुख तथा उपनगर प्रमुख के पदों की रिक्ति—जब कभी नगर प्रमुख तथा उपनगर प्रमुख दोनों के पद रिक्त हों तो मुख्य नगराधिकारी ऐसे आदेशों के अधीन रहते हुए, जो विहित अधिकारी इसदर्थ दे, नगर प्रमुख अथवा उपनगर प्रमुख के निर्वाचित होने तक नगर प्रमुख के दैनिक कार्यों का पालन करेगा।

101. अधिवेशनों में मुख्य नगराधिकारी तथा अन्य पदाधिकारियों की उपस्थिति—(1) मुख्य नगराधिकारी को [1][निगम] के अथवा इस अधिनियम के अन्तर्गत संगठित किसी समिति, संयुक्त समिति अथवा विशेष समिति के किसी अधिवेशन में उपस्थित होने तथा वहाँ होने वाली चर्चा में भाग लेने का अधिकार होगा तथा वह पीठासीन अधिकारी की अनुमति से किसी भी समय कोई वक्तव्य अथवा वस्तुस्थिति सम्बन्धी कोई स्पष्टीकरण दे सकता है; परन्तु उसे उस अधिवेशन में मत देने अथवा कोई प्रस्ताव (proposition) प्रस्तुत करने का अधिकार न होगा।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "विकास समिति" के स्थान पर रखा गया
3. उ० प्र० अधिनियम सं 12 सन् 1977 की धारा 24 द्वारा शब्द "अथवा विशेष सदस्य" निकाल दिये गये

(2) उपधारा (1) में उल्लिखित किसी समिति का सभापति अथवा उसकी अनुपस्थिति में उप-सभापति जब वह उचित समझे, समिति का अधिवेशन बुला सकता है और समिति के सदस्यों की कुल संख्या एक-चौथाई से अन्यून सदस्यों द्वारा लिखित रूप में प्रार्थना-पत्र प्राप्त होने पर समिति का अधिवेशन आवश्य बुलायेगा ।

90. गणपूर्ति—(1) यदि किसी विशेष संकल्प द्वारा कोई कार्य सम्पादित करना अपेक्षित है तो ऐसे कार्य के सम्पादनार्थ गणपूर्ति यथास्थिति [1][निगम] अथवा समिति के सदस्यों की संख्या की कम से कम आधी होगी ।

(2) उपधारा (3) में उपबन्धित व्यवस्था को छोड़कर अन्य दशा में [1][निगम] कार्यकारिणी समिति, [1][विकास समिति, कक्ष समिति] अथवा धारा 5 के अधीन निर्मित अन्य किसी समिति के किसी अधिवेशन में तब तक कोई कार्य सम्पादित न किया जायगा जब तक कि सम्पूर्ण अधिवेशन में कुल सदस्यों की कम से कम 1/5 संख्या उपस्थित न रहे ।

(3) यदि कोई अधिवेशन नहीं होता अथवा गणपूर्ति के अभाव में अपना कार्य-सम्पादन जारी नहीं रख पाता है तो अधिवेशन अधिष्ठाता (Presiding Officer) यह आदेश देगा कि ऐसे समय अथवा स्थान पर, जिसे वह उचित समझे, अधिवेशन बुलाया जाय और तत्पश्चात् मुख्य नगराधिकारी सभी सदस्यों को ऐसे अधिवेशन के समय और स्थान की सूचना देगा और वह कार्य जो मूल अधिवेशन में किये जाने के लिए सूचीकृत था अब इस अधिवेशन में लाया जायगा और सामान्य रीति से सम्पादित किया जायगा, किन्तु इसके लिए किसी गणपूर्ति की आवश्यकता न होगी ।

91. अधिवेशन और कार्यों की सूचना—(1) स्थगित किए गए अधिवेशन के अतिरिक्त अन्य सभी अधिवेशनों में सम्पादित होने वाले कार्यों की एक सूची यथास्थिति [1][निगम] कार्यकारिणी समिति, [1][विकास समिति, कक्ष समिति] अथवा धारा 5 के खंड (ङ) के अधीन निर्मित किसी समिति के प्रत्येक सदस्य के अपने दिए हुए पते पर भेज दी जायगी। यह सूची ऐसे अधिवेशन के लिए निश्चित समय से [1][निगम] के अधिवेशन की दशा में कम से कम 96 घंटे पूर्व तथा उपर्युक्त अन्य समितियों के अधिवेशन की दशा में कम से कम 72 घंटे पूर्व दी जायगी और उपधारा (2) में उपबन्धित अवस्था को छोड़ कर, इस अधिवेशन में उस कार्य के अलावा, जिसकी सूचना दी गयी है, अन्य कोई भी कार्य न तो लाया जायगा और न सम्पादित किया जायगा :

किन्तु प्रतिबन्ध यह है कि यदि पूर्वोक्त कार्यों की सूची डाक द्वारा भेजी जाय तो वह डाक द्वारा भेजने के प्रमाण-पत्र के अधीन भेजी जायगी ।

(2) यथास्थिति [1][निगम] अथवा उपधारा (1) में उल्लिखित किसी समिति का कोई सदस्य किसी ऐसे संकल्प पर उसकी एक प्रतिलिपि के, की नोटिस एक नगराधिकारी को भेजेगा अथवा देगा, जिसे वह किसी ऐसे अधिवेशन में प्रस्तावित करना चाहता है जिसकी नोटिस उपधारा (1) के अधीन दी गयी है। यह नोटिस अधिवेशन की दशा में कम से कम 44 घंटे पूर्व किसी समिति के अधिवेशन की दशा में कम से कम 24 घंटे पूर्व दी जायगी और तत्पश्चात् मुख्य नगराधिकारी संकल्प की ऐसी रीति से, जिसे वह उचित समझे, जितना शीघ्र हो सके, प्रत्येक सदस्य के पास घुमवा देगा। इस प्रकार भेजे गये किसी संकल्प पर, जब तक अधिवेशन अन्यथा निश्चित न करे अधिवेशन में विचार किया जायगा और उसका निस्तारण किया जायगा ।

92. [1][निगम] के अधिवेशन में बहुमत द्वारा निर्णय—(1) [1][निगम] अथवा उसकी किसी समिति द्वारा निर्णय के लिए अपेक्षित समस्त विषय, इस अधिनियम में अन्यथा उपबंधित व्यवस्था को छोड़ कर, अधिवेशन में उपस्थित और मतदान करने वाले सदस्यों के बहुमत द्वारा निर्धारित किये जायेंगे ।

[2][* * *]

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 17 सन् 1982 की धारा 9 द्वारा प्रतिस्थापनार्थ खण्ड निकाल दिया गया

(2) समस्त अधिवेशन में यह बात समझने दिये जायेंगे, किन्तु [1][निगम] द्वारा बनाये गये उपविधियों में यह व्यवस्था की जा सकती है कि कोई प्रश्न अथवा प्रश्न नहीं, जो विशेष किया जाय, गुप्त मतपत्रों (Secret ballot) द्वारा निर्णीत किया जायगा ।

(3) किसी अधिवेशन में, जब तक उपस्थित सदस्यों की कम से कम एक-चौथाई संख्या द्वारा मतदान की मांग नहीं की जाती, ऐसे अधिवेशन में अधिष्ठाता द्वारा की गयी इस आशय की कोई घोषणा कि संकल्प मान लिया गया है अथवा गिर गया है और कार्यवाही के विवरण में इसी आशय की प्रविष्टि, बिना इस प्रमाण के कि इस संकल्प के पक्ष अथवा विपक्ष में प्राप्त कितने मत अभिलिखित हुए हैं अथवा मतों का कौन-सा अनुपात अभिलिखित हुआ है, इस अधिनियम के लिए एतदर्थ प्रयोजनों में निश्चायक साक्ष्य होगी ।

(4) यदि किसी अधिवेशन में उपस्थित सदस्यों की कम से कम एक-चौथाई संख्या मतदान की मांग करे तो अधिष्ठाता के आदेशों के अनुसार उपस्थित सदस्यों के, जो मत देना चाहें, मत लिखे जायेंगे और ऐसे मतदान का परिणाम उस अधिवेशन में [1][निगम] का संकल्प समझा जायगा ।

93. [1][निगम] तथा कार्यकारिणी समिति, आदि के अधिवेशन का स्थगन—[1][निगम] अथवा धारा 89 में उल्लिखित किसी समिति के किसी अधिवेशन का, जिसमें गणपूर्ति के लिए अपेक्षित सदस्यों की संख्या उपस्थित हो, अधिष्ठाता उपस्थित सदस्यों के बहुमत की सहमति से समय-समय पर अधिवेशन को स्थगित कर सकता है ।

94. अधिवेशनों के अधिष्ठाता—(1) नगर प्रमुख और उसकी अनुपस्थिति में उपनगर-प्रमुख [1][निगम] के अधिवेशनों की अध्यक्षता करेगा ।

(2) किसी समिति के सभापति की अनुपस्थिति में उस समिति का उप-सभापति समिति के अधिवेशनों की अध्यक्षता करेगा ।

(3) [1][निगम] की दशा में नगरप्रमुख तथा उपनगर प्रमुख और धारा 89 में उल्लिखित किसी समिति की दशा में सभापति और उपसभापति की अनुपस्थिति में, किसी अधिवेशन में उपस्थित सदस्यगण अधिवेशन की अध्यक्षता करने के लिए अपने में से ही किसी सदस्य का निर्वाचन करेंगे ।

(4) धारा 17 के उपबन्धों के अधीन रहते हुए [1][निगम] अथवा किसी समिति के किसी अधिवेशन की अध्यक्षता करने वाला व्यक्ति यथास्थिति [1][निगम] अथवा समितियों के समक्ष किसी प्रस्ताव पर अपना मत दे सकता है और मतों की समानता की दशा में एक निर्णायक मत भी दे सकता है ।

95. विशेष समितियाँ तथा संयुक्त समितियाँ—(1) [1][निगम] अपने अधिकारों, कर्तव्यों अथवा कृत्यों से संसक्त किसी मामले की जाँच करने तथा उस पर प्रतिवेदन (report) देने के लिए विशेष संकल्प द्वारा समय-समय पर एक विशेष समिति का संगठन कर सकती है, जो ऐसे सदस्यों तथा अन्य व्यक्तियों से, यदि कोई हो, मिलकर बनेगी जिन्हें वह एतदर्थ योग्य समझे। विशेष समिति के प्रत्येक सदस्य को समिति में बोलने तथा उसमें अन्य प्रकार से भाग लेने का अधिकार होगा। परन्तु किसी भी व्यक्ति को, जो [1][निगम] का सदस्य नहीं है, समिति के किसी अधिवेशन में मत देने का अधिकार न होगा ।

(2) [1][निगम] धारा 4 में उल्लिखित समिति से किसी दो अथवा दो से अधिक समितियों को ऐसे मामलों के लिए, जिसमें इन समितियों का संयुक्त हित हो, संकल्प द्वारा समय-समय पर एक संयुक्त समिति की स्थापना कर सकता है ।

(3) प्रत्येक समिति अथवा संयुक्त समिति ऐसे समस्त आदेशों का पालन करेगी, जो [1][निगम] द्वारा समय-समय पर उसे दिये जायँ ।

(4) [1][निगम] किसी भी समय किसी विशेष समिति अथवा संयुक्त समिति को विघटित (dissolve) अथवा उसके विधान को परिवर्तित कर सकता है अथवा किसी विशेष समिति को प्रतिनिधायित कोई अधिकार, कर्तव्य अथवा कृत्य उससे वापस ले सकता है ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

सदस्यों को बनाये रखने और किसी पद को भी ग्रहण करने वाले ऐसे व्यक्तियों को अयोग्य घोषित करेगा।]

[1][(1-क) [2][निगम] के धारा 9 के अधीन संगठन या धारा 538 [3][* * *] के अधीन पुनर्संगठन हो जाने के बाद दिन के भीतर मुख्य नगर अधिकारी निर्वाचित घोषित किये गये नगर प्रमुख [4][और सभासद] का एक अधिवेशन बुलायेगा। दिवीजन का कमिश्नर और उसकी अनुपस्थिति में जिला मजिस्ट्रेट नगर-प्रमुख को शपथ दिलायेगा या प्रतिज्ञान करायेगा और तत्पश्चात् नगर प्रमुख ऐसे सभासदों [5][* * *] को, जो उपस्थित हों, शपथ दिलायेगा या प्रतिज्ञान करायेगा।

(2) कोई व्यक्ति जो सभासद या नगर प्रमुख [6][* * *] निर्वाचित हो चुका हो अथवा जो विकास समिति का कोई संयोजित सदस्य हो, अपनी पदावधि के प्रारम्भ से तीन महीने के भीतर या उक्त दिनांक के पश्चात् आयोजित [2][निगम] के प्रथम तीन अधिवेशनों में से किसी एक में, दोनों में से जो भी पश्चात्वर्ती हो, उपधारा (1) में निर्दिष्ट तथा एतदर्थ अपेक्षित शपथ अथवा प्रतिज्ञान न करे तो वह अपने पद पर आसीन रहेगा और उसका पद रिक्त समझा जायेगा।

(3) कोई भी व्यक्ति, जिससे उपधारा (1) के अधीन शपथ लेने अथवा प्रतिज्ञान करने की अपेक्षा की गई है, [2][निगम] के किसी अधिवेशन में अथवा विकास-समिति का सदस्य संयोजित होने की दशा में उस समिति के किसी अधिवेशन में उस समय तक न तो स्थान ग्रहण करेगा और न यथास्थिति सभासद् [7][* * *] अथवा नगर प्रमुख अथवा विकास समिति के सदस्य के रूप में कोई कार्य ही करेगा जब तक उसने उपधारा (1) में निर्दिष्ट शपथ न ली हो अथवा प्रतिज्ञान न किया हो।

86. निर्वाचन व्यय-(1) किसी नगर की निर्वाचन सूचियों को तैयार करने तथा उनके पुनरीक्षण तथा उस नगर के लिए इस अधिनियम के अधीन संचालित निर्वाचनों के सम्बन्ध में किए गए समस्त व्यय, जब तक कि राज्य सरकार अन्यथा निदेश न दे, राज्य सरकार द्वारा निर्दिष्ट रीति से और उसके द्वारा निर्दिष्ट आवृति (extent) पर्यन्त [2][निगम] पर भारित होंगे तथा उन्हें [2][निगम] से वसूल किया जा सकेगा।

(2) निर्वाचन अधिकारी अथवा निर्वाचन का संचालन करने का उत्तरदायी कोई पदाधिकारी [2][निगम] को यह आदेश दे सकता है कि वह ऐसी धनराशि दे जो उस निर्वाचन के संचालन के लिए आवश्यक हो और तत्पश्चात् [2][निगम] निर्वाचन अधिकारी अथवा अन्य संबद्ध पदाधिकारी को उक्त धनराशि उपलब्ध करायेगा।

87. राज्य सरकार का अधिकार—राज्य सरकार विहित किये जाने वाले विषयों के सम्बन्ध में, किन्तु जो अधिनियम में अथवा आज्ञा द्वारा विहित नहीं किए गए हैं, नियम बना सकती है।

(2) पूर्वोक्त अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना इन नियमों में निम्नलिखित की व्यवस्था की जा सकती है—

(क) नगर प्रमुख, उपनगर प्रमुख [7][* * *] या सभासद के निर्वाचन तथा नगर प्रमुख, उपनगर-प्रमुख [7][* * *] अथवा सभासद के स्थान की रिक्ति की विज्ञप्ति की रीति;

(ख) कार्यकारिणी समिति, विकास-समिति तथा धारा 5 के खंड (ङ) के अधीन संगठित समितियों के सदस्यों के निर्वाचन की तथा विकास-समिति के सदस्यों के संयोजन की रीति;

(ग) कार्यकारिणी समिति तथा विकास समिति के उपसभापति के निर्वाचन की तथा धारा 5 के खंड (ङ) के अधीन संगठित समितियों के सभापति तथा उपसभापति के निर्वाचन की रीति;

(घ) मुख्य नगराधिकारी के अधिकार वेतन और भत्ते;

(ङ) किसी सदस्य की अयोग्यता के सम्बन्ध में धारा 82 के अधीन किसी प्रश्न के प्रतिप्रेषण (reference) की रीति;

(च) यह जानने की प्रक्रिया कि धारा 25 तथा 83 के प्रयोजनों के निमित्त कोई सदस्य किसी भयानक रोग से पीड़ित है या नहीं; और

(छ) धारा 85 के अधीन शपथ ग्रहण करने से सम्बद्ध विषय।

---

1. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 9 (3) द्वारा अन्तःस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "अथवा धारा 539" निकाल दिये गये
4. उ० प्र० अधिनियम सं० 12 सन् 1977 की धारा 23 (क) (एक) द्वारा शब्द "सभासदों" और "विशिष्ट सदस्यों" की जगह रखे गये
5. उ० प्र० अधिनियम सं० 12 सन् 1977 की धारा 23 (क) (दो) द्वारा शब्द "और विशिष्ट सदस्यों" निकाले गये
6. उ० प्र० अधिनियम सं० 12 सन् 1977 की धारा 23 (ग) द्वारा शब्द "या विशिष्ट सदस्य' निकाले गये
7. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द " विशिष्ट सदस्य" निकाल दिये गये

अध्याय 3

[1][निगम], कार्यकारिणी समिति, विकास-समिति तथा अन्य समितियों की कार्यवाहियाँ

88. [1][निगम] के अधिवेशन—(1) [1][निगम] के कार्यों के सम्पादनार्थ प्रतिवर्ष कम से कम उसके 6 अधिवेशन होंगे तथा उसकी अन्तिम बैठक और आगामी अधिवेशन की पहली बैठक के लिए निश्चित दिनांक के बीच दो महीने से अधिक का अन्तर नहीं होने पायेगा।

(2) नगर-प्रमुख और उसकी अनुपस्थिति में उपनगर-प्रमुख जब यह उचित समझे, [1][निगम] का अधिवेशन बुला सकता है तथा [1][निगम] के कुल सदस्यों की संख्या के छठे भाग से अन्यून सदस्यों द्वारा लिखित प्रार्थना-पत्र प्राप्त होने पर [1][निगम] का अधिवेशन आवश्य बुलाएगा। यह प्रार्थना-पत्र यथास्थिति नगरप्रमुख अथवा उपनगर प्रमुख को उस पर हस्ताक्षर करने वाले किसी भी सदस्य द्वारा दिया अथवा रजिस्ट्री से भेजा जा सकता है। [2][ऐसे प्रार्थना-पत्र पर अधिवेशन, प्रार्थना-पत्र के दिये जाने अथवा तामील किये जाने के दिनांक से पन्द्रह दिन के भीतर बुलाया जायगा]।

[3][(2-क) उपधारा (2) में किसी बात के होते हुए भी, यदि प्रार्थना-पत्र देने या तामील किये जाने के दिनांक के पन्द्रह दिन के भीतर अधिवेशन बुलाया जा चुका हो तो, यथास्थिति, नगरप्रमुख या उप-नगरप्रमुख, उक्त प्रार्थना-पत्र पर अलग से अधिवेशन बुलाने के बजाय, धारा 91 की उपधारा (1) के उपबन्धों के अधीन रहते हुए, पहले से ही बुलाए गए अधिवेशन में सम्पादित किए जाने वाले कार्यों की सूची में, ऐसे प्रार्थना-पत्र में उल्लिखित विषयों को सम्मिलित कर सकता है, और तदुपरान्त ऐसा अधिवेशन ऐसे प्रार्थना-पत्र पर बुलाया गया अधिवेशन भी समझा जायगा।

(2-ख) नगरप्रमुख या उपनगर प्रमुख, यथास्थिति उन कारणों से जो अभिलिखित किए जायेंगे सदस्यों के प्रार्थना-पत्र पर बुलाए गए अधिवेशन से भिन्न अधिवेशन को, ऐसी सूचना देकर, जिसकी उपविधियों द्वारा तदर्थ व्यवस्था की जाय, स्थगित कर सकता है।]

(3) [1][निगम] का प्रत्येक अधिवेशन जनता के लिए खुला रहेगा जब तक कि पीठासीन अधिकारी यह न समझे कि जनता अधिवेशन के समस्त अथवा किसी भाग की अवधि में अपवर्जित कर दी जाय।

89. कार्यकारिणी समिति, आदि का अधिवेशन—(1) कार्य का सम्पादन करने के लिये कार्यकारिणी समिति, [4][विकास समिति, कक्ष समिति] अथवा धारा 5 के अधीन [illegible] अन्य किसी समिति का अधिवेशन प्रति मास कम से कम एक बार आवश्य होगा।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 10 (1) द्वारा अन्तःस्थापित किया गया
3. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 10 (2) द्वारा अन्तःस्थापित किया गया
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "विकास समिति" के स्थान पर प्रतिस्थापित

(ग) अनुपस्थिति सक्षम अधिकारण अथवा न्यायालय की अनुज्ञा के बिना इस अधिनियम के उपबन्धों और उसके अधीन दी गयी अनुज्ञाओं के अनुपालन के भारसाधक निर्वाचन अधिकारी को खारिज करना;

(घ) आवेदनों की सुनवाई की प्रक्रिया;

(ङ) निर्वाचन आवेदन की सुनवाई करने वाले जिला जज के अधिकार;

(च) सुनवाई का स्थान ;

(छ) प्रतिभूति एवं अतिरिक्त प्रतिभूति जमा करना;

(ज) जमा की गयी प्रतिभूति की वापसी अथवा जब्ती ;

(झ) धारा 70 के अधीन प्रदत्त (awarded) व्यय की प्राप्ति;

(ञ) पक्षों को स्थानापन्न करना ;

(ट) निर्वाचन आवेदनों के निर्णयाधिलेखों का रखा जाना तथा छाँटा जाना;

(ठ) अन्य विषय, जिनकी राज्य सरकार की राय में व्यवस्था करना आवश्यक हो ।

80. निर्वाचन अपराधों तथा भ्रष्टाचरणों के कारण अनर्हताएँ—(1) इंडियन पीनल कोड, 1860 की धारा 171-ई या 171-एफ के अधीन कारावास दंडनीय अपराध तथा रिप्रेजेंटेशन आफ दी पीपुल ऐक्ट, 1951, जैसा कि वह इस अधिनियम के अधीन निर्वाचनों पर धारा 46 द्वारा प्रवृत्त किया गया हो, की धारा 135 अथवा धारा 136 के अधीन दंडनीय अपराध [1][निगम] की सदस्यता के लिये अनर्हता उत्पन्न करेंगे ।

(2) धारा 78 में निर्दिष्ट भ्रष्टाचार [1][निगम] की सदस्यता के लिये अनर्हता उत्पन्न करेगे ।

(3) अनर्हता की अवधि उपधारा (1) के अधीन अनर्हता के सम्बन्ध में दोष-सिद्धि के दिनांक के आरम्भ से तथा उपधारा (2) के अधीन अनर्हता के सम्बन्ध में जिला जज द्वारा धारा 70 के अधीन दी गयी उपधारित (finding) के धारा 77 के अधीन प्रभावी होने के दिनांक से 5 वर्ष की होगी ।

कुछ अन्य विषय

81. शपथ लेने अथवा प्रतिज्ञा न करने से पूर्व अथवा अर्ह न होने या अनर्ह होने की दशा में स्थान ग्रहण करने या मत देने पर दंड—यदि कोई व्यक्ति [1][निगम] के नगरप्रमुख, उपनगर प्रमुख अथवा सदस्य के रूप में [1][निगम] के किसी अधिवेशन या उसकी किसी समिति की बैठक में धारा 85 की उपधारा (1) की अपेक्षाओं का अनुपालन किये बिना, अथवा यह जानते हुए कि वह यथास्थिति नगर प्रमुख, उपनगर प्रमुख [2][* * *] या सभासद होने के लिये अर्ह नहीं है अथवा अनर्ह है, स्थान ग्रहण करता है अथवा मत देता है तो वह प्रत्येक उस दिन के लिये जिस पर वह उक्त प्रकार से स्थान ग्रहण करता है अथवा मत देता है, दंडस्वरूप 50 रु० जुर्माना देने का भागी होगा, जो राज्य को देय ऋण के रूप में वसूल किया जायगा ।

82. अनर्हता से सम्बद्ध प्रश्नों का राज्य सरकार द्वारा निर्णय—यदि यह प्रश्न उठ खड़ा हो कि [1][निगम] का कोई सदस्य धारा 25 में उल्लिखित किसी अनर्हता से ग्रस्त है अथवा नहीं, तो यह प्रश्न निर्णयार्थ राज्य सरकार को विहित रीति से निर्दिष्ट कर दिया जावेगा और इस सम्बन्ध में राज्य सरकार का निर्णय अंतिम होगा ।

83. सदस्यों का हटाया जाना—(1) राज्य सरकार [1][निगम] अथवा उसकी किसी समिति के किसी सदस्य को निम्नलिखित किसी भी आधार पर हटा सकती है—

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित किया गया
2. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "विशिष्ट सदस्य" निकाले गये

(क) कि उसने धारा 25 के खंड (क) में निर्दिष्ट विषय से भिन्न किसी ऐसे विषय के सम्बन्ध में, जिसमें वह [illegible], अथवा अभिकर्ता, उसका कोई निजी स्वार्थ हो अथवा किसी यह अपने व्यावसायिक (client), निर्दिष्टा (prince) अथवा जाना किसी व्यक्ति को ओर से वृत्तिक रूप से (professionally) अभिवचि रखता हो। परंतु [1][* * *] सभासद या किसी समिति के सदस्य के रूप में मत देकर अथवा उसकी चर्चाओं में भाग लेकर कार्य किया हो;

(ख) कि वह उक्त सदस्य के रूप में अपने कार्यव्यपालन में शारीरिक अथवा मानसिक रूप में असमर्थ हो गया है;

(ग) कि उक्त सदस्य के रूप में अपने कर्तव्य के पालन के घोर दुराचार का दोषी रहा है;

किन्तु प्रतिबन्ध यह है कि इस धारा के अधीन हटाये जाने की आज्ञा राज्य सरकार द्वारा न दी जायगी जब तक कि आज्ञा से सम्बद्ध [1][* * *] सभासद अथवा समिति के सदस्य को, इस बात का कारण बताने का उचित अवसर न दे दिया गया हो कि उसे ऐसी आज्ञा क्यों न दी जाय ।

(2) किसी व्यक्ति को सरकारी गजट में विज्ञप्ति प्रकाशित करके ही हटाया जायगा तथा यह हटाया जाना विज्ञप्ति के प्रकाशन के दिनांक से प्रभावी होगा ।

(3) राज्य सरकार किसी सदस्य को जो राज्य सरकार की आज्ञा द्वारा निर्दिष्ट किये गये किसी भयंकर संसर्गजन्य रोगों में किसी से ग्रस्त हो, [2][निगम] अथवा उसकी किसी समिति, संयुक्त समिति अथवा उपसमिति के अधिवेशन में उपस्थित न होने का निर्देश दे सकती है तथा कोई सदस्य जिसे, इस प्रकार निर्देश दिया गया हो, [2][निगम] या उसकी समिति, संयुक्त समिति अथवा उपसमिति के अधिवेशन में उपस्थित होने का तब तक अधिकारी न होगा जब तक कि राज्य सरकार के संतोषानुसार उसके इस बात का प्रमाण देने पर कि वह उस रोग से मुक्त हो गया है, राज्य सरकार निदेश वापस नहीं ले लेती;

(4) कोई भी वह व्यक्ति जो उपधारा (1) के अधीन [2][निगम] की सदस्यता से हटाया जा चुका हो, हटाये जाने के दिनांक से 4 वर्ष तक के लिये [2][निगम] के सदस्य के रूप में निर्वाचित होने अथवा सदस्य होने से अनर्ह रहेगा, तथा कोई भी वह व्यक्ति, जो [2][निगम] की किसी समिति से हटाया गया हो, हटाये जाने के दिनांक से 4 वर्ष तक के लिये उस समिति के सदस्य के रूप में निर्वाचित होने अथवा उसका सदस्य होने के लिये अनर्ह रहेगा :

किन्तु प्रतिबन्ध यह है कि राज्य सरकार किसी भी समय इस अनर्हता को हटाने की आज्ञा दे सकती है।

84. [3][* * *]।

85. सभासदों, इत्यादि द्वारा निष्ठा की शपथ लिया जाना—[4][(1) इंडियन ओथ्स ऐक्ट, 1873 में किसी बात के होते हुये भी प्रायः प्रत्येक व्यक्ति, जो सभासद [5][* * *] निर्वाचित हो अथवा विकास समिति के सदस्य के रूप में संयोजित हो तथा प्रत्येक व्यक्ति, जो नगर प्रमुख निर्वाचित हो गया हो, अपना स्थान ग्रहण करने के पूर्व निम्नलिखित रूप में शपथ लेगा अथवा प्रतिज्ञान करेगा, अर्थात् :

"मैं, ... क, ख, जो [2][निगम] का सभासद, [5][* * *]/नगर प्रमुख निर्वाचित, विकास समिति का सदस्य संयोजित हुआ हूँ, ईश्वर की शपथ लेता हूँ/सत्य निष्ठा से प्रतिज्ञान करता हूँ कि मैं विधि द्वारा स्थापित भारत के संविधान के प्रति श्रद्धा और निष्ठा रखूँगा, मैं भारत की प्रभुता तथा

1. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "विशिष्ट सदस्य" निकाल दिये गये
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा धारा 84 निकाल दी गयी
4. उ० प्र० अधिनियम सं० 21 सन् 1964 द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "अथवा विशिष्ट सदस्य" निकाले गये

(घ) किसी उम्मीदवार को अथवा निर्वाचक को ऐसा विधान करने के लिए प्रेरित करना है अथवा प्रेरित करने का प्रयत्न करता है कि वह अमुक अन्य कोई व्यक्ति, जिसमें वह अभिरुचि रखता है ऐसी प्रत्यक्ष अथवा आध्यात्मिक आपत्ति (divine displeasure or spiritual censure) का भागी होगा या क्या दिख जायगा; तो यह समझा जायगा कि वह व्यक्ति इस खंड के अर्थ में उक्त उम्मीदवार अथवा निर्वाचक के निर्वाचन सम्बन्धी अधिकारों के स्वतंत्र प्रयोग में हस्तक्षेप कर रहा है ।

(ङ) किसी सार्वजनिक नीति की घोषणा अथवा किसी सार्वजनिक कार्यवाही का वचन अथवा किसी ऐसे विधिक अधिकार का प्रयोग, जिसका उद्देश्य निर्वाचन सम्बन्धी अधिकारों में हस्तक्षेप करना न हो, इस खंड के अर्थ में हस्तक्षेप नहीं समझे जायेंगे ।

(3) जाति, मूलवंश, समाज अथवा वर्ग अथवा प्रथा के आधार पर उम्मीदवार अथवा उसके अभिकर्ता अथवा अन्य किसी व्यक्ति द्वारा मत देने अथवा मत न देने के लिए क्रमबद्ध आग्रह अथवा उम्मीदवार के निर्वाचन की सफलता को समुन्नत करने के लक्ष्य से धार्मिक चिह्नों के प्रति अपील अथवा राष्ट्रीय चिह्नों जैसे कि राष्ट्रध्वज अथवा राष्ट्रप्रतीक का प्रयोग अथवा उनके प्रति अपील ।

(4) किसी उम्मीदवार या उसके अभिकर्ता अथवा किसी अन्य व्यक्ति द्वारा किसी उम्मीदवार की उम्मीदवारी अथवा उम्मीदवारी की वापसी अथवा चुनाव लड़ने से हटने के सम्बन्ध में ऐसे तथ्य के प्रकथन का एकाशन जो असत्य हो और जिन्हें या तो वह असत्य समझता हो, अथवा जिसकी सत्यता में उसे विश्वास न हो और जो उस उम्मीदवार के चुनाव के सुयोगों पर प्रतिकूल प्रभाव डालने के लिए युक्तितः आशोजित हो ।

(5) किसी उम्मीदवार या उसके अभिकर्ता का किसी व्यक्ति द्वारा किसी अन्य व्यक्ति के नाम से वह पाई जोरित हो या मृत अथवा किसी बनावटी नाम से अथवा अपने ही नाम से जब कि वह व्यक्ति उसी या दूसरे किस्म से चालें ही नुकसान कर चुकने के फलस्वरूप सजा देने का अधिकारी न हो, प्रलोभन पत्र के लिए प्रार्थना स्वीकार अथवा प्रार्थना करने में प्रोत्साहन देने अथवा प्रार्थना करने का प्रयत्न करना ।

(6) किसी उम्मीदवार या उसके अभिकर्ता अथवा किसी अन्य व्यक्ति द्वारा स्वयं उम्मीदवार के अथवा उसके परिवार अथवा अभिकर्ता से भिन्न किसी निर्वाचक को धारा 46 के अधीन प्रकाशित आदेश द्वारा निर्धारित मतदान-स्थान तक अथवा वापस ले जाने के लिए भाड़े पर देकर अथवा अन्य या किसी वाहन अथवा पोत का नियोजन या उसे या उसका प्रयोग ।

किन्तु प्रतिबन्ध यह है कि किसी एक निर्वाचक द्वारा अथवा कई निर्वाचकों द्वारा संयुक्त लागत पर उसे या उन्हें किसी मतदान-स्थान तक अथवा मतदान के लिये निश्चित स्थान तक और वापस लाने-ले जाने के प्रयोजन से किसी वाहन या यान का किराये पर लिया जाना इस खंड के प्रयोजन के लिये प्रष्टाचार न होगा, यदि इस प्रकार किराये पर लिया गया वाहन या यान ऐसा वाहन या यान हो, जो यांत्रिक त्रुटि द्वारा परिचालित न होता हो ।

और प्रतिबन्ध यह भी है कि किसी निर्वाचक द्वारा अपनी सहायता या किसी मतदान-स्थान तक अथवा मतदान के लिये निश्चित स्थान तक जाने और वापस आने के लिये किसी सार्वजनिक परिवहन के वाहन तथा यान के अथवा किसी ट्रैम या रेल के डिब्बे या प्रयोग इस खंड के प्रयोजन के लिये प्रष्टाचरण न समझा जायगा ।

स्पष्टीकरण—इस खंड में पद "वाहन" से आशय है कोई ऐसा वाहन, जो साधक परिवहन में प्रयुक्त किया जाता अथवा प्रयोग किये जाने के योग्य हो, चाहे वह यांत्रिक त्रुटि द्वारा परिचालित होता हो अथवा अन्य किसी प्रकार से अथवा घोड़े या अन्य जानवरों की शक्ति के लिये अथवा अन्य किसी प्रकार से प्रयुक्त होता हो ।

(7) किसी उम्मीदवार अथवा उसके अभिकर्ता अथवा किसी अन्य व्यक्ति द्वारा सरकार की सेवा में संलग्न हर्ता निम्नलिखित वर्गों में से किसी भी व्यक्ति से जब उम्मीदवार के निर्वाचन की सफलता को संभावना को समुन्नत करने के लिये (भय देने की मिन्न) अन्य कोई सहायता प्राप्त करने या प्राप्त कराने अथवा प्राप्त करने या प्राप्त कराने के लिये प्रेरित अथवा प्रयास करना—

(क) गजेटेड अधिकारी;

(ख) मंत्रणदात्री जज और मजिस्ट्रेट;

(ग) भारत संघ की सशस्त्र सेनाओं के सदस्य;

(घ) पुलिस दल के सदस्य;

(ङ) आबकारी विभाग के अधिकारी;

(च) भाल विभाग के अधिकारीवृंद, जिनके अन्तर्गत गाँव के एकाउन्टेन्ट जैसे पटवारी लेखपाल, हलाली, नगरनाम तथा उसके समस्त अधिकारीगण किन्तु इसके अन्तर्गत अन्य ग्राम्य अधिकारीगण नहीं है, तथा

(छ) राज्य सरकार की सेवा में संलग्न अन्य ऐसे व्यक्तियों के वर्ग जो नियत किये जायँ।

टिप्पणियाँ

अनुचित प्रभाव—अनुचित प्रभाव को सिद्ध करने के लिए किसी व्यक्ति को यह सिद्ध करना होगा कि विरोधी प्रत्याशी द्वारा अनुचित प्रभाव डालने के कारण उसके प्रत्याशी की चुनाव करने की स्वतंत्रता प्रभावित हुई थी। [*लाल सिंह केसरी सिंह* बनाम *बल्लभभाई शंकरलाल*, ए० आई० आर० 1967 गुजरात 62] ऐसे किसी मामले में यह जरूरी नहीं होता कि प्रभावाधीन रखा गया निर्वाचक विशेष वहीं था (सदैव)। अनुचित दबाव का वास्तविक प्रभाव सिद्ध किया जाना होगा [*रामदयाल* बनाम *मन्नालाल*, ए० आई० आर० 1959 एस० सी० 855]। यह एक ऐसा मामला था जिसमें दैविक आदेश के अभिकथन द्वारा अनुचित प्रभाव डाला गया था।

मार्ग के आसान पर किया गया अनुरोध अनुचित प्रभाव की परिभाषा में आता है। [*सुधाकर देवराम* बनाम *रत्नाकर नारायण*, ए० आई० आर० 1960 एस० सी० 148]।

मिथ्या कथन का प्रकाशन आध्यात्मिक मनःस्थिति—यह सिद्ध करना जरूरी होगा कि प्रत्यर्थी या उसके अभिकर्ता ने तथ्य के मिथ्या कथन का प्रकाशन किया। [*डॉ० दलजीत सिंह* बनाम *ज्ञानी करतार सिंह*, ए० आई० आर० 1966 एस० सी० 773]। यह सिद्ध करना होगा कि प्रत्यर्थी या उसका अभिकर्ता कथन का रचयिता (author) था। [*शिव प्रताप सिंह* बनाम *राम प्रसाद*, ए० आई० आर० 1968 एस० सी० 677]।

यह अभिनिर्धारित किया कि किसी प्रत्याशी ने पिछले निर्वाचन में द्रव्य प्राप्त करके अपनी उम्मीदवारी वापस ले ली थी, [*लालचन्द* बनाम *बृजमोहन लाल शर्मा*, ए० आई० आर० 1967 एस० सी० 1298]।

79. *टिप्पणियों से सम्बद्ध नियमों के निर्माण संबंधी नियम*—राज्य सरकार निम्नलिखित विषयों के संबंध में नियम बना सकती है—

(ए) स्थानापन्न अभिकर्ताओं की नियुक्ति करने वाले लिखत जहाँ के लिये कर्मचारियों की नियुक्ति तथा परिचालित;

(बी) निर्वाचन अभिकर्ता की समाप्ति और वापसी;

71. आधार जिस पर निर्वाचित उम्मीदवार से भिन्न कोई उम्मीदवार निर्वाचित घोषित किया जा सकता है—यदि किसी व्यक्ति ने, जिसने आवेदन प्रस्तुत किया है, निर्वाचित उम्मीदवार के निर्वाचन पर आपत्ति करने के अलावा इस घोषणा का भी दावा किया है कि वह स्वयं अथवा अन्य कोई उम्मीदवार विधिवत् निर्वाचित हुआ है और जिला जज का यह मत है कि—

(क) वस्तुतः आवेदक अथवा उस अन्य उम्मीदवार ने वैध मतों का बहुमत प्राप्त किया है; अथवा

(ख) यदि निर्वाचित उम्मीदवार को भ्रष्टाचार के कारण प्राप्त हुए मत न मिले होते तो आवेदक अथवा उक्त अन्य उम्मीदवार ने वैध मतों का बहुमत प्राप्त किया होता,

तो जिला जज निर्वाचित उम्मीदवार के निर्वाचन को शून्य घोषित करके यथास्थिति आवेदक अथवा उक्त अन्य उम्मीदवार को विधिवत् निर्वाचित घोषित करेगा।

73. मतों की समता की दशा में प्रक्रिया—यदि किसी निर्वाचन आवेदन की सुनवाई करते समय यह प्रतीत हो कि निर्वाचन में किन्हीं उम्मीदवारों ने बराबर-बराबर मत प्राप्त किये हैं और उनमें से किसी एक के पक्ष में एक मत के बढ़ जाने से वह व्यक्ति निर्वाचित घोषित किये जाने का अधिकारी हो जायेगा तो—

(क) इस अधिनियम के उपबन्धों के अधीन निर्वाचन अधिकारी द्वारा किया गया कोई निर्णय, जहाँ तक वह उक्त उम्मीदवारों के मध्य उपर्युक्त प्रश्न को निर्धारित करता है, आवेदन के प्रयोजनों के लिए भी प्रभावी होगा; और

(ख) जहाँ तक उक्त निर्णय उपर्युक्त प्रश्न को निर्धारित न करता हो जिला जज उन उम्मीदवारों के बीच लाटरी द्वारा निर्णय करेगा और ऐसी कार्यवाही करेगा मानो जिस उम्मीदवार के पक्ष में लाटरी निकले उसने एक अतिरिक्त मत प्राप्त किया है।

74. जिला जज की आज्ञा के विरुद्ध अपील—(1) जिला जज द्वारा धारा 69 अथवा 70 के अधीन दी गई प्रत्येक आज्ञा के विरुद्ध आज्ञा के दिनांक से तीस दिन के भीतर हाईकोर्ट को अपील हो सकेगी :

किन्तु प्रतिबन्ध यह है कि हाईकोर्ट उपर्युक्त तीस दिन की अवधि समाप्त होने के पश्चात् भी अपील ग्रहण कर सकता है यदि उसका समाधान हो जाय कि अपीलकर्ता पर्याप्त कारणवश इस अवधि के भीतर अपील नहीं प्रस्तुत कर सका।

(2) प्रत्येक व्यक्ति, जो उपधारा (1) के अधीन अपील प्रस्तुत करे अपील के स्मृति-पत्र के साथ सरकारी खजाने की ऐसी रसीद पायी करेगा जो यह प्रकट करती हो कि उसके द्वारा किसी सरकारी खजाने अथवा स्टेट बैंक ऑफ इंडिया में हाईकोर्ट के नाम अपील के खर्च-स्वरूप की प्रतिभूति के रूप में पाँच सौ रुपये की धनराशि जमा की गई है।

(3) इस नियम के उपबन्धों के अधीन रहते हुए हाईकोर्ट को इस अध्याय के अधीन अपील के सम्बन्ध में वही अधिकार, क्षेत्राधिकार तथा प्राधिकार होंगे तथा वह उसी प्रक्रिया का अनुसरण करेगा मानो कि वह उसके स्थानिक दीवानी अपील सम्बन्धी क्षेत्राधिकार के अन्तर्गत स्थित किसी दीवानी न्यायालय द्वारा पारित मूल डिक्री से प्रोद्भूत अपील हो :

किन्तु प्रतिबन्ध यह है कि इस धारा के अधीन प्रत्येक अपील दो से अन्यून जजों की बेंच द्वारा सुनी जायगी।

(4) प्रत्येक अपील यथासंभव शीघ्रता से निर्णीत की जायगी और यह प्रयास किया जायगा कि हाईकोर्ट में अपील का स्मृति-पत्र प्रस्तुत किये जाने के तीन महीने के भीतर अपील अंतिम रूप से समाप्त हो जाय।

(5) हाईकोर्ट का निष्पादक अपील पर दी गयी हाईकोर्ट की आज्ञा की एक प्रति राज्य सरकार को सूचनार्थ भेजेगा।

(6) जब धारा 69 के खंड (ख) के अधीन आज्ञा के विरुद्ध कोई अपील की जाय तो हाईकोर्ट उसके कारण प्रदर्शित करने पर उस आज्ञा को कार्यान्वित स्थगित कर सकता है, जिसके विरुद्ध अपील की गई हो तथा ऐसी दशा में यह समझा जायेगा कि धारा 77 के अधीन आज्ञा कभी प्रभावी नहीं हुई तथा जब तक अपील खारिज न कर दी जाय, आज्ञा प्रभावशील न हो सकेगी।

75. आज्ञाओं तथा निर्णयों की अंतिमता—धारा 74 के अधीन अपील होने पर हाईकोर्ट का निर्णय तथा केवल ऐसे निर्णय के अधीन रहते हुए ही धारा 69 अथवा 70 के अधीन दी गई जिला जज की आज्ञा अंतिम एवं निश्चायक होगी।

76. आज्ञा का संसूचन—धारा 69 तथा 70 के अधीन दी गयी अपनी आज्ञाओं की घोषणा करने के बाद जिला जज उनकी एक प्रति राज्य सरकार को भेजेगा।

77. आज्ञा का प्रभावी होना—धारा 69 अथवा 70 के अधीन जिला जज द्वारा दी गयी कोई आज्ञा उस दिन से, जिस पर उसकी घोषणा की गयी हो, बाद वाले दिनांक से प्रभावी होगी।

78. भ्रष्टाचार—इस अधिनियम के प्रयोजनों के लिये निम्नलिखित भ्रष्टाचार समझे जायेंगे :

(1) घूस देना, अर्थात् उम्मीदवार या उसके अभिकर्ता अथवा किसी अन्य व्यक्ति द्वारा किसी भी व्यक्ति को कोई परितोषण (gratification) का दान, समुपस्थान अथवा उसके लिये यत्न देना जिसका उद्देश्य प्रत्यक्ष या अप्रत्यक्ष रूप से—

(क) किसी व्यक्ति को किसी निर्वाचन में उम्मीदवार के रूप में खड़े होने या न होने के लिए अथवा अपनी उम्मीदवारी वापस लेने के लिये, अथवा निर्वाचन लड़ने से हट जाने के लिये; अथवा

(ख) किसी निर्वाचक को निर्वाचन में मत देने अथवा न देने के लिये;

प्रेरित करना हो; अथवा जो—

(i) किसी व्यक्ति को, जो इस प्रकार उम्मीदवार के रूप में खड़े होने या न खड़े होने के लिए, अथवा अपनी उम्मीदवारी वापस लेने के लिये अथवा चुनाव लड़ने से हट जाने के लिए; अथवा

(ii) किसी निर्वाचक को मत देने के लिये अथवा न देने के लिए

पुरस्कार के रूप में हो।

स्पष्टीकरण—इस खंड के प्रयोजनों के लिए शब्द "परितोषण" (gratification) ऐसी परितुष्टियों तक ही सीमित नहीं है जो धन के रूप में हों अथवा जिन्हें धन के रूप में व्यक्त किया जा सके, अपितु इसके अन्तर्गत सभी प्रकार के मनोरंजन तथा पुरस्कारार्थ सभी प्रकार के विनोदन भी सम्मिलित हैं;

(2) अनुचित प्रभाव डालना अर्थात् किसी उम्मीदवार या उसके अभिकर्ता अथवा किसी अन्य व्यक्ति द्वारा किसी निर्वाचन में निर्वाचन सम्बन्धी किसी अधिकार के स्वतन्त्र प्रयोग में प्रत्यक्ष अथवा अप्रत्यक्ष रूप से हस्तक्षेप करना अथवा हस्तक्षेप करने का प्रयत्न करना :

किन्तु प्रतिबन्ध यह है कि—

(क) इस खंड के उपबन्धों को व्यापकता पर प्रतिकूल प्रभाव डाले बिना उनमें उल्लिखित कोई व्यक्ति, जो—

(i) किसी उम्मीदवार को अथवा किसी निर्वाचक को अथवा किसी ऐसे व्यक्ति को, जिसमें वह उम्मीदवार अथवा निर्वाचक अभिरुचि रखता हो, किसी भी प्रकार की हानि पहुँचाने की धमकी देता है, जिसमें सामाजिक बहिष्कार (social ostracism) और किसी जाति अथवा सम्प्रदाय से अलग कर देना भी सम्मिलित है; अथवा

[illegible] अभिलेख की हो तो उस पर निर्वाचन आवेदन के नोटिस तामील होने के 21 दिन के भीतर तथा अन्य सभी दशाओं में 5 दिन के भीतर-निर्वाचन आवेदन की सुनवाई करने वाले जिला जज को अपने उस आशय का नोटिस न दे दिया गया हो और धारा 79 में विहित प्रतिभूति (security), यदि कोई हो, न दे दी गई हो ।

(2) उपधारा (1) में निर्दिष्ट प्रत्येक नोटिस के साथ निर्वाचन याचिका की दशा में धारा 83 द्वारा अपेक्षित विवरण, विवरण तथा ब्यौरे दिये जायेंगे तथा वे उसी रीति से हस्ताक्षरित और सत्यापित किये जायेंगे ।

66. आवेदन कब खारिज किया जायगा—यदि कोई निर्वाचन याचिका इस अधिनियम द्वारा निर्दिष्ट अवधि के भीतर प्रस्तुत न की गयी हो अथवा प्रतिभूति जमा करने के सम्बन्ध में धारा 79 के अधीन बनाये गये उपबन्धों का पालन न किया गया हो अथवा उस पर निर्दिष्ट समय के भीतर आवश्यक मुद्रांक शुल्क न दिया गया हो तो जिला जज सफाल उसे अस्वीकार कर देगा ।

67. आवेदन की सुनवाई की प्रक्रिया—(1) जिला जज किसी ऐसे निर्वाचन आवेदन की, जो धारा 66 के अधीन खारिज न किया गया हो, सुनवाई करेगा ।

(2) आवेदन की सुनवाई करने वाला जिला जज ऐसी प्रक्रिया का अनुसरण करेगा जो धारा 79 के अधीन विहित की जाय ।

68. आवेदन का स्थानान्तरण—(1) निर्वाचन आवेदन से सम्बद्ध किसी पक्ष के प्रार्थना-पत्र पर तथा अन्य पक्षों को नोटिस देने के पश्चात्, और ऐसे पक्षों की सुनवाई करने के पश्चात्, जो सुनवाई चाहते हैं, अथवा बिना किसी प्रकार की नोटिस दिये हुए स्वतः किसी समय, हाईकोर्ट—

(क) किसी जिला जज के पास विचाराधीन किसी निर्वाचन आवेदन की सुनवाई के लिए किसी अन्य जिला जज को स्थानान्तरित कर सकता है, अथवा

(ख) सुनवाई के लिए ऐसे आवेदन को उस जिला जज को पुनः स्थानान्तरित कर सकता है, जिसके यहाँ से वह आवेदन हटा लिया गया था ।

(2) यदि उपधारा (1) के अधीन कोई निर्वाचन आवेदन स्थानान्तरित अथवा पुनः स्थानान्तरित किया गया हो तो वह जिला जज को तत्पश्चात् उक्त आवेदन की सुनवाई करेगा, स्थानान्तरण की आज्ञा में किसी अनुकूल निर्देश के अधीन रहते हुये, ऐसे अवस्थान (point) से सुनवाई आरम्भ कर सकता है जिस अवस्थान से वह स्थानान्तरित अथवा पुनः स्थानान्तरित किया गया था:

किन्तु प्रतिबन्ध यह है कि यदि वह उचित समझे तो ऐसे साक्षियों को, जिसकी पहले गवाही हो चुकी थी, पुनः बुला सकता है और उनका पुनः परीक्षण कर सकता है ।

69. आवेदन पर निर्णय—यदि सुनवाई के समय आवेदन अन्य प्रकार से अस्वीकृत न हुआ हो तो जिला जज निर्वाचन आवेदन की सुनवाई हो जाने के पश्चात्—

(क) निर्वाचन आवेदन को खारिज करने की; अथवा

(ख) समस्त अथवा किसी निर्वाचित उम्मीदवार के निर्वाचन को शून्य घोषित करने की; अथवा

(ग) समस्त अथवा किसी निर्वाचित उम्मीदवार के निर्वाचन को शून्य घोषित करने तथा आवेदक अथवा अन्य किसी उम्मीदवार को यथास्थिति निर्वाचित घोषित करने की आज्ञा देगा ।

70. आवेदन का निस्तारण करते हुए अन्य आज्ञाओं का दिया जाना—धारा 69 के अधीन कोई आज्ञा देते समय जिला जज ऐसी आज्ञा भी देगा, जिसमें—

(क) [illegible]

(1) ऐसी आपत्ति को कि निर्वाचन में किसी उम्मीदवार अथवा उसके अभिकर्ता द्वारा अथवा उसकी सहमति (consent) से किया गया कोई भ्रष्टाचरण सिद्ध हो गया है या नहीं सिद्ध हुआ है और उस भ्रष्टाचरण के प्रकार को; और

(2) ऐसे समस्त व्यक्तियों के नामों को, यदि कोई हो, जिनके बारे में सुनवाई के समय यह सिद्ध हो गया हो कि वे किसी भ्रष्टाचरण के दोषी हैं और ऐसे आचरण के प्रकार (nature) को अभिलिखित किया हो; तथा

(ख) ऐसे खर्च-व्ययों को निर्दिष्ट किया हो, और उन व्यक्तियों को भी निर्दिष्ट किया हो जिनके द्वारा किन्हें वे व्यय अदा अथवा किये जायेंगे :

किन्तु प्रतिबन्ध यह है कि खंड (क) के उपखंड (2) के अधीन दी गई आज्ञा में किसी व्यक्ति का नाम उस तक नहीं दिया जायगा जब तक कि—

(क) उसे जिला जज के समक्ष उपस्थित होने तथा यह कारण दिखाने का नोटिस न दिया गया हो कि एतदर्थ उसका नाम क्यों न लिखा जाय; और

(ख) यदि नोटिस के अनुसार वह उपस्थित होता तो जब तक उसे किसी ऐसे गवाह से, जिसका जिला जज ने पहले ही परीक्षण कर लिया हो तथा जिसने उस व्यक्ति के विरुद्ध साक्ष्य दिया हो, जिरह करने का और अपनी सफाई में साक्ष्य देने और सुने जाने का अवसर न दिया गया हो ।

71. निर्वाचन को शून्य घोषित करने के आधार—यदि जिला जज का मत हो कि—

(क) आपने निर्वाचन के दिनांक पर कोई निर्वाचित उम्मीदवार इस अधिनियम के अधीन उस स्थान की पूर्ति के निमित्त चुने जाने के लिए अर्ह नहीं था अथवा अर्ह नहीं था ; अथवा

(ख) निर्वाचित उम्मीदवार अथवा उसके अभिकर्ता अथवा निर्वाचित उम्मीदवार या उसके अभिकर्ता की सहमति से किसी अन्य व्यक्ति द्वारा धारा 78 में निर्दिष्ट कोई भ्रष्टाचार किया गया है; अथवा

(ग) कोई निर्वाचन-पत्र अनुचित रूप से अस्वीकार किया गया है;

(घ) निर्वाचन फल पर जहाँ तक उसका सम्बन्ध निर्वाचित उम्मीदवार से है—

(1) कोई निर्वाचन-पत्र अनुचित रूप से स्वीकार किये जाने से; अथवा

(2) निर्वाचित उम्मीदवार के हित में किये गये किसी भ्रष्टाचार से, जिसे निर्वाचित उम्मीदवार अथवा उसके निर्वाचन अभिकर्ता अथवा ऐसे उम्मीदवार या निर्वाचन अभिकर्ता की सम्मति से कार्य करने वाले किसी व्यक्ति से भिन्न किसी व्यक्ति ने किया; अथवा

(3) किसी मत के अनुचित रूप से ग्रहण करने, न लेने अथवा अस्वीकार कर देने या किसी ऐसे मत के ग्रहण करने से जो शून्य हो; अथवा

(4) इस अधिनियम के उपबन्धों अथवा उसके अधीन बने किन्हीं नियमों अथवा दी गयी किन्हीं आज्ञाओं का अपालन करने के कारण;

सारवान प्रभाव पड़ा है,

तो जिला जज निर्वाचित उम्मीदवार के निर्वाचन को शून्य घोषित करेगा ।

---

1. उ० प्र० अधिनियम सं 12 सन् 1977 द्वारा मूल "निर्वाचित सदस्य अथवा" निकाल दिये गये

(2) नियोजन (Employment) की अन्य शर्तें, जिनमें छुट्टियाँ, पेंशन तथा भविष्य निधि (Provident Fund) से संबंधित शर्तें सम्मिलित हैं, वे होंगी, जिन्हें राज्य सरकार विहित करे।

निर्वाचनों से सम्बद्ध विवाद

60. जब तक आपत्ति, आदि न की जाय निर्वाचन मान्य होगा—इस अधिनियम द्वारा अथवा इसके अधीन की गयी व्यवस्था के अनुकूल आपत्ति न की जायगी।

61. [नगर-प्रमुख या उपनगर-प्रमुख] के निर्वाचन पर आपत्ति करना—(1) किसी व्यक्ति के [नगर-प्रमुख या उपनगर-प्रमुख] के रूप में निर्वाचन पर उस निर्वाचन का कोई भी अभ्यर्थी उम्मीदवार अथवा कोई भी व्यक्ति, जिसका निर्वाचन-पत्र अस्वीकार कर दिया गया हो अथवा [निगम] का कोई भी सदस्य नगर में क्षेत्राधिकारयुक्त जिला जज के समक्ष धारा 71 में उल्लिखित एक या एकाधिक आधारों पर याचिका प्रस्तुत करके आपत्ति कर सकता है।

(2) याचिका निर्वाचन फल घोषित होने के सात दिन के भीतर प्रस्तुत की जायगी।

62. [* * *] सभासद के निर्वाचन पर आपत्ति करना—[(1) सभासद के रूप में किसी ऐसे व्यक्ति द्वारा जिसका निर्वाचन में नाम-निर्देशन-पत्र अस्वीकार कर दिया गया हो या सम्बद्ध कक्ष के निर्वाचक द्वारा आपत्ति की जा सकती है।]

(2) याचिका धारा 71 में उल्लिखित एक या एकाधिक आधारों पर प्रस्तुत की जा सकती है।

(3) किसी व्यक्ति के [* * *] सभासद के रूप में निर्वाचन पर इस आधार पर आपत्ति नहीं की जा सकेगी कि किसी व्यक्ति का नाम, जो मत देने के लिए अर्ह था, निर्वाचन-सूची अथवा सूचियों में लुप्त कर दिया गया है अथवा किसी व्यक्ति का नाम, जो मत देने के लिए अर्ह नहीं था, निर्वाचन-सूची अथवा सूचियों में सम्मिलित कर दिया गया है।

[(4) याचिका निर्वाचन के परिणाम की घोषणा के 30 दिन के भीतर नगर में अधिकारिता का प्रयोग करने वाले जिला जज को प्रस्तुत की जायगी।]

63. आवेदन का आकार-पत्र तथा उसका विषय—(1) निर्वाचन आवेदन में वह या वे आधार निर्दिष्ट रहेंगे, जिन पर प्रतिवादी (respondent) के निर्वाचन के सम्बन्ध में आपत्ति की गयी हो और उसमें उन वास्तविक तथ्यों का भी संक्षिप्त उल्लेख होगा, जिन पर आवेदक (petitioner) आश्रय कराता है। उसमें उस भ्रष्टाचार के, जिसके विषय में आवेदक का कथन है कि उसका व्यवहार हुआ है, पूरे विवरण उल्लिखित किये जायेंगे और उन पक्षों (parties) के नाम, जिनके सम्बन्ध में यह कहा गया है कि उन्होंने भ्रष्टाचार का व्यवहार किया है तथा इस प्रकार किये गये भ्रष्टाचार का दिनांक और स्थान, आदि के सम्बन्ध में यथासम्भव पूरा ब्योरा दिया जायेगा।

(2) आवेदन पर और यदि उसके साथ कोई अनुसूची अथवा संलग्नक (annexure) हो तो ऐसी अनुसूची अथवा संलग्नक पर भी आवेदक के हस्ताक्षर होंगे तथा वह ऐसी रीति से प्रमाणीकृत होगा, जो कोड आफ सिविल प्रोसीजर, 1908 में पक्ष निवेदनों (pleading) के प्रमाणीकरण के लिए निर्दिष्ट की गयी है।

---

1. उ० प्र० अधिनियम सं० 11 सन् 1962 द्वारा शब्द "नगर प्रमुख" के स्थान पर रखा गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "विहित सदस्य अथवा" निकाले गए
4. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "विहित सदस्य अथवा" निकाले गये

(3) आवेदक (petitioner)

(क) यदि वह धारा 64 के अधीन किसी घोषणा का दावा करता है तो आवेदन से भिन्न अन्य सभी प्रतिवादी उम्मीदवारों को तथा अन्य किसी दशा में सभी निर्वाचित उम्मीदवारों को, और

(ख) अन्य ऐसे उम्मीदवारों को, जिनके विरुद्ध अपने आवेदन में प्रतिवादी के रूप में सम्मिलित करेगा।

टिप्पणियाँ

उद्देश्य—धारा निर्वाचन याचिका का प्रारूप (form) निर्धारित करती है।

निर्वाचन याचिका का स्वरूप—निर्वाचन याचिका व्यक्तियों के बीच कोई वाद नहीं होती, किन्तु वह एक कार्यवाही होती है, जिसमें निर्वाचन-क्षेत्र स्वयं प्रभावित पक्षकार होता है। [जगन्नाथ बनाम जसवन्त सिंह, ए० आई० आर०, 1954 एस० सी० 210]। याची को याचिका वापिस कर देने के पश्चात् उसे वापस लिये जाने की अनुमति नहीं दी जा सकती है। [हन्सी महाराज बनाम देसाई बसावज अप्पया, ए० आई० आर० 1958 एस० सी० 698]।

निर्वाचन याचिका का प्रस्तुत किया जाना—एक अनुप्रमाणित प्रति भी याचिका की जानी चाहिए। भूल पर हस्ताक्षर होने से दोष शुद्ध हो जायगा। [सुश्री एच बनाम इलेक्शन ट्राइब्यूनल, ए० आई० आर० 1964 एस० सी० 1027]।

निर्वाचन याचिका के पक्षकार—जिन्हें प्रत्यर्थी के साथ-साथ प्रत्येक हारे हुए प्रत्यर्थी को पक्षकार बनाया जाना चाहिये। [फैजल अली खाँ बनाम इलेक्शन ट्राइब्यूनल, 1968 ए० एस० सी० 70]।

पक्षकारों को पक्ष बनाने में विफलता—यदि याचिका में जरूरी पक्षकार को पक्ष न बनाये जाने का दोष हो, तो याचिका निष्फल हो जायगी, और ऐसे दोष को शुद्ध नहीं किया जा सकता। [के० काशाराज नादर बनाम कुन्दु चेकर, ए० आई० आर० 1958 एस० सी० 687]।

याचिका की अन्तर्वस्तु—याचिका में धारा 83 (1) द्वारा यथाविहित सारभूत तथ्यों का संक्षिप्त कथन किया जाना चाहिए। ऐसा करने में विफलता घातक होगी। [बलवन्त सिंह बनाम लक्ष्मी नारायण, ए० आई० आर० 1960 एस० सी० 770] धारक याचिका खारिज कर दी गई। [हुकुम सिंह बनाम करनाटी लाल मिश्र, ए० आई० आर० 1965 इला० 522]।

याचिका का सत्यापन—याचिका का सत्यापन सिविल प्रक्रिया संहिता के उपबन्धों के अनुसार किया जायगा। सत्यापन में कोई दोष घातक नहीं होगा, बल्कि उसको तत्पश्चात् उपयुक्त संशोधन करके शुद्ध किया जा सकता है। [मुरारका राधेश्याम रामकुमार बनाम रूपनाथ राहीर, ए० आई० आर० 1964, एस० सी० 1445]।

64. अनुतोष जिसका आवेदक दावा कर सकता है—आवेदक यह दावा करने के अतिरिक्त कि समस्त अथवा किसी सकल उम्मीदवारों का निर्वाचन शून्य है, इस घोषणा के लिए भी दावा कर सकता है कि वह स्वयं अथवा अन्य कोई उम्मीदवार यथास्थिति रूप से निर्वाचित हुआ है।

65. प्रत्यारोपण—(1) यदि किसी निर्वाचन आवेदन में किसी ऐसी घोषणा का दावा किया गया हो कि निर्वाचित उम्मीदवार से भिन्न कोई उम्मीदवार विधिवत् निर्वाचित हुआ है तो निर्वाचित उम्मीदवार अथवा अन्य कोई पक्ष यह सिद्ध करने के लिए सक्षम हो सकता है कि यदि उक्त उम्मीदवार निर्वाचित हो गया होता और उसके निर्वाचन के सम्बन्ध में आपत्ति करने वाला कोई आवेदन प्रस्तुत किया गया होता तो उस उम्मीदवार का निर्वाचन शून्य हो गया होता।

किन्तु प्रतिबन्ध यह है कि निर्वाचित उम्मीदवार अथवा उपर्युक्त कोई अन्य पक्ष उक्त साक्ष्य देने का तब तक अधिकारी न होगा जब तक कि उसने-यदि वह निर्वाचन, जिसके सम्बन्ध में आपत्ति की गयी हो,

55. विकास समिति के सदस्यों का निर्वाचन—विकास समिति के सदस्यों तथा उसके उप-सभापति (Vice-Chairman) का निर्वाचन अनुपाती प्रतिनिधित्व पद्धति (system of proportional representation) के अनुसार एकल संक्रमणीय मत (single transferable vote) द्वारा होगा तथा ऐसे निर्वाचन में मतदान गुप्त मतपत्र (secret ballot) द्वारा होगा।

56. विकास समिति के सदस्यों का पद-त्याग—विकास समिति का कोई भी सदस्य, जो अपना पद त्याग करना चाहे अपने हस्ताक्षर सहित लिखित त्यागपत्र नगर प्रमुख को प्रस्तुत कर सकता है और ऐसा त्याग-पत्र नगर प्रमुख को मिल जाने पर प्रभावी हो जायेगा।

धारा 5 के खंड (ङ) के अधीन संगठित समितियाँ

57. धारा 5 के खंड (ङ) के अधीन समितियों का संगठन—(1) धारा 5 के खंड (ङ) के अधीन संगठित किसी समिति में उतने ही सदस्य होंगे जितने कि [निगम] निर्धारित करे, किन्तु उनकी संख्या 12 से अधिक न होगी।

(2) राज्य सरकार के एतद्‌र्थ किन्हीं ऐसे निर्देशों के, यदि कोई हों, अधीन रहते हुए उपधारा (1) में उल्लिखित किसी समिति के सदस्य अपने में से एक सभापति तथा एक उपसभापति चुनेंगे तथा सभापति अथवा उपसभापति के पद की किसी आकस्मिक रिक्ति की पूर्ति नये निर्वाचन द्वारा करेंगे।

(3) कार्यकारिणी समिति के सदस्यों की पदावधि तथा निर्वाचन की रीति से सम्बद्ध उपबन्ध धारा 5 के खंड (ङ) के अधीन संगठित किसी समिति पर यथासाध्य लागू होंगे।

[58. महानगर योजना समिति—(1) सम्पूर्ण महानगर क्षेत्र के लिए एक विकास योजना प्रारूप तैयार करने के लिए प्रत्येक महानगर क्षेत्र में एक महानगर योजना समिति संगठित की जाएगी,

(2) उपधारा (1) में निर्दिष्ट महानगर योजना समिति का एक अध्यक्ष जो निगम द्वारा लिखित रीति से चुना जायेगा, और इंजीनीयर से अन्यून और तीस से अनधिक इतने सदस्य में सदस्यों से, जो राज्य सरकार आदेश द्वारा निर्दिष्ट करे, मिलकर बनेगी।

(3) उपधारा (2) के अधीन विनिर्दिष्ट कुल सदस्यों की संख्या में से–

(क) दो तिहाई सदस्य महानगर क्षेत्र में नगरपालिकाओं के निर्वाचित सभासदों और पंचायतों के अध्यक्षों होंगे, और उस क्षेत्र में नगरपालिकाओं तथा और पंचायतों की जनसंख्या के बीच अनुपात के अनुसार आपस में से निर्वाचित किए जाएंगे ; और

(ख) एक तिहाई सदस्य राज्य सरकार द्वारा निम्नलिखित में से नाम निर्दिष्ट किये जाएंगे–

(एक) एक अधिकारी, जो केन्द्र सरकार के शहरी विकास मंत्रालय में उपसचिव से अनिम्न स्तर का हो;

(दो) एक अधिकारी, जो राज्य सरकार के नगर विकास विभाग में संयुक्त सचिव से अनिम्न स्तर का हो;

(तीन) एक अधिकारी, जो राज्य सरकार के वित्त विभाग में संयुक्त सचिव से अनिम्न स्तर का हो;

(चार) मुख्य नगर एवं ग्राम निवेशक, उत्तर प्रदेश;

(पाँच) निदेशक, पर्यावरण, उत्तर प्रदेश;

(छः) उत्तर प्रदेश जल संस्करण तथा सीवर व्यवस्था अधिनियम, 1975 के अधीन स्थापित महानगर क्षेत्र में जिस जल संस्थान का महाप्रबन्धक;

(सात) लोक निर्माण विभाग का एक अधीक्षण अभियन्ता;

(आठ) उत्तर प्रदेश राज्य विद्युत परिषद् का एक अधीक्षण अभियन्ता;

(नौ) महानगर क्षेत्र में विकास प्राधिकरण का उप सभापति।

(4) उपधारा (3) के खण्ड (क) में निर्दिष्ट महानगर योजना समिति का निर्वाचित सदस्य जिस पद पर होने के आधार पर ऐसा सदस्य बना था, उस पद पर न रहने पर समिति का सदस्य न रह जायेगा।

(5) उपधारा (3) के खण्ड (ख) के उपखण्ड (एक) में निर्दिष्ट कोई सदस्य शहरी विकास विभाग में भारत सरकार के सचिव की सिफारिश पर नाम-निर्दिष्ट किया जायेगा।

(6) सदस्यों की कोई रिक्ति महानगर योजना समिति के संगठन या पुनर्संगठन में बाधक नहीं होगी।

(7) महानगर योजना समिति विकास योजना प्रारूप तैयार करने में–

(क) निम्नलिखित का ध्यान रखेगी–

(एक) महानगर क्षेत्र में नगरपालिकाओं और पंचायतों द्वारा तैयार की गयी योजनायें;

(दो) नगरपालिकाओं और पंचायतों के बीच सामान्य हित के मामले, जिनके अन्तर्गत उस क्षेत्र की सामान्य सामाजिक दशायें, जल और अन्य भौतिक तथा प्राकृतिक साधनों में हिस्सा, अवसंरचना का एकीकृत विकास और पर्यावरण संरक्षण है;

(तीन) भारत सरकार और राज्य सरकार द्वारा निश्चित समस्त उद्देश्य और प्राथमिकतायें;

(चार) उन विशिष्टियों की सीमा और प्रकृति जो भारत सरकार;

और राज्य सरकार के अधिकरणों द्वारा महानगर क्षेत्र में किए जाने सम्भाव्य हैं तथा अन्य उपलब्ध साधन चाहे वे वित्तीय हों या अन्य;

(ख) ऐसी संस्थाओं और संगठनों से परामर्श करेगी जिन्हें राज्यपाल, आदेश द्वारा, विनिर्दिष्ट करे।

(8) महानगर विकास समिति का अध्यक्ष ऐसी समिति द्वारा सिफारिश की गई विकास योजना राज्य सरकार को भेजेगा।

स्पष्टीकरण—इस धारा के प्रयोजनों के लिए "नगरपालिका" का तात्पर्य नगर निगम, नगरपालिका परिषद् और नगर पंचायत से है।]

मुख्य नगराधिकारी

[1][58. मुख्य नगर अधिकारी और अपर मुख्य नगर अधिकारी की नियुक्ति—राज्य सरकार प्रत्येक नगर निगम के लिए एक मुख्य नगर अधिकारी, और एक या अधिक अपर मुख्य नगर अधिकारी, जैसा वह उचित समझे, नियुक्त करेगी।

किन्तु प्रतिबन्ध यह है कि कोई व्यक्ति जो पहले से [2][राज्य सरकार की सेवा में नहीं है, तब तक मुख्य नगर अधिकारी के रूप में नियुक्त नहीं किया जायेगा] जब तक कि राज्य लोक सेवा आयोग उसकी नियुक्ति का अनुमोदन न कर दे।]

[3][किन्तु प्रतिबन्ध यह भी है कि किसी व्यक्ति को अपर मुख्य नगर अधिकारी के रूप में नियुक्त नहीं किया जायेगा जब तक कि वह निगम का ज्येष्ठतम सेवामान में उप नगर अधिकारी न हो।]

59. [4][मुख्य नगर अधिकारी और अपर मुख्य नगर अधिकारी के] वेतन और भत्ते, आदि—(1) मुख्य नगर अधिकारी [5][और अपर मुख्य नगर अधिकारी] [निगम] निधि में से उतना मासिक वेतन और ऐसे भत्ते प्राप्त करेगा जो राज्य सरकार समय-समय पर निर्धारित करे।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा धारा 57-क जोड़ी गयी

(2) कार्यकारिणी समिति उसके प्रथम अधिवेशन में तथा तत्पश्चात् प्रत्येक बार, जिसमें कि उप-सभापति के स्थान की रिक्ति की पूर्ति करने के निमित्त आवश्यक हो, अपने सदस्यों में से किसी एक को उपसभापति निर्वाचित करेगी ।

(3) उपसभापति, ज्यों ही वह कार्यकारिणी समिति का सदस्य न रहे, उप-सभापति न रहेगा ।

(4) उपधारा (1) के खंड (ख) में अभिनिर्दिष्ट व्यक्ति [1][निगम] द्वारा सामान्य निर्वाचन के पश्चात् होने वाले उसके प्रथम अधिवेशन में निर्वाचित किये जायेंगे ।

(5) कार्यकारिणी समिति के आधे सदस्य प्रत्येक अनुगामी वर्ष में उस महीने की पहली तारीख के मध्याह्न में, जिसमें कि उपधारा (4) में उल्लिखित [1][निगम] का पहला अधिवेशन निष्पन्न हुआ था, सेवा-निवृत्त हो जाया करेंगे :

किन्तु प्रतिबन्ध यह है कि जब सामान्य निर्वाचन सम्पन्न हो, तब कार्यकारिणी समिति के समस्त पदासीन सदस्य उपधारा (4) के अधीन नयी समिति के निर्वाचित होने पर सेवा-निवृत्त हो जायेंगे ।

(6) वे सदस्य, जो उपधारा (5) के अधीन अपने उपधारा (4) के अन्तर्गत निर्वाचन के एक वर्ष पश्चात् सेवा-निवृत्त हों, उपधारा (5) में निर्दिष्ट सेवानिवृत्ति के पूर्व ऐसे समय और रीति से, जिसे कार्यकारिणी समिति का सभापति अवधारित करे, लाटरी डालकर निर्वाचित किये जायेंगे तथा अनुगामी वर्षों में वही सदस्य इस धारा के अधीन सेवा-निवृत्त होंगे, जिनका कार्यकाल अधिकतम रहा हो :

किन्तु प्रतिबन्ध यह है कि उस सदस्य की दशा में, जो पुनर्नियुक्त हुआ हो, उसके इस उपधारा के प्रयोजनों के निमित्त कार्यकाल का आकलन उसकी पुनर्नियुक्ति के दिनांक से किया जायगा ।

(7) [1][निगम] उपधारा (5) में निर्दिष्ट सेवा निवृत्ति के दिनांक से ठीक पूर्व पड़ने वाले महीने में निष्पन्न अपने अधिवेशन में कार्यकारिणी समिति के नये सदस्य उन व्यक्तियों के पदों की पूर्ति करने के निमित्त नियुक्त करेगी जिन्हें उक्त दिनांक पर सेवा-निवृत्त होना हो ।

(8) समिति के किसी सदस्य के स्थान की आकस्मिक रिक्ति की पूर्ति उसके शेष कार्यकाल तक के लिए एक सदस्य निर्वाचित करके की जायगी :

किन्तु प्रतिबन्ध यह है कि यदि शेष अवधि दो मास से कम की है, तो उस रिक्ति की पूर्ति नहीं की जायगी जब तक कि [1][निगम] अन्यथा संकल्प न करे ।

(9) सेवा-निवृत्त होने वाला सदस्य पुनर्निर्वाचन का पात्र होगा ।

52. कार्यकारिणी समिति के सदस्यों का निर्वाचन—कार्यकारिणी समिति के सदस्यों तथा उसके उप-सभापति का निर्वाचन अनुपाती प्रतिनिधित्व पद्धति (System of proportional representation) के अनुसार एकल संक्रमणीय मत (Single transferable vote) द्वारा होगा तथा ऐसे निर्वाचन में मतदान गुप्त शलाका (secret ballot) द्वारा होगा ।

53. कार्यकारिणी समिति के सदस्यों का पद-त्याग—कार्यकारिणी समिति का कोई भी सदस्य, जो अपना पद त्याग करना चाहे, नगर-प्रमुख को सम्बोधित करके अपने हस्ताक्षर सहित लेख द्वारा ऐसा कर सकता है और वह नगर-प्रमुख को प्राप्त होने के साथ ही प्रभावी हो जायगा ।

विकास समिति

54. विकास समिति का संगठन तथा उसका कार्यकाल—(1) विकास-समिति-

(क) उपनगर-प्रमुख, जो कि इसका पदेन सभापति (chairman) होगा;

(ख) [* * *] सभापति में से [2][निगम] द्वारा निर्वाचित किये जाने वाले दस व्यक्तियों, तथा

(ग) ऐसे दो व्यक्तियों जो खंड (क) और (ख) में उल्लिखित सदस्यों द्वारा ऐसे व्यक्तियों में से, जिन्हें उक्त सदस्यों की राय में [2][निगम] के प्रशासन अथवा सुधार, विकास या नियोजन संबन्धी विषयों का अनुभव हो, संयोजित (co-opted) किये जायेंगे,

से मिलकर बनेगी ।

(2) विकास समिति अपने प्रथम अधिवेशन में तथा तत्पश्चात् उप-सभापति के पद में रिक्ति होने के कारण जब कभी आवश्यक हो, निर्वाचित सदस्यों में से एक को अपना उप-सभापति निर्वाचित करेगी ।

(3) उप-सभापति सदस्य न रहने पर यथाशीघ्र पद छोड़ देगा ।

(4) संयोजित (co-opted) सदस्य को विकास समिति अथवा उसकी किसी उप समिति में, जिसका वह सदस्य हो, भाषण करने तथा उसकी कार्यवाहियों में अन्य प्रकार से भाग लेने का अधिकार होगा, किन्तु वह इस उपधारा के आधार पर मत देने का अधिकारी न होगा ।

(5) संयोजित सदस्य का कार्यकाल एक वर्ष होगा ।

(6) उपधारा (1) के खंड (ख) में अभिदिष्ट व्यक्ति [2][निगम] द्वारा सामान्य निर्वाचनों के पश्चात् होने वाले उसके पहले अधिवेशन में निर्वाचित किये जायेंगे ।

(7) विकास समिति के आधे सदस्य प्रत्येक अनुगामी वर्ष में उस महीने के पहले दिन के मध्याह्न में, जिसमें कि उपधारा (6) में उल्लिखित [2][निगम] का पहला अधिवेशन निष्पन्न हुआ था, सेवानिवृत्त हो जाया करेंगे :

किन्तु प्रतिबन्ध यह है कि जब सामान्य निर्वाचन सम्पन्न हो तब विकास समिति के समस्त पदासीन सदस्य उपधारा (6) के अधीन नयी समिति के निर्वाचित होने पर सेवा-निवृत्त होंगे ।

(8) वे सदस्य, जो उपधारा (7) के अधीन अपने उपधारा (6) के अधीन निर्वाचन के एक वर्ष पश्चात् सेवानिवृत्त होंगे, उपधारा (7) में निर्दिष्ट सेवानिवृत्ति के दिनांक के पूर्व ऐसे समय और रीति से, जिसे विकास समिति का सभापति अवधारित करे, लाटरी डालकर चुने जायेंगे तथा अनुगामी वर्षों में वे ही सदस्य इस धारा के अधीन सेवा-निवृत्त होंगे, जिनका कार्यकाल अधिकतम रहा हो :

किन्तु प्रतिबन्ध यह है कि उस सदस्य की दशा में, जो पुनर्नियुक्त हुआ हो, उसके इस उपधारा के प्रयोजनों के निमित्त कार्यकाल का आकलन उसकी पुनर्नियुक्ति के दिनांक से किया जायगा ।

(9) [2][निगम] उपधारा (7) में निर्दिष्ट सेवा निवृत्ति के दिनांक से ठीक पूर्व पड़ने वाले महीने में निष्पन्न अपने अधिवेशन में विकास समिति के नये सदस्य उन व्यक्तियों के पदों की पूर्ति करने के निमित्त नियुक्त करेगी, जिन्हें उक्त दिनांक पर सेवा-निवृत्त होना हो ।

(10) समिति के किसी सदस्य के स्थान की आकस्मिक रिक्ति की पूर्ति पद से हटने वाले सदस्य के शेष कार्यकाल तक के लिए की जायेगी :

किन्तु प्रतिबन्ध यह है कि यदि उस शेष अवधि दो मास से कम की है तो उस रिक्ति की पूर्ति नहीं की जायगी जब तक कि [2][निगम] अन्यथा संकल्प न करे ।

(11) सेवा-निवृत्त होने वाला कोई सदस्य, चाहे वह निर्वाचित रहा हो अथवा संयोजित, पुनर्निर्वाचन अथवा पुनर्संयोजन का पात्र होगा ।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "विशिष्ट सदस्यों तथा" निकाले गये
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

(ट) मतों का परीक्षण तथा उनकी गणना और पुनर्गणना तथा मतों की संख्या की समानता की दशा में अनुसरित की जाने वाली प्रक्रिया और परिणामों की घोषणा;

(ठ) सभासद [1][* * *], नगर प्रमुख अथवा उप-नगर प्रमुख के रूप में निर्वाचित व्यक्तियों के नामों की विज्ञप्ति;

(ड) जमा की हुई धनराशियों की वापसी तथा जब्ती;

(ढ) निर्वाचन अभ्यर्थी, मतदान अधिकर्ता तथा अन्य ऐसे व्यक्ति द्वारा मतदान की रीति, जो किसी कक्ष में निर्वाचक होने के कारण मतदान के अधिकारी हैं, किन्तु जो किसी ऐसे पोलिंग-स्टेशन पर कार्य के लिये नियुक्त किया गया है, जहाँ वह मतदान का अधिकारी नहीं है;

(ण) प्रक्रिया, जो ऐसे व्यक्ति द्वारा मतदान के सम्बन्ध में अनुसरित की जायगी जो अपने को ऐसा निर्वाचक बतलाता है जिसके नाम से कोई अन्य व्यक्ति मत दे चुका है;

(त) मतदान बक्सों, मत-पत्रों तथा निर्वाचन सम्बन्धी अन्य कागज-पत्रों की अभिरक्षा, अवधि, जब तक के लिये उन्हें सुरक्षित रखना है तथा ऐसे कागज-पत्रों का निरीक्षण करना तथा उन्हें प्रस्तुत करना;

(थ) [2][* * *]

(द) निर्वाचन-पत्रों की प्रतियों को जारी करना तथा उन प्रतियों के लिये मूल्य निर्धारित करना;

(ध) [2][* * *] उपनगर प्रमुख [1][* * *] के निर्वाचन के लिए सभासदों [1][* * *] की सूची रखना; और

(न) सामान्यतया निर्वाचनों के संचालन सम्बन्धी अन्य सभी विषय।

47. निर्वाचनों का न होना—(1) यदि सभासद [1][* * *] के किसी निर्वाचन में कोई स्थान बिना पूर्ति के रह जाता है, तो उस रिक्ति की पूर्ति के लिये फिर से निर्वाचन होगा।

(2) निर्वाचन के संचालन तथा सभासद [1][* * *] के कार्यकाल निर्धारण के लिए उपधारा (1) के अधीन हुए निर्वाचन के विषय में यह समझा जायगा कि वह आकस्मिक रिक्ति की पूर्ति के लिये हुआ है।

48. निर्वाचन अपराध—[3][(1) लोक प्रतिनिधित्व अधिनियम, 1951 के भाग-सात के अध्याय तीन की धारा 125, 126, 127, 127-क, 128, 129, 130, 131, 132, 134, 134-क, 135, [4][135-क] और 136 के उपबन्ध इस प्रकार प्रभावी होंगे, मानो—

(क) किसी निर्वाचन के सम्बन्ध में आया हुआ निर्देश इस अधिनियम के अधीन किये गये निर्वाचन का निर्देश हो;

(ख) शब्द "निर्वाचन क्षेत्र" के स्थान पर शब्द "कक्ष" रख दिया गया हो;

(खख) धारा 127-क की उपधारा (2) के खण्ड (ख) के उपखण्ड (1) में शब्द "मुख्य निर्वाचन पदाधिकारी" के स्थान पर शब्द [5][मुख्य निर्वाचन अधिकारी (नगर स्थानीय निकाय)] रख दिये गये हों;

(ग) धारा 134 और 136 में, शब्द "इस अधिनियम के द्वारा या अधीन" के स्थान पर शब्द "उत्तर प्रदेश [6][नगर निगम अधिनियम], 1959 के द्वारा या अधीन" रख दिये गये हों];

(2) यदि [5][मुख्य निर्वाचन अधिकारी (नगर स्थानीय निकाय)] को यह विश्वास करने का कारण हो कि [6][निगम] के किसी निर्वाचन के सम्बन्ध में उक्त अध्याय की धारा 129 या 134 [7][या 134-क]

1. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा निकाल दिया गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा निकाल दिया गया
3. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा अंक "135-क" बढ़ाया गया
5. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्दों "राज्य निर्वाचन आयोग" के स्थान पर प्रतिस्थापित
6. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
7. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा बढ़ाया गया

अथवा धारा 136 की उपधारा (2) के खण्ड (क) के अधीन दण्डनीय कोई अपराध किया गया है, तो वह ऐसी जाँच करा सकता है और ऐसे अभियोजन चला सकता है जो उसे परिस्थितियों को देखते हुए आवश्यक प्रतीत हों।

(3) धारा 129 अथवा 134 [1][अथवा 134-क] के अधीन अथवा धारा 136 की उपधारा (2) के खण्ड (क) के अधीन दंडनीय किसी भी अपराध की सुनवाई कोई न्यायालय तब तक न करेगा जब तक कि [2][मुख्य निर्वाचन अधिकारी (नगर स्थानीय निकाय)] की आज्ञा द्वारा अथवा उसके प्राधिकार के अधीन कोई शिकायत न की जाये।

[3][49. सिविल न्यायालयों की अधिकारिता पर रोक—किसी सिविल न्यायालय को निम्नलिखित की अधिकारिता न होगी—

(क) इस प्रश्न की ग्रहण करना या उस पर निर्णय देना कि कोई व्यक्ति किसी कक्ष की निर्वाचक नामावली में पंजीयन का पात्र है या नहीं; या

[4][(ख) निर्वाचक नामावली के तैयार करने और प्रकाशन के सम्बन्ध में राज्य निर्वाचन आयोग द्वारा या उसके प्राधिकार के अधीन की गयी किसी कार्यवाही की वैधता पर आपत्ति करना; या]

(ग) निर्वाचन अधिकारी द्वारा या किसी निर्वाचन के सम्बन्ध में इस अधिनियम के अधीन नियुक्त किसी व्यक्ति द्वारा की गयी किसी कार्यवाही या किसी विनिश्चय की वैधता पर आपत्ति करना।]

[5][50. निर्वाचन और रिक्ति के लिये अधिसूचना—(1) किसी निगम के गठन या पुनर्गठन के प्रयोजन के लिए एक सामान्य निर्वाचन कराया जायेगा।

(2) उक्त प्रयोजन के लिए, राज्य सरकार सरकारी गजट में प्रकाशित अधिसूचना द्वारा ऐसे दिनांक को जिसकी राज्य निर्वाचन आयोग द्वारा सिफारिश की जाये, नगर में सभी कक्षों को, इस अधिनियम के उपबन्धों और इसके अधीन बनाये गये नियमों और आदेशों के अनुसार सभासदों और नगर प्रमुख का निर्वाचन करने के लिए, आहूत करेगी।

[1][(2-क) राज्य सरकार, राज्य निर्वाचन आयोग के परामर्श से, सरकारी गजट में प्रकाशित अधिसूचना द्वारा, धारा 12 के अधीन उप-नगर प्रमुख के निर्वाचन के लिये एक या उससे अधिक दिनांक नियत करेगी और सभासदों को इस अधिनियम के उपबन्धों के अनुसार उप-नगर प्रमुख का निर्वाचन करने के लिये आहूत करेगी।]

(3) यदि मृत्यु या त्याग-पत्र या किसी अन्य कारण से नगर प्रमुख, उप-नगर प्रमुख या किसी सभासद के पद में कोई आकस्मिक रिक्ति होती है, तो, यथास्थिति ऐसा पद या स्थान राज्य सरकार द्वारा, सरकारी गजट में प्रकाशित अधिसूचना द्वारा, रिक्त घोषित कर दिया जायेगा।

(4) जब कोई पद या स्थान रिक्त घोषित कर दिया गया हो तो राज्य निर्वाचन आयोग सरकारी गजट में अधिसूचना द्वारा सम्बन्धित कक्ष या, यथास्थिति, सभासदों को इस अधिनियम के उपबन्धों और इसके अधीन बनाये गये नियमों या आदेशों के अनुसार ऐसी रिक्ति को भरने के प्रयोजन से, ऐसे दिनांक के पूर्व, जैसा कि अधिसूचना में विनिर्दिष्ट किया जाये, किसी व्यक्ति का निर्वाचन करने के लिए आहूत करेगा।]

कार्यकारिणी समिति

51. कार्यकारिणी समिति का संगठन तथा अवधि—(1) कार्यकारिणी समिति—

(क) [6][नगर-प्रमुख] जो पदेन कार्यकारिणी समिति का सभापति (chairman) होगा, तथा

(ख) ऐसे 12 व्यक्तियों को, जो [4][निगम] द्वारा सभासदों में [7][* * *] में से चुने जायेंगे; से मिलकर बनेगी।

1. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा बढ़ाया गया
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 7 सन् 2000 द्वारा उपधारा (2-क) अन्तःस्थापित (1-10-1999 से प्रभावी)
6. उ० प्र० अधिनियम सं० 41 सन् 1976 द्वारा शब्द "उपनगर प्रमुख" के स्थान पर रखा गया
7. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "और विशिष्ट सदस्यों" निकाले गये

(1) जिसका नाम कस के सम्बद्ध क्षेत्र की निर्वाचक सूची में है, परन्तु कस की निर्वाचक नामावली में दर्ज नहीं है, अथवा जिसका नाम नगरी में किसी अन्य कस की निर्वाचक नामावली में दर्ज कर लिया गया है, अथवा

(2) जिसका नाम विधान सभा की सूचियों में दर्ज नहीं है । परन्तु जो अन्यथा कस की निर्वाचक नामावली में पंजीयन के लिए अर्ह है ।

(घ) ऐसे व्यक्तियों के नामों का अपकर्षन जो पंजीयन के लिये अनर्ह हैं;

(ङ) ऐसे व्यक्तियों का अभिलेख रखना जो मत देने के लिये अनर्ह हैं;

(च) नामों के समावेशन तथा अपकर्षन के निमित्त प्रार्थना-पत्र पर देय शुल्क;

(छ) [* * *]

(ज) निर्वाचक नामावलियों की अभिरक्षा तथा परिशोधन ; तथा

(झ) सामान्यतः निर्वाचक नामावलियाँ तैयार करने तथा उसे प्रकाशित करने से सम्बद्ध सभी विषय ।

मतदान

42. मत देने का अधिकार—(1) कोई भी व्यक्ति, जिसका नाम तत्समय किसी कस की निर्वाचक नामावली में दर्ज नहीं है, उस कस में मत देने का अधिकारी नहीं होगा तथा इस अधिनियम द्वारा स्पष्ट रूप से उपबंधित दशा को छोड़कर प्रत्येक ऐसा व्यक्ति, जिसका नाम तत्समय किसी कस की निर्वाचक नामावली में दर्ज है, उस कस में मत देने का अधिकारी होगा ।

(2) कोई भी व्यक्ति किसी कस के किसी निर्वाचन में मत नहीं दे सकेगा यदि वह धारा 37 में उल्लिखित अनर्हताओं में से किसी के अधीन है ।

(3) कोई भी व्यक्ति किसी सामान्य निर्वाचन में [1][विधान] के एक से अधिक कसों में मतदान नहीं करेगा, और यदि वह उक्त किसी एक से अधिक कसों में मतदान कराता है, तो सभी कसों में उसके मत शून्य हो जायेंगे ।

(4) इस बात के होते हुए भी कि किसी निर्वाचक का नाम किसी कस की निर्वाचक नामावली में एक से अधिक बार दर्ज हो गया है, वह व्यक्ति किसी निर्वाचन में एक से अधिक बार मतदान नहीं करेगा और यदि वह मतदान कराता है, तो उस कस में उसके सभी मत शून्य हो जायेंगे ।

(5) यदि कोई व्यक्ति कारावास को, निर्वासन की सजा अथवा अन्य किसी प्रकार का दंडादेश के अधीन किसी कारावास में बन्द है अथवा पुलिस की वैध अभिरक्षा (lawful custody) में है, तो वह मतदान नहीं करेगा :

किन्तु प्रतिबन्ध यह है कि इस उपधारा में कोई बात उस व्यक्ति पर लागू नहीं होगी, जो तत्समय प्रवर्तित किसी विधि के अन्तर्गत निवारक निरोध (preventive detention) के अधीन हो ।

43. मतदान प्रणाली—[1][* * *]

44. मतदान की रीति—किसी कस के प्रत्येक निर्वाचन में, जहाँ मतदान लिया जाय, मत गुप्त मतपत्र (secret ballot) द्वारा दिये जायेंगे तथा कोई मत प्रतिनिधिक मतदान (proxy) द्वारा नहीं लिया जायगा ।

1. 3० ३० अधिनियम सं० 12 सन् 1994 द्वारा लिप्त कर गया ।
2. 3० ३० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

टिप्पणी

मतपत्र द्वारा मतदान—मतपत्र पर चिह्न इस ढंग से लगाया जाना चाहिए कि उससे यह प्रकट हो कि ऐसा चिह्न लगाकर जाना मतदाता का कौन विचार करके किस पक्ष में है। [दी० आर० प्रतिनिधि बनाम दी० वी० अधिकारी ए० आई० आर० 1966 केरल 252]। मतपत्र की पीठ पर बनाये गये चिह्न को दोषपूर्ण मतदान नहीं किया जा सकता, और ऐसे मत को अस्वीकार नहीं किया जा सकता [एकनाथ खांडू बनाम इलेक्शन ट्रिब्यूनल, ए० आई० आर० 1960 इलाo 66]। मतपत्र पर चिह्न लगाये जाने के विषय में होने वाले विवादों का अनुसरण किया जाना चाहिये। यदि उनका पूर्वकथन मालन नहीं किया जाता तो मत को अस्वीकार कर दिया जायगा [दी० वेंकटनारायण बनाम जी० वी० एस० राव, ए० आई० आर० 1967 आन्ध्र प्रदेश 11]

निर्वाचनों का संचालन

[2][45. निर्वाचनों के संचालन का अधीक्षण, आदि—3[(1)] निगम के नगर प्रमुख, उप नगर प्रमुख और सभासदों के निर्वाचन के संचालन का अधीक्षण, निदेशन और नियंत्रण राज्य निर्वाचन आयोग में निहित होगा।]

3[(2) उपधारा (1) के अधीन रहते हुए धारा 39 की उपधारा (2) में निर्दिष्ट मुख्य निर्वाचन अधिकारी (नगर स्वशासी निकाय) निगम के नगर प्रमुख, उपनगर प्रमुख और सभासदों के निर्वाचनों के संचालन का पर्यवेक्षण करेगा।]

46. निर्वाचनों के संचालन सम्बन्धी आदेश—किसी मामले के सम्बन्ध में, जहाँ तक इस अधिनियम द्वारा उपबन्ध नहीं बनाये गये हैं, 1[राज्य निर्वाचन आयोग] आदेश द्वारा नगर प्रमुख 4[* * *] सभासदों के स्थानों के निर्वाचनों से सम्बन्धित मामलों की व्यवस्था कर सकता है, अर्थात्—

(क) 5[* * *]

(ख) निर्वाचन अधिकारियों, सहायक निर्वाचन अधिकारियों, निर्वाचन अभिकर्ताओं तथा मतदान अधिकारियों और क्लर्कों की नियुक्ति, उनके अधिकार और कर्तव्य;

(ग) नाम-निर्देशन, परीक्षण, नाम वापस लेने तथा मतदान के लिये दिनांकों को निश्चित करना;

(घ) वैध (valid) नाम-निर्देशन-पत्र प्रस्तुत करने की रीति तथा तदर्थ अपेक्षायें, नाम-निर्देशनों का परीक्षण तथा उम्मीदवारी से नाम वापस लेना;

(ङ) निर्वाचन अभिकर्ताओं, मतदान अभिकर्ताओं तथा गणन अभिकर्ताओं की नियुक्ति तथा उनके कर्तव्य;

(च) सामान्य निर्वाचनों के विषय में प्रक्रिया, जिसमें मतदान के पूर्व ही किसी उम्मीदवार की मृत्यु हो जाना भी है, सहितीय एवं निर्विरोध निर्वाचनों (contested or uncontested) की प्रक्रिया 6[* * *];

(छ) मतदाताओं की पहचान;

(ज) मतदान का समय;

(झ) मतदान का स्थगित किया जाना तथा किस से मतदान कराना;

(ञ) निर्वाचनों में मतदान की रीति,

1. 3० ३० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. 3० ३० अधिनियम सं० 26 सन् 1995 द्वारा मूल अधिनियम की धारा 45 को उसकी उपधारा (1) के रूप में पुनः संख्यांकित किया गया
3. उपरोक्त अधिनियम के द्वारा पुनः संख्यांकित उपधारा (1) के पश्चात उपधारा (2) जोड़ दी गई
4. 3० ३० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "विधिक सदस्य और" निकाल दिये गये
5. 3० ३० अधिनियम सं० 12 सन् 1994 द्वारा निकाला गया
6. 3० ३० अधिनियम सं० 12 सन् 1994 द्वारा शब्दों "कार्य से जहाँ अनुसूचित जातियों के लिये स्थान सुरक्षित हैं, निर्वाचनों के लिये विशेष प्रक्रिया" निकाला गया

(तीन) संसद् या राज्य विधान मण्डल का सदस्य ऐसे सदस्य के रूप में उसने कर्तव्यों के सम्बन्ध में जब वे क्षेत्र में अनुपस्थित रहने मात्र के कारण, अपनी पहचान से तौरत उस क्षेत्र का सामान्य तौर से निवासी होने से परिसीमित नहीं समझा जायगा।

(चार) यह निश्चित करने के लिए कि किन व्यक्तियों को किसी सुसंगत समय पर किसी विशिष्ट क्षेत्र का सामान्य तौर से निवासी समझा जाय या न समझा जाय, किन्हीं अन्य दशाओं पर, जिन्हें विहित किया जाय, विचार किया जायगा।

(पाँच) यदि किसी मामले में यह प्रश्न उठे कि किसी सुसंगत समय पर कोई व्यक्ति सामान्य तौर से कहाँ का निवासी है तो उस वस्तु का अवधारण मामले के सभी तथ्यों के निर्देश में किया जायगा।

37. निर्वाचकों की अनर्हताएँ—[1][(1) कोई व्यक्ति किसी निर्वाचक नामावली में पंजीयन के लिए अनर्ह होगा, यदि वह—

(एक) भारत का नागरिक न हो; या

(दो) विकृत चित्त हो और उसके ऐसा होने की किसी सक्षम न्यायालय की घोषणा विद्यमान हो; या

(तीन) निर्वाचन सम्बन्धी भ्रष्ट आचरण और अन्य अपराधों से सम्बन्धित किसी विधि के उपबन्धों के अधीन वह ऐसे के लिए दोषसिद्ध अनर्ह हो।]

(2) किसी व्यक्ति, जो पंजीयन के पश्चात् उपर्युक्त रूप से अनर्ह हो जाता है, का नाम उस काल की उस निर्वाचक नामावली से जिसमें उसका नाम लिखा है, तुरन्त ही काट दिया जायगा:

किन्तु प्रतिबन्ध यह है कि उपधारा (1) के अधीन किसी अनर्हता के कारण किसी व्यक्ति का नाम किसी काल की निर्वाचक नामावली से काट दिया जाता है तो उक्त नामावली के प्रवर्तित रहने (*inforce*) की अवधि में, इस अधिनियम के उपबन्धों अथवा उक्त अनर्हता निवारण को प्राधिकृत करने वाली किसी अन्य विधि के अधीन उपर्युक्त अनर्हता निवारण को प्राधिकृत कर दिये जाने पर उसे तुरन्त पुनः दर्ज कर लिया जायगा।

38. पंजीयन एक स्थान तथा एक स्थान में होगा—(1) कोई भी व्यक्ति एक ही भाग में एक से अधिक स्थानों के लिए निर्वाचक नामावली में पंजीयन का पात्र होगा।

(2) कोई भी व्यक्ति किसी काल की निर्वाचक नामावली में एक से अधिक बार पंजीकृत होने का पात्र न होगा।

[2][(3) कोई व्यक्ति किसी काल की निर्वाचक नामावली में पंजीयन का पात्र न होगा यदि उसका नाम किसी अन्य नगर या किसी [3][लघुतर नगरीय क्षेत्र, संक्रमणशील क्षेत्र, छावनी या ग्राम पंचायत] से सम्बन्धित किसी निर्वाचक नामावली में दर्ज हो जब तक कि वह यह दावित न करे कि उसका नाम ऐसी निर्वाचक नामावली से काट दिया गया है।]

[4][39. निर्वाचक नामावली की तैयारी और प्रकाशन— (1) राज्य निर्वाचन आयोग के अधीक्षण, निदेशन और नियन्त्रण के अधीन रहते हुए, प्रत्येक काल के लिये निर्वाचक नामावली मुख्य निर्वाचन अधिकारी (जोनल-स्वायत्तशासी निकाय) के पर्यवेक्षण के अधीन निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा जिसकी धारा विहित रीति से तैयार और प्रकाशित की जायेगी।

(2) उपधारा (1) में विहित मुख्य निर्वाचन अधिकारी (जोनल स्वायत्तशासी निकाय) और निर्वाचक रजिस्ट्रीकरण अधिकारी राज्य सरकार के ऐसे अधिकारी होंगे जिन्हें राज्य निर्वाचन आयोग, राज्य सरकार के परामर्श से, इस निमित्त पदाभिहित या नाम-निर्दिष्ट करे।

(3) निर्वाचक नामावली के प्रकाशन पर, इस अधिनियम के, या उसके अधीन बनाये गये नियमों के, अनुसार किये गये किसी परिवर्तन, परिवर्धन या सुधार के अधीन रहते हुए, वह इस अधिनियम के अनुसार तैयार की गयी काल की निर्वाचक नामावली होगी।

---

1. जम्मू व कश्मीर अधिनियम सं० 23 सन् 1978 द्वारा प्रतिस्थापित
2. जम्मू व कश्मीर अधिनियम सं० 35 सन् 1978 द्वारा अन्तःस्थापित
3. जम्मू व कश्मीर अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
4. जम्मू व कश्मीर अधिनियम सं० 26 सन् 1998 द्वारा धारा 39 प्रतिस्थापित

(4) निर्वाचक रजिस्ट्रीकरण अधिकारी किसी काल के लिये निर्वाचक नामावली तैयार करने के प्रयोजन के लिए आवश्यक प्रतीत विधान सभा की सूची को राज्य निर्वाचन आयोग के निदेश के अनुसार अद्यतन करता है जहाँ तक उसका सम्बन्ध उस काल के क्षेत्र से हो:

किन्तु प्रतिबन्ध यह है कि ऐसे काल के लिये निर्वाचक नामावली में, ऐसे काल के लिए नाम-निर्देशन के अन्तिम दिनांक के पश्चात् और उस निर्वाचन के पूरा होने के पूर्व किसी संशोधन, परिवर्तन या सुधार को सम्मिलित नहीं किया जायगा।

(5) जहाँ निर्वाचक रजिस्ट्रीकरण अधिकारी का, चाहे उसको दिये गये किसी आवेदन-पत्र पर या अन्यथा से, ऐसी जाँच करने के पश्चात् जिसे वह उचित समझे, यह समाधान हो जाय कि निर्वाचक नामावली में कोई प्रविष्टि सुधारी या निष्कासित की जानी चाहिये या रजिस्ट्रीकरण के लिये हकदार किसी व्यक्ति का नाम निर्वाचक नामावली में दर्ज किया जाना चाहिए, वहाँ वह इस अधिनियम के और तद्धीन बनाये गये नियमों और आदेशों के अधीन रहते हुए किसी प्रविष्टि का, यथास्थिति, सुधार, निष्कासन या परिवर्धन करेगा:

किन्तु प्रतिबन्ध यह है कि ऐसा कोई सुधार, निष्कासन, या परिवर्धन, काल के किसी निर्वाचन के लिये नाम-निर्देशन होने की अन्तिम दिनांक के पश्चात् और उस निर्वाचन के पूरा होने के पूर्व, नहीं किया जायगा:

किन्तु प्रतिबन्ध यह भी है कि किसी व्यक्ति से संबंधित प्रविष्टि का ऐसा कोई सुधार या निष्कासन जो उसके हित पर प्रतिकूल प्रभाव डालने वाला हो, उसे उसके विरुद्ध प्रस्तावित कार्यवाही के सम्बन्ध में सुनवाई का समुचित अवसर दिये बिना, नहीं किया जायगा।

(6) निर्वाचक नामावली में किसी नाम को सम्मिलित करने, निष्कासित करने, या सुधार करने के सम्बन्ध में निर्वाचक रजिस्ट्रीकरण अधिकारी के किसी आदेश के विरुद्ध अपील ऐसे समय के भीतर और ऐसी रीति से और ऐसे अधिकारी या प्राधिकारी को, जैसा नियमों द्वारा विहित किया जाय, प्रस्तुत की जायेगी।]

[1][40. निर्वाचक नामावली का पुनरीक्षण—राज्य निर्वाचन आयोग, यदि वह सामान्य या उप-निर्वाचन के प्रयोजन के लिये ऐसा कारण आवश्यक समझे, सभी कालों की या किसी काल की निर्वाचक नामावली का ऐसी रीति से जिसे वह उचित समझे, पुनरीक्षण करने का निदेश दे सकता है:

किन्तु प्रतिबन्ध यह है कि इस अधिनियम के अन्य उपबन्धों के अधीन रहते हुए, काल की निर्वाचक नामावली, जैसा कि वह कोई ऐसा निदेश दिये जाने के समय प्रवृत्त हो, प्रवृत्त बनी रहेगी जब तक कि इस प्रकार निर्देशित पुनरीक्षण पूरा न हो जाये।]

41. निर्वाचकों तथा निर्वाचक नामावलियों से सम्बद्ध अन्य विषय—[2][जहाँ तक निम्नलिखित विषयों में से किसी के संबंध में इस अधिनियम या उसके अधीन बनाये गये नियमों द्वारा उपबन्ध न किया जाय, राज्य निर्वाचन आयोग] निर्वाचक नामावली से सम्बद्ध निम्नलिखित विषयों के सम्बन्ध में आज्ञा द्वारा उपबन्ध कर सकता है, अर्थात्—

(क) किसी, जब इस अधिनियम के अधीन प्रथम बार तैयार की गई निर्वाचक नामावलियाँ प्रवृत्त होंगी तथा उसके प्रकाशन की अवधि;

(ख) सम्बद्ध निर्वाचक (*elector*) के प्रार्थना-पत्र पर निर्वाचक नामावली की किसी वर्तमान प्रविष्टि को हटाना जाना;

(ग) निर्वाचक नामावलियों में विशिष्ट अथवा मुद्रण सम्बन्धी गलतियों को ठीक करना;

(घ) किसी क्षेत्र के सम्बन्ध में निर्वाचक नामावलियों में अद्यतन से काम चूक जाने की दशा में उनमें सुधार करना;

(ङ) निर्वाचक नामावलियों में किसी भी ऐसे व्यक्ति का नाम दर्ज करना—

---

1. जम्मू व कश्मीर अधिनियम सं० 23 सन् 1994 द्वारा प्रतिस्थापित
2. जम्मू व कश्मीर अधिनियम सं० 27 सन् 1998 द्वारा शब्दों "राज्य निर्वाचन आयोग" के स्थान पर प्रतिस्थापित किया गया

(तीन) संसद् या राज्य विधान मण्डल का सदस्य ऐसे सदस्य के रूप में अपने कर्तव्यों के सम्बन्ध में जब के क्षेत्र में अनुपस्थित रहने मात्र के कारण, अपनी पदावधि के दौरान इस क्षेत्र का सामान्य तौर से निवासी होने से परिनिरित नहीं समझा जायगा।

(चार) यह निश्चित करने के लिए कि किन व्यक्तियों को किसी सुसंगत समय पर किसी विशिष्ट क्षेत्र का सामान्य तौर से निवासी समझा जाय या न समझा जाय, किन्हीं अन्य दशाओं पर, जिन्हें विहित किया जाय, विचार किया जायगा।

(पाँच) यदि किसी मामले में यह प्रश्न उठे कि किसी सुसंगत समय पर कोई व्यक्ति सामान्य तौर से कहाँ का निवासी है तो उस वस्तु का अवधारण मामले के सभी तथ्यों के निर्देश में किया जायगा।

37. निर्वाचकों की अनर्हताएँ—[1][(1) कोई व्यक्ति किसी निर्वाचक नामावली में पंजीयन के लिए अनर्ह होगा, यदि वह—

(एक) भारत का नागरिक न हो; या

(दो) विकृत चित्त हो और उसके ऐसा होने की किसी सक्षम न्यायालय की घोषणा विद्यमान हो; या

(तीन) निर्वाचन सम्बन्धी भ्रष्ट आचरण और अन्य अपराधों से सम्बन्धित किसी विधि के उपबन्धों के अधीन मत देने के लिए तत्समय अनर्ह हो।]

(2) किसी व्यक्ति, जो पंजीयन के पश्चात् उपर्युक्त रूप से अनर्ह हो जाता है, का नाम उस कक्ष की उस निर्वाचक नामावली से जिसमें उसका नाम लिखा है, तुरन्त ही काट दिया जायगा:

किन्तु प्रतिबन्ध यह है कि उपधारा (1) के अधीन किसी अनर्हता के कारण किसी व्यक्ति का नाम किसी कक्ष की निर्वाचक नामावली से काट दिया जाता है तो उक्त नामावली के प्रचलित रहने (inforce) की अवधि में, इस अधिनियम के उपबन्धों अथवा उक्त अनर्हता निवारण को प्राधिकृत करने वाली किसी अन्य विधि के अधीन उपर्युक्त अनर्हता निवारण को प्राधिकृत कर दिये जाने पर उसे तुरन्त पुनः दर्ज कर लिया जायगा।

38. पंजीयन एक कक्ष तथा एक स्थान में होना—(1) कोई भी व्यक्ति एक ही नगर में एक से अधिक वार्डों के लिये निर्वाचक नामावली में पंजीयन का पात्र होगा।

(2) कोई भी व्यक्ति किसी कक्ष की निर्वाचक नामावली में एक से अधिक बार पंजीकृत होने का पात्र न होगा।

[2][(3) कोई व्यक्ति किसी कक्ष की निर्वाचक नामावली में पंजीयन का पात्र न होगा यदि उसका नाम किसी अन्य नगर या किसी [3][लघुतर शहरीय क्षेत्र, संक्रमणशील क्षेत्र, छावनी या ग्राम पंचायत] से सम्बन्धित किसी निर्वाचक नामावली में दर्ज हो जब तक कि वह यह दर्शित न करे कि उसका नाम ऐसी निर्वाचक नामावली से काट दिया गया है।]

[4][39. निर्वाचक नामावली की तैयारी और प्रकाशन— (1) राज्य निर्वाचन आयोग के अधीक्षण, निदेशन और नियन्त्रण के अधीन रहते हुए, प्रत्येक कक्ष के लिये निर्वाचक नामावली मुख्य निर्वाचन अधिकारी (नगर स्थानीय निकाय) के पर्यवेक्षण के अधीन निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा नियमों द्वारा विहित रीति से तैयार और प्रकाशित की जायेगी।

(2) उपधारा (1) में निर्दिष्ट मुख्य निर्वाचन अधिकारी (नगर स्थानीय निकाय) और निर्वाचक रजिस्ट्रीकरण अधिकारी राज्य सरकार के ऐसे अधिकारी होंगे जिन्हें राज्य निर्वाचन आयोग, राज्य सरकार के परामर्श से, इस निमित्त यथाविहित या नाम-निर्दिष्ट करे।

(3) निर्वाचक नामावली के प्रकाशन पर, इस अधिनियम के, या उसके अधीन बनाये गये नियमों के, अनुसार किये गये किसी परिवर्तन, परिवर्तन या सुधार के अधीन रहते हुए, यह इस अधिनियम के अनुसार तैयार की गयी कक्ष की निर्वाचक नामावली होगी।

1. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा जोड़ी गयी
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा धारा 39 प्रतिस्थापित

(4) निर्वाचक रजिस्ट्रीकरण अधिकारी किसी कक्ष के लिये निर्वाचक नामावली तैयार करने के प्रयोजन के लिए तत्समय प्रयुक्त निर्वाचन गण की सूची को राज्य निर्वाचन आयोग के निदेश के अनुसार अपना सकता है जहाँ तक उसका सम्बन्ध उस कक्ष के क्षेत्र से हो:

किन्तु प्रतिबन्ध यह है कि ऐसे कक्ष के लिये निर्वाचक नामावली में, ऐसे कक्ष के लिए नाम-निर्देशन के अन्तिम दिनांक के पश्चात् और उस निर्वाचन के पूरा होने के पूर्व किसी संशोधन, परिवर्तन या सुधार को सम्मिलित नहीं किया जायगा।

(5) जहाँ निर्वाचक रजिस्ट्रीकरण अधिकारी का, चाहे उसको दिये गये किसी आवेदन-पत्र पर या स्वप्रेरणा से, ऐसी जाँच करने के पश्चात् जिसे वह उचित समझे, यह समाधान हो जाय कि निर्वाचक नामावली में कोई प्रविष्टि सुधारने या निष्कासित की जानी चाहिये या रजिस्ट्रीकरण के लिये हकदार किसी व्यक्ति का नाम निर्वाचक नामावली में परिनिर्दिष्ट किया जाना चाहिए, वहाँ वह इस अधिनियम के और तदधीन बनाये गये नियमों और आदेशों के अधीन रहते हुए किसी प्रविष्टि का, यथास्थिति, सुधार, निष्कासन या परिवर्तन करेगा:

किन्तु प्रतिबन्ध यह है कि ऐसा कोई सुधार, निष्कासन, या परिवर्तन, कक्ष के किसी निर्वाचन के लिये नाम-निर्देशन होने के अन्तिम दिनांक के पश्चात् और उस निर्वाचन के पूरा होने के पूर्व, नहीं किया जायगा:

किन्तु प्रतिबन्ध यह भी है कि किसी व्यक्ति से संबंधित प्रविष्टि का ऐसा कोई सुधार या निष्कासन जो उसके हित पर प्रतिकूल प्रभाव डालने वाला हो, उसे उसके विरुद्ध प्रस्तावित कार्यवाही के समर्थ में सुनवाई का समुचित अवसर दिये बिना, नहीं किया जायगा।

(6) निर्वाचक नामावली में किसी नाम को सम्मिलित करने, निष्कासित करने, या सुधार करने के सम्बन्ध में निर्वाचक रजिस्ट्रीकरण अधिकारी के किसी आदेश के विरुद्ध अपील ऐसे समय के भीतर और ऐसी रीति से और ऐसे अधिकारी या प्राधिकारी को, जैसा नियमों द्वारा विहित किया जाय, प्रस्तुत की जायेगी।]

[1][40. निर्वाचक नामावली का पुनरीक्षण—राज्य निर्वाचन आयोग, यदि वह सामान्य या उप-निर्वाचन के प्रयोजन के लिये ऐसा करना आवश्यक समझे, सभी कक्षों की या किसी कक्ष की निर्वाचक नामावली का ऐसी रीति से जिसे वह उचित समझे, पुनरीक्षण करने का निदेश दे सकता है:

किन्तु प्रतिबन्ध यह है कि इस अधिनियम के अन्य उपबन्धों के अधीन रहते हुए, कक्ष की निर्वाचक नामावली, जैसा कि वह कोई ऐसा निदेश दिये जाने के समय प्रयुक्त हो, प्रयुक्त बनी रहेगी जब तक कि इस प्रकार निर्देशित पुनरीक्षण पूरा न हो जाये।]

41. निर्वाचकों तथा निर्वाचक नामावलियों से सम्बद्ध अन्य विषय—[2][जहाँ तक निम्नलिखित विषयों में से किसी के संबंध में इस अधिनियम या उसके अधीन बनाये गये नियमों द्वारा उपबन्ध न किया जाय, राज्य निर्वाचन आयोग] निर्वाचक नामावली में सम्बद्ध निम्नलिखित विषयों के सम्बन्ध में आज्ञा द्वारा उपबन्ध कर सकता है, अर्थात्—

(क) दिनांक, जब इस अधिनियम के अधीन प्रथम बार तैयार की गई निर्वाचक नामावलियाँ और बाद में तैयार की गई निर्वाचक नामावलियाँ प्रयुक्त होंगी तथा उसके प्रवर्तन की अवधि;

(ख) सम्बद्ध निर्वाचक (elector) के प्रार्थना-पत्र पर निर्वाचक नामावली की किसी वर्तमान प्रविष्टि को ठीक करना;

(ग) निर्वाचक नामावलियों में लिपिक अथवा मुद्रण सम्बन्धी गलतियों को ठीक करना;

(घ) किसी क्षेत्र के सम्बन्ध में निर्वाचक नामावलियों में बहुत से नाम छूट जाने की दशा में उनमें सुधार करना;

(ङ) निर्वाचक नामावलियों में किसी भी ऐसे व्यक्ति का नाम दर्ज करना—

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 2 सन् 1995 द्वारा जहाँ "राज्य निर्वाचन आयोग" के स्थान पर प्रतिस्थापित किया गया

26. सभासद तथा विशिष्ट सदस्य की पदावधि—(1) आकस्मिक रिक्ति की पूर्ति के लिये निर्वाचित सभासद [1][* * *] से भिन्न सभासद [1][* * *] की पदावधि [2][निगम] के कार्यकाल के समरूप होगी।

(2) आकस्मिक रिक्ति की पूर्ति के लिये निर्वाचित किसी भी सभासद अथवा विशिष्ट सदस्य का कार्यकाल उसके पूर्ववर्तियों की पदावधि का अवशिष्ट भाग होगा।

27. सभासदों का निर्वाचन—(1) सभासदों का निर्वाचन इस अधिनियम के उपबन्धों और इसके अधीन बने नियमों के अनुसार प्रौढ़ मताधिकार प्रणाली के अनुसार होगा।

(2) अपने पद से हटने वाला सभासद पुनर्निर्वाचन का पात्र होगा।

28. सभासदों के पद की आकस्मिक रिक्ति—यदि किसी सभासद की पदावधि समाप्त होने के पूर्व उसके स्थान की रिक्ति, उसकी मृत्यु तथा त्याग-पत्र अथवा अन्य किसी कारण से हो जाय, तो ऐसी रिक्ति होने के पश्चात् यथासाध्य दूसरा सभासद यथास्थान उसी रीति से, किन्तु इस अधिनियम में एतदर्थ बनाये गये उपबन्धों के अधीन रहते हुये निर्वाचित किया जायगा, जो सामान्य निर्वाचन में सभासदों के निर्वाचन के लिये इस अधिनियम द्वारा तथा उसके अधीन उपबन्धित हो:

किन्तु प्रतिबन्ध यह है कि यदि पद से हटने वाले (outgoing) सभासद की पदावधि साधारणतः रिक्त होने के चार महीने के भीतर समाप्त हो रही हो, तो ऐसी रिक्ति बिना पूर्ति के छोड़ दी जायगी जब तक कि [2][निगम] अन्यथा संकल्प न करे।

29. सभासदों का त्याग-पत्र—कोई सभासद किसी समय अपने हस्ताक्षर सहित लेख, जो नगर प्रमुख को सम्बोधित होगा, अपना पद त्याग सकता है और उसका त्याग-पत्र प्रमुख को प्राप्त होते ही प्रभावी हो जायगा।

30. एक से अधिक वर्ग के निमित्त एक ही व्यक्ति का निर्वाचन—(1) यदि कोई व्यक्ति एक से अधिक वर्गों से सभासद निर्वाचित हो जाय तो वह ऐसे अन्तिम निर्वाचन के दिनांक के तीन दिन के भीतर मुख्य नगराधिकारी को उस वर्ग की सूचना देगा, जिसकी सेवा में वह रहना चाहता है।

(2) ऐसी सूचना न देने पर मुख्य नगराधिकारी लाटरी डालकर वह वर्ग निर्धारित करेगा और उसको अधिसूचित करेगा, जिसकी सेवा में ऐसा व्यक्ति रहेगा।

(3) ऐसा व्यक्ति इस प्रकार चुने हुए अथवा अधिसूचित वर्ग के लिये ही निर्वाचित समझा जायगा तथा अन्य किसी वर्ग अथवा वर्गों के प्रतिनिधित्व के सम्बन्ध में उत्पन्न होने वाली रिक्तियाँ नवीन निर्वाचन द्वारा इस प्रकार भरी जायेंगी मानो कि वे आकस्मिक रिक्तियाँ हों।

[3][**30-क. सदस्यों को वाहन-भत्ता या सुविधाएँ**—सभासदों [1][* * *] को [2][निगम] के और उसकी समितियों के अधिवेशनों में उपस्थित होने के लिये ऐसा वाहन-भत्ता या वाहन भत्ते के बदले में ऐसी सुविधाएं दी जा सकती हैं जिनको नियमों द्वारा व्यवस्था की जाय।]

वर्गों का परिसीमन

31. वर्गों की व्यवस्था—(1) सभासदों के चुन के प्रयोजनार्थ धारा 32 में दी हुई रीति से [2][[4][प्रत्येक नगरपालिका क्षेत्र] को प्रादेशिक निर्वाचन क्षेत्रों में बाँटा जायगा जो वर्ग कहे जायेंगे] और प्रत्येक वर्ग के लिये पृथक् निर्वाचक नामावली होगी।

[5][(2) प्रत्येक वर्ग का प्रतिनिधित्व, निगम में एक सभासद द्वारा किया जायेगा]।

(3) [6][* * *]

1. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा निकाला गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 5 द्वारा बढ़ायी गयी
4. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "प्रत्येक नगर" के स्थान पर रखा गया
5. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा निकाली गयी

32. परिसीमन आज्ञा—[1][(1) राज्य सरकार आदेश द्वारा—

(क) किसी नगरपालिका क्षेत्र को ऐसी रीति से, कि प्रत्येक वर्ग की जनसंख्या जहाँ तक सम्भव हो सके, सम्पूर्ण नगरपालिका क्षेत्र में एक समान हो, वर्गों में विभाजित करेगी;

(ख) वर्गों की संख्या, जिसमें किसी नगरपालिका क्षेत्र को विभाजित किया जायेगा, अवधारित करेगी;

(ग) प्रत्येक वर्ग का विस्तार अवधारित करेगी;

(घ) अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्गों या महिलाओं के लिये आरक्षित किये जाने वाले स्थानों की संख्या अवधारित करेगी।]

(2) उपधारा (1) के अधीन आज्ञा का पहिलेसेय आपत्तियों के लिये, जो [2][साठ दिन] से कम न हो, सरकारी गजट में प्रकाशित किया जायेगा।

(3) राज्य सरकार उपधारा (2) के अधीन की गयी किन्हीं आपत्तियों पर विचार करेगी, और यदि आवश्यक हुआ तो तदनुसार आज्ञा का पहिलेसेय संशोधित, परिवर्तित अथवा परिष्कृत किया जायगा और तत्पश्चात् वह अंतिम हो जायगा।

33. परिसीमन आज्ञा में परिवर्तन अथवा संशोधन और उसका प्रभाव—(1) राज्य सरकार अपनी किसी परिवर्तित आज्ञा द्वारा धारा 32 की उपधारा (3) के अधीन की गयी किसी भी अन्तिम आज्ञा को परिवर्तित अथवा संशोधित कर सकती है।

[3][(1-क) उपधारा (1) के अधीन किसी आदेश के परिवर्तन या संशोधन के लिये, धारा 32 की उपधारा (2) और (3) के उपबन्ध यथावश्यक परिवर्तनों सहित लागू होंगे।]

(2) इस धारा के अधीन किसी भी अन्तिम आज्ञा के परिवर्तन अथवा संशोधन के पश्चात् राज्य सरकार विद्यमान सभासदों को परिवर्तित अथवा संशोधित वर्गों में इस प्रकार विभाजित (apportion) कर देगी कि जहाँ तक युक्तियुक्त साध्य हो, वे अपने पूर्व निर्वाचन क्षेत्रों का यथासंभव अधिक से अधिक संख्या का प्रतिनिधित्व करते रहें।

(3) विद्यमान सभासद उसी वर्ग में पदासीन होगा जो उसे नियत किया गया है और उस पद पर ऐसी दशा में पदासीन रहता यदि वर्ग अपरिवर्तित तथा असंशोधित ही रहे होते।

निर्वाचक तथा निर्वाचक नामावली

34. [4][* * *]

[5][**35. प्रत्येक वर्ग के लिये निर्वाचक नामावली**—प्रत्येक वर्ग के लिए एक निर्वाचक नामावली होगी, जो इस अधिनियम के उपबन्धों के अनुसार राज्य निर्वाचन आयोग के अधीक्षण, निदेशन और नियंत्रण के अधीन तैयार की जायेगी।]

[6][**36. निर्वाचकों की अर्हताएँ**—धारा 37 और 38 के उपबन्धों के अधीन रहते हुए, प्रत्येक व्यक्ति जिसमें उस वर्ष की जिसमें निर्वाचक नामावली तैयार या पुनरीक्षित की जाय, पहली जनवरी को 18 वर्ष की आयु पूरी कर ली हो, और जो वर्ग के क्षेत्र में मामूली तौर से निवासी हो, वर्ग की निर्वाचक नामावली में संयोजन का पात्र होगा।

स्पष्टीकरण—(एक) किसी व्यक्ति के सम्बन्ध में केवल इसी कारण कि वर्ग के क्षेत्र में उसका किसी निवास-गृह पर स्वामित्व या कब्जा है, यह समझ लिया जायगा कि वह उस क्षेत्र में मामूली तौर से निवासी है।

(दो) मामूली निवास-स्थान से अपने आपको आस्थायी रूप से अनुपस्थित रखने वाले व्यक्ति के सम्बन्ध में केवल इसी कारण यह न समझा जायगा कि वह वहाँ मामूली तौर से निवासी नहीं रहा।

1. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "15 दिन" के स्थान पर प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा उपधारा (1-क) अन्तःस्थापित की गई
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा निकाली गयी
5. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
6. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा प्रतिस्थापित

(छ) यदि वह भारत सरकार अथवा किसी राज्य सरकार के अधीन कोई पद ग्रहण करके भ्रष्टाचार अथवा राजद्रोह के लिए पदच्युत हो चुका हो, जब तक कि उसके पदच्युत होने के दिनांक से [1][छः वर्ष] की अवधि न व्यतीत हो गयी हो;

(ज) वह किसी सक्षम प्राधिकारी की आज्ञा से चकबाक़ाश करने के लिये विवर्जित कर दिया गया है;

(झ) वह इस अधिनियम की धारा 80 तथा 83 के अधीन [2][निगम] का सदस्य होने के लिये अनर्ह है;

(ञ) वह [3][* * *] किसी ऐसे संसर्गजन्य रोगों में से किसी से ग्रस्त है, जो राज्य सरकार की आज्ञा द्वारा निर्दिष्ट किये जायेंगे और [4][मुख्य चिकित्सा अधिकारी] से अन्यून पद के किसी चिकित्साधिकारी (medical officer) ने उस रोग को असाध्य (incurable) घोषित कर दिया है:

परन्तु प्रतिबन्ध यह है कि खंड (च) की दशा में बकाया अदा कर देने पर तुरन्त अनर्हता समाप्त हो जायेगी:

और प्रतिबन्ध यह भी है कि किसी कर अथवा पानी के मूल्य का बकाया जो उस क्षेत्र, जिसको अब [5][नगर अधिसूचित कर दिया गया है], में क्षेत्राधिकार रखने वाली [6][नगरपालिका परिषद्] अथवा अन्य स्थानीय प्राधिकारी को देय हो, उसको [2][निगम] का बकाया समझा जायेगा।

[7][(ट) राज्य विधान मण्डल के निर्वाचनों के प्रयोजनों के लिये तत्समय प्रवृत्त किसी विधि द्वारा या के अधीन अनर्ह हो:

किन्तु प्रतिबन्ध यह है कि कोई व्यक्ति इस आधार पर अनर्ह नहीं होगा कि वह पच्चीस वर्ष से कम आयु का है, यदि उसने इक्कीस वर्ष की आयु प्राप्त कर ली हो;]

(2) [8][* * *]

(3) [8][* * *]

(4) कोई व्यक्ति [8][* * *] सभासद चुन लिये जाने पर [9][* * *] सभासद बने रहने के लिये अनर्ह होगा यदि वह—

(1) स्वयं अथवा किसी ऐसे फर्म के साझे से, जिसमें वह साझीदार है, अथवा जिसके साथ वह वृत्तिक हैसियत से लगा हुआ है, किसी ऐसे सौदे या कार्यवाही के सिलसिले में जिसमें [2][निगम] अथवा मुख्य नगराधिकारी का कोई हित या सम्बन्ध है (interested or concerned) वह वृत्तिक हैसियत (profesional capacity) से रोक रखा जाता है अथवा नियोजित किया जाता है; अथवा

(2) बीमारी अथवा [2][निगम] द्वारा स्वीकृत अन्य किसी कारण से अनुपस्थिति को छोड़कर [2][निगम] के अधिवेशनों में लगातार छः महीने तक अनुपस्थित रहता है।

(5) उपधारा (1) के खण्ड (ग) के अधीन कोई व्यक्ति केवल इसलिये अनर्ह हुआ न समझा जायगा कि वह—

1. उ० प्र० अधिनियम सं० 15 सन् 1983 द्वारा शब्द "पाँच वर्ष" के स्थान पर रखा गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1974 की धारा 24 द्वारा शब्द "कोढ़ ग्रस्त है अथवा" निकाले गए
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "सिविल सर्जन" के स्थान पर प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
6. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगरपालिका" के स्थान पर प्रतिस्थापित
7. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा जोड़ा गया
8. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा निकाला गया

(1) कोई पेंशन पाता है,

(2) नगर प्रमुख या उपनगर प्रमुख या सभासद [1][* * *] के रूप में काम करते हुए कोई भत्ता या सुविधा पाता है।

(6) उपधारा (1) के खण्ड (ङ) के अधीन कोई व्यक्ति केवल इसलिये अनर्ह हुआ न समझा जायगा कि उसका निम्नलिखित में कोई हिस्सा या हित है –

(1) कोई संयुक्त स्टाक कम्पनी (Joint Stock Company) अथवा [2][उत्तर प्रदेश सहकारी समिति अधिनियम, 1965*] के अधीन पंजीकृत अथवा पंजीकृत समझी गयी कोई समिति, जिससे [2][निगम] की ओर से मुख्य नगराधिकारी संविदा करेगा अथवा जिसे वह नियोजित करेगा;

(2) [2][निगम] के लिये मुख्य नगराधिकारी को बेची जाने वाली किसी ऐसी वस्तु के प्रासंगिक (occasional) विक्रय में जिसमें वह किसी कलेंडर वर्ष में कुल मिलाकर 2000 रु० से अनधिक मूल्य का नियमित रूप से व्यापार करता है।

[3][(7) कोई व्यक्ति जो सभासद के रूप में निर्वाचित होने के पश्चात् इस धारा के अधीन अनर्ह हो जाय, सभासद नहीं रह जायगा और उसका स्थान ऐसी अनर्हता होने के दिनांक से रिक्त हो जायगा।]

टिप्पणियाँ

दोषसिद्धि एवं दण्डादेश—यदि सम्मोचन (release) के पश्चात् पाँच वर्ष का समय न बीत गया हो, तो कोई व्यक्ति सदस्य के रूप में निर्वाचित होने के लिए अनर्ह (disqualified) होगा। [*शरतचन्द्र बनाम खगेन्द्रनाथ*, ए० आई० आर० 1961 एस० सी० 334]। यदि दोष-सिद्धि नैतिक अधमता जैसे कि न्याय, निष्ठा, शील अथवा सदाचार के विरुद्ध किसी अपराध के लिए हुई हो तो ऐसा व्यक्ति अनर्ह (disqualified) हो जायगा। [*बालेश्वर सिंह बनाम जिला मजिस्ट्रेट, बनारस*, ए० आई० आर० 1959 इला० 71]। खाद्य अपमिश्रण अधिनियम के अधीन किसी अपराध को एक नैतिक अधमता का अपराध माना गया। [*इन्द्र लाल बनाम लक्ष्मी राम*, ए० आई० आर० 1966, राजस्थान 42]।

लाभ का पद धारण करना—किसी ऐसे व्यक्ति के विषय में कि जिससे युक्तियुक्त रूप से लाभ अर्जित करने की आशा की जा सके, यह कहा जायगा कि वह लाभ का पद धारण करता है-। [*देवराज बनाम केशव*, ए० आई० आर० 1954 बम्बई 214; *हेडमास्टर सेकेन्ड्री स्कूल बी० जी० खरकट बनाम रिटर्निंग आफिसर*, ए० आई० आर० 1978 बम्बई, 259]। डाइरेक्टर आफ कारपोरेशन, जिसकी नियुक्ति सरकार द्वारा की गई है, के विषय में यह धारण किया गया कि वह एक लाभ का पद धारण करता है। [*गोविन्द बाबू बनाम शंकर प्रसाद*, ए० आई० आर० 1942 एस० सी० 254]।

निगम के साथ संविदा—सुसंगत तारीख पर संविदा में हित को सिद्ध किया जाना होगा। [*चतुर्भुज विट्ठलदास जसानी बनाम मोरेश्वर परसराम*, ए० आई० आर० 1954 एस० सी० 237]। लेकिन यदि राज्य ने संविदा का अनुसमर्थन न किया हो, तो कोई अनर्हता न होगी। [*ललितेश्वर प्रसाद शाही बनाम बरटेश्वर प्रसाद*, ए० आई० आर० 1966 एस० सी० 500]।

1. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा निकाला गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
*. विस्तृत जानकारी के लिये "उ० प्र० सहकारी समिति अधिनियम एवं नियमावली द्वारा डा० एच. एन. त्रिपाठी" का अवलोकन करें
3. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा प्रतिस्थापित

अनुसरण की जाने वाली प्रक्रिया-नगर पालिका अधिनियम के अधीन सभापति से हटाये जाने की प्रक्रिया को आज्ञापात्मक (mandatory) घोषित किया गया। [*महेश चन्द्र बनाम तारावन्द मोदी*, ए० आई० आर० 1958 इला० 72 (पूर्ण पीठ)]

प्रस्ताव-"प्रस्ताव" शब्द को मात्र एक प्रस्थापना माना गया। प्रस्ताव की एक प्रति भेजी जाती है। [*महेश चन्द्र बनाम तारावन्द मोदी*, ए० आई० आर० 1958 इला० 374 (पूर्ण पीठ)]। धारा में दी गयी प्रस्ताव की प्रक्रिया का अनुसरण किया ही जाना होगा [*अब्दुल अजीज खाँ बनाम उ० प्र० सरकार*, 1967 ए० एल० जे० 942]। अविश्वास के प्रस्ताव के सम्बन्ध में होने वाली प्रक्रिया का कड़ाई से अनुसरण किया जाना होगा [*गुलाम महीउद्दीन बनाम मुन्सिफ एटा*, ए० आई० आर० 1961 इला० 200]। अनर्ह हो गये सदस्य भी अविश्वास के प्रस्ताव के नोटिस पर हस्ताक्षर कर सकते हैं [*मूल चन्द्र शर्मा बनाम उत्तर प्रदेश राज्य*, 1962 ए० एल० जे० 381]

अवधि-उत्तर प्रदेश नगर निगम अधिनियम की धारा 16 (4) के अधीन विहित की गयी अवधि का अनुसरण करना ही होगा। "30 दिनों से पहले तथा 35 दिन के बाद" पद का निर्वचन करते हुए उच्चतम न्यायालय ने यह धारण किया कि यह प्रविधान गणना किये जाने से 30 दिन को अलग नहीं करता। [*जय चरण लाल अग्रवाल बनाम उ० प्र० राज्य*, 1967 ए० एल० जे० 936]। परिसीमा के लिये यह कहा गया कि यह नोटिस के भेजने की तारीख से चलेगी।

आस्थगन-बैठक की अध्यक्षता करने वाला न्यायिक अधिकारी बैठक को आस्थगित कर सकता है। ऐसा आस्थगन या स्थगन पहले से भी किया जा सकता है [*जय चरण लाल अग्रवाल बनाम उ० प्र० राज्य*, 1967 ए० एल० जे० 936]।

संसूचना-तीनों ही चीजें, अर्थात् कार्यवृत्त की प्रति, नोटिस की प्रति तथा मतदान का परिणाम, एक ही संसूचना (Communication) में भेजी जा सकेंगी [*महेश चन्द्र बनाम ताराचन्द्र मोदी*, ए० आई० आर० 1958 इला० 374]।

17. नगर-प्रमुख सदस्य होगा-[1][(1) नगर प्रमुख, निगम का पदेन सदस्य होगा]

(2) [2][निगम] अथवा उसकी किसी समिति के अधिवेशनों की अध्यक्षता करते समय नगर-प्रमुख मतों की समानता (equality of votes) की दशा में एक निर्णायक मत (casting vote) देने का अधिकारी होगा परन्तु सदस्य के रूप में उसे मत देने का अधिकार न होगा।

[3][18. नगर-प्रमुख के भत्ते-नगर प्रमुख तथा उपनगर-प्रमुख को ऐसे भत्ते या सुविधाएँ, जो [2][निगम] राज्य सरकार के पूर्वानुमोदन से विहित करे, दी जा सकती हैं।]

19. नगर-प्रमुख तथा उपनगर-प्रमुख का त्याग-पत्र-(1) यदि नगर प्रमुख अपना पद त्याग करना चाहे तो वह अपने हस्ताक्षर सहित लेख द्वारा, जो राज्य सरकार को सम्बोधित होगा, ऐसा कर सकता है, और यह त्याग-पत्र उस दिनांक से प्रभावी होगा जिस दिन यह सूचना कि उसका त्याग-पत्र राज्य सरकार द्वारा स्वीकार कर लिया गया है, मुख्य नगराधिकारी को प्राप्त हो।

(2) उपनगर-प्रमुख किसी भी समय अपने हस्ताक्षर सहित लेख द्वारा, जो नगर-प्रमुख को सम्बोधित होगा, अपना पद त्याग कर सकता है और यह त्याग-पत्र नगर-प्रमुख को मिलते ही प्रभावी हो जायगा।

1. उ० प्र० अधिनियम संख्या 26 सन् 1995 द्वारा उपधारा (1) प्रतिस्थापित
2. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम संख्या 21 सन् 1964 की धारा 4 द्वारा प्रतिस्थापित

[1][निगम] के सदस्य

20. [2][* * *]

21. [2][* * *]

22. [3][* * *]

[4][23. सभासदों पर प्रयोज्य कतिपय उपबन्ध नाम-निर्दिष्ट सदस्यों पर लागू होंगे-धारा 24, 25, 26, 28, 29, 30-क, 81, 82, 83, 85, 87, 539, 565, 570 और 572 के उपबन्ध जैसे सभासदों पर लागू होते हैं, वैसे नामनिर्दिष्ट सदस्यों पर, यथावश्यक परिवर्तन सहित लागू होंगे।]

[4][24. सभासद के निर्वाचन के लिये अर्हतायें-कोई व्यक्ति सभासद के रूप में चुने जाने के लिये और सभासद होने के लिये तब तक अर्ह नहीं होगा जब तक कि वह-

(क) नगर का निर्वाचक न हो;

(ख) 21 वर्ष की आयु प्राप्त न कर चुका हो, तथा

(ग) राज्य के अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्गों या स्त्रियों के लिये आरक्षित होने की दशा में, जैसी भी स्थिति हो, सम्बन्धित होने का नहीं है।]

25. [5][* * *] सभासदों की अनर्हतायें-(1) कोई भी व्यक्ति, इस बात के होते हुए भी कि वह अन्यथा अर्ह है, [6][सभासद] चुने जाने तथा होने के लिए अनर्ह होगा, यदि-

(क) उसे इस अधिनियम के आरम्भ से पूर्व अथवा पश्चात् भारत के किसी न्यायालय द्वारा किसी अपराध का दोषी पाया गया हो, तथा उसे दो वर्ष से अन्यून अवधि के लिए कारावास का दंड दिया गया हो, जब तक कि उसके छूटने के दिनांक से पाँच वर्ष की अवधि या इससे कम ऐसी अवधि, जिसकी अनुमति राज्य सरकार किसी विशेष मामले में दे, व्यतीत न हो गई हो;

(ख) वह अनुन्मुक्त दिवालिया हो;

(ग) वह [1][निगम] में लाभ के किसी पद पर हो;

(घ) वह राज्य सरकार अथवा केन्द्रीय सरकार अथवा अन्य किसी स्थानीय प्राधिकारी की सेवा में हो, अथवा डिस्ट्रिक्ट गवर्नमेन्ट कौंसिल अथवा अतिरिक्त या सहायक डिस्ट्रिक्ट गवर्नमेन्ट कौंसिल अथवा अवैतनिक मैजिस्ट्रेट अथवा अवैतनिक मुन्सिफ अथवा अवैतनिक असिस्टेन्ट कलेक्टर हो;

(ङ) वह चाहे स्वयं, चाहे उसके लिए न्यासी के रूप में अथवा उसके लाभ के लिए या के लेखे में किसी व्यक्ति द्वारा [1][निगम] को माल सम्भरित करने के लिए या किसी निर्माण-कार्य के निष्पादन के लिए किन्हीं सेवाओं को, जिनका भार [1][निगम] ने अपने ऊपर लिया हो, सम्पन्न करने के लिए किये गये किसी संविदे में कोई हिस्सा (share) या हित (interest) रखता हो;

(च) वह [1][निगम] को देय ऐसे कर के दिन पर धारा 504 लागू होती है अथवा ऐसे मूल्य के, जो [1][निगम] द्वारा दिये गये पानी के लिये देय हो एक वर्ष से अधिक अवधि के बकाये का देनदार हो;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा मूल अधिनियम की धारा 20, 21 और 22 निकाल दी गयी
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "निर्वाचित सदस्यों तथा" निकाले गये
4. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा प्रतिस्थापित

एक प्रति सहित हस्ताक्षरकर्त्ता सदस्यों में से किन्हीं दो सदस्यों द्वारा उस डिवीजन के कमिश्नर को दिया जायगा, जिसमें कि अध्यक्ष कार्य करते हों।

(4) डिवीजन का कमिश्नर इस प्रस्ताव पर विचार प्रकट करने के निमित्त एक अधिवेशन संयोजित करेगा जो उस दिनांक तथा समय पर होगा जिसे कि वह नियत करे और जो उस दिनांक से, जिस पर उपधारा (3) के अधीन उसे नोटिस दिया गया था, 30 दिन से पहले तथा 35 दिन के बाद न होगा। वह अधिवेशन के दिनांक से कम से कम चौबीसघंटे दिवस पूर्व [निगम] के प्रत्येक सदस्य के निवास-स्थान पर ऐसे अधिवेशन तथा तत्संबंधी दिनांक सूचक समय का नोटिस भेजेगा तथा साथ ही साथ उस नोटिस को ऐसी रीति से प्रकाशित करायेगा जिसे वह उचित समझे। उपधारा पूर्वोक्त सदस्य के सम्बन्ध में यह समझा जायगा कि उसे नोटिस प्राप्त हो गया है।

(5) [जिला न्यायाधीश] इस धारा के अधीन संयोजित अधिवेशन को अध्यक्षता करेगा तथा कोई और व्यक्ति अधिवेशन की अध्यक्षता न कर सकेगा। यदि अधिवेशन के लिये नियत समय से आधे घंटे के भीतर [जिला न्यायाधीश] अध्यक्षता करने के लिये उपस्थित न हो तो अधिवेशन उस दिनांक और उस समय तक के लिये स्थगित हो जायेगा जिसे उपधारा (9) के अधीन [जिला न्यायाधीश] नियत करेगा।

(6) यदि [जिला न्यायाधीश] अधिवेशन की अध्यक्षता करने में असमर्थ हो तो वह उपस्थित सदस्यों को अभिलिखित करने के पश्चात् उस किसी अन्य दिनांक और समय के लिये स्थगित कर सकता है जिसे वह नियत करे। किन्तु वह दिनांक उपधारा (4) के अधीन अधिवेशन के लिये नियत दिनांक से पन्द्रह दिन से अधिक न होगा। वह अधिवेशन ही डिवीजन के कमिश्नर को अधिवेशन के स्थगन की सूचना देगा। यह आवश्यक नहीं है कि स्थगित अधिवेशन के सम्बन्ध में दिनांक और समय की सूचना सदस्यों को व्यक्तिशः दी जाय, किन्तु डिवीजन का कमिश्नर उपधारा (4) में यथानियत रीति के अनुसार स्थगित अधिवेशन के दिनांक और समय की नोटिस का प्रकाशन करेगा।

(7) [* * *]

(8) [उपधारा (5) और (6)] में की गयी व्यवस्था को छोड़ कर इस धारा के अधीन प्रस्ताव पर विचार करने के प्रयोजन से बुलाया कोई भी अधिवेशन किसी अन्य कारणवश स्थगित नहीं किया जायेगा।

(9) इस धारा के अधीन संयोजित अधिवेशन के प्रारम्भ होने पर [जिला न्यायाधीश] उपस्थित सदस्यों के समक्ष उस प्रस्ताव को पढ़ेगा जिस पर विचार करने के लिये अधिवेशन संयोजित किया गया था तथा उस प्रस्ताव को वाद-विवाद के निमित्त प्रस्तुत घोषित करेगा।

(10) इस धारा के अधीन किसी भी प्रस्ताव पर वाद-विवाद स्थगित न किया जायेगा।

(11) ऐसा वाद-विवाद, जब तक कि वह पहले ही न समाप्त हो जाय, अधिवेशन आरम्भ होने के निमित्त नियत समय से तीन घंटों की समाप्ति पर स्वतः समाप्त हो जायेगा। यथास्थिति वाद-विवाद की समाप्ति अथवा उक्त तीन घंटों की समाप्ति पर यह प्रस्ताव [निगम] के समस्त सदस्यों के निमित्त प्रस्तुत किया जायगा।

(12) [जिला न्यायाधीश] न तो प्रस्ताव के गुण-दोषों पर भाषण दे सकेगा और न उसे डाले पर मत देने का अधिकार होगा।

---

1. द० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित।
2. द० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगर प्रमुख" के स्थान पर प्रतिस्थापित।
3. द० प्र० अधिनियम सं० 12 सन् 1994 द्वारा निकाली गयी।

प्रति, प्रस्ताव व उस पर मतदान के फल की एक प्रति के सहित मुहरबन्द [* * *] नगर-प्रमुख तथा डिवीजन के कमिश्नर के पास आयोजित करेगा।

(14) उपधारा (13) में उल्लिखित प्रतियों के प्राप्त होने के पश्चात् और दिन के बाद यथाशीघ्र डिवीजन का कमिश्नर अविश्वास का प्रस्ताव पारित हो जाने की दशा में इस आशय के सहित कि [* * *] नगर-प्रमुख ने धारा 19 के साथ पठित उपधारा (17) के उपबन्धों के अनुसार त्याग-पत्र आयोजित किया है या नहीं, इन प्रतियों को राज्य सरकार के पास भेज देगा।

(15) प्रस्ताव तभी पारित समझा जायेगा जब कि वह [निगम] के कुल सदस्यों की *[दो-तिहाई बहुमत] द्वारा पारित किया गया हो।

*[(16) यदि प्रस्ताव उपर्युक्त प्रकार से समर्थन न हो अथवा गणपूर्ति जो कि उपलब्ध निगम के सदस्यों की कुल संख्या के दो तिहाई से अन्यून होगा के अभाववश अधिवेशन ही न हो सके, तो अधिवेशन के दिनांक से दो वर्ष की अवधि समाप्त होने तक उसी नगर प्रमुख में अविश्वास के किसी पश्चात्वर्ती प्रस्ताव का नोटिस स्वीकार नहीं किया जायेगा;]

(17) इस धारा के अनुसार [* * *] नगर-प्रमुख के सम्बन्ध में अविश्वास का प्रस्ताव पारित और संदिष्ट होने पर उपनगर प्रमुख—

*[(क) ऐसा संदेश पाने के तीन दिन के भीतर अपना पदत्याग देगा; तथा]

(ख) ऐसे संदेश के पाने से तीन दिन की समाप्ति पर [* * *] नगर प्रमुख के रूप में काम करना छोड़ देगा।

(18) उपधारा (17) के खंड (क) के अनुसार [* * *] नगर प्रमुख के उस उपधारा में लिखी हुई अवधि के भीतर कार्य करने में असफल रहने पर, राज्य सरकार लेखा में लिखित दिनांक से उसे हटा देगी तथा इस प्रकार हटाया गया कोई व्यक्ति इस अधिनियम में अन्यत्र कहीं कोई बात होने पर भी अनुसूची सम्बन्धी निर्वाचनों से पूर्व होने वाली किसी आकस्मिक रिक्ति की पूर्ति के लिये पुनः निर्वाचित होने के लिये पात्र न होगा।

(19) *[* * *]

(20) *[* * *]

(21) *[* * *]

(22) *[* * *]

(23) इस धारा के उपबन्धों के अधीन [निगम] के किसी सदस्य, डिवीजन के कमिश्नर [जिला न्यायाधीश] अथवा राज्य सरकार द्वारा की गई किसी बात के सम्बन्ध में किसी भी न्यायालय में कोई प्रश्न नहीं किया जा सकेगा।

टिप्पणियाँ

अविश्वास—साधारण अनुक्रम में निर्वाचित किसी व्यक्ति को अथवा आकस्मिक रिक्ति में नियुक्त किये गये किसी व्यक्ति को भी अविश्वास के मत द्वारा हटाया जा सकता है। अन्यथाजन किसी प्रकार का विभेद नहीं करता। [हाजी अब्दुल जब्बार बनाम केशव लाड, ए० आई० आर० 1964 इला० 360]

---

1. द० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगर प्रमुख" के स्थान पर प्रतिस्थापित।
2. द० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "इस" निकाला गया।
3. द० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित।
4. द० प्र० अधिनियम सं० 8 सन् 1998 द्वारा शब्द "आधे से अधिक के बहुमत" के स्थान पर रखे गये (13-11-1997 से प्रभावी)।
5. द० प्र० अधिनियम सं० 17 सन् 1982 द्वारा निकाली गयी।

10. उपनगर-प्रमुख—(1) प्रत्येक [1][निगम] के लिए एक उपनगर प्रमुख होगा।

(2) यदि कभी नगर प्रमुख किसी कारणवश कार्य करने में असमर्थ हो अथवा नगर-प्रमुख का पद रिक्त हुआ हो, इस पद के समस्त कर्तव्यों का पालन यथास्थिति नगर-प्रमुख के पुनः कार्यभार सम्भालने अथवा रिक्त स्थानों की पूर्ति होने तक उपनगर-प्रमुख करेगा।

11. नगर-प्रमुख तथा उपनगर-प्रमुख के पद के लिए निर्वाचन की अर्हताएँ—(1) कोई भी व्यक्ति नगर-प्रमुख के पद पर निर्वाचन के लिए अर्ह न होगा—

(क) यदि वह नगर में निर्वाचक नहीं है,

(ख) यदि उसकी आयु तीस वर्ष की नहीं हो गई है,

(ग) यदि वह धारा 25 की उपधारा (1) के अधीन सभासद [2][* * *] के रूप में निर्वाचित होने के निमित्त अनर्ह है; अथवा

(घ) यदि वह [3][* * *] सभासद के किसी स्थान के लिए निर्वाचन में हार चुका हो और उस निर्वाचन का फल घोषित होने के दिनांक के पश्चात् छः महीने व्यतीत न हो गये हों।

(2) [5][* * *]

(3) कोई व्यक्ति जो [1][निगम] का [1][सभासद] नहीं है, उपनगर-प्रमुख के पद पर निर्वाचन के 43-A के लिए पात्र न होगा।

[4][**11-क. नगर-प्रमुख का निर्वाचन**—(1) नगर-प्रमुख का निर्वाचन नगर में निर्वाचकों द्वारा वयस्क मताधिकार के आधार पर होगा।

(2) धारा 16 में यथाउपबन्धित के सिवाय अपने पद से हटने वाला नगर-प्रमुख पुनर्निर्वाचन के लिये पात्र होगा।

(3) किसी सभासद के निर्वाचन के सम्बन्ध में इस अधिनियम के उपबन्धों और तदधीन बनाये गये नियमों के अधीन (जिसके अन्तर्गत निर्वाचन तथा निर्वाचन अपराध से सम्बन्धित विवाद भी है) नगर-प्रमुख के निर्वाचन के सम्बन्ध में यथावश्यक परिवर्तनों सहित लागू होंगे।

(4) यदि किसी सामान्य निर्वाचन में कोई व्यक्ति नगर-प्रमुख और सभासद दोनों रूप में या किसी उप चुनाव में सभासद के रूप में या किसी उप चुनाव में सभासद के रूप में होने पर नगर-प्रमुख निर्वाचित होता है, तो वह नगर-प्रमुख के रूप में अपने निर्वाचन के दिनांक से सभासद नहीं रह जायेगा।]

12. [* * *] उपनगर-प्रमुख का निर्वाचन—[6][(1) उपनगर प्रमुख, यथास्थिति, सभासदों का निर्वाचन पूरा हो जाने के पश्चात् या नगर प्रमुख की पदावधि समाप्त हो जाने के पश्चात्, यथाशक्य शीघ्र निर्वाचित किया जायेगा।]

(2) [7][* * *]

(3) [5][* * *] उपनगर-प्रमुख सदस्यों द्वारा अनुपाती प्रतिनिधि पद्धति के अनुसार एकल संक्रमणीय मत द्वारा निर्वाचित किये जायेंगे और ऐसे निर्वाचन में मतदान गुप्त मतपत्रों द्वारा होगा।

1. उ० प्र० अधिनियम, सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा निकाला गया
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा उपधारा (2) निकाली गयी
4. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 15 द्वारा धारा 11-क जोड़ी गयी इसके पूर्व धारा 11-क उ० प्र० अधिनियम सं० 17 सन् 1982 द्वारा निकाल दी गई थी
5. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगर प्रमुख और" निकाल दिये गये
6. उ० प्र० अधिनियम सं० 7 सन् 2000 द्वारा उपधारा (1) प्रतिस्थापित (1-10-1999 से प्रभावी)
7. उ० प्र० अधिनियम सं० 41 सन् 1976 द्वारा निकाली गयी

(4) यदि उपनगर-प्रमुख, नगर प्रमुख के पद पर निर्वाचित हो गया हो तो उपनगर-प्रमुख के पद की रिक्ति उस दिनांक से होगी, जब से वह नगर-प्रमुख का पद ग्रहण करे।

(5) धारा 47 के उपबन्ध यथासम्भव [1][* * *] उपनगर प्रमुख के निर्वाचन के सम्बन्ध में लागू होंगे।

13. सभासदों का निर्वाचन कब पूर्ण समझा जायेगा— [2][* * *] उपनगर-प्रमुख के निर्वाचन के प्रयोजन के निमित्त सभासदों का निर्वाचन किसी स्थान के अपूरित रहने पर भी, पूर्ण समझा जायगा यदि धारा 6 के अधीन निश्चित सभासदों की कुल संख्या की कम से कम चतुर्थपंचमांश (four-fifths) संख्या पूरी हो गई हो।

14. नगर-प्रमुख अथवा उपनगर-प्रमुख के पदों की आकस्मिक रिक्ति—यदि नगर-प्रमुख तथा उपनगर-प्रमुख की मृत्यु अथवा उनके पद-त्याग अथवा अन्य किसी कारण से उनके पद रिक्त हो जावें तो यथास्थिति नगर-प्रमुख अथवा उपनगर-प्रमुख का निर्वाचन तत्पश्चात् यथाशीघ्र [3][धारा 11-क में या यथास्थिति धारा 12 में] उपबंधित रीति से होगा :

किन्तु प्रतिबन्ध यह है कि यदि ऐसी शेष पदावधि दो महीने अथवा उससे कम की है तो रिक्ति की पूर्ति नहीं की जायगी जब तक कि [4][निगम] अन्यथा संकल्प न करे।

15. नगर-प्रमुख तथा उपनगर-प्रमुख की पदावधि—[1](1) इस अधिनियम में अन्यथा उपबन्धित के सिवाय-

(क) नगर प्रमुख की पदावधि निगम के कार्यकाल के साथ-साथ समाप्त होगी;

(ख) उप नगर प्रमुख की पदावधि उसके निर्वाचन के दिनांक से एक वर्ष या सभासद के रूप में उसके पद के शेष कार्यकाल के लिये, जो भी कम हो, होगी।]

(2) किसी आकस्मिक पद की पूर्ति के निमित्त निर्वाचित नगर-प्रमुख अथवा उपनगर-प्रमुख की पदावधि उसके पूर्वाधिकारी की शेष पदावधि तक के लिए ही होगी;

(3) नगर-प्रमुख अथवा उपनगर-प्रमुख, जब तक कि वह अपना पदत्याग नहीं कर देता अथवा उसकी अर्ह होना समाप्त नहीं हो जाता अथवा वह अनर्ह नहीं हो जाता, उस समय तक अपने पद पर बना रहेगा जब तक कि उसका उत्तराधिकारी नगर प्रमुख अथवा उपनगर प्रमुख जैसी स्थिति हो, के पद को ग्रहण नहीं करता।

15-क. [5][* * *]

16. [6][* * *] **नगर-प्रमुख के विरुद्ध अविश्वास का प्रस्ताव**—(1) [6][* * *] नगर प्रमुख के विरुद्ध अविश्वास प्रकट करने का प्रस्ताव केवल इस धारा में उल्लिखित प्रक्रिया के अनुसार ही प्रस्तुत किया जायगा।

[4][(2) नगर प्रमुख के पद ग्रहण करने से दो वर्ष के भीतर इस धारा के अधीन अविश्वास के किसी प्रस्ताव की नोटिस प्राप्त नहीं की जायगी।]

(3) [6][* * *] नगर-प्रमुख में अविश्वास का प्रस्ताव प्रस्तुत करने के मन्तव्य का लिखित तथा [4][निगम] के कुल सदस्यों की संख्या के [7][आधे से] न्यून न हो, हस्ताक्षरित नोटिस, प्रस्तावित प्रस्ताव की

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगर प्रमुख और" निकाला गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "धारा 9 के प्रयोजनों के लिये और नगर प्रमुख और" निकाला गया
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "धारा 12 में "के स्थान पर प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 20 द्वारा धारा 15-क निकाली गयी
6. उपरोक्त अधिनियम की धारा 21 (क) द्वारा शब्द "उप" निकाला गया
7. उ० प्र० अधिनियम सं० 17 सन् 1982 द्वारा शब्द "दो तिहाई से" के स्थान पर रखे गये

अनुपात निगम में प्रत्यक्ष मतदान से भरे जाने वाले कुल स्थानों की संख्या से यथासाध्य, वही होगा जो नगरपालिका क्षेत्र में अनुसूचित जातियों का या नगरपालिका क्षेत्र में अनुसूचित जनजातियों की [या नगरपालिका क्षेत्र में पिछड़े वर्गों] की जनसंख्या का अनुपात ऐसे क्षेत्र की कुल जनसंख्या में है और ऐसे स्थान किसी निगम के विभिन्न वार्डों में ऐसे क्रम में चक्रानुक्रम में आवंटित किये जायेंगे जैसा निकाय द्वारा विहित किया जाय:

[1][किन्तु प्रतिबन्ध यह है, कि किसी निगम में पिछड़े वर्गों के लिये आरक्षित कुल स्थानों की संख्या के साधारण प्रतिशत से अधिक नहीं होगा:

किन्तु आगे प्रतिबन्ध यह है कि यदि पिछड़े वर्गों की जनसंख्या के आंकड़े उपलब्ध न हों तो जिलों द्वारा विहित रीति से सर्वेक्षण करके उनकी जनसंख्या अवधारित की जा सकती है।]

(2) [2][* * * * *]

(3) [3][उपधारा (1)] के अधीन आरक्षित स्थानों के एक तिहाई से अन्यून स्थान यथास्थिति, अनुसूचित जातियों, अनुसूचित जनजातियों या पिछड़े वर्गों की स्त्रियों के लिये आरक्षित रहेंगे।

(4) उपधारा (3) के अधीन आरक्षित स्थानों को सम्मिलित करते हुए किसी निगम में प्रत्यक्ष निर्वाचन से भरे जाने वाले कुल स्थानों की संख्या के एक तिहाई से अन्यून स्थान स्त्रियों के लिये आरक्षित रहेंगे और ऐसे स्थान किसी निगम के विभिन्न वार्डों को ऐसे क्रम में चक्रानुक्रम में आवंटित किये जायेंगे जैसा निकाय द्वारा विहित किया जाय।

(5) राज्य में निगमों के नगर प्रमुखों के पद अनुसूचित जातियों, अनुसूचित जनजातियों और पिछड़े वर्गों और स्त्रियों के लिये ऐसी रीति में आरक्षित किये जायेंगे जो निकाय द्वारा विहित की जाय।

(6) अनुसूचित जातियों और अनुसूचित जनजातियों के लिये इस धारा के अधीन स्थानों और पदों का आरक्षण संविधान के अनुच्छेद 334 में विनिर्दिष्ट अवधि की समाप्ति पर प्रभावी नहीं रहेगा।

स्पष्टीकरण—यह स्पष्ट किया जाता है कि इस धारा में कोई बात अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्गों और स्त्रियों को अनारक्षित स्थानों और पदों के लिये निर्वाचन लड़ने से निवारित नहीं करेगी।]

[4][8. निगम का कार्यकाल.—(1) कोई निगम जब तक कि उसे धारा 536 के अधीन पहले ही विघटित न कर दिया जाय, अपनी प्रथम बैठक के लिये नियत दिनांक के 5 वर्ष तक, न कि उससे अधिक, बना रहेगा।

(2) किसी निगम के संगठन के लिये निर्वाचन—

(क) उपधारा (1) में विनिर्दिष्ट, उसके कार्यकाल की समाप्ति के पूर्व;

(ख) धारा 536 के अधीन उसके विघटन के आदेश के दिनांक से छः मास की अवधि की समाप्ति के पूर्व,

पूरा कराया जायगा:

किन्तु प्रतिबन्ध यह है कि जहाँ विघटित निगम की शेष अवधि, जब तक कि निगम बनी रह सकती थी, छः मास से कम हो, वहाँ ऐसी अवधि के लिये निगम का संगठन करने के लिये कोई निर्वाचन कराना आवश्यक न होगा।

(3) किसी निगम के कार्यकाल की समाप्ति के पूर्व उसके विघटन पर संगठित किया गया निगम उस अवधि के केवल शेष भाग के लिये, जिस अवधि तक विघटित निगम, उपधारा (1) के अधीन बना रहता, यदि उसे इस प्रकार विघटित न किया जाता, बना रहेगा।]

---

1. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा अन्तःस्थापित
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा "उपधारा (2)" शब्दों तथा कोष्ठक का लोप किया गया
3. प्रवर्तित अधिनियम द्वारा शब्द "उपधारा (1) और (2)" के स्थान पर प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 11 द्वारा मूल अधिनियम की धारा 8 प्रतिस्थापित की गयी

8-क. [1][* * *]

[2][8-क. [3][निगम] के गठन के लिए और चक्र के क्रम में अधिसूचित क्षेत्र के प्रशासक के लिए] उपबन्ध.—(1) [4][जहाँ किसी क्षेत्र को संविधान के अनुच्छेद 243-घ के खण्ड (2) के अधीन पहाड़ी नगरीय क्षेत्र विनिर्दिष्ट किया गया है] और राज्य सरकार की राय है कि [5][अधिनियम के अधीन] ऐसी क्षेत्र के लिए [6][निगम] का समुचित संगठन होने तक ऐसा करना समीचीन है, वहाँ राज्य सरकार, इस अधिनियम या तत्समय प्रवृत्त किसी अन्य विधि में किसी बात के होते हुए भी आदेश द्वारा निदेश दे सकती है कि—

(क) ऐसे क्षेत्र में अधिकारिता का प्रयोग करने के लिए संगठित [7][नगरपालिका] या कोई अन्य स्थानीय प्राधिकारी, ऐसे दिनांक से, जैसा उक्त आदेश में विनिर्दिष्ट किया जाय, जिसे आगे इस धारा में "विनिर्दिष्ट दिनांक" कहा गया है, समाप्तित, विघटित हो जायेगा या ऐसे क्षेत्र में अधिकारिता का प्रयोग नहीं करेगा;

(ख) [8][निगम] उसके नगर प्रमुख, उपनगर प्रमुख, [9][कर समिति], कार्यकारिणी समिति, विकास समिति और धारा 9 के खण्ड (ङ) के अधीन स्थापित अन्य समितियों को और मुख्य नगराधिकारी को समस्त शक्तियाँ, कृत्य और कर्तव्य विनिर्दिष्ट दिनांक से राज्य सरकार द्वारा इस निमित्त नियुक्त अधिकारी को (जिसे आगे प्रशासक कहा गया है) विहित हो जायेंगे और उसके द्वारा उनका प्रयोग, अनुपालन और निर्वहन किया जायेगा और प्रशासक को निधि की दृष्टि से [10][निगम] प्रमुख, उपनगर प्रमुख, [11][कर समिति] कार्यकारिणी समिति, विकास समिति या अन्य समिति या मुख्य नगराधिकारी, जैसा भी अवसर के अनुसार अपेक्षित हो, समझा जायेगा;

(ग) प्रशासक को ऐसे वेतन और भत्ते, जो राज्य सरकार के साधारण या विशेष आदेशों द्वारा इस निमित्त नियत किये जायँ, [12][निगम] की निधि से दिये जायेंगे।

(2) प्रशासक, राज्य सरकार के किन्हीं साधारण या विशेष आदेशों के अधीन रहते हुए, यदि उसकी (क) द्वारा उसे प्रदत्त शक्तियों में से सब या किन्हीं के बारे में—

(एक) इस निमित्त विनिर्दिष्ट रीति से संगठित ऐसी समिति या अन्य विकास से, यदि कोई हो, परामर्श कर सकेगा; या

(दो) इस प्रकार प्रदत्त शक्तियों को, ऐसी शर्तों के अधीन रहते हुए, जिन्हें अधिरोपित करना वह उचित समझे, उसके द्वारा इस निमित्त विनिर्दिष्ट किसी प्राधिकारी को या उपधारा [13][* * *] के अधीन गठित किसी समिति या अन्य निकाय को प्रत्यायोजित कर सकेगा।

(3) इस धारा के उपबन्ध धारा 529 और 530 में दिये गये उपबन्धों के अतिरिक्त होंगे, न कि उनके अल्पीकरण करेंगे।]

9. [14]निगम] के संगठन की विज्ञप्ति.—किसी नगर को [15][निगम] के लिए संगठित, [16][* * *] तथा नाम-प्रमुख के निर्वाचन पूरे हो जाने के पश्चात् राज्यादेश राज्य सरकार, सरकारी गजट में [17][यह] प्रकाशित करेगी कि उक्त नगर की [18][निगम] यथावत् संगठित हो गयी है।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 12 द्वारा धारा 8-क निकाल दी गयी
2. उ० प्र० अधिनियम सं० 5 सन् 1963 द्वारा अन्तःस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगरपालिका" के स्थान पर प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "इस अधिनियम के अधीन" के स्थान पर प्रतिस्थापित
6. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 72 द्वारा शब्द "नगरपालिका बोर्ड" के स्थान पर प्रतिस्थापित
7. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित
8. उ० प्र० अधिनियम सं० 13 सन् 1977 द्वारा कुछ शब्द निकाले गये

अध्याय 2

[1][निगम] का संगठन तथा शासन

[2][4. नगर निगम का निगमित विकास होना—संविधान के भाग 9-क के अनुसार उसके अनुच्छेद 243-ब के खण्ड (1) के उपखण्ड (ग) के अधीन संगठित किसी नगर निगम को_____(नगर का नाम) नगर निगम के नाम से जाना जायगा और वह एक निगमित निकाय होगा।]

5. [1][निगम] के प्राधिकारी—प्रत्येक नगर के लिए इस अधिनियम के उपबन्धों को कार्यान्वित करने हेतु निम्नलिखित [1][निगम] प्राधिकारी उत्तरदायी होंगे—

(क) [1][निगम]

[3][(कक) कक्ष समितियाँ]

(ख) [1][निगम] की कार्यकारिणी समिति,

[4][(खख) नगर प्रमुख;]

(ग) [1][निगम] की विकास समिति,

(घ) इस अधिनियम के अधीन [1][निगम] के लिये नियुक्त एक मुख्य नगर अधिकारी [5][और एक अथवा मुख्य नगर अधिकारी], तथा

(ङ) ऐसी स्थिति में जब [1][निगम] विद्युत-प्रदाय अथवा सार्वजनिक परिवहन उपक्रम (electricity supply or public transport undertaking) अथवा अन्य सार्वजनिक उपयोगी सेवायें स्थापित अथवा अर्जित करे तो [1][निगम] की ऐसी अन्य समिति अथवा समितियाँ, जिन्हें [1][निगम] राज्य सरकार की पूर्व स्वीकृति से उनके लिए स्थापित करे।

[2][5-क. स्थानीय निकाय निदेशक—(1) राज्य सरकार किसी अधिकारी को स्थानीय निकाय निदेशक, उत्तर प्रदेश नियुक्त करेगी।

(2) इस अधिनियम के द्वारा या अधीन अभिव्यक्तः सम्पुदेशित कृत्यों के अतिरिक्त निदेशक, [1][निगम] के कार्य-कलापों के सम्बन्ध में, राज्य सरकार के ऐसे अधिकारों का (जो धारा 538 और 539 के अधीन अधिकारी न हों), जिन्हें राज्य सरकार गजट में अधिसूचना द्वारा और ऐसी शर्तों तथा निबन्धनों के अधीन (जिनके अन्तर्गत स्वयं उसके द्वारा पुनर्विलोकन की शर्त भी है) जो ऐसी अधिसूचना में विनिर्दिष्ट किये जायें, उसे प्रतिनिहित करे, प्रयोग करेगा।]

[2][6. निगम की संरचना— (1) निगम एक नगर प्रमुख और निम्नलिखित से मिलकर बनेगा—

(क) सभासद जिनकी संख्या उतनी होगी जितनी राज्य सरकार, सरकारी गजट में विज्ञप्ति द्वारा नियत करे, परन्तु जो सात से अन्यून और एक सौ दस से अनधिक होगी और जो संख्या, खण्ड (ख) के अधीन नाम-निर्दिष्ट सदस्यों के अतिरिक्त होगी;

(ख) नाम-निर्दिष्ट सदस्य जिन्हें राज्य सरकार द्वारा इसी प्रकार की विज्ञप्ति द्वारा उन स्थितियों में से, जिन्हें नगरपालिका प्रशासन का विशिष्ट ज्ञान या अनुभव हो, नाम-निर्दिष्ट किया जायेगा और जिनकी संख्या पाँच से अन्यून और दस से अनधिक होगी;

(ग) प्रदेश संदस्य जिसमें लोक सभा और राज्य विधान सभा के वे सदस्य हैं जो उन निर्वाचन क्षेत्रों का प्रतिनिधित्व करते हैं जिनमें नगर पूर्णतः या भागतः सम्मिलित हैं,

(घ) प्रदेश संदस्य जिसमें राज्य सभा और राज्य विधान परिषद के वे सदस्य हैं जो उस नगर के निर्वाचक के रूप में रजिस्ट्रीकृत हैं;

(ङ) धारा 5 के खण्ड (ङ) के अधीन स्थापित समितियों के, यदि कोई हों, अध्यक्ष, यदि वे निगम के सदस्य नहीं हैं:

किन्तु प्रतिबन्ध यह है कि खण्ड (ख) में निर्दिष्ट स्थितियों को निगम की बैठकों में मत देने का अधिकार नहीं होगा:

किन्तु प्रतिबन्ध यह भी है कि खण्ड (क) से (ङ) में निर्दिष्ट श्रेणी के सदस्यों में किसी रिक्ति से निगम के संगठन या पुनर्संगठन में कोई बाधा नहीं पड़ेगी।

(2) सभासद कक्षों से प्रत्यक्ष निर्वाचन द्वारा चुने जायेंगे।]

[2][6-क. कक्ष समितियों का संगठन और संरचना—(1) तीन लाख या उससे अधिक जनसंख्या वाले निगम के प्रादेशिक क्षेत्र के भीतर संविधान के अनुच्छेद 243-ब के खण्ड (1) के अधीन संगठित प्रत्येक कक्ष समिति में दस कक्ष होंगे।

(2) कक्ष समिति का प्रादेशिक क्षेत्र उस समिति में समाविष्ट कक्षों के प्रादेशिक क्षेत्रों से मिलकर बनेगा।

(3) प्रत्येक कक्ष समिति में निम्नलिखित होंगे:

(क) कक्ष समिति के प्रादेशिक क्षेत्र के भीतर कक्षों का प्रतिनिधित्व करने वाले सभी सभासद;

(ख) पाँच से अनधिक ऐसे अन्य सदस्य जो राज्य सरकार द्वारा सम्बद्ध कक्ष समिति के प्रादेशिक क्षेत्र के भीतर निर्वाचकों के रूप में रजिस्ट्रीकृत व्यक्तियों में से, जिन्हें नगरपालिका प्रशासन का विशेष ज्ञान या अनुभव हो नाम-निर्दिष्ट किये जायेंगे।

(4) कक्ष समिति अपने संगठन के पश्चात् अपनी प्रथम बैठक में और प्रत्येक उत्तरवर्ती वर्ष में उसी मास में अपनी प्रथम बैठक में उपधारा (3) के खण्ड (क) में उल्लिखित सदस्यों में से एक को समिति के अध्यक्ष के रूप में निर्वाचित करेगी।

(5) अध्यक्ष के पद का कार्यकाल एक वर्ष होगा, किन्तु वह अपना उत्तराधिकारी चुने जाने तक पद धारण करेगा और पुनर्निर्वाचन के लिये पात्र होगा।

(6) सभासद न रह जाने पर अध्यक्ष शून्य अपना पद रिक्त कर देगा।

(7) अध्यक्ष के पद का उसकी पदावधि के समाप्त होने के पूर्व त्याग-पत्र या अन्यथा किसी कारण से रिक्त हो जाने की दशा में कक्ष समिति, रिक्ति होने के पश्चात् पथमाक्षणीय उपधारा (4) के अनुसार नये अध्यक्ष का निर्वाचन करेगी:

किन्तु प्रतिबन्ध यह है कि इस प्रकार निर्वाचित अध्यक्ष केवल उस अवशेष अवधि के लिये पद धारण करेगा जिसके लिये वह व्यक्ति, जिसके स्थान पर उसे निर्वाचित किया गया है, पद धारण करता यदि ऐसी रिक्ति न हुई होती।

(8) कक्ष समिति का कार्यकाल निगम की अवधि के साथ समाप्त होगा।

(9) इस अधिनियम के उपबन्धों के अधीन रहते हुये कक्ष समिति ऐसी शक्तियों का प्रयोग और ऐसे कृत्यों का निर्वहन करेगी जो नियमों द्वारा विहित किये जायें।]

[2][7. स्थानों का आरक्षण—(1) प्रत्येक निगम में [3][अनुसूचित जातियों, अनुसूचित जनजातियों और पिछड़े वर्गों] के लिये स्थान आरक्षित किये जायेंगे और इस प्रकार आरक्षित स्थानों की संख्या का

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा धारा 6 प्रतिस्थापित की गई
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा अन्तःस्थापित
4. उ० प्र० अधिनियम सं० 41, सन् 1976 द्वारा समाप्त किया
5. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 9 द्वारा मूल अधिनियम की धारा 6 प्रतिस्थापित की गयी

1. उ० प्र० अधिनियम सं० 26 सन् 1995 की धारा 3 द्वारा मूल अधिनियम की धारा 6-क प्रतिस्थापित की गई। इसके पूर्व धारा 6-क को उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 9 द्वारा अन्तःस्थापित किया गया था
2. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 10 द्वारा मूल अधिनियम की धारा 7 प्रतिस्थापित की गयी
3. उ० प्र० अधिनियम सं० 26 सन् 1995 की धारा 6 (क) द्वारा प्रतिस्थापित

अवधारण करते हुये उसकी आय की क्षमता के आधार पर वर्गीकरण नहीं किया गया है और इसलिए ऐसा कर भारतीय संविधान के अनुच्छेद 14 का अतिलंघन हुआ है। [*डिलाइट टाकीज बनाम दी डिस्ट्रीक्ट आथ जबलपुर कारपोरेशन्स* ए० आई० आर० 1964 एम० पी० 298]।

कर का स्वरूप—यह कर उस मनोरंजन के कार्य पर अधिरोपित किया गया है जिसके परिणामस्वरूप इस तमाशा देखते हैं, न कि यह वृत्ति अथवा व्यापार पर कोई कर है। [*वेस्टर्न इण्डिया थियेटर लिमिटेड बनाम कैन्टोनमेंट बोर्ड, पूना कैन्ट*, ए० आई० आर० 1956 एस० सी० 582]।

थियेटर कर—इसके अन्तर्गत सिनेमा कर भी आता है [*सिंजन लाल धारीवाल बनाम उ० प्र० राज्य* 1972 ए० एल० जे० 279]।

(78) "*व्यापारिक व्यर्थ द्रव्य पदार्थ*" (trade effluent) से तात्पर्य है कोई तरल पदार्थ, चाहे उसमें अन्य पदार्थों के कण घुले-मिले हों, और जो पूर्णतः या अंशतः किसी व्यापारिक भू-गृहादि (trade premises) में किये जाने वाले व्यापार या उद्योग में उत्पादित होती हो, और किसी व्यापारिक भू-गृहादि के सम्बन्ध में इसका तात्पर्य यह है कि उपर्युक्त प्रकार का कोई तरल पदार्थ जो उक्त भू-गृहादि में किये जाने वाले व्यापार या उद्योग में उक्त प्रकार से उत्पादित होता हो, किन्तु इसके अन्तर्गत घरेलू मल इत्यादि नहीं हैं;

(79) "*व्यापारिक भू-गृहादि*" (trade premises) से तात्पर्य है कोई भू-गृहादि जो किसी व्यापार या उद्योग के संचालन के लिये प्रयुक्त किये जाते हों या प्रयुक्त किये जाने के लिए अभिप्रेत हों;

(80) "व्यापारिक कूड़ा-करकट" (trade refuse) से तात्पर्य है, और इसके अन्तर्गत सम्मिलित है किसी व्यापार, निर्माण (manufacture) या कारबार का कूड़ा-करकट;

(81) "*वाहन*" (vehicle) के अन्तर्गत है यान (carriage), गाड़ी (cart), परिवहन (van), ठेला गाड़ी (dray), मोटर ठेला (truck), हाथ से चलायी जाने वाली गाड़ी, बाइसिकिल, ट्राइसिकिल, मोटरकार तथा पहियेदार ऐसा प्रत्येक वाहन, जो सड़क पर प्रयुक्त किया जाता हो या प्रयुक्त किया जा सकता हो;

[1][(82) "*वार्ड*" (ward) का तात्पर्य निगम के प्रादेशिक निर्वाचन क्षेत्र से है;]

[2][(82-क) "*वार्ड समितियों*" का तात्पर्य [3][संविधान के अनुच्छेद 243-घ में निर्दिष्ट] वार्ड समितियों से है;]

(83) "*वाजघर*" (water closet) से तात्पर्य है ऐसा वाजघर जिसमें जल निस्सारण प्रणाली से संबद्ध कोई पृथक् स्थिर पात्र (fixed receptacle) लगा हुआ हो, और जिसमें यंत्र द्वारा या स्वचालित (automatic) रूप से स्वच्छ जल से धोये जाने की पृथक् व्यवस्था हो;

(84) "*जल सम्बन्ध*" (water connection) में निम्नलिखित सम्मिलित हैं—

(क) कोई टंकी (tank), जल कुण्ड (cistern), पानी निकालने का बम्बा (hydrant), बम्बा (stand pipe), मीटर अथवा नल (tap) जो किसी निजी संपत्ति पर स्थित हो और [4][निगम] के किसी जल-प्रणाल (water-main) अथवा पाइप से मिलता हो, और

(ख) पानी का पाइप जो उक्त टंकी (tank), जलकुण्ड, पानी निकालने के बम्बे, बम्बे, मीटर अथवा नल को उपर्युक्त जल प्रणाल अथवा पाइप से मिलाता हो;

(85) "*जलधारा*" (water course) के अन्तर्गत कोई नदी, सोता (stream), अथवा गूल (channel) है चाहे वह प्राकृतिक हो अथवा कृत्रिम;

(86) "*घरेलू प्रयोजनों के लिए जल*" के अन्तर्गत ऐसा पानी नहीं है जो ढोरों अथवा घोड़ों के लिए हो अथवा वाहनों को धोने के लिए हो, जब उक्त ढोर, घोड़े अथवा वाहन बिक्री या किराये के लिए रखे जाते हों अथवा समवाहक (common carrier) के पास हों और इसके अन्तर्गत किसी व्यापार, निर्माण (manufacture) अथवा कारोबार अथवा भवन के प्रयोजनों के लिए अथवा बागों अथवा सड़कों पर पानी के छिड़काव के लिए अथवा निझर (fountains) अथवा अन्य किसी सजावट या सांत्विक प्रयोजनों के लिए जल, सम्मिलित नहीं है;

(87) "*जलकल*" (water-works) के अन्तर्गत कोई झील, सोता (stream), झरना (spring), कुएँ का पम्प (well pump), जलाशय, जलकुण्ड (cistern), टंकी (tank), प्रणाली (duct) चाहे वह ढकी हुई हो अथवा खुली हुई, बाँध (sluice), मुख्य पाइप (mainpipe), पुलियाँ (culvert), इंजिन (engine), जल वाहन (water truck), पानी निकालने के बम्बे (hydrant), बम्बा (stand pipe), जल ले जाने की अन्य कोई व्यवस्था (conduct) और यंत्र (machinery), आदि तथा भूमि, भवन अथवा वस्तु है जो जल संधारण के लिए हों अथवा एतदर्थ प्रयुक्त होती हों अथवा जल संधारण के स्रोतों (sources) की सुरक्षा के लिए प्रयुक्त होती हों ;

(88) "*कारखाना*" (workshop) से तात्पर्य है कोई भवन, स्थान अथवा भू-गृहादि अथवा उसका कोई भाग जो फैक्टरी न हो और जहाँ अथवा जिसके ऊपर, वहाँ काम करने वाले व्यक्तियों को तथा नियोजक (employer) को प्रवेश करने तथा उन पर नियंत्रण करने का अधिकार हो और जहाँ अथवा जिसके अहाते अथवा घेरे (compound or precincts) के भीतर निम्नलिखित प्रयोजनों के लिए किसी प्रक्रिया में सहायता देने के लिए अथवा उसके आनुषंगिक रूप में, सामरिक श्रम करने वाले लोग नियोजित हों अथवा प्रयुक्त होते हों—

(क) कोई वस्तु अथवा उसका कोई भाग बनाना, अथवा

(ख) कोई वस्तु परिवर्तित करना, उसकी मरम्मत करना, उसको सजावट करना अथवा उसे अंतिम रूप देना; अथवा

(ग) किसी वस्तु को किसी के लिए अंगीकार करना।

[1][(89) "*संक्रमणशील क्षेत्र*" और "*सपुवार नगरीय क्षेत्र*" पदों के वही अर्थ होंगे जो संयुक्त प्रान्त नगरपालिका अधिनियम, 1916 में क्रमशः उनके लिये किये गये हैं;]

[2][3. **बृहत्तर नगरीय क्षेत्र की घोषणा**—(1) संविधान के अनुच्छेद 243-घ के खण्ड (2) के अधीन राज्यपाल द्वारा अधिसूचना में बृहत्तर नगरीय क्षेत्र के रूप में विनिर्दिष्ट कोई क्षेत्र, जिसकी सीमायें उसमें विनिर्दिष्ट हों, ऐसे नाम से जाना जायेगा जिसे वह विनिर्दिष्ट करें।

(2) जहाँ, संविधान के अनुच्छेद 243-घ के खण्ड (2) के अधीन किसी पश्चात्वर्ती अधिसूचना द्वारा, राज्यपाल किसी क्षेत्र को नगर में सम्मिलित करें, वहाँ ऐसे क्षेत्र पर इस या किसी अन्य अधिनियमिति के अधीन बनाई गई या जारी की गयी और ऐसे क्षेत्र को सम्मिलित किये जाने के ठीक पूर्व नगर में प्रवृत्त समस्त, अधिसूचनायें , नियम, विनियम, उपविधियाँ, आदेश और निदेश लागू हो जाएंगे और इस अधिनियम के अधीन अधिरोपित समस्त कर, फीस और प्रभार उपर्युक्त क्षेत्र में लगाये और वसूल किये जायेंगे और किये जाते रहेंगे।]

---

1. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा जोड़ा गया
3. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "धारा 6-क के अधीन संगठित" के स्थान पर रखा गया
4. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा जोड़ा गया
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा धारा 3 प्रतिस्थापित की गयी

(ख) किसी व्यक्ति के सम्बन्ध में केवल इस कारण से यह न समझा जायेगा कि उसने किसी निवास-गृह "में रहना छोड़ दिया है" कि वह उसमें अनुपस्थित है या उसके पास दूसरे स्थान पर दूसरा निवास-गृह है, जिसमें वह रहता है, यदि वह किसी भी समय उसमें लौट आने के लिए स्वतंत्र हो और उसमें लौट आने के अभिप्राय का परित्याग न किया गया हो ।

(64) "कूड़ा-करकट" (rubbish) के अन्तर्गत धूल, राख, टूटी हुई ईंट, गचरी (mortar), टूटे हुये शीशे, उद्यान अथवा अहाते का कूड़ा-करकट और किसी प्रकार का कूड़ा-करकट जो दुर्गन्धयुक्त पदार्थ या माल इत्यादि न हो, है;

(65) "नियम" से तात्पर्य है इस अधिनियम द्वारा प्रदत्त अधिकारों के अधीन बनाये गये नियम;

(66) "अनुसूची" से तात्पर्य है इस अधिनियम के साथ संलग्न अनुसूची;

(67) [* * *]

(68) "अनुसूचित बैङ्क" पद का वही अर्थ होगा, जो अर्थ "Schedule Bank" का रिजर्व बैङ्क ऑफ इण्डिया ऐक्ट, 1934 में किया गया है;

(69) "[2][नियम] का संचेक तथा [1][नियम] का कार्यवाही" से तात्पर्य है कोई व्यक्ति जो [1][नियम] से वेतन प्राप्त करता हो और उसकी सेवा में हो;

(70) "मल इत्यादि" (sewage) से तात्पर्य है निशा (nightsoil) और चकटाभी, शौचालयों, संडासों, मूत्रालयों, मलकुण्डों अथवा नालियों में पड़ी हुई अन्य वस्तुएँ (contents) और गन्दगी, गलीज आदि के स्थानों (sinks), स्नानघरों, अस्तबलों, पशुशालाओं तथा इसी प्रकार के अन्य स्थानों से निकलने हुआ घृणित जल और इसके अन्तर्गत व्यापारिक स्थानों इत्यादि और सब प्रकार के कारखानों (manufactories) से निकालने वाले जल पदार्थ भी हैं;

(71) "आकाश चिह्न" (sky-sign) से तात्पर्य है कोई शब्द, वर्ण, नमूना (model), चित्रयुक्त या अन्य प्रतिरूप (representation), जो विज्ञापन, घोषणा (announcement) या निर्देशन (direction) के रूप में हो और जो किसी भवन या ढांचे पर या उसके ऊपर पूर्णतः या अंशतः किसी खम्भे (post), खम्भी (pole), खम्भदंड (standard), चौखट या अन्य किसी अवलम्ब (support) के सहारे खड़ा हुआ हो या उससे संलग्न हो (supported or attached) और जो किसी सड़क या सार्वजनिक स्थान के किसी भी स्थान से पूर्णतः या अंशतः आकाश पर दिखायी देता हो और इसके अन्तर्गत निम्नलिखित हैं :

(क) उस अवलम्ब का प्रयोक्त भाग; और

(ख) कोई गुब्बारा, हवाई छाता (parachute) अथवा ऐसी ही अन्य कोई युक्ति (device), जो पूर्णतः या अंशतः किसी विज्ञापन या घोषणा के प्रयोजनों के लिए काम में लायी गई हो और जो किसी भवन, ढांचे या किसी प्रकार के निर्माण (erection) पर या उसके ऊपर हो या जो किसी सड़क अथवा सार्वजनिक स्थान पर या उसके ऊपर हो;

किन्तु इसके अन्तर्गत निम्नलिखित नहीं समझे जायेंगे-

(1) ध्वजदण्ड (flagstaff), बल्ली, वायु-दिग्दर्शन यंत्र (weathercock) या वायु दाब सूचक यंत्र (vane) जब तक कि वे पूर्णतः या अंशतः किसी विज्ञापन या घोषणा के लिए अनुकूलित या प्रयुक्त न किये गये हों ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा निरसित पाठ
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(2) पिछ जो किसी ऐसे पाठ (fence) चौखट या अन्य प्रकार (contrivance) का हो जो किसी छत की दीवार या पिरि (parapet) के सामने उसकी खड़ी खड़ी (top) पर, किसी कार्निस या दीवार से सटकर बने हुये मार्गों (backing course) पर या किसी छत के किसी (ridge) पर सुरक्षित रूप से लगाया गया हो और खुला-कार्य (open work) न हो और उक्त दीवार, पिरि या किसी के किसी भाग के ऊपर तीन फीट से अधिक ऊँचाई तक न हो, या

(3) कोई प्रतिरूप (representation) जो केवल इंडियन रेलवेज ऐक्ट, 1890* में परिभाषित (defined), रेल प्रशासन (Railway Administration) के कारबार से सम्बन्ध रखता हो और जो पूर्णतः उक्त रेल-प्रशासन के किसी रेलवे-स्टेशन के यार्ड (yard), फ्लेटफार्म अथवा स्टेशन के सन्निकट स्थान (approach) पर या उसके ऊपर या ऐसे भू-गृहादि पर या उसके ऊपर रखा गया हो या और जो इस ढंग से रखा गया हो कि वह किसी सड़क या सार्वजनिक स्थान पर न दिख सके;

(72) "विशेष निधि" (special fund) से तात्पर्य है धारा 138 के अधीन घोषित कोई निधि;

(73) "राज्य-सरकार" से तात्पर्य है उत्तर प्रदेश राज्य;

[1][(73-क) "राज्य निर्वाचन आयोग" का वही अर्थ होगा, जो संविधान के अनुच्छेद 243-ट में निर्दिष्ट राज्य निर्वाचन आयोग से है;]

(74) "सड़क" (street) के अन्तर्गत कोई राजमार्ग, पुलियों-पुलों की ढँकी सड़क (causeway), पुल, मार्गसेतु (viaduct), मेहराब, पथ (road), गली, पगडंडी (footway), उपमार्ग, आंगन (court), बँकरी-गली (alley), घुड़सवारों का मार्ग या रास्ता-चाहे वह सार्वजनिक मार्ग हो या न हो, जिसके ऊपर जन-साधारण के आने-जाने या प्रवेश का अधिकार हो या जिसके ऊपर जन-साधारण लगातार कौम वर्षों से आते-जाते अथवा प्रवेश करते रहे हों, है; और यदि किसी सड़क में पगडंडी और वाहन मार्ग दोनों ही हों तो सड़क के अन्तर्गत दोनों ही होंगे ।

टिप्पणी

किसी सार्वजनिक मार्ग पर एक पंक्ति में बनी दुकानों तथा उस मार्ग के बीच बना हुआ खम्भेदार साथ-साथ चलने वाला खम्भेदार बरामदा एक सार्वजनिक पथ होगा है । [गोपेश खरे बनाम ए० डी० ए०, 1988 यू० पी० एल० बी० डी० सी०, 214 (खंडपीठ)।]

(75) "सड़क रेखाकरण" (street alignment) से तात्पर्य है वह रेखा (line) जो किसी सड़क में सम्मिलित और उसका भाग बनी हुई भूमि को पार्श्ववर्ती (adjoining) भूमि से अलग करती हो;

(76) "सिलाई की दुकान" से तात्पर्य है कोई भू-गृहादि या किसी भू-गृहादि का वह भाग जो किसी साइसकोम अथवा अन्य किसी प्रकार की सिलाइयों की, चाहे वह किसी के लिए भी अभिप्रेत हो और चाहे उनका जो भी नाम हो और चाहे वे भू-गृहादि में या उसके बाहर उपयोग के लिए हों, बनाने, व्यवहृत करने या बिक्री के लिए संग्रह करने (manufacture, treatment or storage for sale) अथवा थोक या फुटकर विक्रय के निमित्त प्रयुक्त हो;

(77) "प्रेक्षागृह कर" (theatre tax) से तात्पर्य है मनोविनोदों अथवा मनोरंजनों (amusements or entertainments) पर लगाया गया कर;

टिप्पणियाँ

क्या 'विलुप्त कर' भारत के संविधान का अतिलंघन करता है?–इस तर्क को स्वीकार नहीं किया जा सकता कि चूँकि विलेप विलुप्तों का उनकी सेवों को संरक्षा तथा उनकी स्थिति का

*. अब रेल अधिनियम 1989
1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा बदला गया

28. गंज (जो अनुसूचित जातियों की बस्ती में सम्मिलित न हो)
29. गवक
30. गवेरी
31. गंजाड़
32. गड़ई
33. गाती
34. गैंडमरी
35. गिन्द
36. गिवार
37. गा
38. गुर्जर या गड़रूख
39. गड़िया
40. घासी, घैसी
41. घसिहा
42. घुरहू या घुरई
43. घोसिन (अहीर)
44. टिपरही
45. गुलिया कलवार
46. चड़क (धुनिया), रुन्धारी
47. चमड़
48. रंगरेज
49. सोप, सोपा, सोपी, सोप, सोपी राजभर
50. सोहार
51. सोनिया
52. सोपा
53. स्वीपर (जो अनुसूचित जातियों की बस्ती में सम्मिलित न हो)
54. हलवाई
55. हज्जाम (नाई)

(52) "स्वामी" से तात्पर्य है –

(क) किसी भू-गृहादि के सम्बन्ध में प्रयुक्त होने पर वह व्यक्ति जो उक्त भू-गृहादि का किराया लेता हो अथवा उक्त भू-गृहादि किराये पर उठाये जाने की दशा में उसका किराया लेने का अधिकारी हो तथा इसके अन्तर्गत निम्नलिखित हैं:

(1) कोई अधिकर्ता अथवा न्यासी जो स्वामी के लिए किराया प्राप्त करता हो;

(2) कोई अधिकर्ता अथवा न्यासी जो धर्मोत्सर अथवा दानोत्सर प्रयोजनों के लिए समर्पित (devoted) किसी भू-गृहादि का किराया लेता हो अथवा जिसे उक्त भू-गृहादि सौंपा गया हो या जिसका सम्बन्ध उक्त भू-गृहादि से हो;

(3) कोई आदाता, व्यवस्थापक, अथवा प्रबन्धक जिसे सक्षम क्षेत्राधिकार रखने वाले किसी न्यायालय ने उक्त भू-गृहादि को अवधारण (charge) में लेने अथवा उसके स्वामी के अधिकारों का प्रयोग करने के लिए नियुक्त किया गया हो; तथा

(4) भोग-बन्धकी (mortgagee-in-possession);

(ख) किसी पशु वाहन अथवा यान के सम्बन्ध में प्रयोग किये जाने पर इस (स्वामी) के अन्तर्गत वह व्यक्ति भी है जो तत्समय उक्त पशु वाहन अथवा यान का अवधारक (incharge) हो;

[1][(52-क) "पंचायत" का तात्पर्य संविधान के अनुच्छेद 243-ग के खण्ड (घ) में निर्दिष्ट पंचायत से है ;]

(53) "भवन का भाग" के अन्तर्गत कोई दीवाल, भूमिगत कमरा या मार्ग (underground room or passage), बरामदा, स्थिर चबूतरा, कुर्सी, जीना या दरवाजे की सीढ़ी है, जो किसी वर्तमान भवन से सम्बद्ध हो या उसके अहाते के भीतर बनी हो या जो ऐसी भूमि पर बनी हुई हो, जो प्रस्तावित (projected) भवन का स्थान (site) या अहाता होने वाली हो;

[1][(53-क) "जनसंख्या" का तात्पर्य ऐसी अन्तिम पूर्ववर्ती जनगणना में अभिनिश्चित की गयी जनसंख्या से है जिसके सुसंगत आंकड़े प्रकाशित हो गये हैं ;]

1. उ० प्र० अधिनियम सं० 12, सन् 1994 द्वारा अन्तःस्थापित

[1][(54) "भू-गृहादि" का तात्पर्य किसी भूमि या भवन से है ;]

(55) "विहित" से तात्पर्य है इस अधिनियम द्वारा अथवा तदधीन बने नियम या आज्ञा द्वारा या किसी अन्य विधायन द्वारा या उसके अधीन विहित;

(56) "विहित प्राधिकारी" से तात्पर्य है कोई पदाधिकारी या निगमित संस्था जो राज्य सरकार द्वारा एतदर्थ सरकारी गजट में विहित द्वारा नियुक्त की गयी हो और यदि कोई ऐसा पदाधिकारी या निगमित संस्था नियुक्त न की जाय, तो उस डिवीजन का कमिश्नर, जिसमें वह नगर स्थित हो;

(57) "पेट्रोलियम" से तात्पर्य है [2][पेट्रोलियम ऐक्ट, 1934] में परिभाषित पेट्रोलियम;

(58) "निजी सड़क" से तात्पर्य है कोई सड़क जो सार्वजनिक सड़क न हो;

(59) "संडास" (privy) से तात्पर्य है वह स्थान, जो शौच-निवृत्ति या लघुशंका-निवृत्ति या दोनों के लिए अलग कर दिया गया हो और इसमें वह ढांचा, जिससे यह स्थान बनाया गया हो, इसके भीतर मल-मूत्रादि के लिए रखा गया बर्तन तथा उससे संसक्त संस्थापन (fittings) और उपकरण, यदि कोई हों, सम्मिलित होंगे । इसके अन्तर्गत शुष्क प्रकार का चलवाहन, जल संडास (aqua privy), शौचालय तथा मूत्रालय भी है;

(60) "सार्वजनिक स्थान" के अन्तर्गत कोई ऐसा सार्वजनिक पार्क या उद्यान या कोई मैदान (ground) है, जिसमें जन-साधारण जा सकते हैं या उन्हें वहाँ जाने की अनुमति हो;

(61) "सरकारी प्रतिभूतियाँ" (public securities) से तात्पर्य है–

(क) केन्द्रीय सरकार या किसी राज्य सरकार की प्रतिभूतियाँ;

(ख) प्रतिभूतियाँ, सम्भार (stocks), ऋणपत्र (debentures) या अंशक (shares) जिन पर केन्द्रीय सरकार या राज्य सरकार ने ब्याज संदत्त किया हो;

(ग) धन के ऋणपत्र (debentures) या अन्य प्रतिभूतियाँ, जिन्हें किसी स्थानीय प्राधिकारी द्वारा या उनकी ओर से भारतीय गणतन्त्र के किसी भाग में तत्समय प्रवर्तित किसी विधायन द्वारा प्राप्त अधिकारों का प्रयोग करके जारी किया गया हो;

(घ) प्रतिभूतियाँ, जो किसी ऐसी आज्ञा द्वारा स्पष्टतः प्राधिकृत की गयी हों जो सरकार एतदर्थ दे;

(62) "सार्वजनिक सड़क" से तात्पर्य है कोई सड़क–

(क) जो अब तक [3][निगम] की निधियों या अन्य सार्वजनिक निधियों से समतल की गई हो, जिसमें खड़ंजा लगाया गया हो, जो पक्की की गयी हो, जिसमें नालियाँ बनायी गई हों, नाले लगाये गये हों, या जिसकी मरम्मत की गयी हो; अथवा

(ख) जो धारा 290 के उपबन्धों के अधीन सार्वजनिक सड़क घोषित की जाय या जो इस अधिनियम के किसी अन्य उपबन्ध के अधीन सार्वजनिक सड़क हो जाय ।

(63) (क) कोई व्यक्ति, किसी निवास-गृह में "रहने वाला" (reside) समझा जाता है जिसे या जिसके कुछ भाग को वह सोने के कमरे के रूप में कभी-कभी प्रयोग करता है–चाहे व्यवधानों के साथ (interruptedly) या निरन्तर; और

1. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा लुप्त किया गया
2. उ० प्र० अधिनियम सं० 14 सन् 1959 की धारा 3 की उपधारा (2) द्वारा शब्दों "इण्डियन पेट्रोलियम ऐक्ट, 1899" के स्थान पर रखा गया
3. उ० प्र० अधिनियम सं० 12, सन् 1994 द्वारा शब्द "महापालिका" के स्थान शब्द "निगम" प्रतिस्थापित

बैलगाड़ी के एकत्र होने के सम्बन्ध में कोई साधारण विनियमन न हो, और चाहे उस स्थान के स्वामी अथवा अन्य किसी व्यक्ति द्वारा "बाजार" के कारबार पर अथवा बाजार में आने-जाने वाले व्यक्तियों पर कोई नियंत्रण रखा जाता हो अथवा न रखा जाता हो;

(37) "पक्का भवन" (masonry building) से तात्पर्य है ईंटों पर बने भवन अथवा कुटी से भिन्न कोई भवन और इसके अन्तर्गत ऐसा ढाँचा (structure) भी है, जिसका चर्याश भाग ईंट, पत्थर अथवा फौलाद अथवा लोहा या अन्य किसी धातु से बना हो;

[1][(38) *"निगम का सदस्य"* का तात्पर्य किसी सभासद्, पदेन सदस्य, नाम-निर्दिष्ट सदस्य या धारा 5 के खण्ड (ङ) के अधीन स्थापित किसी समिति, यदि कोई हो, के अध्यक्ष, यदि वह निगम के सदस्य नहीं हैं, से है और, जब तक कोई प्रतिकूल बात स्पष्ट न की गयी हो, इसके अन्तर्गत नगर प्रमुख भी हैं;]

[1][(39) *'मुख्य नगर अधिकारी'* का तात्पर्य धारा 58 के अधीन नियुक्त मुख्य नगर अधिकारी से है और इसके अन्तर्गत उक्त धारा के अधीन नियुक्त अपर मुख्य नगर अधिकारी और धारा 107 के अधीन नियुक्त कोई उप नगर अधिकारी और सहायक नगर अधिकारी भी है, जब वे धारा 112 के अधीन शक्तियों का प्रयोग और कर्तव्यों का निर्वहन कर रहे हों;]

(40) "[2]*[निगम]* की चाली" से तात्पर्य है [2][निगम] में निहित कोई चाली;

(41) "[2]*[निगम]* का बाजार" से तात्पर्य है कोई बाजार जो [2][निगम] में निहित हो अथवा जिसका प्रबन्ध [2][निगम] द्वारा किया जाता हो;

(42) "[2]*[निगम]* की वधशाला" से तात्पर्य है कोई वधशाला जो [2][निगम] में निहित हो अथवा जिसका प्रबन्ध [2][निगम] द्वारा किया जाता हो;

(43) "[2]*[निगम]* कार्यालय" से तात्पर्य है [2][निगम] का कार्यालय;

(44) "[2]*[निगम]* कर" से तात्पर्य है कोई लादकर (impost) जो इस अधिनियम के उपबन्धों के अधीन लगाया गया हो;

(45) "[2]*[निगम]* जलकल" से तात्पर्य है वह जलकल जो [2][निगम] का हो अथवा उसमें निहित हो;

[3][(45-क) *"महानगर क्षेत्र"* का तात्पर्य संविधान के अनुच्छेद 243-त के खण्ड (ग) में यथापरिभाषित क्षेत्र से है ;

(45-ख) *"नगरपालिका"* का तात्पर्य धारा 4 के अधीन गठित स्थानीय शासन की किसी संस्था से है;

(45-ग) *"नगरपालिका क्षेत्र"* का तात्पर्य किसी निगम के प्रादेशिक क्षेत्र से है;]

(46) *"अपद्रव्य"* (nuisance) के अन्तर्गत कोई ऐसा कार्य, कार्यलोप (omission), स्थान या वस्तु है, जिससे कि पशु, प्राण अथवा सम्पत्ति की इन्द्रियों को क्षति, संकट, उद्वेजन अथवा कष्ट पहुँचे अथवा पहुँचने की संभावना हो, अथवा जो जीवन के लिये संकट उत्पन्न करने वाली हो या हो सकती हो, अथवा जो स्वास्थ्य या सम्पत्ति के लिए हानिकारक हो;

(47) *"अध्यासी"* के अन्तर्गत निम्नलिखित है—

(क) कोई व्यक्ति, जो किसी भूमि अथवा भवन का, जिसके सम्बन्ध में किराया दिया जाता हो अथवा देय हो, तत्समय उसके स्वामी को किराया अथवा उसका कोई भाग दे रहा हो अथवा उसके लिए देनदार हो;

(ख) स्वामी, जो अपनी भूमि या भवन में रह रहा हो अथवा अन्य प्रकार से उसे प्रयोग में ला रहा हो;

(ग) किराया-मुक्त किरायेदार या काश्तकार (tenant);

(घ) किसी भूमि अथवा भवन का अध्यासी अनुज्ञप्तिगृहीता (licensee); तथा

(ङ) कोई भी व्यक्ति जो किसी स्वामी को किसी भूमि अथवा भवन के अध्यासन अथवा प्रयोग के लिए क्षतिपूर्ति (damages) का देनदार (liable) हो;

(48) *"दुर्गन्धयुक्त पदार्थ"* के अन्तर्गत पशुओं की लाशें, गोबर, धूल तथा मल इत्यादि से भिन्न दुर्गन्धित सड़े अथवा सड़ाने वाले (putrid or putrefying) पदार्थ हैं;

(49) *"[1][निगम] का पदाधिकारी"* से तात्पर्य है ऐसा व्यक्ति, जो तत्समय इस अधिनियम द्वारा अथवा इसके अधीन सृजित अथवा जारी रखे गये किसी पद पर आसीन हो, किन्तु उसके अन्तर्गत [1][निगम] अथवा उसकी किसी समिति के सदस्य न होंगे;

(50) "सरकारी गजट" से तात्पर्य है राज्य सरकार के प्राधिकार के अधीन प्रचारित गजट;

(51) "आज्ञा" से तात्पर्य है वह आज्ञा जो सरकारी गजट में अथवा विहित रीति से प्रकाशित की गई हो;

[2][(51-क) *"पिछड़े वर्ग"* का तात्पर्य उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य वर्गों के लिये आरक्षण) अधिनियम, 1994 की अनुसूची एक में विनिर्दिष्ट नागरिकों के पिछड़े वर्गों से है;]

नोट : उ० प्र० लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिये आरक्षण) अधिनियम, 1994[3] की अनुसूची निम्नवत् है :

अनुसूची-एक

[देखिए धारा 2 (ख)]

1. अहीर	15. गड़ेरिया
2. भाल	16. गद्दी
3. बाथी	17. गिरी
4. बढ़ई	18. किनर (कश्मीर)
5. केवट या मल्लाह	19. कोरी
6. किसान	20. कोरी
7. कोइरी	21. कोरव
8. कुम्हार	22. कश्यप
9. कुर्मी	23. कहारी
10. कम्बोज	24. लोधी
11. कसगर	25. दर्जी
12. कुंजड़ा या राईन	26. धीवर
13. फोरई	27. सक्सेन
14. गूजर	

1. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा खण्ड 38 एवं 39 प्रतिस्थापित किये गये
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा बढ़ाया गया

1. उ० प्र० अधिनियम सं० 12, सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12, सन् 1994 द्वारा बढ़ाया गया
3. उ० प्र० अधिनियम सं० 4, सन् 1994, जो० उ० प्र० के असा० गजट, में दिनांक 23 मार्च, 1994 को प्रकाशित हुआ

(17) [1][* * *]

[2][(17-क) *"निदेशक"* का तात्पर्य धारा 5-क के अधीन सरकार द्वारा नियुक्त स्थानीय निकाय निदेशक, उत्तर प्रदेश से है;]

(18) *"जिला जज"* के अन्तर्गत ऐसा अतिरिक्त जिला जज भी है, जिसे इस अधिनियम के अधीन जिला जज का कोई कृत्य हस्तान्तरित किया गया हो;

(19) *"नाली"* (drain) के अन्तर्गत नाला (sewer), सड़क के नीचे की चालियाँ (tunnel), पाइप, खाई (ditch), जलमार्ग (gutter) अथवा प्रणाली (channel), जल कुण्ड (cistern),फ्लश टंकी (flush-tank), मल टंकी (septic-tuba), या कोई अन्य युक्ति (device), जो मल इत्यादि या दुर्गन्धित पदार्थ (sewage or offensive matter), दूषित-जल (polluted water), कूड़ा-करकट (sullage), बेकार जल, नाली के जल अथवा उपभूमिगत जल (sub-soil water) को ले जाने अथवा उसके बहाने के लिये प्रयुक्त होते हों, तथा उससे संसक्त (connected) कोई पुलिया, संवीजन दण्ड (ventilation shaft) या पाइप अथवा अन्य उपकरण या संधायन (fittings) हैं। नाली के अन्तर्गत किसी स्थान से मल इत्यादि अथवा दुर्गन्धयुक्त पदार्थों को उठाने, एकत्र करने, निकालने अथवा हटाने के लिये प्रयुक्त कोई निष्कासक (ejector), दबी हवा से चुक प्रणाल (compressed air mains),मल इत्यादि के मुहरबन्द प्रणाल (sealed sewage mains) तथा कोई विशेष यंत्र अथवा उपकरण भी है;

(20) *"भोजनालय"* (eating-house) से तात्पर्य है कोई ऐसा भू-गृहादि (premises) जहाँ जनता अथवा जनता का कोई वर्ग (section) जा सकता हो और जहाँ वहीं अथवा अन्यत्र किसी ऐसे व्यक्ति के, जो उस भू-गृहादि का स्वामी हो अथवा उसमें कोई स्वत्व (interest) रखता हो या उसका प्रबन्ध करता हो, लाभ अथवा खपदे के लिये किसी प्रकार का भोजन तैयार या सम्भरित (supplied) किया जाता है;

(21) *"निर्वाचक"* से किसी कक्ष (ward) के सम्बन्ध में तात्पर्य है वह व्यक्ति जिसका नाम तत्समय उस कक्ष की निर्वाचक सूची में दर्ज हो;

[3][(22) *"अवरुद्धक सेवाएँ"* से तात्पर्य है धारा 112-ख में निर्दिष्ट सेवा;]

(23) *"फैक्ट्री"* (factory) से तात्पर्य है [4][* * *] फैक्ट्रीज ऐक्ट, 1948 में परिभाषित कोई फैक्ट्री (factory) ;

(24) *"गलीज"* (filth) के अन्तर्गत मल इत्यादि, बिछा तथा अन्य दुर्गन्धयुक्त पदार्थ है;

[5][(24-क) *"वित्त आयोग"* का तात्पर्य संविधान के अनुच्छेद 243-झ [6][के अधीन संगठित] वित्त आयोग से है;

(25) *"वित्तीय वर्ष"* (financial year) से तात्पर्य है, पहली अप्रैल से आरम्भ होने वाला वर्ष;

(26) *"भोजन"* (food) के अन्तर्गत पेयवर्ग (drugs) अथवा जल से भिन्न ऐसी प्रत्येक वस्तु है, जो मनुष्य द्वारा खाने अथवा पीने के काम में लायी जाती हो तथा ऐसी कोई वस्तु भी है जो सामान्यतया मनुष्यों का भोजन तैयार करने अथवा बनाने में डाली जाती हो अथवा प्रयुक्त होती हो, तथा उसके अन्तर्गत मिठाइयाँ, स्वादिष्ट बनाने की तथा रंगने की वस्तुएँ, मसाले एवं चटनी (condiments) भी हैं;

(27) *"ढांचे पर बने भवन"* (frame building) से तात्पर्य है ऐसा भवन, जिसकी बाहर की दीवारें लकड़ी अथवा लोहे की बनी हों, जिनका उर्ध्वाधार उस ढांचे पर निर्भर करता हो;

(28) *"गृह-नाली"* (house-drain) से तात्पर्य है वह नाली जो एक या एकाधिक भवनों या भू-गृहादि की नाली हो और उसके जल-निस्सारण के लिये प्रयुक्त होती हो, और केवल [1][निगम] की नाली से मिलाने के प्रयोजन के लिये बनाई गई हो;

(29) *"गृह-पथ"* अथवा *"सेवा पथ"* (house gully or service passage) से तात्पर्य है ऐसा पथ अथवा भूमि की ऐसी पट्टी (strip of land) जो नाली के रूप में उपयोग में लाये जाने, अथवा किसी संडास, मूत्रालय, मलकूप अथवा गलीज या दूषित पदार्थ एकत्र करने के किसी पात्र तक पहुँचाने के लिये [1][निगम] के कर्मचारियों के अथवा उपर्युक्त संडास इत्यादि की सफाई करने अथवा वहाँ से उक्त पदार्थ हटाने के कार्य में नियोजित किसी व्यक्ति के वहाँ तक पहुँचने के लिये मार्ग देने के लिए निर्मित की गई हो, अलग कर दी गई हो, अथवा उपयोग में लायी जाती हो;

(30) *"कुटी"* (hut) से तात्पर्य है कोई ऐसा भवन जो मूलतः लकड़ी, मिट्टी, पत्तियों, घास, कपड़े अथवा फूस आदि से निर्मित किया गया हो तथा उसके अन्तर्गत किसी भी आकार का कोई ऐसा अस्थायी ढाँचा अथवा किसी भी 'सामान' से निर्मित कोई ऐसा छोटा भवन भी है, जिसे [1][निगम] इस अधिनियम के प्रयोजन के लिये 'कुटी' घोषित कर दे;

(31) *"निवासी"* (inhabitant) से किसी स्थानीय क्षेत्र के सम्बन्ध में तात्पर्य है कोई ऐसा व्यक्ति जो उस क्षेत्र में सामान्यतया निवास अथवा कारबार करता हो, अथवा वह अचल सम्पत्ति का स्वामी या अध्यासी हो;

(32) *"न्यायाधीश"* (Judge) से तात्पर्य है प्रेसिडेन्सियल स्मॉल काज कोर्ट ऐक्ट, 1887 के अधीन नगर में क्षेत्राधिकार रखने वाले लघुवाद न्यायालय (Court of Small Causes) का न्यायाधीश;

(33) *"भूमि"* के अन्तर्गत ऐसी भूमि है जिस पर कोई निर्माण हो रहा हो, अथवा निर्माण हो चुका हो, अथवा जो पानी से ढँकी हो, भूमि से उत्पन्न होने वाले लाभ, जमीन से संलग्न अथवा जमीन से संलग्न किसी वस्तु से स्थायी रूप से बंधी हुई वस्तुयें, और वे अधिकार हैं जो किसी सड़क के सम्बन्ध में विधायन (legislative enactment) द्वारा सृजित हुए हों;

(34) *"अनुज्ञप्त नल मिस्त्री"* (licensed plumber), *"अनुज्ञप्त भूमापक"* (licensed surveyor), *"अनुज्ञप्त वास्तुशास्त्री"* (licensed architect), *"अनुज्ञप्त अभियन्ता"*, *"अनुज्ञप्त ढाँचा-निर्माता"* (structural designer) तथा *"अनुज्ञप्त निर्माण लिपिक"* (clerk of works) से तात्पर्य है, वह व्यक्ति जिसे इस अधिनियम के अधीन [1][निगम] ने क्रमशः नल मिस्त्री, भूमापक, वास्तुशास्त्री, अभियन्ता, ढाँचे का निर्माता (structural designer) अथवा निर्माण लिपिक के रूप में अनुज्ञप्त किया हो;

(35) *"निवास गृह"* (lodging house) से तात्पर्य है कोई भवन अथवा भवन का कोई भाग, जहाँ कि धन के प्रतिफल (monetary consideration) में भोजन अथवा अन्य सेवा के सहित अथवा उनसे रहित निवास की व्यवस्था की जाती हो, और इसके अन्तर्गत भवनों का ऐसा समुदाय (collection) अथवा कोई भवन अथवा भवन का भाग भी है जो धन देकर अथवा अन्यथा तीर्थ-यात्रियों अथवा यात्रियों को ठहराने के लिए प्रयुक्त होता हो;

(36) *"बाजार"* (market) के अन्तर्गत ऐसा कोई स्थान है, जहाँ पशु-धन अथवा पशुओं के लिये खाद्य-पदार्थ अथवा मांस, मछली, फल, साग-सब्जी, मनुष्यों के भोजन के लिये अभिप्रेत पशु अथवा मनुष्यों के भोजन के अन्य पदार्थ, चाहे वे कुछ भी हों, के विक्रय के लिये अथवा विक्रयार्थ प्रदर्शित करने के निमित्त लोग ऐसे स्थान के स्वामी की अनुमति से अथवा बिना उसकी अनुमति के एकत्रित होते हों, चाहे वहाँ

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा निकाला गया
2. उ० प्र० अधिनियम सं० 41 सन् 1976 द्वारा बढ़ाया गया
3. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 2 द्वारा संशोधित किया गया
4. उ० प्र० अधिनियम सं० 14 सन् 1959 की धारा 3 की उपधारा (1) द्वारा शब्द "इंजिनियर" निकाल दिया गया
5. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा बढ़ाया गया
6. उ० प्र० अधिनियम संख्या 28 सन् 1995 द्वारा शब्द "में निर्दिष्ट" के स्थान पर प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

(ग) किसी [निगम] का नगर प्रमुख, [* * *] या समादेश चुने जाने तथा नगर प्रमुख, [* * *] या समादेश निर्वाचित किये जाने वाले उम्मीदवार के रूप में नाम निर्देशित किये जाने के निमित्त अर्हताएँ तथा अनर्हताएँ, और

(घ) सामान्यतया, निर्वाचन का संचालन तथा [निगम] के यथावत् संगठन (constitution) के लिये आवश्यक अन्य समस्त विषय;

धारा 3 के अधीन विज्ञप्ति के दिनांक से उक्त नगर में और उसके सम्बन्ध में प्रवर्तित होंगे और किन्हीं अन्य विधायनों (enactments) में किसी बात के रहते हुए भी [निगम] के यथावत् संगठन के लिए उक्त अध्याय तथा तदनुगत बने नियमों के उपबन्धों के अनुसार निर्वाचन करने के निमित्त ऐसे समस्त कार्य तथा कार्यवाहियाँ की जा सकती हैं, जो आवश्यक हों।

2. परिभाषाएँ—विषय या प्रसंग में कोई बात प्रतिकूल न होने पर इस अधिनियम में :

(1) "*विज्ञापन*" (advertisement) से तात्पर्य है दीप्तियुक्त (illumination) अथवा दीप्तिहीन कोई ऐसा शब्द, वर्ण, नमूना (model), चिह्न, विज्ञापन फलक (playcard board), नोटिस, युक्ति (device) अथवा प्रतिरूप (representation) जो विज्ञापन, घोषणा (announcement) या निर्देश (direction) के प्रकार का हो और उन्हीं प्रयोजनों के लिए पूर्णतः या अंशतः प्रयुक्त किया गया हो और इसके अन्तर्गत कोई ऐसी तख्ती (hoarding) तथा इसी प्रकार के अन्य ढाँचे (structure) हैं जो या तो विज्ञापन के प्रदर्शनार्थ प्रयुक्त होते हों या जो इस प्रकार प्रयुक्त किये जाने के लिये अनुकूलित कर लिये गये हों;

(2) "*नियत दिन*" (appointed day) से किसी नगर के सम्बन्ध में तात्पर्य है वह दिन जिस पर उक्त नगर के लिए [निगम] का यथावत् संगठन गजट में विज्ञापित कर दिया जाय;

(3) "*विधान सभा की सूचियाँ*" (Assembly Rolls) से तात्पर्य है ऐसी निर्वाचक सूचियाँ जो रिप्रेजेंटेशन आफ दी पीपुल ऐक्ट, 1950 के उपबन्धों के अधीन और अनुसार विधान सभा के निर्वाचन क्षेत्रों के लिये तैयार की गई हों;

(4) "*बानवाई की दुकान या बानवाई गृह*" (bakery or Foak-house) से तात्पर्य है कोई ऐसा स्थान जिसमें बिक्री या लाभ के लिए किसी भी रीति से रोटियाँ (bread), बिस्कुट या लेमनजूस आदि मिठाइयाँ (confectionery) सेंकी, पकाई या तैयार की जाती हों;

(5) "*बजट अनुदान*" से तात्पर्य है ऐसी कुल धनराशि जो नियमों द्वारा विहित किसी मुख्य-शीर्षक (major head) में बजट के तखमीनों के व्यय के अन्तर्गत दिखाई हो तथा [निगम] द्वारा अंगीकृत हो और उसके अन्तर्गत कोई ऐसी धनराशि भी है जिसके द्वारा ऐसा बजट अनुदान इस अधिनियम के उपबन्धों और नियमों के अनुसार अन्य शीर्षकों से, या को स्थानान्तरित (transfer) करके बढ़ाया या घटाया जाय;

(6) "*भवन*" के अन्तर्गत मकान, घर के बाहर के कक्ष (out-house), अस्तबल, छादक (shed), झोपड़ी तथा अन्य घिरा हुआ स्थान (enclosure) या ढाँचा (structure) है, चाहे वह पत्थर (masonry), ईंट, लकड़ी, मिट्टी (mud), धातु से या अन्य किसी भी वस्तु से बना हो और चाहे वह मनुष्य के रहने के लिये या अन्यथा प्रयुक्त होता हो, और इसके अन्तर्गत बरामदे, स्थिर चबूतरे (fixed platforms), मकानों की कुर्सियाँ (plinths), दरवाजे की सीढ़ियाँ (door-steps), दीवालें तथा हातों की दीवालें (compound-wall) और बाड़ (fencing) तथा ऐसे ही अन्य निर्माण भी हैं, किन्तु इसके अन्तर्गत तम्बू या ऐसा ही अन्य वहनीय अस्थायी ढाँचा (portable temporary structure) नहीं है;

(7) "*भवन पंक्ति*" (building line) से तात्पर्य है वह पंक्ति जो "*सड़क रेखांकन*" (street alignment) के पृष्ठ भाग में हो, तथा जिस तक सड़क से सटी हुई भवन की मुख्य दीवार बैध रूप से बढ़ायी जा सकती हो जिसके आगे भवन का कोई भाग बढ़ाया न जा सकता हो, सिवाय उस दशा के जो भवन संबंधी नियमों में विहित की गयी हो;

(8) "*उपविधि*" से तात्पर्य है इस अधिनियम के उपबन्धों के अधीन बनाई गई कोई उपविधि;

(9) "*मलकूप*" (cesspool) के अन्तर्गत कोई ऐसी भराव वाली टंकी (settlement tank) या अन्य टंकी है जो भवनों से निकलने वाली गलीज (foul matter) को ग्रहण करने, उसके निस्सारण (disposal) के लिये हो;

[1][(10) '*नगर*' का तात्पर्य संविधान के अनुच्छेद 243-थ के खण्ड (2) के अधीन यथा अधिसूचित वृहत्तर नगरीय क्षेत्र से है];

[2][(10-क) "*वाणिज्यिक भवन*" का तात्पर्य किसी ऐसे भवन से है जो कारखाना न हो और जिसका उपयोग या अध्यासन कोई व्यापार या वाणिज्य या उससे सम्बद्ध या आनुषंगिक या प्रासंगिक कोई कार्य करने के लिये किया जाय];

(11) किसी नगर के सम्बन्ध में "*डिवीजन के कमिश्नर*" से तात्पर्य है उस डिवीजन का कमिश्नर जिसमें उक्त नगर स्थित हो और उसके अन्तर्गत ऐसा अतिरिक्त कमिश्नर भी है जिसे डिवीजन के कमिश्नर ने इस अधिनियम के अधीन अपने कृत्य प्रतिनिधानित कर दिये हों;

[3][(11-क) "*निगम*" या '*नगर निगम*' का तात्पर्य संविधान के अनुच्छेद 243-थ के खण्ड (1) के उपखण्ड (ग) के अधीन किसी नगर के लिये संगठित नगर निगम से है];

(12) "*घनाकार स्थान*" (cubical contents) से, जब उसका प्रयोग किसी भवन की माप के प्रसंग में किया गया हो, तात्पर्य यह है वह स्थान (space) जो उसकी दीवारों और छत के बाह्य (external) धरातलों तथा उसके सबसे नीचे के खंड (storey) के फर्श के ऊपरी धरातल के या, यदि भवन केवल एक ही खंड (storey) का हो, उसके फर्श के ऊपरी धरातल में समाविष्ट हो;

(13) "*दुग्धशाला*" (dairy) के अन्तर्गत ऐसा कोई फार्म (farm), पशुशाला (cattle shed), दूध गोदाम, दूध की दुकान या अन्य ऐसा स्थान है, जहाँ से विक्रय के लिए दूध दिया जाता हो या जहाँ बेचने के प्रयोजनों के लिए दूध रखा जाता हो, या जहाँ बेचने के लिए दूध से मक्खन, घी, पनीर (cheese), दही या सुखाया हुआ अथवा जमाया हुआ (dried or condensed) दूध तैयार किया जाता हो और ऐसे ग्वाले (dairy-man) के सम्बन्ध में, जिसके अध्यासन में दूध बेचने के लिए कोई स्थान नहीं है, दुग्धशाला के अन्तर्गत ऐसा स्थान है जहाँ वह दूध बेचने के लिए प्रयुक्त अपना पात्र (vessel) रखता हो, किन्तु इसके अन्तर्गत ऐसी कोई दुकान या अन्य स्थान नहीं है जहाँ केवल वहाँ पर ही उपयोग के लिए दूध बेचा जाता हो;

(14) "*ग्वाला*" (dairy-man) के अन्तर्गत गाय, भैंस, बकरी, गधी (ass) या अन्य पशु का, जिसका दूध मनुष्यों के उपयोग (consumption) के निमित्त बिक्री के लिये प्रस्तुत किया जाता हो या प्रस्तुत किया जाना अभिप्रेत हो, रक्षक (keeper) और दूध लाकर जुटाने वाला (purveyor) तथा दुग्धशाला का अध्यासी (occupier) भी है;

(15) "*दुग्धशाला के पदार्थ*" (dairy produce) के अन्तर्गत दूध, मक्खन, घी, दही, मट्ठा (butter milk), पनीर (cheese) तथा दुग्धजन्य सभी पदार्थ हैं;

(16) "*भयानक रोग*" (dangerous disease) से तात्पर्य है हैजा, ताऊन (plague) चेचक (smallpox) या अन्य कोई ऐसा संक्रामक (epidemic) तथा संसर्गजन्य (infectious) रोग, जिससे मनुष्यों का जीवन खतरे में पड़ जाता है और जिसे [4][निगम] समय-समय पर सार्वजनिक नोटिस द्वारा भयानक रोग घोषित करे;

---

1. उ० प्र० अधिनियम संख्या 26 सन् 1995 द्वारा प्रतिस्थापित किया गया
2. उ० प्र० अधिनियम संख्या 3 सन् 1997 द्वारा बढ़ाया गया
3. उ० प्र० अधिनियम संख्या 26 सन् 1995 द्वारा अन्तःस्थापित किया गया
4. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित किया गया

---

1. उ० प्र० अधिनियम सं० 12सन् 1994 की धारा 3 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 4 द्वारा शब्द "विशिष्ट सदस्य" निकाला गया

धारा	विषय		पृष्ठ-संख्या
566.	पुलिस पदाधिकारियों के कर्त्तव्य	...	246
567.	पुलिस पदाधिकारियों का लोगों को गिरफ्तार करने का अधिकार	...	246
568.	निगम कर्मचारियों द्वारा पुलिस के अधिकारों का प्रयोग	...	247
569.	निर्धारण, इत्यादि में अनौपचारिकताएँ तथा त्रुटियाँ ऐसे निर्धारण, आदि को अवैध करने वाली न समझी जायेंगी	...	247
570.	सद्भावना से किये गये कार्यों के लिए क्षतिपूर्ति	...	247
571.	इस अधिनियम के अधीन काम करने वाले व्यक्तियों का वादों से संरक्षण	...	247
571-क.	निगम के अभिलेखों को प्रमाणित करने की रीति	...	248
571-ख.	लेखों को प्रस्तुत करने के लिए निगम के पदाधिकारियों या सेवकों को आहूत करने पर निर्बन्धन	...	249
572.	कुछ दशाओं में दीवानी न्यायालय अल्पकालिक निषेधाज्ञा न दे सकेगा	...	249
573.	स्वामी के अधिकर्ता या न्यासी के दायित्व की सीमा	...	249

अध्याय 25

संक्रान्तिकालीन उपबन्ध, निरसन तथा संशोधन

574.	अन्य विधानों में निर्देशों का अर्थ	...	250
575.	देय धनराशियाँ	...	250
576.	ऋण, आभार, संविदे तथा विचाराधीन कार्यवाहियाँ	...	251
577.	नियुक्तियों, करों, बजट के तखमीनों तथा निर्धारणों का जारी रहना	...	251
577-क.	सेवा की निरन्तरता	...	254
578.	विघटित नगरपालिका अथवा स्थानीय प्राधिकारी के लिए व्यवस्था	...	254
579.	विशेष उपबन्ध	..	254
579-क	नगर निगम के संगठन तक के लिए व्यवस्था	...	255
580.	कठिनाइयों को दूर करने की शक्ति	...	256
580-क.	कुछ दशाओं में सम्पत्ति, आस्तियों, अधिकारों, दायित्वों तथा आभारों का उत्तराधिकार	...	256
580-ख.	महापालिकाओं को देय धनराशि की वसूली हेतु शक्ति	...	256
580-ग.	महापालिका के ऋण, आभार, संविदायें तथा विचाराधीन कार्यवाहियाँ	...	256
581.	निरसन	...	257
	अनुसूची 1—निगम प्राधिकारियों के अप्रत्यनिधान्य कृत्य	...	257
	अनुसूची 2—लैंड एक्वीजिशन ऐक्ट, 1894 (जिसे आगे उक्त ऐक्ट कहा गया है) में संशोधन	...	260
	अनुसूची 3—दण्ड सारिणी	...	264

परिशिष्ट

- उ० प्र० नगर निगम (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) नियमावली, 1994 ... 265
- उ० प्र० नगर निगम (स्थानों और पदों का आरक्षण और आबंटन) नियमावली, 1994 ... 276
- उ० प्र० नागर निकाय (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) पूरक उपबन्ध आदेश, 1999 ... 281
- उ० प्र० नागर निकाय के निर्वाचन (जाति प्रमाण-पत्र) आदेश, 1999 ... 283

उत्तर प्रदेश
[1][नगर निगम] अधिनियम, 1959[2]

(उत्तर प्रदेश अधिनियम संख्या 2, सन् 1959[3])

[अद्यतन संशोधित]

उत्तर प्रदेश के कतिपय नगरों के लिए [1][नगर निगमों] की स्थापना की व्यवस्था करने का अधिनियम

यह इष्टकर है कि कतिपय नगरों में [1][नगर निगमों] की स्थापना के लिए व्यवस्था की जाये जिससे उन नगरों में श्रेष्ठ नगर-शासन सुनिश्चित हो सके; अतएव एतद्द्वारा निम्नलिखित अधिनियम बनाया जाता है :

अध्याय 1

प्रारम्भिक

1. संक्षिप्त शीर्ष नाम, प्रसार तथा प्रारम्भ—[4][(1) यह अधिनियम उत्तर प्रदेश नगर निगम अधिनियम, 1959 कहा जायेगा;]

(2) इसका प्रसार उत्तर प्रदेश के सम्पूर्ण राज्य में होगा ;

(3) यह अध्याय तुरन्त प्रवृत्त हो जायेगा और इस अधिनियम के शेष उपबन्ध, जहाँ तक उनका सम्बन्ध किसी नगर (city) से है, ऐसे दिनांक से प्रवृत्त होंगे जो राज्य सरकार सरकारी गजट में विज्ञप्ति द्वारा तदर्थ निश्चित करे [5][और विभिन्न उपबन्धों के लिए विभिन्न दिनांक निश्चित किये जा सकते हैं] :

किन्तु प्रतिबन्ध यह है कि अधिनियम के अधीन किसी नगर के लिए लिए [6][निगम] का संगठन करने के सीमित प्रयोजन के लिए अध्याय के उपबन्ध, जिनके अन्तर्गत निम्नलिखित भी हैं—

(क) नगर में कक्षों (wards) का परिसीमन;

(ख) निर्वाचक सूचियों (electoral rolls) का तैयार किया जाना और उनका प्रकाशन;

---

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा शब्द "मृत महापालिका" के स्थान पर शब्द "नगर निगम" तथा शब्द "नगर महापालिकाओं" के स्थान पर शब्द "नगर निगमों" प्रतिस्थापित किये गये
2. उत्तर प्रदेश विधान सभा द्वारा दिनांक 15 सितम्बर, 1958 तथा उत्तर प्रदेश विधान परिषद ने दिनांक 17 सितम्बर, 1958 की बैठक में पारित किया गया तथा "भारत का संविधान" के अनुच्छेद 201 के अन्तर्गत राष्ट्रपति ने दिनांक 22 जनवरी, 1959 को स्वीकृति प्रदान की और उत्तर प्रदेश असाधारण गजट में दिनांक 24 जनवरी, 1959 को प्रकाशित
3. उद्देश्य और कारणों के विवरण के लिए कृपया दिनांक 16 अप्रैल, 1957 का उ० प्र० असाधारण गजट देखिए
4. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 4 (क) द्वारा प्रतिस्थापित
5. उ० प्र० अधिनियम सं० 14 सन् 1959 की धारा 2 द्वारा प्रतिस्थापित
6. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 3 द्वारा शब्द "महापालिका" के स्थान पर शब्द "निगम" रखा गया

धारा	विषय	पृष्ठ संख्या
523.	यदि बकाएदार उस भू-गृहादि का स्वामी हो, जिसके सम्बन्ध में व्यय देय हो, तो अध्यासी भी उस व्यय का देनदार होगा	... 225
524.	मुख्य नगराधिकारी व्यय को किस्तों में लेने के लिए अनुबन्ध कर सकता है	... 226
525.	कुछ व्यय, विकास-व्यय घोषित किये जा सकते हैं	... 226
526.	विकास-व्ययों का निश्चित अनुपात किराये में से काटा जा सकता है	... 227
527.	विकास-व्यय के निर्गत भार-विमोचन	... 227
528.	धारा 524 व 525 के अधीन देय किस्तों की वसूली	... 227
529.	किसी भू-गृहादि के स्वामी द्वारा चूक करने पर अध्यासी कार्य सम्पन्न कर सकता है तथा स्वामी से व्यय वसूल कर सकता है	... 227
530.	व्यय अथवा प्रतिकर के लिए उत्तरदायी व्यक्तियों के विरुद्ध उनकी वसूली का वाद प्रस्तुत किया जा सकता है	... 227

अध्याय 22
नियंत्रण

531.	राज्य सरकार का कार्यवाहियों, इत्यादि के असाधारण मँगाने का अधिकार	... 228
532.	राज्य सरकार का निरीक्षण करने का अधिकार	... 228
533.	राज्य सरकार के कार्यवाही करने के सम्बन्ध में निदेश देने का अधिकार	... 228
534.	राज्य सरकार को निगम के चूक करने पर कार्यवाही करने के लिए किसी व्यक्ति को निगम के खर्च से नियुक्त करने का अधिकार	... 228
535.	आपात के समय राज्य सरकार के अधिकार	... 229
536.	राज्य सरकार को संकल्पों की प्रतियों का प्रस्तुत किया जाना	... 229
537.	राज्य सरकार का इस अधिनियम के अधीन कार्यवाही को विलम्बित करने का अधिकार	... 229
538.	अक्षमता, मतत चूक या अधिकारों के अतिक्रमण या दुरुपयोग की दशा में राज्य सरकार का निगम को विघटित करने का अधिकार	... 230
539.	[निकाल दी गयी]	

अध्याय 23
नियम, उपविधियाँ तथा विनियमन

540.	राज्य सरकार द्वारा नियमों का बनाया जाना	... 230
541.	किन प्रयोजनों के लिये उपविधियाँ बनायी जायेंगी	... 231
542.	मुख्य नगराधिकारी उपविधियों के पालनलेख को निगम के समक्ष विचारार्थ रखेगा	... 235
543.	प्रस्तावित उपविधियों के सम्बन्ध में की गई आपत्तियों की निगम द्वारा सुनवाई	... 235
544.	उपविधियों को राज्य सरकार पुष्ट करेगी और उन्हें सरकारी गजट में प्रकाशित किया जायगा	... 235

545.	उपविधि की मुद्रित प्रतियाँ बिक्री के लिए रखी जायेंगी	... 235
546.	निगम द्वारा उपविधियों का परिष्कार और खंडन	... 235
547.	राज्य सरकार उपविधियों को परिष्कृत या विरत कर सकती है	... 236
548.	विनियम	... 236
549.	राज्य सरकार को उपविधियाँ तथा विनियम बनाने का अधिकार	... 238
550.	नियमों, उपविधियों अथवा विनियमों की अवहेलना करने का दंड	... 238

अध्याय 24
विविध

सार्वजनिक नोटिस तथा विज्ञापन

551.	सार्वजनिक नोटिसों का प्रचार कैसे किया जायेगा	... 238
552.	विज्ञापन किस प्रकार किया जायगा	... 239
553.	निगम, आदि द्वारा लिखित लेखों में स्वामित्व, आदि का दिया जाना	... 239

नोटिसों, आदि की तामील

554.	नोटिस और उनकी तामील	... 239
555.	नोटिस, आदि पर हस्ताक्षर मुद्रांकित किये जा सकते हैं	... 241
556.	मुख्य नगराधिकारी का भू-गृहादि के स्वामित्व के सम्बन्ध में सूचना माँगने का अधिकार	... 241

अनधिकृत कार्य

557.	मुख्य नगराधिकारी की लिखित अनुज्ञा के बिना किये गये निर्माण अथवा कार्य अनधिकृत समझे जायेंगे	... 241

निर्माण, आदि के सम्बन्ध में आज्ञाओं का प्रवर्तन

558.	निर्माण, आदि जिन्हें किसी व्यक्ति से सम्पादित करने की अपेक्षा की गई हो, कुछ दशाओं में उक्त व्यक्ति की लागत पर मुख्य नगराधिकारी द्वारा सम्पादित किये जा सकते हैं	... 242
559.	मामलों का समझौता	... 242

प्रवेश तथा निरीक्षण के अधिकार

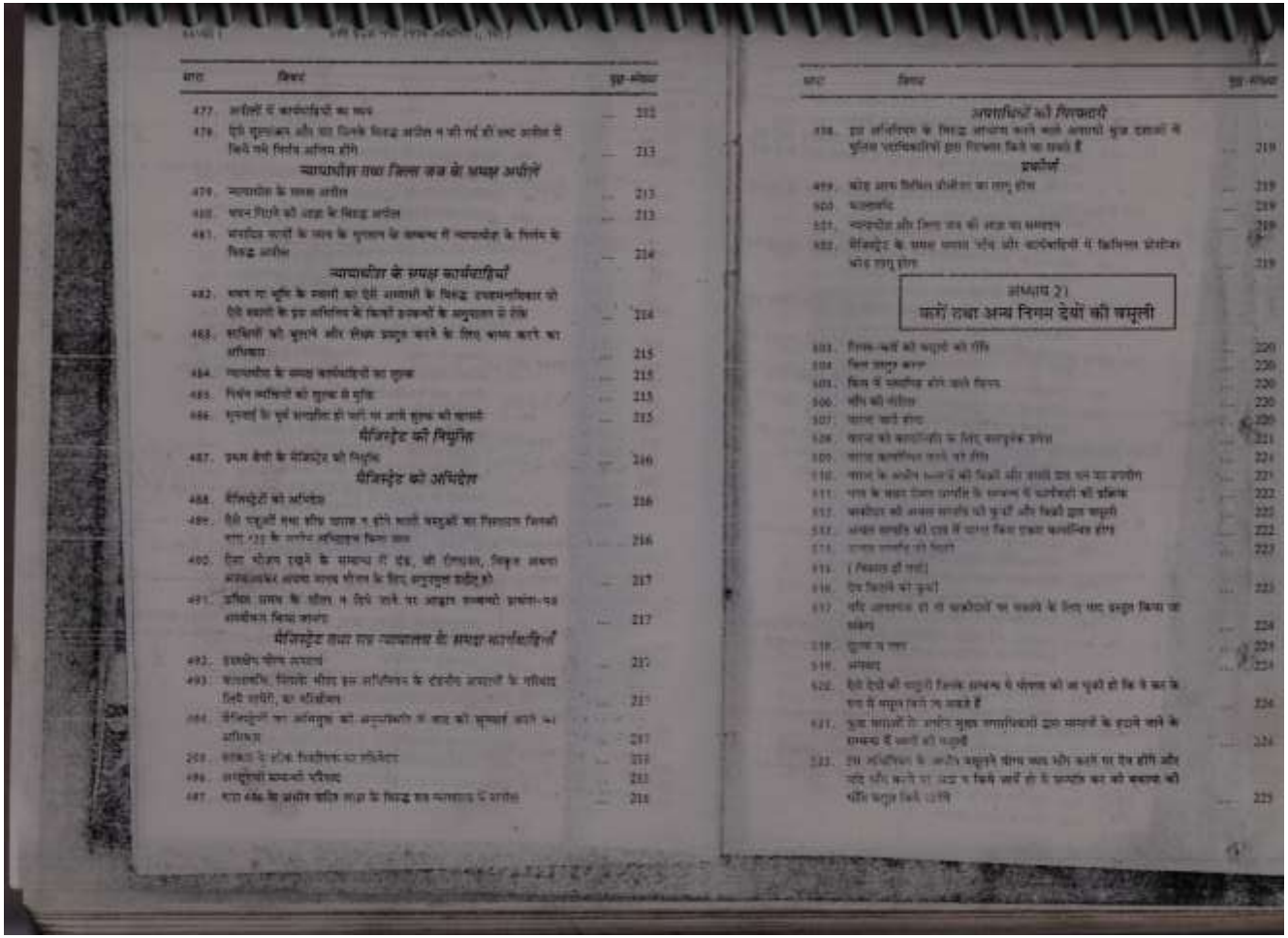
560.	प्रवेश तथा निरीक्षण का अधिकार	... 243
561.	विशेष कार्यों से संलग्न भूमियों पर मुख्य नगराधिकारी को प्रवेशाधिकार	... 244
562.	प्रवेश करने का समय	... 244
563.	धारा 560 या 561 के अधीन प्रवेश अवरुद्ध करने का प्रतिषेध	... 244

वैधिक कार्यवाहियाँ

564.	दीवानी तथा फौजदारी कार्यवाहियों के नियंत्रण, आदि तथा विधिक परामर्श, आदि प्राप्त करने के सम्बन्ध में उपबन्ध	... 244

सामान्य

565.	सम्मसद, इत्यादि जनसेवक समझे जायेंगे	... 246



धारा — विषय — पृष्ठ संख्या

477. अपीलों में कार्यवाहियों का स्थान ... 212
478. ऐसे मुल्जिमान और उन जिनके विरुद्ध अपील न की गई हो उनके विरुद्ध अपील में किये गये निर्णय अंतिम होंगे ... 213

न्यायाधीश तथा जिला जज से अवर अपीलें

479. न्यायाधीश के समक्ष अपील ... 213
480. बंदर रिहाई की अदम के विरुद्ध अपील ... 213
481. संपत्ति जब्ती के आदेश के मुताबिक के सम्बन्ध में न्यायाधीश के निर्णय के विरुद्ध अपील ... 214

न्यायाधीश के समक्ष कार्यवाहियाँ

482. समन या वारंट के तामीली का ऐसे अपराधी के विरुद्ध इश्तहारनामेकर जो ऐसे समन के इस अधिनियम के किसी प्रावधानों के अनुपालन से रोके ... 214
483. साक्षियों को बुलाने और लेख प्रस्तुत करने के लिए बाध्य करने का अधिकार ... 215
484. न्यायाधीश के समक्ष कार्यवाहियों का मुल्तवी ... 215
485. निर्णय अभियोगों को मुल्तवी से मुक्ति ... 215
486. सुनवाई के पूर्व बरखास्त हो जाने पर आगे मुल्तवी की खारजी ... 215

मैजिस्ट्रेट की नियुक्ति

487. प्रथम श्रेणी के मैजिस्ट्रेट की नियुक्ति ... 216

मैजिस्ट्रेट को अभिदेश

488. मैजिस्ट्रेटों को अभिदेश ... 216
489. ऐसी परिस्थितियों जबकि प्रोविंस न होने वाली वस्तुओं का निस्तारण जिसकी धारा 123 के अन्तर्गत अभिग्रहण किया जाय ... 216
490. ऐसा मजिस्ट्रेट रहने के सम्बन्ध में दंड, जो रिमाण्ड, विक्रय अथवा अन्यथाकर अवश्य आदेश पारित के लिए अनुपयुक्त समझे जाएं ... 217
491. प्रतिभू प्रस्तुत के सम्बन्ध में दिये जाने पर अन्तर्गत धारा-124 आदेशित किया जाएगा ... 217

मैजिस्ट्रेट तथा सत्र न्यायालय की अवर कार्यवाहियाँ

492. इत्तफाक पीस अपराध ... 217
493. कार्यवाही, जिसके पीछे इस अधिनियम के दंडादेश अपराधों के संबंधित लिये सजेरी, का स्थिरीकरण ... 217
494. मैजिस्ट्रेटों तथा अधिसूचित को अनुपस्थिति में जाब को मुल्तवी करने का अधिकार ... 217
495. कार्यवाही के अंतिम निर्धारण का स्थिरीकरण ... 218
496. अनुपस्थिति सम्बन्धी परिणाम ... 218
497. धारा 496 के अधीन खारिज आदेश के विरुद्ध सत्र न्यायालय में अपील ... 218

अपराधियों की गिरफ्तारी

498. इस अधिनियम के विरुद्ध अपराध करने वाले अपराधी मुख्य दंडाधीन से पुलिस पदाधिकारियों द्वारा गिरफ्तार किये जा सकते हैं ... 219

प्रकीर्ण

499. कोई अन्य विधिक प्रक्रियाएं का लागू होना ... 219
500. कालातीत ... 219
501. न्यायालयों और जिला जज की अवज्ञा का समापन ... 219
502. मैजिस्ट्रेट के समक्ष पालना पत्रों और कार्यवाहियों में विधिक प्रोफेशन कौंसिल लागू होना ... 219

अध्याय 21
खतरे टालने अन्य निगम देयों की वसूली

503. निगम-खतरे को बचाने की शक्ति ... 220
504. बिल प्रस्तुत करना ... 220
505. बिल में अतिरिक्त होने वाले विवरण ... 220
506. बीमे की शर्तावली ... 220
507. खतरा टालने हेतु ... 220
508. खतरा को कार्यान्वित करने के लिए आनुषंगिक प्रावधान ... 221
509. खतरा कार्यान्वित करने पर होना ... 221
510. खतरा के अन्तिम व्ययों की निकासी और हासिये द्वारा धन का प्रत्यर्पण ... 221
511. धारा के अधीन देयता वसूलीय के सम्बन्ध में कार्यवाही की प्रक्रिया ... 222
512. मजिस्ट्रेट को अन्यत्र वसूलीय की चूक की और निकासी द्वारा वसूली ... 222
513. अन्यत्र वसूलीय की दशा में खतरा किया दंडादेश कार्यान्वित होना ... 222
514. दायरा वसूलीय की रिहाई ... 223
515. (निरसित की गयी)
516. ऐसे विवादों का चुकाना ... 223
517. यदि आवश्यक हो तो कार्यवाहियों का संचालन के लिए सत्र प्रस्तुत किया जा सकता ... 224
518. सूचना व नोटिस ... 224
519. अपवाद ... 224
520. ऐसी दशाओं की पर्याप्तता जिसके अन्तर्गत ये संतुष्ट हो कि वे खतरे के रूप में वसूल किये जा सकते हैं ... 224
521. मुख्य खतरों के अन्तर्गत मुख्य वसूलीयकों द्वारा खतरों के हटाये जाने के सम्बन्ध में खतरों की पहुंची ... 224
522. इस अधिनियम के अन्तर्गत वसूलने योग्य धन यदि करने पर देय होगी और यदि यदि करने पर उसके किसी अंश को वे प्रत्यर्पित कर दी बकाया की भाँति वसूल किये जायेंगे ... 225

धारा	विषय	पृष्ठ संख्या
432.	बिना अनुज्ञा के नगर में पशु, आदि के आयात का प्रतिषेध	... 197
433.	मुख्य नगराधिकारी किसी ऐसे स्थान में प्रवेश कर सकता है जहाँ इस अधिनियम के उपबन्धों के प्रतिकूल पशु-वध या मांस की बिक्री किये जाने का सन्देह हो	... 198
434.	मुख्य नगराधिकारी मानव भोजनार्थ बिक्री के लिए प्रदर्शित की गई वस्तुओं के निरीक्षण की व्यवस्था करेगा	... 198
435.	अस्वास्थ्यकर वस्तुओं, आदि का अभिग्रहण	... 198
436.	धारा 435 के अधीन अभिग्रहण की गई खराब होने वाली वस्तुओं का निस्तारण	... 199
437.	हानिकर व्यापार का विनियमन	... 199
438.	बिना अनुज्ञप्ति के कतिपय वस्तुयें न रखी जायेंगी और कतिपय व्यापार और कार्य सम्पादित नहीं किये जायेंगे	... 199
439.	कसाइयों और ऐसे व्यक्तियों को जो पशुओं का मांस बेचते हों, अनुज्ञप्ति लेनी होगी	... 201
440.	दुग्धशालाजन्य पदार्थों का व्यापार करने के लिए अनुज्ञप्ति अपेक्षित होगी	... 201
441.	शर्तें जिनके अधीन वस्त्रधावकों, अधिवक्ता, डॉक्टर-विधिज्ञ, भू-सार्वेक्षक या चल-मिस्त्री नगर के भीतर अपना-अपना व्यापार कर सकते हैं	... 201
442.	अनुज्ञप्त चल मिस्त्री उचित रूप में कार्य संपादित करने के लिए बाध्य होंगे	... 202
443.	कार्यकारिणी समिति चल-मिस्त्रियों के लिए शुल्क निश्चित करेगी	... 202
444.	अनैतिक प्रयोजनों के लिए इधर-उधर घूमना और याचना करना	... 202
445.	वेश्यागृह, आदि	... 202
446.	भिक्षावृत्ति, आदि	... 203
447.	दुग्धशाला के प्रयोजनार्थ रखे गये अथवा भोजन के लिए प्रयोग किये जाने वाले पशुओं को अनुचित भोजन देना	... 203
448.	नष्टप्रायशील वस्तुओं का देर सवेर, आदि	... 203
449.	खड़ंजों आदि का स्थानान्तरण करना	... 203
450.	आंगनेद्वार चलाना, आदि	... 203
451.	अनुज्ञप्तियाँ और लिखित अनुज्ञाएँ देने, उन्हें निलम्बित करने या उनका प्रतिसंहरण करने तथा शुल्क, आदि के संग्रहीत जाने के सम्बन्ध में सामान्य उपबन्ध	... 203
452.	अनुज्ञप्ति शुल्क, इत्यादि	... 204
453.	नियम बनाने का अधिकार	... 204

अध्याय 17
जन्म-मृत्यु सम्बन्धी आँकड़े

454.	जन्म तथा मृत्यु का पंजीयन	... 205
455.	नियम बनाने का अधिकार	... 205

धारा	विषय	पृष्ठ संख्या

अध्याय 18
प्रतिकर

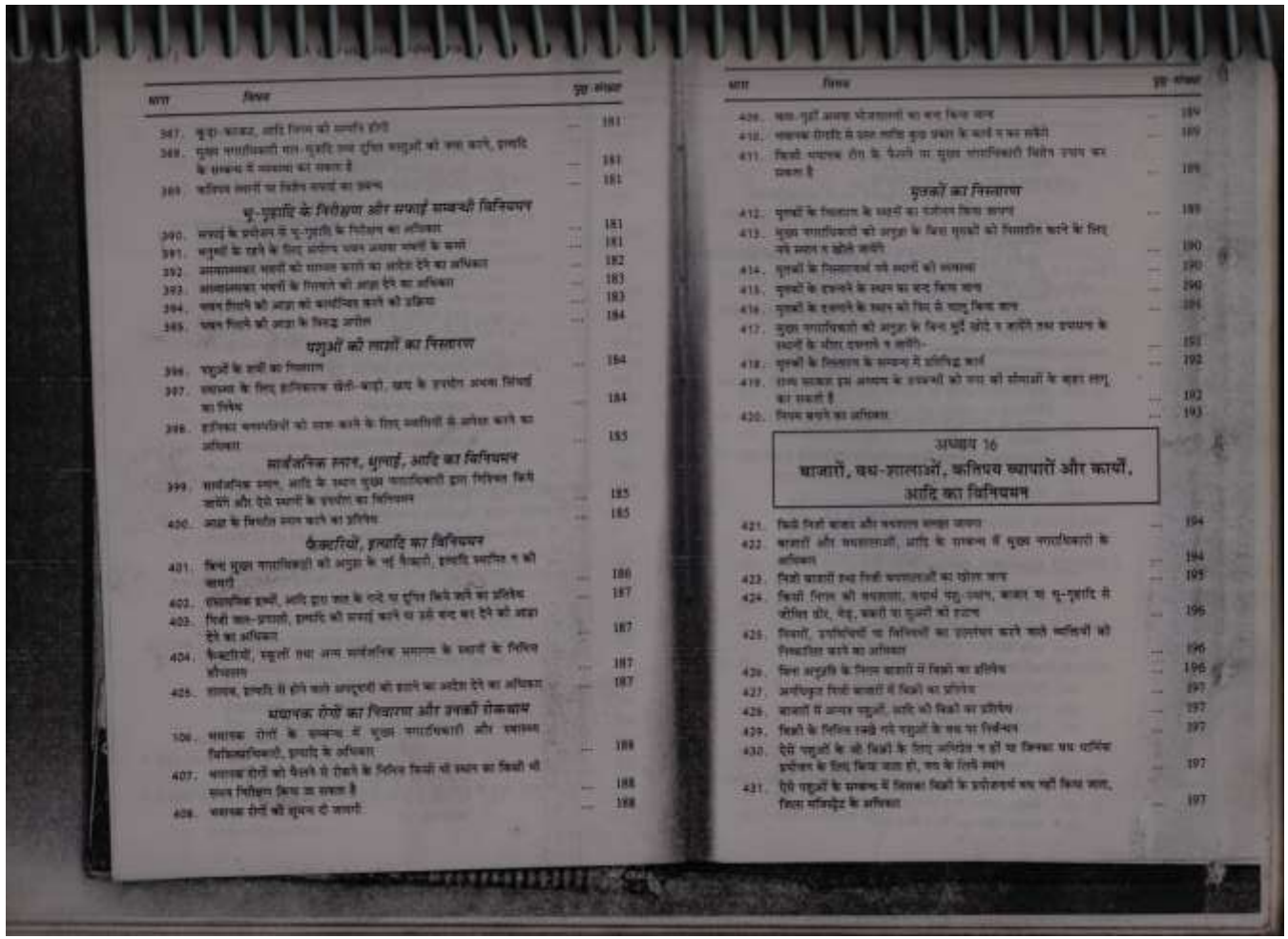
456.	प्रतिकर अदा करने का मुख्य नगराधिकारी का सामान्य अधिकार	... 205
457.	मूल्यांकनकर्ता अथवा सम्पत्ति के मूल्य के लिए स्वामी को दिया जाने वाला प्रतिकर	... 205
458.	सिद्धांत, जिन पर और रीति जिनसे प्रतिकर निर्धारित किया जायगा	... 205
459.	नियम बनाने का अधिकार	... 206

अध्याय 19
शास्तियाँ

460.	कुछ अपराध जिनमें जुर्माने का दंड दिया जा सकता है	... 206
461.	पीनल कोड के अधीन दंडनीय अपराध	... 206
462.	[निकाल दी गयी]	
463.	समिति, आदि में स्थान अर्जित करने वाले सदस्य या नगर प्रमुख को दंड	... 207
464.	समिति, आदि में कर्मचारियों के स्वत्व रखने के विरुद्ध उपबन्ध	... 208
464-क.	धारा 112-ग और 112-घ का उल्लंघन करने के लिए दंड	... 208
465.	धारा 267 के प्रतिकूल किये गये अपराधों के लिए दंड	... 208
466.	[निकाल दी गयी]	
467.	सामान्य शास्ति	... 209
468.	स्थानीयों के अधिकारियों तथा न्यासियों के उत्तरदायित्व के सम्बन्ध में शर्तों की आगति	... 209
469.	समवाय आदि द्वारा किये गये अपराध	... 209
470.	इस अधिनियम के प्रतिकूल दोषी व्यक्तियों द्वारा की गई क्षति के लिए उनके द्वारा देय प्रतिकर	... 209

अध्याय 20
न्यायाधीश, जिला जज और मजिस्ट्रेट के समक्ष कार्यवाहियाँ

471.	न्यायाधीश को अभिदेय	... 210
	मूल्यांकन और करों के विरुद्ध अपीलें	
472.	अपीलें कब और किसको की जायेंगी	... 210
473.	शिकायत का कारण कब प्रोद्भूत हुआ समझा जायगा	... 211
474.	मध्यस्थ निर्णय	... 212
475.	कुशल मूल्यांकन करने वाले की नियुक्ति	... 212
476.	जिला जज को अपीलें	... 212



धारा	विषय	पृष्ठ संख्या
387.	कूड़ा-करकट, आदि जिस की अपसदि होती	181
388.	मुख्य नगरपालिकाी मल-मूत्रादि तथा दूषित वस्तुओं को जमा करने, इत्यादि के सम्बन्ध में व्यवस्था कर सकता है	181
389.	अधिनियम लागू न किसी मकान का उपबन्ध	181

भू-मूत्रादि के विरोधण और सफाई सम्बन्धी विनियमन

390.	मकान के प्रयोजन से भू-मूत्रादि के निरोधण का अधिकार	181
391.	मलमूत्र के रखने के लिए अपर्याप्त मकान अथवा भागों के बारे	181
392.	अस्वास्थ्यकर भागों को साफ कराने का आदेश देने का अधिकार	182
393.	अस्वास्थ्यकर भागों के गिराने की आज्ञा देने का अधिकार	183
394.	मकान तैयार की आज्ञा को कार्यान्वित करने की प्रक्रिया	183
395.	मकान गिराने की आज्ञा के विरुद्ध अपील	184

पशुओं की लाशों का निस्तारण

396.	पशुओं के शवों का निस्तारण	184
397.	स्वास्थ्य के लिए हानिकारक खेती-बाड़ी, खाद के उपयोग अथवा विपत्ति का निषेध	184
398.	हानिकर कार्यवाहियों को बन्द करने के लिए नोटिसों के जारी करने का अधिकार	185

सार्वजनिक स्नान, धुलाई, आदि का विनियमन

399.	सार्वजनिक स्नान, आदि के स्थान मुख्य नगरपालिकाी द्वारा निश्चित किये जायेंगे और ऐसे स्थानों के उपयोग का विनियमन	185
400.	आज्ञा के विपरीत स्नान करने का प्रतिषेध	185

फैक्टरियों, इत्यादि का विनियमन

401.	बिना मुख्य नगरपालिकाी की अनुज्ञा के नई फैक्टरी, इत्यादि स्थापित न की जायगी	186
402.	रासायनिक द्रव्यों, आदि द्वारा वायु के गन्दे या दूषित किये जाने का प्रतिषेध	187
403.	निजी मल-प्रणाली, इत्यादि की सफाई करने या उसे बन्द कर देने की आज्ञा देने का अधिकार	187
404.	फैक्टरियों, स्कूलों तथा अन्य सार्वजनिक प्रयोजन के स्थानों के निमित्त अभिज्ञापन	187
405.	शोरगुल, इत्यादि से होने वाले असुविधा को हटाने का आदेश देने का अधिकार	187

व्यावसायिक रोगों का निवारण और उनकी रोकथाम

406.	व्यावसायिक रोगों के सम्बन्ध में मुख्य नगरपालिकाी और स्वास्थ्य चिकित्साधिकारी, इत्यादि के अधिकार	188
407.	व्यावसायिक रोगों को फैलाने से रोकने के निमित्त किसी भी स्थान का किसी भी समय निरीक्षण किया जा सकता है	188
408.	व्यावसायिक रोगों की सूचना दी जायगी	188

धारा	विषय	पृष्ठ संख्या
409.	मल-मूत्रों अथवा भोजनवस्तुओं का बन्द किया जाना	189
410.	व्यावसायिक रोगादि से ग्रस्त व्यक्ति कुछ प्रकार के कार्य न कर सकेंगे	189
411.	किसी व्यावसायिक रोग के फैलने पर मुख्य नगरपालिकाी विशेष उपाय कर सकता है	189

मृतकों का निस्तारण

412.	मृतकों के निस्तारण के स्थानों का दर्शाया जाना आवश्यक	189
413.	मुख्य नगरपालिकाी को अनुज्ञा के बिना मृतकों को निस्तारित करने के लिए नये स्थान न खोले जायेंगे	190
414.	मृतकों के निस्तारणार्थ नये स्थानों की स्थापना	190
415.	मृतकों के दफनाने के स्थान का बन्द किया जाना	190
416.	मृतकों के दफनाने के स्थान को फिर से खातु किया जाना	191
417.	मुख्य नगरपालिकाी को अनुज्ञा के बिना भूमि खोदे न जायेंगे तथा दफनाने के स्थानों के पास दफनाये न जायेंगे	191
418.	मृतकों के निस्तारण के सम्बन्ध में प्रतिषिद्ध कार्य	192
419.	राज्य सरकार इस अध्याय के उपबन्धों को गत की सीमाओं के बाहर लागू कर सकती है	192
420.	नियम बनाने का अधिकार	193

अध्याय 16
बाजारों, वध-शालाओं, कतिपय व्यापारों और कार्यों, आदि का विनियमन

421.	किसे निजी बाजार और बधशाला समझा जायगा	194
422.	बाजारों और बधशालाओं, आदि के सम्बन्ध में मुख्य नगरपालिकाी के अधिकार	194
423.	निजी बाजारों तथा निजी बधशालाओं का खोला जाना	195
424.	किसी निगम की बधशाला, बधार्थ पशु-स्थान, बाजार या भू-मूत्रादि से खोदित डोर, गेंदे, बकरी या सुअरों को हटाना	196
425.	दिवालों, इमारतियों या खिड़कियों का इस्तेमाल करने वाले व्यक्तियों को निष्कासित करने का अधिकार	196
426.	बिना अनुज्ञप्ति के निगम बाजारों में बिक्री का प्रतिषेध	196
427.	अनधिकृत निजी बाजारों में बिक्री का प्रतिषेध	197
428.	बाजारों में अन्यत्र पशुओं, आदि की बिक्री का प्रतिषेध	197
429.	बिक्री के निमित्त रक्खे गये पशुओं के वध का निर्बन्धन	197
430.	ऐसे पशुओं के जो बिक्री के लिए अभिप्रेत न हों या जिनका वध पारिवेश प्रयोजन के लिए किया जाता हो, वध के लिये स्थान	197
431.	ऐसे पशुओं के सम्बन्ध में जिनका बिक्री के प्रयोजनार्थ वध नहीं किया जाता, जिला मजिस्ट्रेट के अधिकार	197

धारा	विषय	पृष्ठ संख्या
	अवैध रूप से किये गये निर्माण-कार्य	
333.	अवैध रूप से निर्माण-कार्य करने के आदेश देने वाले व्यक्ति को हटाने के सम्बन्ध में मुख्य नगराधिकारी के अधिकार ...	160
	भू-गृहादि को खाली कराने का अधिकार	
334.	कतिपय परिस्थितियों में किसी भवन को खाली कराने के लिए मुख्य नगराधिकारी का अधिकार ...	160
	विशेष सड़कों या स्थानों में कुछ श्रेणियों के भवनों का विनियमन	
335.	विशेष सड़कों या स्थानों में कतिपय श्रेणी के भवनों के भावी निर्माण को विनियमित करने का अधिकार ...	161
336.	धारा 335 के उपबन्धों का उल्लंघन किये जाने के मामलों में मुख्य नगराधिकारी का अधिकार ...	162
337.	परित्यक्त अथवा अनध्यासित भू-गृहादि ...	162
338.	अगम्य स्थानों पर भवन के पुनर्निर्माण को प्रतिषिद्ध करने का अधिकार ...	163
339.	कतिपय दशाओं में किसी भू-गृहादि से भवन निर्माण सामग्री का हटाया जाना ...	163
340.	आवास के सम्बन्ध में विवरण-पत्र माँगने का मुख्य नगराधिकारी का अधिकार ...	163
341.	राज्य सरकार इस अध्याय के उपबन्धों को नगर की सीमा के बाहर लागू कर सकती है ...	163
342.	नियम बनाने का अधिकार ...	163
	अध्याय 14 विकास योजनाएँ	
343.	विकास योजनाओं के प्रकार ...	164
344.	सामान्य विकास योजना ...	164
245.	बस्ती सुधार योजना ...	164
346.	गृह पुनर्निर्माण योजना ...	165
347.	सड़क योजना ...	166
348.	भावी सड़क योजना ...	166
349.	गृह स्थान योजना ...	167
350.	नगर प्रसार योजना ...	167
351.	योजना तैयार करना ...	168
352.	विकास योजनाओं का संयोजन ...	168
353.	वे विषय, जिनकी व्यवस्था विकास योजना द्वारा की जायगी ...	168
354.	कतिपय विकास योजनाओं में नगर के बाहर के क्षेत्रों को सम्मिलित करना ...	169
355.	विकास योजनाएँ तैयार करते समय विचारणीय विषय ...	169
356.	विकास समिति द्वारा विचार किया जाना ...	170
357.	विकास योजना की घोषणा ...	170
358.	भूमि के प्रस्तावित अर्जन की घोषणा ...	170
359.	निगम द्वारा योजना पर विचार ...	171
360.	निगम द्वारा योजना की स्वीकृति अथवा परित्याग ...	171
361.	योजना के सम्बन्ध में राज्य सरकार के अधिकार ...	172
362.	निगम द्वारा परिष्कृत की जाने वाली योजना के सम्बन्ध में प्रक्रिया ...	172
363.	विकास योजना की स्वीकृति की विज्ञप्ति ...	172
364.	स्वीकृति के पश्चात् विकास योजना में परिवर्तन ...	172
365.	विकास योजना के लिये अपेक्षित भूमि का अर्जन ...	173
366.	भवन, इत्यादि के सम्बन्ध में निर्बन्धन ...	174
367.	भवनों को गिराने के आदेश ...	174
367-क.	योजना का परित्याग ...	174
368.	भूमि निस्तारित करने के अधिकार ...	174
369.	परिमापन करने के अधिकार ...	174
370.	प्रविष्टि के अधिकार ...	175
371.	न्यायाधिकरण का संगठन ...	175
372.	न्यायाधिकरण के कर्तव्य ...	175
373.	न्यायाधिकरण के सदस्यगण ...	176
374.	पारिश्रमिक ...	176
375.	न्यायाधिकरण के कर्मचारी ...	176
376.	लैण्ड एक्वीजिशन ऐक्ट, 1894 का परिष्कार ...	176
377.	न्यायाधिकरण पर प्रवृत्त विधि ...	176
378.	[निकाल दी गई]	
379.	न्यायाधिकरण का निर्णय अंतिम होगा ...	177
380.	न्यायाधिकरण की आज्ञा का प्रवर्तित किया जाना ...	177
381.	अपीलें ...	177
382.	वृक्षों तथा वन भूमियों का परिरक्षण ...	178
383.	नगर के लिए महायोजना ...	178
383-क.	नगर के लिए विकास योजना तैयार करना ...	179
384.	नियम बनाने का अधिकार ...	179
	अध्याय 15 सफाई व्यवस्था	
	सड़क की सफाई तथा स्वच्छता	
385.	मुख्य नगराधिकारी द्वारा सड़क की सफाई और कूड़ा-करकट हटाने के सम्बन्ध में की जाने वाली व्यवस्था ...	180
386.	गैर-सरकारी अधिकरण द्वारा हटाये गये कूड़ा-करकट, आदि के निस्तारण का विनियमन ...	180

धारा	विषय	पृष्ठ-संख्या
297.	झाड़ियों और पेड़ों को छांटने के लिए आदेश देने का अधिकार	... 146
298.	दुर्घटनात्मक अवरोधों को हटाने का अधिकार	... 146
299.	नियत दिन के पहले निर्मित या संस्थापित किसी ढाँचे या संलग्नक को हटाने के आदेश देने का अधिकार	... 146
300.	मुख्य नगराधिकारी त्यौहारों के अवसर पर सड़कों पर छप्पर, आदि खड़े करने की अनुमति दे सकता है	... 147
	सड़कों पर या उनके निकट निर्माण कार्यों के सम्पादन के सम्बन्ध में उपबन्ध	
301.	सड़कों पर या उनके निकट निर्माण-कार्यों के सम्पादन	... 147
302.	बिना अनुमति के सड़कें न खोदी जायें, न तोड़ी जायें और न उन पर भवन-सामग्री एकत्र की जाय	... 147
303.	उन व्यक्तियों द्वारा जन-सुरक्षा के पूर्वोपायों का किया जाना जिन्हें धारा 302 के अधीन अनुज्ञा दी जाय	... 148
304.	भवन जो सड़कों के कोने पर हों	... 148
	आकाश-चिह्न और विज्ञापन	
305.	आकाश चिह्नों के सम्बन्ध में विनियम	... 148
306.	विज्ञापनों का विनियमन और नियंत्रण	... 149
	खतरनाक स्थान व ऐसे स्थान, जहाँ कोई ऐसा निर्माण कार्य किया जा रहा हो, जिससे जनता की सुरक्षा व सुविधा पर प्रभाव पड़ता हो	
307.	सड़क से सटे हुए किसी भवन पर निर्माण कार्य के समय बाड़ों का लगाया जाना	... 150
308.	मुख्य नगराधिकारी खतरनाक या ऐसे स्थानों को, जहाँ कोई ऐसा निर्माण कार्य किया जा रहा है, जिससे सुरक्षा और सुविधा पर प्रभाव पड़ता हो, मरम्मत या उन्हें घेरने की कार्यवाही करेगा	... 150
309.	गिरने के कार्य के समय सावधानी की कार्यवाहियाँ	... 150
	सड़कों पर रोशनी की व्यवस्था करना	
310.	सार्वजनिक सड़कों पर रोशनी की व्यवस्था की जायगी	... 151
	सड़कों पर पानी का छिड़काव	
311.	सड़कों पर पानी के छिड़काव के लिए उपाय	... 151
	विविध	
312.	सड़कों की बत्तियों या अन्य विषय संपत्ति को हटाने आदि का प्रतिषेध	... 151
313.	राज्य सरकार इस अध्याय के उपबन्धों को नगर की सीमा के बाहर प्रवृत्त कर सकती है	... 152
314.	नियम बनाने का अधिकार	... 152

अध्याय 13
निर्माण के विनियम

धारा	विषय	पृष्ठ-संख्या
	भवनों के निर्माण, आदि से सम्बद्ध नोटिस	
315.	परिभाषा	... 152
316.	भवन-निर्माण की नोटिस	... 153
317.	भवन में मरम्मत, परिवर्तन, इत्यादि के सम्बन्ध में नोटिस	... 153
318.	योजनाओं, आदि का अस्वीकार करना, यदि वे विहित रीति से न बनायी गयी हों या जब उनमें मुख्य नगराधिकारी द्वारा मांगे गये ब्यौरे प्रस्तुत न करे	... 154
319.	अवधि जिसके भीतर मुख्य नगराधिकारी कार्य संचालन करने के निमित्त अनुज्ञा देगा अथवा न देगा	... 154
320.	कार्यकारिणी समिति को अधिदेश, यदि मुख्य नगराधिकारी अनुमोदन अथवा अनुज्ञा को स्वीकार करने या अस्वीकार करने में विलम्ब करे	... 154
321.	आधार, जिन पर भवन के स्थान के निमित्त अनुमोदन अथवा भवन का निर्माण या पुनर्निर्माण करने की अनुज्ञा अस्वीकृत की जा सकती है	... 155
322.	भवन-निर्माण की अनुज्ञा को क्रियान्वित करने के लिए विशेष अधिकार	... 156
323.	कुछ दशाओं में मनोरंजन के किसी स्थान के निर्माण के निमित्त स्वीकृति प्रदान करने के विशेष अधिकार पर निर्बन्धन	... 156
	कार्य का आरम्भ	
324.	भवन का निर्माण अथवा निर्माण-कार्य का संपादन कैसे कार्यान्वित किया जायगा	... 156
325.	भवनों के निर्माण, उनमें परिवर्तन, आदि के दौरान में मुख्य नगराधिकारी द्वारा उसका निरीक्षण	... 157
326.	भवनों तथा निर्माण-कार्यों से सम्बद्ध इष्टकाओं का प्रवर्तित किया जाना	... 157
327.	अधिनियम, नियमों अथवा उपविधियों के प्रतिकूल प्रारम्भ किये गये भवन अथवा निर्माण-कार्य के सम्बन्ध में की जाने वाली कार्यवाही	... 157
328.	प्राणी के सारवान घात भवन के आधार पर मुख्य नगराधिकारी की अनुज्ञा निरस्त करने का अधिकार	... 158
329.	मलादि के प्रवाह-पथ, कब्जा करने अथवा प्रयोग की अनुज्ञा	... 158
	संकटमय संरचनाएँ	
330.	भवनों की विधितात्त्विक जाँच	... 159
331.	ऐसी संरचनाओं, इत्यादि का हटाया जाना, जो खंडहर हैं अथवा गिरने वाले हों	... 159
332.	भवनों में संकटमय छिद्र	... 160

धारा | विषय | पृष्ठ संख्या

सामान्य उपबन्ध

258. ऐसे कार्यों का प्रतिषेध, जो इस अधिनियम, विनियमावली या उपविधियों का उल्लंघन करते हों या जो बिना स्वीकृति किये गये हों ... 125
259. नाबदान को न क्षति पहुँचायी जायगी न उसे अनुचित रूप से गंदा किया जायगा ... 127
260. राज्य सरकार नगर की सीमा के बाहर अनुच्छेद के उपबन्ध प्रसारित कर सकती है ... 127
261. अपीलें ... 127
262. नियम बनाने के अधिकार ... 128

अध्याय 11
जल-सम्भरण

निगम के जल-कल का निर्माण तथा संधारण

263. जल-कार्यों के निर्माण, संचालन अथवा बन्द करने के सम्बन्ध में निगम के अधिकार ... 129
264. जल-कार्यों का विनिक्षण ... 129
265. निगम द्वारा आग-बम्बों की व्यवस्था ... 130
266. जल-प्रणाल आदि को ले जाने का अधिकार ... 130
267. निगम के जल-कार्यों पर प्रभाव डालने वाले कुछ कार्यों का प्रतिषेध ... 130
268. धारा 267 के उल्लंघन करके किये जाने वाले कार्यों के विरुद्ध कार्यवाही तथा जल-सम्भरण के किसी स्रोत के निकट शौचालय आदि का हटाया जाना ... 131
269. जल-कर लगाने वाली निगम का आभार ... 131
270. जल के संकट तथा अनधिकृत प्रयोग का प्रतिषेध ... 131
271. नियम बनाने का अधिकार ... 132

अध्याय 12
सड़कें

सड़कों का निर्माण, संधारण और सुधार

272. सार्वजनिक सड़कों का निगम में निहित होना ... 133
273. सार्वजनिक सड़कों के सम्बन्ध में मुख्य नगराधिकारी का अधिकार ... 133
274. नई सार्वजनिक सड़कें बनाने का अधिकार ... 134
275. नई सार्वजनिक सड़कों की न्यूनतम चौड़ाई ... 134
276. किसी उपमार्ग, पुल, आदि को आरक्त लेने, निर्मित करने या परिवर्तित करने का अधिकार ... 134

धारा | विषय | पृष्ठ संख्या

277. कुछ प्रकार के मामलात के लिए सार्वजनिक सड़कों का प्रयोग प्रतिषिद्ध करने का अधिकार ... 135
278. सार्वजनिक सड़कों के सुधार के लिए भू-गृहादि को अर्जित करने का अधिकार ... 135
279. सड़क की पंक्तियाँ को विहित करने का अधिकार ... 136
280. भवनों को सड़क की नियमित पंक्ति तक पीछे हटाना ... 137
281. भवनों को सड़क की नियमित पंक्ति तक पीछे हटाने की लाइन देने के सम्बन्ध में मुख्य नगराधिकारी का अतिरिक्त अधिकार ... 137
282. सड़क की पंक्ति के भीतर की खुली भूमि या ऐसी भूमि को अर्जित करना, जिस पर पोर्टिकोस, आदि हों ... 138
283. भवन और भूमि के उन भागों को जो सड़क की किसी नियमित पंक्ति के भीतर हों, अर्जित करने के पश्चात् उनके शेष भागों को अर्जित करना ... 138
284. भवनों को सड़क की पंक्ति तक आगे बढ़ाना ... 138
285. प्रतिकर दिया जाना और उसके परिनिश्चय किये जायेंगे ... 139

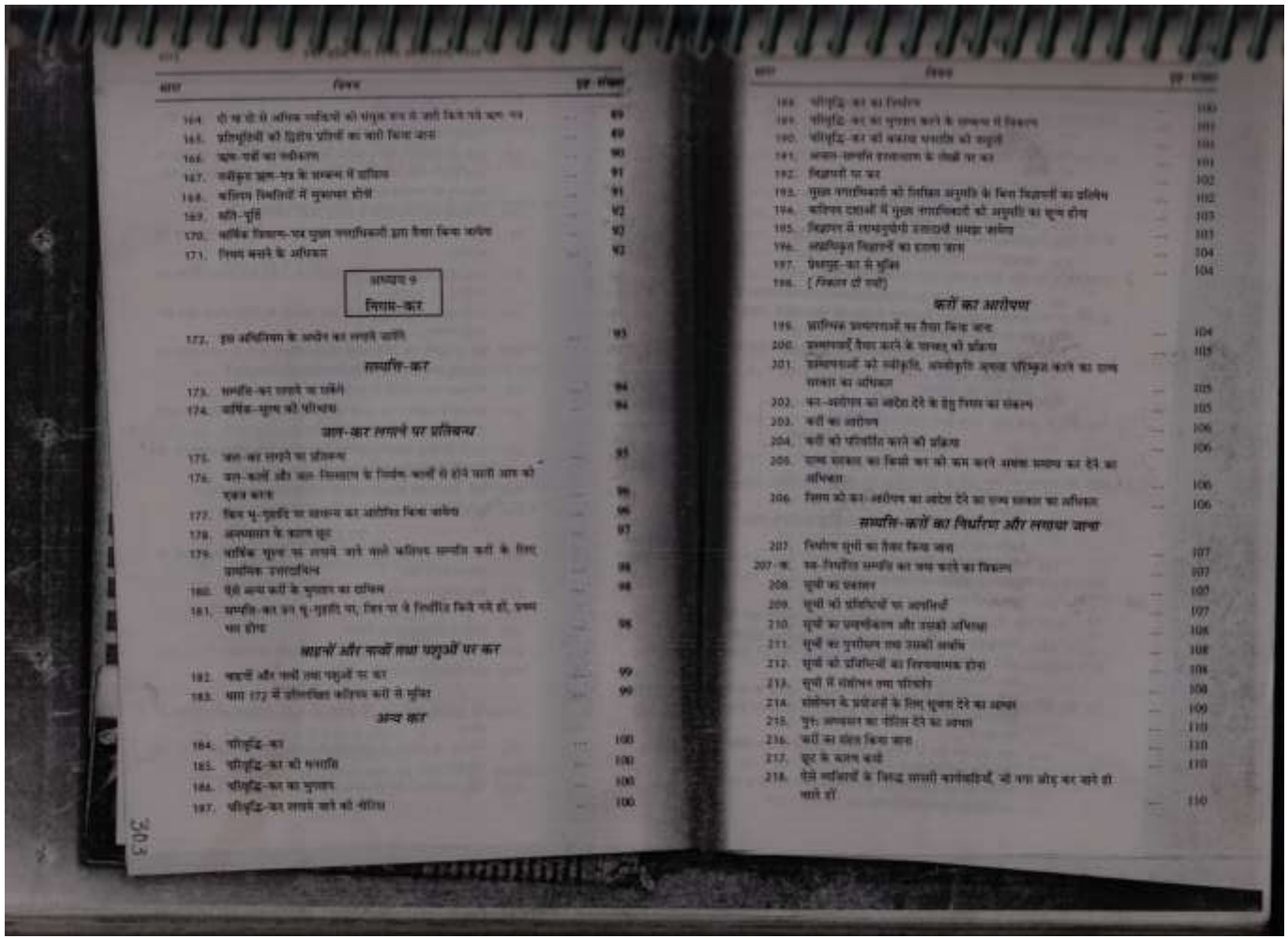
निजी सड़कों के सम्बन्ध में उपबन्ध

286. भवन के रूप में भूमि का निर्माण करते समय सड़क बनाने के लिए स्वामी का आभार ... 139
287. भवनों और निजी सड़कों के लिए भूमि का विन्यास करने के लिए नोटिस ... 140
288. नोटिस की समाप्ति तक भवन निर्माण के लिए भूमि का उपयोग और निजी सड़क का विन्यास नहीं किया जायगा ... 141
289. निजी सड़कों तथा पहुँचने के साधनों का समतल किया जाना और उनकी जल-निकासन व्यवस्था ... 142
290. निजी सड़कों को सरकारी सड़क घोषित करने का अधिकार ... 142
291. किसी सड़क के अंशतः सार्वजनिक और अंशतः निजी होने की दशा में धारा 289 और धारा 290 का लागू होना ... 143

बाहर निकले हुए भाग और अवरोधक

292. सड़कों, आदि पर बाहर निकले हुए भागों का प्रतिषेध ... 143
293. कुछ दशाओं में सड़कों के ऊपर बाहर निकले हुए भागों को अनुमति दी जा सकती है ... 144
294. सबसे नीचे की मंजिल के दरवाजे, आदि सड़कों पर बाहर की ओर नहीं खुलने चाहिए ... 144
295. सड़कों के सम्बन्ध में अन्य प्रतिषेध ... 144
296. मुख्य नगराधिकारी किसी ऐसी वस्तु को जो इस अधिनियम का उल्लंघन करके निर्मित की जाय, लगा की जाय या फेरी से बेची जाय या बिक्री के लिए प्रदर्शित की जाय, बिना नोटिस के हटा सकता है ... 145

धारा	विषय	पृष्ठ-संख्या
	अन्य विषय	
219.	निर्धारण, उगाही तथा अन्य विषयों के सम्बन्ध में नियम	110
220.	अधिष्ठापन	111
221.	छूट	111
221-क.	स्वामी या अध्यासी द्वारा देय भाड़ा	111
221-ख.	कारपेट एरिया और क्षेत्रफल का विवरण	112
222.	दायित्व प्रकट करने का आभार	112
223.	खोज करने का अधिकार	112
224.	अपवाद	112
	अनुपूरक कर	
225.	अनुपूरक-कर लगाने के रूप में इस अधिनियम के अधीन आरोपित किये जा सकने वाले, योग्य किसी कर में वृद्धि की जा सकती है अथवा उसे नये रूप से लगाया जा सकता है	112
226.	कर सम्बन्धी विषयों में दीवानी तथा फौजदारी न्यायालयों के क्षेत्राधिकार का निषेध	113
227.	नियम बनाने का अधिकार	113
	अध्याय 10	
	नालियाँ तथा जलोत्सारण	
	निगम की नालियाँ	
228.	मुख्य नगराधिकारी द्वारा नालियों का निर्माण तथा उनकी मरम्मत की व्यवस्था	113
229.	निगम द्वारा नालियों तथा नालियों के जल के या मलादि के निस्सारण के नियंत्रण बाबत अपनाया जाना	114
230.	नालियाँ बनाने का अधिकार	114
231.	नालियों में परिवर्तन और उन्हें बन्द करना	115
232.	नालियों की सफाई	115
	निजी सड़कों की नालियों तथा भू-गृहादि का निस्सारण	
233.	निजी सड़क की नालियों को निगम की नाली से जोड़ने का अधिकार	115
234.	भवनों तथा भूमि के स्वामियों और अध्यासियों को निगम की नालियों में जल-निस्सारण का अधिकार	115
235.	मुख्य नगराधिकारी के नालियाँ अथवा प्रस्तावित नालियों के इस प्रकार निर्मित किए जाने की माँग करने का अधिकार, कि वे सामान्य प्रणाली के भाग बन जाएँ	116
236.	धारा 233 तथा 234 के अनुकूल निगम की नालियों से अन्य नालियों को जोड़ने का कार्य नहीं किया जाएगा	116
237.	नालियों को अन्य व्यक्तियों की भूमि के बीच से ले जाने के भू-गृहादि के स्वामियों तथा अध्यासियों के अधिकार	117
238.	मुख्य नगराधिकारी निगम की नाली से सौ फीट के भीतर स्थित ऐसे भू-गृहादि में जल-निस्सारण व्यवस्था को लागू कर सकता है, जिसमें जल-निस्सारण की व्यवस्था न हो	118
239.	मुख्य नगराधिकारी ऐसे भू-गृहादि पर जो निगम की नाली से सौ फीट के भीतर स्थित न हों और जो जल-निस्सारण की व्यवस्था से रहित हो, जल-निस्सारण की व्यवस्था को लागू कर सकता है	119
240.	स्थानीय स्वार्थ इस पदार्थ से सम्बद्ध विशेष उपबन्ध	119
241.	मुख्य नगराधिकारी को भू-गृहादि के संयुक्त रूप से जल-निस्सारण का अधिकार	119
242.	मुख्य नगराधिकारी वर्तमान निजी नालियों का प्रयोग बन्द अथवा सीमित कर सकता है	120
243.	सम्पत्तियों के एक मात्र प्रयोग के लिए नालियों का निहित किया जाना और इनका संधारण	120
244.	ऐसी भू-गृहादि को, जो निगम के न हों, नालियों आदि पर महापालिका का अधिकार, जिनका निर्माण आदि निगम निधि से किया गया है	121
245.	नये भवन किए नालियों के बनाये जायेंगे	121
246.	नालियों के स्वामियों का अपनी नालियों का अन्य व्यक्तियों को प्रयोग करने या संयुक्त स्वामित्व की अनुज्ञा देने का आभार	121
247.	स्वामी के सिवा व्यक्ति किसी नाली के प्रयोग और संयुक्त स्वामित्व का अधिकार कैसे प्राप्त किया जा सकता है	121
248.	मल, इत्यादि और बरसाती पानी की नालियाँ अलग-अलग होंगी	122
249.	नालियों को संशोधित करने, इत्यादि के लिए पदार्थों का लगाना	123
	मल इत्यादि का निस्सारण	
250.	नालियाँ खाली करने और मल, इत्यादि के निस्सारण के लिए स्थानों का निश्चय किया जाना	123
251.	मल-निस्सारण के लिए सहायकों की व्यवस्था	124
	नाबदान, संडास, मूत्रालय, आदि	
252.	नाबदानों और संडासों का निर्माण	124
253.	नव-निर्मित या पुनर्निर्मित भवनों में नाबदान और अन्य स्थान	124
254.	सार्वजनिक आवश्यकताएँ	125
	निरीक्षण	
255.	ऐसे नालियों, आदि का, जो निगम की न हों, निरीक्षण और परीक्षण हो सकेगा	125
256.	निरीक्षण या परीक्षण के प्रयोजनों के लिए भूमि, आदि को खोलने का अधिकार	125
257.	मुख्य नगराधिकारी मरम्मत, आदि करने की माँग कर सकता है	125



धारा — विषय — पृष्ठ संख्या

164. दो या दो से अधिक व्यक्तियों को संयुक्त रूप से जारी किये गये अभ्र-पत्र — 89
165. प्रतिभूतियों की द्वितीय प्रतियाँ कब जारी किया जाना — 89
166. अभ्र-पत्रों का नवीकरण — 90
167. नवीकृत अभ्र-पत्र के सम्बन्ध में प्रावधान — 91
168. कतिपय स्थितियों में मुआफ़ी होगी — 91
169. त्रुटि-पूर्ति — 92
170. वार्षिक विवरण-पत्र मुख्य लेखाधिकारी द्वारा तैयार किया जायेगा — 92
171. नियम बनाने के अधिकार — 92

अध्याय 9
निगम-कर

172. इस अधिनियम के अधीन कर लगाये जायेंगे — 93

सम्पत्ति-कर

173. सम्पत्ति-कर लगाने पर रोक — 94
174. वार्षिक-मूल्य की परिभाषा — 94

जल-कर लगाने पर प्रतिबन्ध

175. जल-कर लगाने का प्रतिबन्ध — 95
176. जल-कार्यों और जल-निकास के निर्माण-कार्यों से होने वाली आय को रोक रखना — 96
177. बिना भू-गृहीति या खनन का आदेशित किया जाना — 96
178. अन्यभार के कारण छूट — 97
179. वार्षिक मूल्य पर लगाये जाने वाले अतिरिक्त सम्पत्ति करों के लिए प्रावधिक उपबन्धितन — 98
180. ऐसे अन्य करों के भुगतार का दायित्व — 98
181. सम्पत्ति-कर कब भू-गृहीति पर, जिस पर वे निर्धारित किये गये हों, प्रभार पर होगा — 98

आदमी और गाड़ी तथा पशुओं पर कर

182. गाड़ियों और गाड़ी तथा पशुओं पर कर — 99
183. धारा 172 में उल्लिखित कतिपय करों से मुक्ति — 99

अन्य कर

184. पौनर्वृद्धि-कर — 100
185. पौनर्वृद्धि-कर की गणराशि — 100
186. पौनर्वृद्धि-कर का भुगतार — 100
187. पौनर्वृद्धि-कर लगाये जाने की रीतियाँ — 100

धारा — विषय — पृष्ठ संख्या

188. पौनर्वृद्धि-कर का निर्धारण — 100
189. पौनर्वृद्धि-कर का भुगतार करने के सम्बन्ध में विकल्प — 101
190. पौनर्वृद्धि-कर की वसूली पर्याप्त नहीं होने पर — 101
191. अवशेष-सम्पत्ति हस्तान्तरण के लाभों पर कर — 101
192. विज्ञापनों पर कर — 102
193. मुख्य नगरपालिकारी की लिखित अनुमति के बिना विज्ञापनों का प्रतिषेध — 102
194. कतिपय दशाओं में मुख्य नगरपालिकारी की अनुमति का शून्य होना — 103
195. विज्ञापन से लाभकारी प्रयोजनों समझा जायेगा — 103
196. अप्राधिकृत विज्ञापनों का हटाया जाना — 104
197. पेशगुज़ि-कर से मुक्ति — 104
198. [निकाल दी गयी]

करों का आरोपण

199. प्रारम्भिक प्रक्रमणपत्रों का तैयार किया जाना — 104
200. प्रक्रमणपत्रों तैयार करने के सम्बन्ध में प्रक्रिया — 105
201. प्रक्रमणपत्रों को स्वीकृति, अस्वीकृति अथवा परिष्कृत करने का राज्य सरकार का अधिकार — 105
202. कर-अधिरोपण का आदेश देने के हेतु नियम का संकल्प — 105
203. करों का आरोपण — 106
204. करों को परिवर्तित करने की प्रक्रिया — 106
205. राज्य सरकार का किसी कर को कम करने अथवा समाप्त कर देने का अधिकार — 106
206. नियम को कर-आरोपण का आदेश देने का राज्य सरकार का अधिकार — 106

सम्पत्ति-करों का निर्धारण और लगाया जाना

207. निर्धारण सूची का तैयार किया जाना — 107
207-क. एक-निर्धारित सम्पत्ति का जब करने का विकल्प — 107
208. सूची का प्रकाशन — 107
209. सूची को प्रविष्टियों पर आपत्तियाँ — 107
210. सूची का उपान्तरीकरण और उसकी अन्तिमता — 108
211. सूची का पुनरीक्षण तथा उसकी अवधि — 108
212. सूची की प्रविष्टियों का विधायकात्मक होना — 108
213. सूची में संशोधन तथा परिवर्तन — 108
214. संशोधन के प्रयोजनों के लिए सूचना देने का आदेश — 109
215. पुनः अन्वेषण का नोटिस देने का आदेश — 110
216. करों का संग्रह किया जाना — 110
217. छूट के आदेश करने — 110
218. ऐसे व्यक्तियों के विरुद्ध सजायी कार्यवाहियाँ, जो गलत ओढ़ कर लाने दी जाने हों — 110

धारा	विषय	पृष्ठ संख्या
118.	मुख्य नगर लेखा-परीक्षक के अधिकार तथा कर्तव्य	... 66
119.	कृत्यों का प्रतिनिधान	... 66
120.	मुख्य नगरपालिकारी द्वारा अन्य विधियों के अधीन निगम के अधिकारों का प्रयोग तथा कर्तव्यों का पालन	... 67
121.	निगम कार्यकारिणी समिति से कार्यवाहियों, आदि के आसारण मंगा सकती है	... 67
122.	मुख्य नगराधिकारी से लेखा विवरणी तथा प्रतिवेदन, आदि प्रस्तुत कराने के सम्बन्ध में निगम के अधिकार	... 67
123.	आवश्यक व्यय के सम्बन्ध में अधिकारों का प्रयोग निगम की स्वीकृति के अधीन होगा	... 68
124.	नियम बनाने का अधिकार	... 68

अध्याय 6
सम्पत्ति और संविदे

125.	निगम के सम्पत्ति अर्जित करने और रखने के अधिकार	... 69
126.	कतिपय दशाओं में सम्पत्ति, आस्तियों, अधिकारों, दायित्वों और आभारों का हस्तांतरण	... 69
127.	सम्पत्ति के अर्जन को नियमित करने वाले कतिपय उपबन्ध	... 70
128.	सम्पत्ति बेचने का अधिकार	... 71
129.	सम्पत्ति के विस्तारण सम्बन्धी उपबन्ध	... 71
129-क.	निगम के भू-गृहादि के सम्बन्ध में उत्तर प्रदेश अधिनियम संख्या 1, सन् 1966 के अध्याय 7 का लागू किया जाना	... 72
130.	अवयस्क सम्पत्ति के अनुबन्ध द्वारा अर्जित न होने की दशा में प्रक्रिया	... 73
131.	संविदे करने का निगम का अधिकार	... 73
132.	संविदों के निष्पादित किये जाने से संबद्ध कुछ उपबन्ध	... 73
133.	निष्पादन की रीति	... 74
134.	निर्माण कार्यों का निष्पादन	... 75
135.	पाँच लाख रुपये से अधिक के ठहरौने	... 75
136.	पाँच लाख रुपये से अधिक के ठहरौने	... 75
136-क.	कतिपय परियोजनाओं के सम्बन्ध में विशेष उपबन्ध	... 76
137.	भूमि के तत्कालीन स्वामी के विरुद्ध समझौते प्रवृत्त करने के अधिकार	... 76
138.	नियम बनाने के अधिकार	... 76

अध्याय 6-क
वित्त आयोग

138-क.	वित्त आयोग	... 77

धारा	विषय	पृष्ठ संख्या

अध्याय 7
निगम निधि तथा अन्य निधियाँ

139.	निगम निधि तथा अन्य निधियों का संगठन	... 78
140.	प्रयोजन जिनके लिए निगम निधि का उपयोग किया जायगा	... 78
140-क.	कतिपय मुकदमों पर निधि से होने वाले व्यय पर निर्बन्धन	... 80
141.	सार्वजनिक सेवाओं के लिए आपावश्यक कार्यों के निमित्त निगम निधि में से अस्थायी भुगतान	... 80
142.	लेखे रखना तथा उनकी परीक्षा	... 80
143.	विशेष लेखा परीक्षा	... 80
144.	लेखा परीक्षकों को समस्त निगम लेखा तथा अभिलेखों आदि का प्राप्त होना	... 81
145.	वार्षिक प्रशासकीय प्रतिवेदन तथा लेखों के विवरणों की तैयारी	... 81
146.	बजट	... 81
147.	बजट के पुनरीक्षित तखमीने	... 82
148.	करों की दरों का निर्धारण	... 82
149.	निगम बजट अनुदानों की राशि बढ़ा सकती है और अतिरिक्त अनुदान भी दे सकती है	... 83
150.	निगम निधि के परिव्यय पर प्रतिबन्ध	... 83
151.	बजट के तखमीनों में परिवर्तन	... 83
152.	ऋणी निगम	... 83
152-क.	अधिभार	... 83
153.	नियम बनाने के अधिकार	... 84

अध्याय 8
ऋण लेने के अधिकार

154.	निगम के ऋण लेने के अधिकार	... 84
155.	निगम का सार्वजनिक प्रतिभूतियों पर बैंकों से ऋण लेने पर अधिकार	... 85
156.	कब और कैसे ऋण का भुगतान किया जाय	... 85
157.	विशेष निधि का संधारण तथा उपयोग	... 86
158.	विशेष निधि का लगाया जाना	... 86
159.	विशेष निधि तथा अतिरिक्त धनराशि निगम द्वारा जारी किये गये ऋण-पत्रों में लगाया जाना	... 87
160.	विशेष निधियों की वार्षिक परीक्षा	... 87
161.	ऋण के भुगतान न करने पर निगम निधि का कुर्क किया जाना	... 88
162.	ऋण-पत्रों के आकार-पत्र	... 89
163.	ऋण-पत्रों से संलग्न कूपनों पर कार्यकारिणी समिति के सभापति और मुख्य नगराधिकारी के हस्ताक्षर होंगे	... 89

धारा	विषय	पृष्ठ संख्या
69.	आवेदन पर निर्णय	40
70.	आवेदन के निस्तारण करते हुए अन्य आज्ञाओं का दिया जाना	40
71.	निर्वाचन को शून्य घोषित करने के आधार	41
72.	आधार जिन पर निर्वाचित उम्मीदवार से भिन्न कोई उम्मीदवार निर्वाचित घोषित किया जा सकता है	42
73.	मतों की गणना की दिशा में प्रक्रिया	42
74.	जिला जज की आज्ञा के विरुद्ध अपील	42
75.	आज्ञाओं तथा निर्णयों की अंतिमता	43
76.	आज्ञा का संक्रमण	43
77.	आज्ञा का प्रभावी होना	43
78.	प्रहाधार	43
79.	निर्वाचनों से सम्बद्ध विवादों के निर्णय संबंधी विषय	45
80.	निर्वाचन अपराधों तथा भ्रष्टाचारों के कारण अनर्हताएँ	46
	कुछ अन्य विषय	
81.	शपथ लेने अथवा प्रतिज्ञा न करने से पूर्व अथवा अर्ह न होने या अनर्ह होने की दशा में स्थान ग्रहण करने या मत देने पर दंड	46
82.	अनर्हता से सम्बद्ध प्रश्नों का राज्य सरकार द्वारा निर्णय	46
83.	सदस्यों का हटाया जाना	46
84.	*(निकाल दी गयी)*	
85.	सभासदों इत्यादि द्वारा निष्ठा की शपथ लिया जाना	47
86.	निर्वाचन व्यय	48
87.	राज्य सरकार का अधिकार	48
	अध्याय 3	
	निगम कार्यकारिणी समिति, विकास-समिति तथा अन्य समितियों की कार्यवाहियाँ	
88.	निगम के अधिवेशन	49
89.	कार्यकारिणी समिति, आदि का अधिवेशन	49
90.	गणपूर्ति	50
91.	अधिवेशन और कार्यों की सूचना	50
92.	निगम के अधिवेशन में बहुमत द्वारा निर्णय	50
93.	निगम तथा कार्यकारिणी समिति आदि के अधिवेशन का स्थगन	51
94.	अधिवेशनों के अभिप्राय	51
95.	विशेष समितियाँ तथा संयुक्त समितियाँ	51
96.	अन्य स्थानीय प्राधिकारियों के साथ संयुक्त रूप से कार्य सम्पादन	52
97.	उपसमितियाँ	53
98.	प्रश्न करने का अधिकार	53
99.	अन्य समितियों के अधिवेशनों में किसी समिति के सभापति की उपस्थिति	53
100.	नगर प्रमुख तथा उपनगर प्रमुख के पदों की रिक्ति	53
101.	अधिवेशनों में मुख्य नगराधिकारी तथा अन्य पदाधिकारियों की उपस्थिति	53
102.	निगम कार्यकारिणी समिति, इत्यादि की कार्यवाहियाँ	54
103.	इस अध्याय के अधीन निर्मित उपविधियाँ	54
104.	रिक्ति, आदि के कारण कार्यवाहियाँ अमान्य न समझी जायेंगी	55
105.	केवल अनियमितता के आधार पर कार्य और कार्यवाहियों पर आपत्ति करने के सम्बन्ध में प्रतिबन्ध	55
	अध्याय 4	
	पदाधिकारी तथा कर्मचारी वर्ग	
106.	पदों का सृजन	55
107.	पदों पर नियुक्ति	56
108.	कतिपय पदों पर स्थानापन्न और अस्थायी नियुक्तियाँ	57
108-क.	निगम द्वारा अनुरक्षित संस्थाओं के अध्यापकों की नियुक्ति	57
109.	सेवा की शर्तें, इत्यादि	57
110.	निगम के पदाधिकारियों के दण्ड की व्यवस्था	57
111.	राज्य सरकार के नियुक्ति सम्बन्धी अधिकार	57
112.	कतिपय पदाधिकारियों के अधिकार तथा कर्त्तव्य	58
112-क.	सेवाओं का केन्द्रीयकरण	58
112-ख.	आवश्यक सेवाएँ	59
112-ग.	आवश्यक सेवाओं के सदस्य बिना अनुमति के त्याग-पत्र आदि न दें	59
112-घ.	आपात की घोषणा करने का राज्य सरकार का अधिकार	59
113.	नियम बनाने का अधिकार	59
	अध्याय 5	
	निगम और उसके प्राधिकारियों के कर्त्तव्य और अधिकार	
114.	निगम के अनिवार्य कर्तव्य	60
115.	निगम के स्वविवेकानुसार कर्तव्य	62
116.	निगम के प्राधिकारियों में कृत्यों का विभाजन	63
117.	निगम के प्राधिकारियों के कृत्य	63

302

धारा	विषय	पृष्ठ-संख्या
16.	नगर-प्रमुख के विरुद्ध अविश्वास का प्रस्ताव	... 19
17.	नगर-प्रमुख सदस्य होगा	... 22
18.	नगर-प्रमुख के पद	... 22
19.	नगर-प्रमुख तथा उप-नगर प्रमुख का त्याग-पत्र	... 22
	निगम के सदस्य	
20.	*[निकाल दी गयी]*	
21.	*[निकाल दी गयी]*	
22.	*[निकाल दी गयी]*	
23.	सभासदों पर प्रयोज्य कतिपय उपबन्ध नाम-निर्दिष्ट सदस्यों पर लागू होंगे	... 23
24.	सभासद के निर्वाचन लिये अर्हताएँ	... 23
25.	सभासदों की अनर्हताएँ	... 23
26.	सभासद तथा विशिष्ट सदस्य की पदावधि	... 26
27.	सभासदों का निर्वाचन	... 26
28.	सभासदों के पद की आकस्मिक रिक्ति	... 26
29.	सभासदों का त्याग-पत्र	... 26
30.	एक से अधिक कक्षा के निमित्त एक ही व्यक्ति का निर्वाचन	... 26
30-क.	सदस्यों को पाठ्य भत्ता या सुविधायें	... 26
	कक्षों का परिसीमन	
31.	कक्षों की व्यवस्था	... 27
32.	परिसीमन आज्ञा	... 27
33.	परिसीमन आज्ञा में परिवर्तन अथवा संशोधन और उसका प्रभाव	... 27
	निर्वाचक तथा निर्वाचक नामावली	
34.	*[निकाल दी गयी]*	... 27
35.	प्रत्येक कक्ष के लिये निर्वाचक नामावली	... 27
36.	निर्वाचकों की अर्हताएँ	... 28
37.	निर्वाचकों की अनर्हताएँ	... 28
38.	पंजीयन एक कक्ष तथा एक स्थान में होना	... 28
39.	निर्वाचक नामावलियों का तैयार किया जाना और प्रकाशन	... 29
40.	निर्वाचक नामावलियों का पुनरीक्षण	... 29
41.	निर्वाचकों तथा निर्वाचक नामावलियों से संबद्ध अन्य विषय	... 30
	मतदान	
42	देने का अधिकार	... 30
43.	*[निकाल दी गयी]*	
44.	मतदान की रीति	

धारा	विषय	पृष्ठ-संख्या
	निर्वाचनों का संचालन	
45.	निर्वाचनों के संचालन का अधीक्षण, आदि	... 31
46.	निर्वाचनों के संचालन सम्बन्धी आदेश	... 31
47.	निर्वाचनों का न हो पाना	... 32
48.	निर्वाचन अपराध	... 32
49.	सिविल न्यायालयों की अधिकारिता पर रोक	... 33
50.	निर्वाचन और रिक्ति के लिए अधिसूचना	... 33
	कार्यकारिणी समिति	
51.	कार्यकारिणी समिति का संगठन तथा अवधि	... 33
52.	कार्यकारिणी समिति के सदस्यों का निर्वाचन	... 34
53.	कार्यकारिणी समिति के सदस्यों का पद-त्याग	... 34
	विकास समिति	
54.	विकास समिति का संगठन तथा उसका कार्यकाल	... 34
55.	विकास समिति के सदस्यों का निर्वाचन	... 36
56.	विकास समिति के सदस्यों का पद-त्याग	... 36
	धारा 5 के खण्ड (ङ) के अधीन संगठित समितियाँ	
57.	धारा 5 के खण्ड (ङ) के अधीन समितियों का संगठन	... 36
57-क.	महानगर योजना समिति	... 36
	मुख्य नगराधिकारी	
58.	मुख्य नगर अधिकारी और अपर मुख्य नगर अधिकारी की नियुक्ति	... 37
59.	मुख्य नगर अधिकारी और अपर मुख्य नगर अधिकारी के वेतन और भत्ते, आदि	... 37
	निर्वाचनों से सम्बद्ध विवाद	
60.	जब तक आपत्ति, आदि न की जाय निर्वाचन मान्य होगा	... 38
61.	नगर-प्रमुख या उप-नगर प्रमुख के निर्वाचन पर आपत्ति करना	... 38
62.	सभासद के निर्वाचन पर आपत्ति करना	... 38
63.	अभिदेन का आकार-पत्र तथा उसका विषय	... 38
64.	अनुतोष जिसका आवेदक दावा कर सकता है	... 39
65.	प्रत्यारोपण	... 39
66.	आवेदन कब खारिज किया जायगा	... 40
67.	आवेदन की सुनवाई की प्रक्रिया	... 40
68.	आवेदन का स्थानान्तरण	... 40

उत्तर प्रदेश नगर निगम अधिनियम, 1959

विषय सूची

धारा	विषय	पृष्ठ-संख्या
	अध्याय 1 **प्रारम्भिक**	
1.	संक्षिप्त शीर्षनाम, प्रसार तथा प्रारम्भ	... 1
2.	परिभाषाएँ	... 2
3.	बृहत्तर नगरीय क्षेत्र की घोषणा	... 13
	अध्याय 2 **निगम का संगठन तथा शासन**	
4.	नगर निगम का निगमित निकाय होना	... 14
5.	निगम के प्राधिकारी	... 14
5-क.	स्थानीय निकाय निदेशक	... 14
6.	निगम की संरचना	... 14
6-क.	कक्ष समितियों का संगठन और संरचना	... 15
7.	स्थानों का आरक्षण	... 15
8.	निगम का कार्यकाल	... 16
8-क.	*[निकाल दी गयी]*	
8-कक.	निगम के गठन के लिए और नगर के रूप में अधिसूचित क्षेत्र के प्रशासक के लिए अस्थायी उपबन्ध	... 17
9.	निगम के संगठन की विज्ञप्ति	... 17
	नगर-प्रमुख तथा उप-नगर प्रमुख	
10.	उप-नगर प्रमुख	... 18
11.	नगर-प्रमुख तथा उप-नगर प्रमुख के पद के लिये निर्वाचन की अर्हताएँ	... 18
11-क.	नगर प्रमुख का निर्वाचन	... 18
12.	उप-नगर प्रमुख का निर्वाचन	... 18
13.	सभासदों का निर्वाचन कब पूर्ण समझा जायगा	... 19
14.	नगर-प्रमुख अथवा उप-नगर प्रमुख के पदों की अकस्मिक रिक्त	... 19
15.	नगर प्रमुख तथा उप-नगर प्रमुख की पदावधि	... 19
15-क.	*[निकाल दी गयी]*	

प्रथम संस्करण : 1989
द्वितीय संस्करण : 1994
तृतीय संस्करण : 1996
चतुर्थ संस्करण : 2001

© : सर्वाधिकार प्रकाशकाधीन सुरक्षित

मूल्य : 200 रुपये

प्रकाशक : एलिया ला एजेन्सी
1, एम० जी० मार्ग (हाई कोर्ट के सामने)
इलाहाबाद - 1 • पो० बा० नं० 1-075

ई-मेल : alialaw@vsnl.com
फैक्स : (0532) 422375
दूरभाष : कार्यालय : 622797, 623797, 422375
निवास : 550008, 550611
लखनऊ : (0522) 282622

कम्पोजिंग : उषा प्रकाशन मन्दिर, इलाहाबाद

मुद्रक : ईगल ऑफसेट प्रिन्टर्स, इलाहाबाद

इस पुस्तक को यथासम्भव मुद्रण सम्बन्धी त्रुटि रहित एवं अद्यतनीकृत रूप में प्रस्तुत किये जाने की भरसक चेष्टा की गयी है, फिर भी यदि कोई सुझाव इस संस्करण की उपयोगिता की दृष्टि से प्राप्त होते रहेंगे तो उसके लिये हम आभार प्रकट करेंगे। प्रकाशित विषय-वस्तु में अनायास किसी त्रुटि या कमी से कोई क्षति कारित होने पर प्रकाशक, मुद्रक तथा लेखक का कोई उत्तरदायित्व नहीं होगा, इस डिस्क्लेमर सहित यह संस्करण विक्रयार्थ प्रस्तुत किया जा रहा है।

—प्रकाशक

प्रकाशकीय

समाजवादात्मक विचारधारा को व्यावहारिक बनाने के लिये उत्तर प्रदेश सरकार ने तथाकथित नगर महापालिकाओं (अब नगर निगमों) पर लागू करने के लिए नवीन विधिकरण को प्रवृत्त किया है।

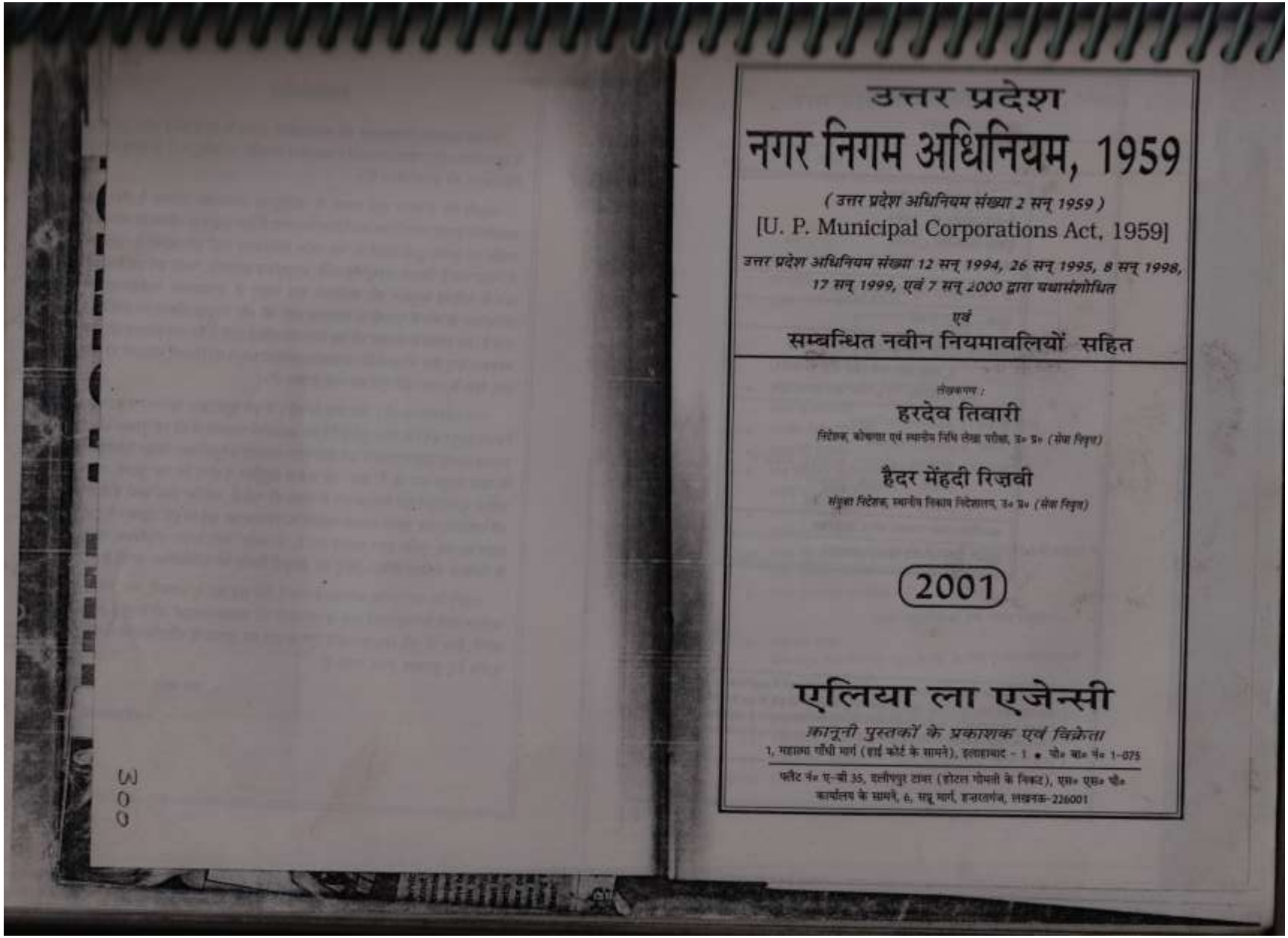
यद्यपि कि इतिहास एक प्रकार से अनिश्चित अव्यवहृत प्रक्रिया है फिर भी स्वाधीनता हमारी सामाजिक-राजनैतिक व्यवस्था में एक प्रकार से अभिमानी स्थान की व्याप्ति का सूचक हुआ करती है। यह नवीन विधिकरण इन्हीं दृष्टिकोणों के परिपेक्ष्य में किया गया है जिससे अनुसूचित जाति, अनुसूचित जनजाति, पिछड़े वर्ग एवं विशिष्ट रूप से महिला समुदाय की भागीदारी एक प्रकार से सुधारात्मक कार्यशीलता के परिचायक के रूप में गुलामी से स्वतंत्रता प्राप्ति की ओर उन्मुख प्रक्रिया को अंग मानी गयी है। इस प्रयास से सरकार की यह मंशा परिलक्षित होती है कि जनसाधारण को उक्त व्यवस्था राष्ट्र हित को सर्वोपरि मानकर समर्थकारी प्रयत्न की दिशा में स्वीकार्य हो और राष्ट्र हित के लक्ष्य की पूर्ति का मार्ग प्रशस्त हो।

नगर महापालिकाओं (अब नगर निगमों) में इस सुधारीकृत विधिकरण का स्पष्ट चित्रण प्रस्तुत करने के लिये मुझे हर्ष है कि हम अपने पाठकगणों को यह पुस्तक उपहार स्वरूप कम्प्यूटरीकृत छपाई में एवं लैमिनेटेड आवरण से सुसज्जित मजबूत जिल्दसाजी के साथ प्रस्तुत कर रहे हैं। अतः यह कहना अनुचित न होगा कि यह पुस्तक अनन्य रूप से सुधारीकृत एवं विस्तृत रूप में तैयार की गयी है, क्योंकि इसमें सभी संशोधनों को समाविष्ट कर, इसके व्यवहृत स्वरूप का विस्तार कर एवं कानूनी प्रबन्धन में दृढ़ता प्रदान कराकर, पूर्णता प्रदान करायी गयी है, जो नवीन 'नगर निगम अधिनियम, 1959' के विशिष्ट वर्तमान विचार-बिन्दु की कानूनी स्थिति को प्रतिबिम्बित करती है।

यद्यपि कि यह पुस्तक अपरिहार्य रूप से बेंच एवं बार के सदस्यों, नगर निगम में कार्यरत सभी कर्मचारीगणों तथा जनसाधारण की आवश्यकताओं की सम्पूर्ति अवश्य करेगी, फिर भी यदि अनायास कोई भूल या दोष इस पुस्तक में परिलक्षित हो तो उसके सुझाव हेतु कृतज्ञता प्रकट करता हूँ।

जय भारत !

—प्रकाशक



उत्तर प्रदेश
नगर निगम अधिनियम, 1959

(उत्तर प्रदेश अधिनियम संख्या 2 सन् 1959)

[U. P. Municipal Corporations Act, 1959]

उत्तर प्रदेश अधिनियम संख्या 12 सन् 1994, 26 सन् 1995, 8 सन् 1998, 17 सन् 1999, एवं 7 सन् 2000 द्वारा यथासंशोधित

एवं

सम्बन्धित नवीन नियमावलियों सहित

लेखकगण :

हरदेव तिवारी

निदेशक, कोषागार एवं स्थानीय निधि लेखा परीक्षा, उ० प्र० *(सेवा निवृत्त)*

हैदर मेंहदी रिज़वी

संयुक्त निदेशक, स्थानीय विकास निदेशालय, उ० प्र० *(सेवा निवृत्त)*

2001

एलिया ला एजेन्सी

क़ानूनी पुस्तकों के प्रकाशक एवं विक्रेता

1, महात्मा गाँधी मार्ग (हाई कोर्ट के सामने), इलाहाबाद - 1 • फो० बा० नं० 1-075

फ्लैट नं० ए-बी 35, इलीगंज टावर (होटल गोमती के निकट), एम० एस० पी० कार्यालय के सामने, 6, साहू मार्ग, हजरतगंज, लखनऊ-226001

FORM II

Form of licence of.....issued under the Uttar Pradesh Prevention of Food Adulteration Rules, 1976.

Municipality/Notified Area/District Corporation/Cantonment/Railway Premises.

License No.....

Dated.....

Pursuant to the provisions of the rules framed under the Prevention of Food Adulteration Act, 1954.

(Name).....son of.....resident of.....District.....is hereby licensed to sell or offer or expose for sale or store for sale*.....as a manufacturer/wholesaler/retailer/hawker from.....to.....within the limits of.....Municipal/Notified Area/Town Area/Rural Area/Cantonment Area/Railway Area; subject to the terms and conditions of the licence as given below:

Licensing Authority.

Dated.....

Note.—An application for the renewal of this licence should be made by March 1, every year.

*Here insert the name and nature of article of food for which licence has been granted.

CONDITIONS OF LICENCE

1. The business premises or shop, where food is sold or exposed for sale or stored for sale shall be free from sanitary defects and the licensee shall make such alterations in the business premises as may be required by the licensing authority.

2. No licensee shall employ any person who is suffering from infectious, contagious or loathsome disease.

3. Every manufacturer or wholesaler in food articles shall maintain a register (in Form IV) showing the quantity manufactured, received or sold, and the destination of each consignment of substances sent out from his manufactory or place of business, and this register shall be open to inspection when so required by the licensing authority or any officer duly authorised by him in this behalf.

4. A Licensee, who is not a hawker, shall put up a signboard written in English and Hindi characters, prominently indicating the kind of product sold in his shop. The notice-board shall always be maintained in good order and be put up at a prominent and conspicuous place in his shop so that it may be distinctly visible to customers.

5. A hawker granted a licence under the rules shall carry a metallic badge, showing clearly the licence number, and name and nature of the article for the sale of which the licence has been granted.

6. A licensee shall manufacture or sell pure product only which shall be free from any admixture with foreign substances; provided that mixtures of food may be sold if they are otherwise permitted by the Prevention of Food Adulteration Rules, 1955, and are labelled in accordance with the said rules.

7. The licence will, at the most, cover a period of one year ending on March 31, and an application for the renewal of the licence shall be made at least thirty days before the expiry of the existing licence.

8. Shop-keepers (other than proprietors of hotels and restaurants) dealing in sweetmeats, savouries, *etc.* prepared from *ghee* shall not sell sweetmeat, *etc.* prepared from hydrogenated vegetable fat or edible oils in the same shop and *vice-versa*. They shall put up and display prominently a notice board in the shop or premises in English and Hindi characters stating the nature of the cooking medium such as (*ghee* or oil or fat) used by them in the preparation of sweetmeats and savouries for the information of intending purchasers.

9. No printed paper, including newspapers or any waste paper, shall be used by licensee for the purpose of covering cooked articles of food at the shop, or for serving cooked food to customers.

10. Articles of food covered by sub-clause (1) of Rule 50 of the Prevention of Food Adulteration Rules, 1955 and which are not intended for human consumption, shall not be stored or sold in the same premises where such edible food are stored or sold, under licence.

Note.—These conditions of licence are in addition to the conditions for sale and licence mentioned in Rules 49 and 50 of the Prevention of Food Adulteration Rules, 1955.

FORM III

Form of register (under Rule 5)

Serial No.	Date of application	Name of applicant	Address	Articles of food for which licence has been applied for
1	2	3	4	5

Whether as a manufacturer, wholesaler, retailer or hawker	Location of business premises	Report of Food Inspector, if the business premises are free from sanitary defects
6	7	8

Orders passed by the Licensing Authority	Amount of licence fee paid	Licence No.	Date of issue of licence	Date of expiry of licence
9	10	11	12	13

"local authorities" in respect of the areas indicated against each in Column 2:

Column 1	*Column 2.*
(*a*) Magistrates incharge of the Sub-Divisions concerned.	Rural area including town areas
(*b*) The Officers incharge of any area declared by the Central Government or the State Government under sub-section (*xii*) of Section 2 of the Act, by a notification in the *Gazette*, as "Local area" by whatever name he is called.	The area concerned.

(2) A licence may be granted for a period of one year commencing from April 1 and ending with March 31, or for any portion thereof.

(3) An application for the renewal of a licence shall be made by the licence-holder at least thirty days before the date on which the current licence is to expire. The fee payable for the renewal of the said licence shall be the same as prescribed under Rule 6(1):

Provided that if the applicant applies for the renewal of a licence after its expiry, but within one month of such expiry, the fee payable for the renewal of such licence shall be the same as prescribed under Rule 6(1) and an additional fee in equal amount.

9. Duration of a licence.—If a person who holds a licence under the rules dies, the licence shall remain effective for the benefit of his lawful heir until the expiration of three months from the date of death of the licensee, or until the date of the expiry of the terms of licence, whichever is earlier.

10. Fines.—All fines imposed by courts under the provisions of the Act or rules framed thereunder shall in the first instance be credited to the head "XXI—Administration of Justice—General, Fees, Fines, and Forfeitures—Fines" and 50 per cent thereof will ultimately be re-imbursed in the shape of Grant-in-aid to those local authorities, other than Magistrates in-charge of the Sub-Divisions, within whose jurisdiction the offence was committed and who bear full expenses of the prosecutions from the stage of taking sample by the Food Inspectors to the stage of final decision by the court:

Provided that fines imposed by the courts in respect of cases challenged by the Food Inspectors appointed by the State Government anywhere in the State be credited to the State Revenues.

11. Fee for analysis.—The fee for the analysis of a sample of food sent to the Public Analyst for analysis by a purchaser, or any other person, under Section 12 of the Act shall be Rs.20 (rupees twenty only).

12. Expenses in connection with collection and despatch of food samples.—All expenses incurred in connection with the collection and despatch of food samples for analysis and in the prosecution of persons under the Act or rules framed thereunder shall be met by the local authority within whose jurisdiction the sample of food is collected by its Food Inspectors or

the offence is committed. Where no such local authority exists, such expenses shall be met by the State Government.

APPENDIX 'A'

FORM I

[*See* clause (*b*) of sub-section (2) of Section 24 of the Prevention of Food Adulteration Act, 1954]

Form of application for the issue of licence under Uttar Pradesh Prevention of Food Adulteration Rules, 1976.

Application for licence/renewal of licence for the year.....,19

Name of applicant....., son of..... ....., resident of....., to carry on the sale of milk, skimmed milk, separated milk/toned milk/double toned milk/standardised milk, milk products, *ghee*/butter/edible oils, hydrogenated vegetable oil/*chaats*/ sweetmeats/savoury/aerated water/articles made out of flour including biscuits and other bakery products, as a manufacturer/wholesaler/retailer/hawker in premises.†

No. *...../situated in the Municipality/Notified Area/Town Area/Railway Area/Village of.....in the district of..... .....old licence no.....old badge no..... (for hawkers only), dated.....attached.

Dated..... *Signature of thumb-impression of the applicant.*

†In case of hawkers address shall be given.

*In case there be no premises number, the boundaries of site shall be noted.

(For use of the Licensing Authority)

Remarks as to how far the conditions governing the issue of licence are fulfilled

Signature of Reporting Officer.

(Report by Officer of Licensing Authority)

Fee amounting to Rs.....deposited in the office, *vide* challan no....., dated.....which has been scrutinised and found in order.

Signature.....

Sanctioned/Rejected for the reasons given herein.

Signature of Licensing Authority.

Dated.....

THE U. P. PREVENTION OF FOOD ADULTERATION RULES, 1976[1]

1. **Short title, extent and commencement.**—(1) These Rules may be called the Uttar Pradesh Prevention of Food Adulteration Rules, 1976.

(2) They extend to the whole of Uttar Pradesh and shall come into force with effect from the date of their publication in the Official *Gazette*.

2. **Definitions.**—In these rules, unless the context otherwise requires—

(*a*) "Act" means the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954);

(*b*) "Food (Health) Authority" means the Director of Medical and Health Services, Uttar Pradesh;

(*c*) "Food Inspector" means a person appointed by the State Government under Section 9 of the Act, or by the Central Government under Section 14 of the Act;

(*d*) "Form" means a form set forth in Appendix 'A' of these rules;

(*e*) "Public Analyst" means any person appointed by the State Government under Section 8 of the Act; and

(*f*) "Rules" means Rules made under the Prevention of Food Adulteration Act, 1954 by the Central Government or by the State Government of Uttar Pradesh.

3. **Duty of Food Authority and Local Authority.**—It shall be the duty of the Food (Health) Authority and Local Authority, to carry into execution and enforce the provisions of the Act, and the rules framed thereunder within the territorial limits of Uttar Pradesh, with a view to ensure that the articles of food are manufactured and sold in a pure and genuine condition.

4. **Licensing authorities.**—(1) The authorities mentioned below are empowered to issue licences in the prescribed form for the manufacture, for sale, for the storage, for the sale and for the distribution of articles of food or any specified articles of food or class of articles of food, in respect of the local areas mentioned against each of them:

(*a*) All Nagar Swasthya Adhikaris, Atirikt Nagar Swasthya Adhikaris or Municipal Medical Officers of Health in Uttar Pradesh.	The Corporation or Municipal Areas within their jurisdiction.
(*b*) All Deputy Chief Medical Offices of Health in Uttar Pradesh.	The Rural and Urban Areas within their jurisdiction.

1. Vide Noti. No. 558/XVI-10—875-57, dated May 24, 1976 published in the U. P. Gazette, Extra., dated 24th May, 1976, pt. 4-1.

(*c*) Senior Medical Officers of Cantonment Board in Uttar Pradesh.	The Cantonment Area within their jurisdiction.
(*d*) Divisional Medical Officers of various Indian Railways within Uttar Pradesh.	The Railway premises including Railway Colonies within their jurisdiction.

(2) The authorities mentioned in sub-rule (1) above shall, for the purposes of these rules, be known as "Licensing Authorities"

5. **Application for Licences.**—An application for the grant of licence under these rules shall be made in Form I to the licensing authority of the area concerned, who shall grant a licence in Form II.

Every licensing authority shall maintain a register in Form III.

Note.—The licence form and application form are saleable for 2 paise and 5 paise per form, respectively, and can be obtained from the licensing authorities.

6. **Licence fee.**—(1) For every licence issued under rules, a fee of Rs. 10 (rupees ten only) shall be levied from a manufacturer or wholesaler Rs. 4 (rupees four only) from a retailer, and Rs. 2 (rupees two only) together with 50 paise as cost of metallic badge from a hawker.

(2) For a duplicate copy of a licence issued under this rule if the original is defaced, damaged or lost, a fee of Rs. 3 (rupees three only) shall be charged from a manufacturer or wholesaler Rs. 2 (rupees two only) from a retailer, and Re. 1 (rupee one only) from a hawker. In the cases of replacement owing to loss of the original metallic badge the charge shall be Re. 0·50 (fifty paise only).

The fees collected under sub-rules (1) and (2) above, shall be deposited under State receipt head "XXIV—Public Health—Fees and fines etc. Income from licence fees under P. F. A. Act".

(3) For the purposes of these rules—

(*a*) "Manufacturer" means a person who manufactures an article of food in quantities exceeding 20 Kilograms on any one day, or who manufactures an article of food in a factory as defined in the Factories Act, 1948, for sale to wholesaler or a retailer;

(*b*) "Wholesaler" means a person who ordinarily sells an article of food to a retailer;

(*c*) "Retailer" means a person who sells an article of food directly to individual consumers;

(*d*) "Hawker" means a person who carries on a business of selling an article of food from door to door and not at any fixed premises.

7. **Maintenance of register by manufacturer or wholesaler.**—Every manufacturer or wholesaler in ghee, butter, charbi, edible oils, or hydrogenated vegetable oil products shall maintain a register as in Form IV which shall be open to inspection by the licensing authority or any other officer duly authorised by him in this behalf.

8. **Grant and renewal of Licence.**—(1) The authorities mentioned in Column I below shall, for the purposes of Section 2(*viii*) of the Act, be the

Empirical Formula : $C_{32} H_{18} N_6 O_7 S_2 Na_2$

Molecular weight : 502·44

General Requirements : The material shall be free from mercury, selenium and chromium in any form, aromatic amines, aromatic nitro compounds, aromatic hydrocarbons and cyanides.

Fast Red E shall also comply with the following requirements, namely :

Sl. No.	Characteristics	Requirements
1	2	3
1.	Total dye content, per cent by means corrected for sample dried at 105±1°C for 2 hours	Not less than 85
2.	Volatile matter at 135°C per cent by mass	Not more than 10
3.	Water-insoluble matter, per cent by mass	Not more than 0·5
4.	Combined ether extracts, per cent by mass	Not more than 0·5
5.	Subsidiary dyes, per cent by mass	Not more than 4·0
6.	Dye intermediates per cent by mass	Not more than 0·5
7.	Arsenic, parts per million	Not more than 3
8.	Lead, parts per million	Not more than 10

A.25.14.—COAL TAR FOOD COLOUR PREPARATIONS AND MIXTURES :

Colour preparation : Colour preparation means a preparation containing one or more of the permitted coal tar food colours along with diluents and/or filler material and meant to be used for imparting colours to foods.

Colour mixture : Colour mixture means a mixture of two or more permitted coal tar food colours without diluents and filler material and meant to be used for imparting colours to foods.

Permitted coal tar food colours used in preparation or in mixture shall conform to relevant prescribed specifications. The colour preparation shall be either in the form of liquid or powder. The liquid preparation shall be reasonably free from sediments. The powder preparation shall be reasonably free from lumps and any visible extraneous or foreign matter. Colour preparation or mixture may contain preservatives and stabilisers permitted under these rules.

Only the following diluents or filler materials shall be permitted to be used in colour preparation, namely—

(*a*) Potable water ; (*b*) Edible common salt ; (*c*) Sugar ; (*d*) Dextrose monohydrate ; (*e*) Liquid Glucose ; (*f*) Sodium sulphate ; (*g*) Tartaric acid ; (*h*) Glycerine ; (*i*) Propylene glycol, food grade ; (*j*) Acetic acid, dilute ; (*k*) Sorbitol, food grade ; and (*l*) Citric acid.

The total coal tar dye content per cent by mass (m/m) in colour preparation or in mixture shall be declared on the label of the container.

In powder preparation, the declared value shall be on moisture free basis and in case of liquid preparation on 'as is basis' and the total dye content shall be within ±15 per cent of the declared value. Colour preparation and colour mixture shall also comply with the following requirements, namely :

Sl. No.	Characteristics	Requirements
1	2	3
1.	Water insoluble matter, per cent by mass	Not more than 1·0
2.	Arsenic as (As) parts per million	Not more than 3
3.	Lead as (Pb) parts per million	Not more than 10

Note.—All requirements shall be on dry basis.]

**[A.27. 01.—SILVER LEAF (Chandi-ka-warq)—food grade—shall be in the form of sheets, free from creases and folds and shall contain not less than 99·9 per cent of silver.]

**[A.28.—GROUNDNUT KERNEL (deskelled) for direct human consumption commonly known as Moongphali are obtained from the plant Arachis hypogea. The kernels shall be free from non-edible seeds such as mahua, castor, neem or argemone etc. It shall be free from colouring matter and preservatives. It shall be practically free from extraneous matter, such as stones, dirt, clay etc. The kernels shall confirm to the following standards, namely :

(*a*) Moisture—not more than 7·0 per cent.

(*b*) Damaged kernel including slightly damaged kernel—not more than 5·0 per cent by weight.

(*c*) Aflatoxin content—not more than 30 parts per billion.]

**[A.29.—*Toddy*.—ALCOHOLIC :

A.29.01.—Toddy : Toddy means the sap from cut, flat, tuddy palm tree or any other kind of palm tree which has undergone alcoholic fermentation. It shall be white cloudy in appearance which sediments on storage and shall possess characteristic flavour derived from the sap and fermentation without addition of extraneous alcohol. It shall be free from added colouring matter, dirt, other foreign matter or any other ingredient injurious to health. It shall also be free from chloral hydrate and paraldehyde.

It shall also conform to the following standard, namely :—

(*a*) Alcoholic content.....Not less than 5 per cent (v/v).

(*b*) Total acid as tartaric acid (expressed in terms of 100 litres of absolute alcohol).....Not more than 400 grams.

(*c*) Volatile acid as acetic acid (expressed in terms of 100 litres of absolute alcohol).....Not more than 100 grams.]

[NOTE.—Without prejudice to the standards laid down in this Appendix, whenever water is used in the manufacture or preparation of any article of food, such water shall be free from micro-organism likely to cause disease and also free from chemical constituents which may impair health.]

86. Ins. by Noti. No. GSR 932, dated 8-6-1967 (w.e.f. 15-4-1977).

87. Ins. by Noti. No. GSR 1847, dated 15-7-1977 (w.e.f. 15-4-1977).

87a. Ins. by Noti. No. GSR 293, dated 15-2-1980 (w.e.f. 1-9-1980) as corrected by GSR 500, dt. 8-5-1980.

88. Ins. by Noti. No. GSR 1533, dated 8-7-1980.

The material shall have minimum purity of 87·0 per cent.

Maximum limit of metallic impurities shall be :

Arsenic (as As)	3 p.p.m.
Lead (as Pb)	20 p.p.m.]

[A.26.11—PONCEAU 4R :

Common name : Ponceau 4R

Synonyms : C.I. Food Red 7, International Red No. 4, Cochineau Nouvelle, Cochineal Red A ; E.E.C. Serial No. E.124.

Colour of the

0·1 per cent (m/v)

solution in distilled

water : Red

Colour Index No. (1956) No. 16255

Class : Monoazo

Chemical name : Trisodium salt of 1-(4-Sulpho-1-naphthylazo)-2-naphthol-6, 8 disulphonic acid.

Empirical formula : $C_{20}\ H_{11}\ N_2\ O_{10}\ S_3\ Na_3$

Molecular Weight : 604·5

General requirements : The material shall be free from mercury, selenium and chromium in any form, aromatic nitro compounds ; aromatic hydrocarbons and cyanides.

Ponceau 4R shall also comply with the following requirements, namely :—

Sl. No.	Characteristics	Requirements
1	2	3
1.	Total dye content, per cent by mass corrected for sample dried at 105 ± 1°C for 2 hours.	Not less than 80
2.	Volatile matter at 135°C per cent by mass	Not more than 10
3.	Water insoluble matter per cent by mass	Not more than 0·2
4.	Combined ether extract : per cent by mass	Not more than 0·5
5.	Subsidiary dyes, per cent by mass	Not more than 5·0
6.	Dye intermediates, per cent by mass	Not more than 0·2
7.	Arsenic, parts per million	Not more than 3
8.	Lead, parts per million	Not more than 10

[Ins. by S.O. No. 1105 E., dated 6-8-1958 (w.e.f. 6-8-1958).

A.26.12—CARMOISINE :

Common name : Carmoisine

Synonym : Azorubine, C.I. Food Red 3, E.E.C. Serial No. E. 122.

Colour of the 0·1 per cent (m/v) solution in Distilled Water Red.

Colour Index Number—(1956)—No. 14720

Class—Monoazo

Chemical Name : Disodium salt of 2-(4-sulpho-1-naphthylazo)-1-naphthol-4-sulphonic acid.

Empirical Formula : $C_{20}\ H_{12}\ N_2\ O_7\ S_2\ Na_2$

Molecular weight : 502·44

General Requirements : The material shall be free from mercury, selenium and chromium in any form, aromatic amines ; aromatic nitro compounds, aromatic hydrocarbons and cyanides.

Carmoisine shall also comply with the following requirements, namely :—

Sl. No.	Characteristics	Requirements
1	2	3
1.	Total dye content, per cent by mass corrected for sample dried at 105 ± 1°C for 2 hours	Not less than 85
2.	Volatile matter at 135°C per cent by mass	Not more than 10
3.	Water insoluble matter, per cent by mass	Not more than 0·2
4.	Combined ether extracts, per cent by mass	Not more than 0·5
5.	Subsidiary Dyes, per cent by mass	Not more than 5·0
6.	Dye intermediate per cent by mass	Not more than 0·2
7.	Arsenic, parts per million	Not more than 3
8.	Lead, parts per million	Not more than 10

A.26.13—FAST RED E :

Common name : Fast Red E

Synonyms : C.I. Food Red 4, Rouge Solide E.

Colour of the 0·1 per cent (m/v) solution in Distilled Water Red.

Colour Index Number—(1956)—No. 16045

Class : Monoazo

Chemical Name : Disodium Salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-6-sulphonic acid.

(ii) When one part of caramel is dissolved in 100 parts of water, it shall yield a clear solution having a dominant colour. On exposure to sunlight for 6 hours the colour of this solution shall not change and no precipitate shall be formed.

The minimum density (g/ml) of 10 per cent solution of the material shall be 1·1273

Maximum limits for metallic impurities shall be :

Copper (as Cu)—30 p.p.m.

Arsenic (as As)—5 p.p.m.

Lead (as Pb)—5 p.p.m.

A.26.03—ANNATTO : The material shall be of the following two types :

(a) Solution in oil for use in butter and other food products, and

(b) Solution in water for use in cheese and other food products.

General.—The material shall be derived only from the plant **Bixa orellana** L. and shall not contain any extraneous colouring matter. It shall be manufactured and packed under hygienic conditions.

(i) Solution of Annatto colour in oil for use in butter and other food products :

Only the vegetable oils included in these rules shall be used either singly or in combination.

The solution of Annatto colour in oil shall be clear and shall remain so on storage in suitable containers at 15°C except for slight deposit of waxine.

Colour.—The colour of the solution in amylacetate at a dilution of 1 : 1000 (w/v), when measured in a Lovibond Tintometer with a 1-cm cell shall be not less than the following :

Yellow units	5·0
Red units	0·4

or its equivalent to the colour of the following inorganic solution as a liquid depth of one centimetre which may be employed for matching the stated dilution in a plunger type calorimeter using incident light closely approximating the north sky light :

Potassium dichromate	0·320 g
Cobalt Ammonium sulphate $[Co.SO_4.(NH_4)_2.SO_4.6H_2O]$	2·02 g
Sulphuric acid, sp. gr. (1·84)	7 ml.
Distilled water	to make solution to one litre.

The reagents shall be of the analytical reagent grade.

NOTE.—Although the solution retains its tinctorial value for a considerable time, after prolonged storage, its optical clarity shall be examined before use, to ensure that no deterioration has taken place.

(ii) Solution of Annatto colour in water for use in cheese and other food products :

In the preparation of the solution, potable water shall be used. A limited quantity (0·5 to 2 per cent) of alkali may be added.

The solution shall be clear and shall remain so on storage in suitable containers at a temperature of 15°C.

Colour.—The colour of the solution in 0·1 *N* sodium hydroxide or potassium hydroxide at a dilution of 1 : 10,000 (w/v) measured in 1 cm cell shall be the same as that specified in (i) above.

Maximum limit of metallic impurities shall be :

Arsenic (as As)	5 p.p.m.
Lead (as Pb)	20 p.p.m.
Copper (as Cu)	30 p.p.m.

A.26.10—RIBOFLAVIN : Riboflavin is a yellow to orange-yellow crystalline powder. Melting point about 280°C with decomposition.

Solubility—Slightly soluble in water, more soluble in saline solution and in a 10 per cent (w/v) solution of urea, sparingly soluble in alcohol, practically insoluble in chloroform and in solvent ether, and soluble in dilute solution of alkali hydroxides.

Synonyms—Vitamin B_2, Lactoflavin and Lactoflavine.

Colour—Yellow to orange-yellow.

Class—isoalloxazine.

Chemical name—6, 7—dimethyl-9-(*d*-1-ribityl)-isoalloxazine.

Empirical Formula—$C_{17}H_{20}N_4O_6$

Molecular weight—376·36.

Identification.—A solution of 1 mg of Riboflavin in 100 ml water is pale greenish yellow in transmitted light, and has an intense yellowish green fluorescence which disappears on the addition of sodium dithionite and mineral acids or alkalis.

Spectrophotometry—Absorption maxima of aqueous solution shall be at 220 to 225, 266, 371 and 444 mμ.

Specific Rotation.—It shall be determined on a 0·5 per cent w/v solution in a mixture of 1·2 ml of 0.1*N* alcoholic solution of potassium hydroxide (free from carbonate) and sufficient freshly boiled and cooled water to produce 10 ml. The specific rotation, when calculated with reference to the substance dried to constant weight in the dark at 105°C, shall be—122°

A solution of β-carotene in chloroform on addition of antimony trichloride solution shall give a dark blue colour having maximum absorption at a wavelength of 500 mμ.

Colour Reaction.—When 2 ml. of concentrated sulphuric acid is added to 2 ml. of 0·2 per cent solution of β-carotene in chloroform, the acid layer shall turn blue.

The material shall have a minimum purity of 96·0 per cent.

Maximum limit of metallic impurities shall be :

Arsenic (as As) 3 p.p.m.

Lead (as Pb) 20 p.p.m.

A.26.07—CHLOROPHYLL : Chlorophyll, the green pigment of plants, is extracted and widely used as a colouring matter for various food items.

Synonyms—C. I. Natural Green 3 ; Lebensmittel—Green No. 1.

Colour—Green.

Colour Index Number—(1956) No. 75810.
(1924) No. 12490.

Class—Phorbin (dihydrophorbin).

Chemical name—Chlorophyll a-magnesium complex of 1, 3, 5, 8-tetramethyl 4-ethyl - 2 - vinyl - 9 - keto - 10-carbomethoxyphorbinphytyl-7-propionate.

Chlorophyll b-magnesium complex of 1, 5, 8-trimethyl-3-formyl-4-ethyl-2-vinyl-9-keto - 10 - carbomethoxyphorbinphytyl-7-propionate.

Empirical formula—Chlorophyll a-$C_{55}H_{72}O_5N_4Mg$.
Chlorophyll b-$C_{55}H_{70}O_6N_4Mg$.

Molecular weight—Chlorophyll a-893·54
Chlorophyll b-907·52.

General.—The material shall be intensely dark green aqueous ethanolic, or oily solution of chlorophyll degradation products. It shall be soluble in ethanol, ether, chloroform and benzene.

Identification tests.—A solution of chlorophyll in ethanol shall be blue with deep red fluorescence.

Brown-phase Reaction.—When green ether or petroleum ether solution of chlorophyll is treated with a small quantity of a 10 per cent solution of potassium hydroxide in methanol, the colour shall become brown quickly returning to green.

Note.—This test is applicable only when chlorophyll has not been treated with alkalis.

Maximum limits for metallic impurities shall be :

Arsenic (as As)—3 ppm

Lead (as Pb)—20 ppm

Copper (as Cu)—30 ppm

Zinc (as Zn)—50 ppm.

A.26.08—CARAMEL. Description—Caramel shall be prepared from the food grade carbohydrates or their combinations given below by the action of heat, in the presence or absence of acids or alkalis or salts. The material shall be amorphous or liquid and dark brown in colour. It shall be water soluble. It shall also be free from extraneous colouring matter.

Raw materials :

1. Carbohydrates : Caramel shall be prepared from the following food grade carbohydrates or their mixtures :

(*a*) Dextrose,

(*b*) Invert sugar,

(*c*) Lactose,

(*d*) Malt syrup,

(*e*) Sucrose, and

(*f*) Glucose syrup.

2. The following acids and alkalies may be employed to assist caramelization :

(*a*) Acids

(1) Acetic acid,

(2) Citric acid,

(3) Phosphoric acid,

(4) Sulphuric acid,

(5) Sulphur dioxide, and

(6) Carbonic acid.

(*b*) Alkalies

(1) Ammonia or Ammonium hydroxide,

(2) Potassium hydroxide, and

(3) Sodium hydroxide.

3. Salts—Ammonium, sodium or potassium carbonate (including bicarbonate), phosphate (including dibasic phosphate and monobasic phosphate), Sulphate and Sulphite may be used.

4. Emulsifying and stabilizing agents as permitted in these rules may be added.

Identification :

(*a*) When 0·5 ml. of phosphoric acid is added to 20 ml. of 5 per cent w/v solution of caramel, no precipitate shall be formed.

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium when tested by the methods prescribed in 3 and 4 of IS : 1699 (Part II)—1965 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Erythrosine shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(1)	(2)	(3)
(i)	Pure dye content, per cent by weight, not less than	85·0
(ii)	Volatile matter at 135°C, per cent by weight, not more than	12·0
(iii)	Water-insoluble matter, per cent by weight, not more than	0·2
(iv)	Combined ether extract, per cent by weight, not more than	0·2
(v)	Sodium iodide, per cent by weight, not more than	0·2
(vi)	Mixed oxides, per cent by weight, not more than	0·4
(vii)	Organically bound iodine in the anhydrous pure dye, per cent by weight	1·0
(viii)	Arsenic, parts per million, not more than	3·0 to 10·5
(ix)	Lead, parts per million, not more than	1·0
		10·0

A.26.05.—Indigo Carmine.

Common name—Indigo Carmine.

Synonyms—Indigotine, Indigo Extract, Saxony, Blue, FD&C, Blue No. 2, C. Food, Blue 1, Lebensmittel, Blue No. 2.

Colour—Colour of the 0·1 per cent (w/v) solution in distilled water—Blue.

Colour Index Number—(1956)—No. 73015. (1924)—No. 1180.

Class—Indigoid.

Chemical name—Disodium salt of indigotine-5 : 5'—Disulphonic acid.

Empirical Formula—$C_{16}H_8N_2O_8S_2Na_2$

Molecular weight—466·4.

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium, when tested by the methods prescribed in 3 and 4 of IS : 1699 (Part II)—1965 Methods of Sampling and Test for Coal Tar Food Colours, Part II.

Indigo Carmine shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(i)	Pure dye content, per cent by weight, not less than	85·0
(ii)	Volatile matter at 135°C, per cent by weight, not more than	15·0
(iii)	Water-insoluble matter, per cent by weight, not more than	1·0
(iv)	Combined ether extract, per cent by weight, not more than	0·5
(v)	Lower sulphonated dyes (sodium indigorenosulphonate) per cent by weight, not more than	0·5
(vi)	Mixed oxides, per cent by weight, not more than	3·0
(vii)	Arsenic, parts per million, not more than	1·0
(viii)	Lead, parts per million, not more than	1·0
		10·0

[1][A.26.06—β-Carotene.

β-Carotene is obtained as dark violet hexagonal prisms when crystallised from benzene-methanol solution; or as red rhombic, almost quadratic plates, from petroleum ether.

Synonyms—C. I. natural yellow 26.

Colour Index Number (1956)—No. 75130.

Class—Carotenoids.

Chemical name—All trans β-carotene.

Empirical Formula—$C_{40}H_{56}$

Molecular weight—536·89

Melting point—183° ± 1°C.

Solubility.—Soluble in carbon disulphide, benzene and chloroform, moderately soluble in normal hexane, cyclohexane ether, petroleum ether and oils; practically insoluble in methanol and ethanol; insoluble in water.

Spectrophotometric Requirement.—The wavelength of absorption maxima of all trans β-Carotene in cyclohexane (0·2 mg per 100 ml approximately) and in 1-cm cell shall be 456 mμ to 464 mμ region. There shall be no ca-peak in the 330 mμ to 333 mμ region.

1. Am. by Noti. No. GSR 1417 of 20-9-1976, w.e.f. 2-10-1976.

Colour—Colour of the 0·1 per cent (w/v) solution in distilled water —Orange.

Colour Index Number (1956)—No. 15985.

Class—Monoazo.

Chemical name—Disodium salt of 1—(4'—Sulpho—1'—Phenylazo) —2—hydroxynaphthalene 6—Sulphonic acid.

Empirical Formula—$C_{18}H_{12}N_2O_5S_2Na_2$

Molecular weight—452·4.

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium when tested by the methods prescribed in 3 and 4 of IS : 1969 (Part II)—1963 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Sunset Yellow FCF shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(i)	Pure dye content, per cent by weight, not less than	85
(ii)	Volatile matter at 135°C, per cent by weight, not more than	10
(iii)	Water-insoluble matter, per cent by weight, not more than	0·5
(iv)	Combined ether extract, per cent by weight, not more than	0·2
(v)	Subsidiary dye (lower sulphonated dyes) per cent by weight, not more than	3·0
(vi)	Mixed oxides per cent by weight, not more than	1·0
(vii)	Arsenic, parts per million, not more than	1·0
(viii)	Lead, parts per million, not more than	10·0

A.26.05.—AMARANTH.

Common name—Amaranth.

Synonyms—Bordeaux S, FD & C Red No. 2, Naphthol Red S, Acid Crimson Azorubine, Brilliant Bordeaux B, Bordeaux Acide B, Amaranthe, C.I. Food Red 9.

Colour—Colour of the 0·1 per cent (w/v) solution in distilled water —Red.

Colour Index Number (1956)—No. 16185. (1924)—No. 184.

Class—Monoazo.

Chemical name—Trisodium salt of 1—(4'—Sulpho, 1'—naphthylazo) —2—hydroxynaphthalene—3 : 6—disulphonic acid.

Empirical Formula $C_{20}H_{11}N_2O_{10}S_3Na_3$

Molecular weight—604·5

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium when tested by the methods prescribed in 3 and 4 of the IS : 1699 (Part II)—1963 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Amaranth shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(i)	Pure dye content, per cent by weight, not less than	85·0
(ii)	Volatile matter at 135°C, per cent by weight, not more than	10·0
(iii)	Water-insoluble matter, per cent by weight, not more than	0·5
(iv)	Combined ether extract, per cent by weight, not more than	0·2
(v)	Subsidiary dyes (as fast red E), per cent by weight, not more than	4·0
(vi)	Mixed oxides, per cent by weight, not more than	1·0
(vii)	Arsenic, parts per million, not more than	1·0
(viii)	Lead, parts per million, not more than	10·0

A.26.04.—ERYTHROSINE.

Common name—Erythrosine.

Synonyms—Soluble Primrose, Pyrosine B, FD & C Red No. 3, Iodosine B, Erythrosine BS, Erythrosine J, Erythrosine Extra Bluish, C.I., Food Red 14.

Colour—Colour of the 0·1 per cent (w/v) solution in distilled water—Red.

Colour Index Number (1956)—No. 45430. (1924)—No. 773.

Class—Xanthene.

Chemical name—Disodium or potassium salt of tetra-iodofluorescein or of hydroxytetra-iodo-o-carboxy-phenyl fluorone.

Empirical Formula—$C_{20}H_6O_5I_4Na_2$

Molecular weight—879·9 (disodium salt).

It shall be free from dirt, filth, adulterants and harmful ingredients. It shall also conform to the following standards, namely :—

Ingredients	Chewing gum	Bubble gum
(i) Gum	Not less than 12.5 per cent by weight.	Not less than 14.0 per cent by weight.
(ii) Moisture	Not more than 3.5 per cent by weight.	Not more than 3.5 per cent by weight.
(iii) Sulphated Ash	Not more than 9.5 per cent by weight.	Not more than 11.5 per cent by weight.
(iv) Acid insoluble ash	Not more than 2.0 per cent by weight.	Not more than 3.5 per cent by weight.
(v) Reducing sugars (calculated as dextrose)	Not less than 4.5 per cent by weight.	Not less than 5.5 per cent by weight.
(vi) Sucrose	Not more than 70.0 per cent by weight.	Not more than 60.0 per cent by weight.]

A.25.03.—LOZENGES

Lozenges shall be made of the following materials, namely :

(a) Pulverized sugar obtained by powdering vacuum pan sugar or refined sugar, or icing sugar ;

(b) Binding materials, such as edible gelatine, edible gums, liquid glucose, dextrins ;

(c) Permitted colours ;

(d) Permitted flavouring agents.

In addition to the above ingredients, the following ingredients may also be added to the mixture, namely :

Ginger, cinnamon, aniseed, caraway, cardamom, and other spices in powder form or extracts, vitamins, edible common salt, citric acid and sodium bicarbonate, lubricants such as stearic acid, talc (not exceeding 0·1 per cent).

It shall also comply with the following requirements, namely :

(i) Sulphated ash, per cent by weight—Not more than 3·0.

(ii) Ash insoluble in dilute hydrochloric acid per cent by weight—Not more than 0·1.

(iii) Sucrose, per cent by weight—Not less than 83·0.

A.26.—FOOD COLOURS :

A.26.01.—TARTRAZINE.

Common name—Tartrazine.

Synonyms—Hydrazine Yellow, Tartar Yellow, Acid Yellow, FD & C Yellow No. 5, C. I. Food Yellow 4, Lebensmittel Yellow No. 2.

Colour—Colour of the 0·1 per cent (w/v) solution in distilled water—Yellow.

Colour Index number—(1956)—No. 19140
(1924)—No. 640

Class—Pyrazolone.

Chemical name—Trisodium salt of 4—(4'—Sulpho—1'—phenylazo) —1—(4'—Sulphopheny 1)—5—Hydroxypyrazol—3—Carboxylic acid)

Empirical Formula—$C_{16}H_9N_4O_9S_2Na_3$
Molecular weight—534·4

General requirements—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium when tested by the method prescribed in 3 and 4 of IS : 1699 (Part II)—1963 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Tartrazine shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(i)	Pure dye content, per cent by weight, not less than	85
(ii)	Volatile matter at 135°C per cent by weight, not more than	10
(iii)	Water-insoluble matter, by weight not more than	0·5
(iv)	Combined ether extract, per cent by weight, not more than	0·5
(v)	Subsidiary dyes, per cent by weight, not more than	3·0
(vi)	Phenylhydrazine-p-sulphonic acid, per cent by weight, not more than	0·5
(vii)	Mineral oxides, per cent by weight, not more than	1·0
(viii)	Arsenic, parts per million, not more than	1·0
(ix)	Lead, parts per million, not more than	10·0

A.26.02.—SUNSET YELLOW FCF N.L.

Common name—Sunset Yellow

Synonyms—Sunset Yellow EG, Para Orange, FD & C. Yellow No. 6, Jaune Orange S, Jaune 'Sun-set', FCF C.I. Food Yellow 3, Lebensmittel Orange No. 2.

Toffees shall also comply with the following requirements namely :

Sl. No.	Characteristics	Plain Toffee	Milk Toffee	Modified Toffee	Butter Toffee
(1)	(2)	(3)	(4)	(5)	(6)
(i)	Ash, sulphated per cent by weight not more than	2·5	2·5	2·5	2·5
(ii)	Ash insoluble in dilute hydrochloric acid per cent by weight not more than	**[0.2]	**[0·2]	0·2	**[0·2]
(iii)	Reducing sugar (calculated as dextrose per cent by weight not less than	10·0	10·0	10·0	10·0
(iv)	Sucrose per cent by weight not more than	60·0	60·0	60·0	60·0
(v)	Fat, per cent weight (on dry basis) not less than	4·0	4·0	4·0	4·0
(vi)	Total protein (N× 6·25) per cent weight, not less than	..	3·0	..	..

*[A.25.02.01.—CHEWING GUM AND BUBBLE GUM shall be prepared from chewing gum base or bubble gum base, natural or synthetic, non-toxic; cane sugar and liquid glucose (corn syrup).

The following sources of gum base may be used :—

(1) Babul, Kikar (Gum Arabic)

(2) KHAIR

(3) Jhingan (Jarl)

(4) Ghatti

(5) Chiku (Sapota)

(6) Natural rubber latex

(7) Synthetic rubber latex

(8) Glycerol ester of wood resin

(9) Glycerol ester of gum resin

B1. Subs. by Notf. No. GSR 930, dated 26-5-1975.
B1a. Ins. by GSR 107(E), dated 26-2-1983 (w.e.f. 26-2-1983).

(10) Synthetic resin

(11) Glycerol ester or partially hydrogenated gum or wood resin

(12) Natural resin

(13) Polyvinyl acetate

(14) Agar (food grade)

It may also contain any of the following ingredients, namely :—

(a) Glycerine ;

(b) Malt ;

(c) Milk powder ;

(d) Chocolate ;

(e) Coffee ;

(f) Gelatin, food grade ;

(g) Permitted Flavours ;

(h) Permitted Colours ;

(i) Permitted anti-oxidants ;

(j) Permitted Preservatives ;

(k) Permitted Emulsifiers ;

(l) Sorbitol ;

(m) Lubricants, such as starch, talc, stearic acid, icing sugar, paraffin wax or liquid paraffins, food grade, or other food grade mineral oil ;

(n) Water, potable ;

(o) Acidulants, food-grade ;

(p) Nutrients like vitamins, minerals, proteins ;

(q) Titanium dioxide, food-grade (Maximum 1 per cent by weight) ;

(r) Calcium carbonate ;

(s) Magnesium carbonate ;

(t) Phosphated starch ;

[Water insoluble matter shall be determined by boiling water.]

(*d*) Alcohol insoluble residue in 90 per cent alcohol dried at 100°C: not more than 1 per cent by weight.

(*e*) Total ash on dry basis—not more than 8 per cent by weight.

(*f*) Ash insoluble in HCl—not more than 0·5 per cent on dry weight basis.]

[78a][Provided that in case of Bhatti Katha, the ash insoluble in dilute hydrochloric acid on dry basis shall not be more than 1·5 per cent. The Bhatti Katha shall be marked as required in sub-rule (12) of Rule 49.]

[80][A.22. GELATIN shall be purified product obtained by partial hydrolysis of collagen, derived from the skin, white connective tissues and bones of animals. It shall be colourless or pale yellowish and translucent in the form of sheets, flakes, shreds or coarse to fine powder. It shall have very slight odour and taste but not objectionable which is characteristic and boullion like. It is stable in air when dry but is subject to microbial decomposition when moist or in solution. It shall not contain—

(*a*) more than 15 per cent moisture;

(*b*) more than 2·0 per cent of total ash;

(*c*) more than 1000 parts per million of sulphur dioxide;

(*d*) less than 15 per cent of nitrogen on dry weight basis.

Gelatin meant for human consumption should be labelled as "Gelatin-Food Grade".]

[81][A.23 and A.24. *Omitted.*]

[82][A.25. SWEETS AND CONFECTIONERY:

A.25.01. HARD BOILED SUGAR CONFECTIONERY.—Hard boiled sugar confectionery shall mean a confectionery product which is a supercooled solution of combination of sucrose and liquid glucose (or cane sugar alone) treated with a doctoring agent, such as cream of tartar (potassium acid tartarate) with or without the addition of one or more of the following:

(*a*) Permitted flavouring agents;

(*b*) Permitted colours;

(*c*) Acidulant;

(*d*) Filling;

(*e*) Any other wholesome ingredient such as fruit or fruit products or edible fat or milk products or cocoa products or nut products or other wholesome ingredients.

It shall conform to the following specification:

(*i*) Ash, sulphated, per cent by weight—[83][Not more than 1·3].]

78a. Ins. by Noti. No. GSR 760(E), dated 13-4-1981 (w.e.f. 13-10-1981) and corrected by GSR 810, dated 9-6-1981.

80. Subs. by Noti. No. GSR 293 of 15-3-1974 (w.e.f. 25-3-1974).

81. Omitted by Noti. No. GSR 1515, dated 8-7-1968.

82. Ins. by Noti. No. GSR 74, dated 31-12-1965.

83. Subs. by Noti. No. GSR 938, dated 26-5-1971.

(*ii*) Ash insoluble in dilute hydrochloric acid per cent by weight—[83a][Not more than 0·2].

It may contain sulphur dioxide in concentration exceeding 350 parts per million.

A.25.02—TOFFEES:

Plain Toffee.—It shall be made out of sugar, vanaspati, milk fat or any edible oil and in addition, any of the following material may also be used in its manufacture:

Edible common salt;

Edible groundnut flour;

Starches, edible;

Gelatine, edible;

Gur;

Honey;

Liquid glucose;

Malt syrup;

Permitted antioxidents and emulsifiers;

Citric acid;

Cream of tartar;

Permitted flavouring agents;

Permitted colours;

Sorbitol;

Tartaric Acid; and

Vitamins.

Milk Toffee.—It shall be made out of sugar, vanaspati, milk fat or any edible oil and milk in any form and in addition may contain any of the materials used in the making of plain toffee.

Modified Toffee.—It shall be made of the ingredients used for plain toffee or milk toffee. In addition, it may contain one or more of the following:

Chocolate;

Coffee;

Cocoa;

Dried fruits; and

Nuts.

Butter Toffee.—It shall be made out of ingredients used for plain toffee, milk toffee or modified toffee; but it shall contain not less than 5 per cent butter by weight.

83a. Subs. by Noti. No. GSR 938, dated 26-5-1971.

specified below :

(*i*) It shall not contain any harmful colouring, flavouring or any other matter deleterious to health ;

(*ii*) No colour shall be added to hydrogenated vegetable oil unless so authorised by Government, but in no event any colour resembling the colour of ghee shall be added ;

(*iii*) If any flavour is used, it shall be distinct from that of ghee, in accordance with a list of permissible flavours and in such quantities as may be prescribed by Government ;

[70][Provided that diacetyl to the extent of not more than 4.0 p.p.m. may be added to Vanaspati exclusively meant for consumption by the Armed Forces ;]

(*iv*) It shall not have moisture exceeding 0.25 per cent ;

(*v*) The melting point as determined by capillary slip method shall be from [71][31°C] to [71a]41°C] both inclusive ;

(*vi*) The Butyro-refractometer reading as 40°C, shall not be less than 48 ;

(*vii*) It shall not have unsaponifiable matter exceeding [71b][2.0] per cent ;

(*viii*) It shall not have free fatty acids (calculated as Oleic acid) exceeding 0.25 per cent ;

(*ix*) The product on melting shall be clear in appearance and shall be free from staleness or rancidity, and pleasant to taste and smell ;

(*x*) It shall contain raw or refined sesame (til) oil not less than 5 per cent by weight, but sufficient so that when the vanaspati is mixed with refined groundnut oil in the proportion of 20 : 80, the colour produced by the Baudouin test shall not be lighter than 2.0 red units in a 1 cm. cell on a Lovibond scale ;

[72][(*xi*) It shall contain not less than 25 I.U. of synthetic vitamin 'A' per gram at the time of packing [72a][and shall show a positive test for Vitamin 'A' when tested by Antimony Trichloride (Carr-Price) reagent (as per IS : 5886-1970)] ;]

[73][(*xii*) No anti-oxidant, synergist, emulsifier or any other such substance shall be added to it except with the prior sanction of the Government.]]

[74][A.19.01.—BAKERY SHORTENING means vanaspati conforming to standards prescribed in Item A.19 except that—

(*a*) the melting point as determined by the capillary slip method shall not exceed 41°C,

(*b*) if aerated, only nitrogen air or any other inert gas shall be used for the purpose and the quantity of such gas incorporated in the product shall not exceed 12 per cent by volume thereof.]

[74a][(*c*) it may contain added mono-glycerides and diglycerides as emulsifying agents.]

70. *Ins.* by Noti. No. GSR 425, dated 4-4-1960.
71. *Subs.* by Noti. No. GSR 1211, dated 9-12-1958.
71a. *Subs.* for "33°C" by GSR 744(E), dt. 27-10-1984 (*w.e.f.* 27-10-1984).
71b. *Subs.* for "1.25" by Noti. No. GSR 245(E), dated 11-3-1982 (*w.e.f.* 11-3-1982).
72. *Subs.* by Noti. No. GSR 790(E), dated 10-10-1983 (*w.e.f.* 10-10-1983).
72a. *Subs.* by Noti. No. GSR 910(E), dt. 27-6-1986 (*w.e.f.* 27-6-1986).
73. *Ins.* by Noti. No. GSR 1340, dated 24-10-1981.
74. *Ins.* by Noti. No. GSR 425, dated 4-4-1960.
74a. *Ins.* by Noti. No. GSR 245(E), dated 11-3-1982 (*w.e.f.* 11-3-1982).

[75][A.20. VINEGAR means a liquid derived from alcoholic and acetous fermentation of any suitable medium such as fruits, malt, molasses, sugar-cane juice, *etc.*

Vinegar shall conform to the following standards :

1. It shall contain at least 3·75 grammes of acetic acid per 100 ml.
2. It shall contain at least 1·5 per cent w/v of total solids and 0·18 per cent of ash.
3. It shall not contain (*i*) sulphuric acid or any other mineral acids, (*ii*) lead or copper, (*iii*) arsenic in amounts exceeding 1·5 parts per million, and (*iv*) any foreign substance or colouring matter except caramel.
4. Malt vinegar, in addition, shall have at least 0·05 per cent of phosphorus pentoxide (P_2O_5) and 0·04 per cent of nitrogen.

Brewed vinegar shall not be fortified with acetic acid.

[76][* * *]]

[77][A.20.01.—SYNTHETIC VINEGAR means the product prepared from acetic acid. It shall contain not less than 3·75 grammes of acetic acid per 100 ml.

It shall not contain—

(*a*) sulphuric or any other mineral acid.

(*b*) lead or copper,

(*c*) arsenic in amounts exceeding 1·5 parts per million,

(*d*) any colouring matter, except caramel.

Synthetic vinegar shall be distinctly labelled as SYNTHETIC—PREPARED FROM ACETIC ACID.]

[78][A.21. CATECHU (Edible) shall be the dried aqueous extract prepared from the heart-wood of Acacia catechu. It shall be free from infestation, sand, earth or other dirt and shall conform to the following standards :

(*a*) 5 ml. of 1 per cent aqueous solution, and 0·1 per cent solution of ferric ammonium sulphate shall give a dark green colour, which on the addition of sodium hydroxide solution shall change to purple.

(*b*) When dried to constant weight at 100°C, it shall not lose more than [78a][16] per cent of its weight.

(*c*) Water insoluble residue (dried at 100°C) shall not be more than 25 per cent by weight.

75. *Added* by Noti. No. SRO 1687, dated 14-7-1956.
76. *Omitted* by Noti. No. GSR 425, dated 4-4-1960.
77. *Ins.* by Noti. No. GSR 425, dated 4-4-1960.
78. *Added* by Noti. No. SRO 1687, dated 14-7-1956.
78a. *Subs.* for "12" by Noti. No. GSR 11(E), dated 4-1-1985 (*w.e.f.* 4-1-1985) as corrected by GSR 360(E), dated 18-4-1985.

Malted milk food shall also conform to the following standard, namely :—

	Malted milk food without cocoa powder	Malted milk food with cocoa powder
(*a*) Moisture	Not more than 5 per cent by weight.	Not more than 5 per cent by weight.
(*b*) Total protein (*N*×6.25) (on dry basis)	Not less than 12.5 per cent by weight.	Not less than 11.25 per cent by weight.
(*c*) Total fat (on dry basis)	Not less than 7.5 per cent by weight.	Not less than 6 per cent by weight.
(*d*) Total ash (on dry basis)	Not more than 3 per cent by weight.	Not more than 5 per cent by weight.
(*e*) Acid insoluble ash (on dry basis) (in dilute HCl)	Not more than 0.1 per cent by weight.	Not more than 0.1 per cent by weight.
(*f*) Solubility	Not less than 85 per cent by weight.	Not less than 80 per cent by weight.
(*g*) Cocoa powder (on dry basis)	———	Not less than 5.0 per cent by weight.
(*h*) Test for starch	Negative	———
(*i*) Bacterial Count	Not more than 50,000 per gram.	Not more than 5.0 50,000 per gram.
(*j*) Coliform Count	Not more than 10 per gram.	Not more than 10 per gram.]

A.18.13.—ROLLED OATS (quick-cooking oats) means the product made from sound hulled oats (Avena sativa). It shall be free from added colours, rancidity and flavouring agents. It shall be in form of thin flakes of uniform size having a light cream colour. It shall be free from dirt, insects and insect fragments.

It shall conform to the following standards :

Moisture	Not more than 10.0 per cent.
Total ash	Not more than 2.0 per cent on dry basis.
Ash insoluble in dilute HCl	Not more than 0.1 per cent on dry basis.
Nitrogen	Not less than 1.8 per cent on dry basis.
Crude fibre	Not more than 2.0 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol)	Shall be equivalent to not more than [68][5.0] ml. N NaOH per 100 gm. of dried substance.

[67][A.18.14.—BREAD—whether sold as white bread or wheat meal bread or fancy bread or fruity bread or bun or masala bread or milk bread or by any other name, shall mean the product prepared from a mixture of wheat atta, maida, water, salt, yeast or other fermentative medium. It may also contain one or more of the following ingredients, namely, condensed or milk powder (whole or skimmed), whey, curd, gluten, sugar, gur or jaggery, khandsari, honey, liquid glucose, malt products, edible starches and flour, edible groundnut flour, edible soya flour, protein concentrates and isolates,

68*b*. Subs. for 2.0 by Noti. No. GSR 35(E), dated 31-1-1979 (w.e.f. 31-1-1979).
67. Subs. by Noti. No. GSR 1228(E), dated 27-11-1986 (w.e.f. 27-11-1986). [Last amended by Noti. No. 852(E), dated 13-6-1985—See 1986 OCL-III-650-81].

vanaspati, margarine or refined edible oil of suitable type or butter or ghee or their mixture, lecithin, glycerine, glyceryl monostearate, albumin, lime water, lysine, sorbitol, vitamins, ammonium chloride, ascorbic acid, guar gum, spices and condiments or their extracts, fruit and fruit products (candied and crystallised or glazed), nuts and nut products.

It may contain the following improvers in the quantities given against each on the flour mass basis :

Ammonium persulphate	Not more than 0.25 per cent
Calcium Phosphate	Not more than 0.25 per cent
Calcium Carbonate	Not more than 0.5 per cent
Potassium Bromate and/or Potassium Iodate	Not more than 0.005 per cent
Ammonium Chloride	Not more than 0.25 per cent
Fungal Alpha-amylase	Not more than 0.05 per cent
Sodium Stearoyl-2 lactylate / Calcium Stearoyl-2 lactylate (singly or in combination)	Not more than 0.5 per cent
L-Cystein Hydrochloride	Not more than 0.009 per cent

It may contain one or more of the following mould inhibitors in the quantities given against each on the flour mass basis :

Calcium or Sodium Propionate	Not more than 0.3 per cent
Sorbic acid or its Sodium, Potassium or Calcium salts	Not more than 0.1 per cent
Acetic acid or Lactic acid	Not more than 0.25 per cent
Vinegar	Not more than 0.5 per cent
Acid Calcium Phosphate	Not more than 1.0 per cent
Sodium diacetate	Not more than 0.4 per cent
Acid Sodium Pyrophosphate	Not more than 0.5 per cent

It shall be free from dirt, insects and insect fragments, larvae, rodent hairs and added colouring matter except any permitted food colours present as a carryover colour in accordance with Rule 64-C, in raw material used in the product. Guar gum, if added, shall not exceed 0.5 per cent by weight. It shall conform to the following standards, namely :—

(*a*) Alcoholic acidity (with 90 per cent alcohol)	Shall be not more than the equivalent of 7.5 ml. N NaOH per 100 g of dried substance.
(*b*) Ash insoluble in dilute HCl on dry weight basis—	
(i) Bread except masala bread or fruit bread	Not more than 0.1 per cent
(ii) Masala bread or fruit bread	Not more than 0.2 per cent.]

[68][A.19.—[69]* * * *] VANASPATI means any refined edible vegetable oil or oils, subjected to a process of hydrogenation in any form. It shall be prepared by hydrogenation from groundnut oil, cotton seed oil and sesame oil or mixtures thereof or any other harmless vegetable oils allowed by the Government for the purpose. [70][Refined sal seed fat, if used, shall not be more than 10 per cent of the total oil mix.] It shall conform to the standards

68. *Ins.* by Noti. No. SRO 1031, dated 14-7-1956.
69. *Omitted* by Noti. No. GSR 1211, dated 9-12-1950.
69*a*. *Ins.* by Noti. No. GSR 745(E), dated 11-3-1982 (w.e.f. 11-3-1982).

milk powder; cereals and their products; cheese; citric acid; cocoa; coffee extract; edible desiccated coconut; dextrose; fruits and fruit products; dry fruit and nuts; egg; edible vegetable products; amylases and other enzymes, permitted flavouring agents; flavour improvers and fixers; flour improvers, ginger; gluten; groundnut flour milk and milk products; honey; jellyfying agents; liquid glucose; malt products; edible oilseeds; flour and meals, spices and condiments; edible starches such as potato starch and edible flour; sugar and sugar products; invert sugar; jaggery, protein concentrates and other nutrients; sodium bisulphites, sodium meta-bisulphite and other dough conditioners; vitamins, calcium and ferrous salts; potassium iodide, malic and lactic acids; tartaric acid; vinegar and acetic acid; yeast. Biscuits shall conform to the following standards, namely:—

(*a*) Ash insoluble in dilute hydrochloric acid (on dry basis) shall not be more than 0.1 per cent.

(*b*) Acidity of extracted fat (as oleic acid) shall not exceed 1.5 per cent.]

**"[A.18.08.—CORNFLOUR (Maize starch) means the starch obtained from maize (Zea mays L.). It shall contain no added colour, flavours or other chemicals. It shall be free from dirt, insecu, larvae and impurities or other extraneous matter.

It shall conform to the following standards:

Moisture	.. ..	Not more than 12·5 per cent
Total ash	.. ..	Not more than 0·5 per cent on dry basis.
Ash insoluble in dilute HCl	.. ..	Not more than 0·1 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol)	.. ..	Shall be equivalent to not more than 2·0 ml. N NaOH per 100 g. of dried starch.

A.18.09.—CORN FLAKES means the product obtained from dehulled, degermed and cook corn (Zea mays L.) by flaking, partially drying and toasting. It shall be in the form of crisp flakes or reasonably uniform size and golden brown in colour. It shall be free from dirt, insects, larvae and impurities and any other extraneous matter.

It shall conform to the following standards:

Moisture	... ..	Not more than **[7·5] per cent
Total ash excluding salt	..	Not more than 1·0 per cent on dry basis.
Ash insoluble in dilute HCl	.. ..	Not more than 0·1 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol)	.. ..	Shall be equivalent to not more than 2·0 ml. of N NaOH per 100 g. of dried substance.

64. *Ins.* by Noti. No. GSR 1533, dated 8-7-1968.
65. *Subs.* by Noti. No. GSR 65(E), dated 5-2-1976.

**"[A.18.10.—CUSTARD POWDER means the products obtained from maize (Zea mays L.) or sago/tapioca with or without the addition of small quantities of edible starches obtained from arrowroot, potato or jawar (sorghum vulgare) and with or without the addition of edible common salt, milk and albuminous matter. It may contain permitted colours and flavours. It shall be free from any other foreign matter. It shall be in the form of fine powder, free from rancidity, fermented and musty odour.

It shall conform to the following standards, namely:

(*a*) Moisture	.. ..	Not more than 12·5 per cent
(*b*) Total ash excluding added common salt (on dry basis).		Not more than 0·5 per cent
(*c*) Ash insoluble in dilute hydrochloric acid (on dry basis).		Not more than 0·1 per cent.]

A.18.11.—MACARONI PRODUCTS—Macaroni, spaghetti, vermicelli means the products obtained from suji or maida with or without addition of ingredients like edible groundnut flour, tapioca flour, soya flour, milk powder, spices, vitamins, minerals, by kneading the dough and extending it. It shall be free from added colour, dirt, insects, larvae and impurities or any other extraneous matter.

It shall conform to the following standards:

Moisture	..	Not more than 12·5 per cent
Total ash	..	Not more than 1·0 per cent on dry basis.
Ash insoluble in dilute HCl	.. ..	Not more than 0·1 per cent on dry basis.
Nitrogen	..	Not less than 1·7 per cent on dry basis.

**"[A.18.12.—MALTED MILK FOOD means the product obtained by mixing whole milk, partly skimmed milk or milk powder with the wort separately from a mash of ground barley malt, any other malted cereal grain and wheat flour or any other cereal flour or malt extract with or without addition of flavouring agents and spices, emulsifying agent, eggs, protein isolates, edible common salt, sodium or potassium bicarbonate, minerals and Vitamins and without added sugar in such a manner as to secure complete hydrolysis of starchy material and prepared in a powder or granule or flake form by roller drying, spray drying, vacuum drying or by any other process. It may contain cocoa powder. It shall be free from dirt and other extraneous matter. It shall not contain any added starch (except starch natural in cocoa powder) and added vegetable fat. It shall not contain any preservative or added colour. Malted milk food containing cocoa powder may contain added sugar.

66. *Subs.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
66a. *Subs.* by Noti. No. GSR 543(E), dated 2-7-1985 (w.e.f. 2-7-1985).

Rodent hair and excreta shall not exceed 5 pieces per kg.]

NOTE

In a case where 3·93 p.c. of sample of suji taken passed through *N.100* sieve, while 3 p.c. should have passed, it remains that 'Suji' is adulterated. *Municipal Corp., Delhi* v. *Ram Kishan*, 1974 Cri LJ 1448.

[A.10.04.—BESAN means the product obtained by grinding dehusked Bengal gram (*Cicer arietinum*) and shall not contain any added colouring matter or any other foreign ingredient.]

[Besan shall conform to the following standards :

(a) Total ash	..	Not more than 5 per cent.
(b) Ash insoluble in HCl	..	Not more than 0·5 per cent.]

[A.10.05.—PEARL BARLEY shall be the product obtained from sound and clean barley (Hordeum vulgare or Hordeum distichon). It shall be whitish in colour and shall be free from fermented, musty or other objectionable taste or odour, adulterants and insect and fungus infestation and rodent contamination. It shall not contain other foodgrains more than 1 per cent by weight.

Barley powder shall be the product obtained by grinding clean and sound dehusked barley (Hordeum vulgare or Hordeum distichon) grains. Barley starches shall not be less than 90·0 per cent by weight.

Barley powder shall also conform to the following standards, namely :

(i) Total ash (on dry basis)—Not more than 1·0 per cent ;

(ii) Ash insoluble in dilute hydrochloric acid (on dry basis)—Not more than 0·1 per cent ;

(iii) Crude fibre (on dry basis) not more than 0·5 per cent ;

(iv) Alcoholic acidity—Not more than 0·10 per cent (as H_2SO_4 with 90 per cent alcohol).]

[A.10.05.01.—WHOLE MEAL BARLEY POWDER means the product obtained by grinding clean and sound dehusked barley (Hordeum vulgare or Hordeum distichon) grains. It shall conform to the following standards :

(a) Moisture—Not more than 14.0 per cent (when determined by heating at 130°-133°C for 2 hours).

(b) Total ash (on dry weight basis)—Not more than 2·0 per cent.

(c) Ash insoluble in dilute HCl (on dry weight basis)—Not more than 0·5 per cent.

(d) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than 0·17 per cent.

---

80. Added by Noti. No. GSR 1251, dated 9-12-1976.
81. Ins. by Noti. No. GSR 1340, dated 24-10-1981.
82. Subs. by Noti. No. GSR 74, dated 31-12-1983.
83. Ins. by Noti. No. GSR 908, dated 20-7-1971.

Rodent hair and excreta shall not exceed 5 pieces per kg.]

[A.10.06.—FOODGRAINS meant for human consumption shall be whole or broken kernels of cereals, millets and pulses. Paddy is included in foodgrains and shall have different limits for refractions wherever specified.

Foodgrains meant for human consumption shall conform to the following standards :

(i) *General.*—Foodgrains shall be free from deleterious material including artificial colouring matter. The pesticide residue, if any, shall not exceed the prescribed permissible limit. [84][Rajma and wheat grain shall not contain ergot affected grains more than 0·05 per cent by weight.]

(ii) *Foreign matter.*—Foreign matter means any extraneous matter other than foodgrains and will comprise inorganic and organic matter. Inorganic matter which includes sand, gravel, dust, pebbles, stones, lumps of earth, clay and mud shall not exceed 1 per cent whereas in case of paddy, it shall not exceed 3 per cent by weight. Organic matter which includes chaff, straw, weed seeds, shrivelled grain, oilseeds and other non-poisonous seeds shall not exceed 3 per cent by weight.

(iii) *Damaged grain.*—Damaged grain means grains damaged by fungus, moisture or heating and wherein the damage is not superficial but the grain is affected internally, it shall not exceed 5 per cent by weight.

(iv) *Insect damage.*—The amount of weevilled grains (by count) shall not be more than 10 per cent or Uric Acid content arising as a result of insect damage shall not exceed 10 milligrammes per 100 grammes, whichever is lower.

(v) *Rodent hair and excreta.*—Rodent hair and excreta shall not exceed 5 pieces per kg. of the sample.

(vi) *Moisture.*—The loss in weight by heating the pulverised foodgrains at 130°-133°C for two hours shall not exceed 16 per cent.]

NOTE

The words 'cereals' and 'foodgrains' should be given an extended meaning so as to include the seed of both Graminaceal and Leguminosal, that is to say, both cereals strictly so called and pulses which are not strictly 'cereals' as understood by botanists. *Public Prosecutor* v. *Crandhi Venkataramana*, 1972 Cri LJ 272.

[A.10.07.—BISCUITS (BISCUITS WATER BISCUITS) shall be made from maida, vanaspati or refined edible oil or table butter or desi butter or margarine or ghee or their mixture. It may contain any one or more of the following ingredients, namely :—

[Edible common salt ; permitted antioxidants ; emulsifying and stabilising agents ; permitted preservatives and colours ; leavening agents such as baking powder ; ammonium bicarbonate ; ammonium carbonate ; butter-

---

84. Subs. by Noti. No. GSR 938, dated 20-7-1971.
85a. Ins. by Noti. No. GSR 18(E), dated 15-1-1977.
85. Subs. by N.ti. No. GSR 168 (E), dated 28-5-1985 (w.e.f. 28-5-1985).

It shall conform to the following standards :

Moisture ..	.. Not more than **[14·0] per cent.
Total ash ..	.. Not more than 2·2½ per cent on dry basis.
Ash insoluble in dilute HCl	.. Not more than 0·1 per cent on dry basis.
Total protein (N x 6·25)	.. Not less than 12·5 per cent on dry basis.
Crude fibre ..	.. Not more than 2·5 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4	.. Not more than 0·12 per cent.]

**[A.18.02.—MAIDA (wheat flour) means the fine product made by milling or grinding wheat and bolting or dressing the resulting wheat meal. It shall conform to the following standards :

(a) Moisture—not more than 14·0 per cent (when determined by heating at 130-133°C for 2 hours).

(b) Total ash (on dry weight basis)—Not more than 1·0 per cent.

(c) Ash insoluble in dilute HCl (on dry weight basis)—Not more than 0·1 per cent.

(d) Gluten (on dry weight basis)—Not less than 7·5 per cent.

(e) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than **[0·12] per cent.

Rodent hair and excreta shall not exceed 5 pieces per kg.]

**[If the product is to be used for bakery purposes, the following flour-treatment agents in the quantities mentioned against each may be used, namely :—

(i) Benzoyl peroxide (Max) ..... 40 p.p.m.

(ii) Potassium bromate (Max) ..... 20 p.p.m.

(iii) Ascorbic acid (Max) ..... 200 p.p.m.]

**[A.18.02.01.—FORTIFIED MAIDA means the product obtained by mixing one or more of the following materials in maida, namely—

(a) Calcium carbonate (prepared chalk popularly known as Chuna prepared),

---

20. *Corrected by* Noti. No. 1388, dated 2-12-1961.
21. *Subs. by* Noti. No. 1368, dated 2-10-1976.
22. *Subs. by* Noti. No. GSR 587 E, of 2-9-1978 (w.e.f. 2-9-1978).
23. *Ins. by* Noti. No. GSR 1417, of 20-9-1978 (w.e.f. 2-10-1978).
24. *Added by* Noti. No. GSR 455, dated 4-4-1980.

(b) Iron,

(c) Thiamine,

(d) Riboflavin, and

(e) Niacin.

The calcium carbonate powder, if added for fortification, shall be in such amount that 100 parts by weight of fortified maida shall contain not less than 0·30 and not more than 0·33 parts by weight of calcium carbonate.]

**[A.18.02.02.—PROTEIN RICH (PAUSHTIK) MAIDA means the product obtained by mixing maida (wheat flour) with groundnut flour up to an extent of 10·0 per cent. It shall be free from insect or fungus infestation, odour and rancid taste. It shall not contain added flavouring and colouring agents or any other extraneous matter. It shall conform to the following standards :

Moisture ..	.. Not more than **[14·0] per cent
Total ash ..	.. Not more than 1·4 per cent on dry basis.
Ash insoluble in dilute HCl	.. Not more than 0·1 per cent on dry basis.
Total protein (N x 6·25)	.. Not more than 12·5 per cent on dry basis
Crude fibre ..	.. Not more than 0.33 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4	.. Not more than 0·12 per cent.
Gluten ..	.. Not less than 7·0 per cent on dry basis.]

**[A.18.03.—SEMOLINA (Suji or Rawa) means the product prepared from wheat by process of grinding and bolting. It shall be free from musty smell and off-odour and shall be creamy yellow in colour. It shall conform to the following standards :

(a) Moisture—Not more than 14·5 per cent (when determined by heating at 130-133°C for 2 hours).

(b) Total ash (on dry weight basis)—Not more than 1·0 per cent.

(c) Ash insoluble in dilute HCl (on dry weight basis)—Not more than 0·1 per cent.

(d) Gluten (on dry weight basis)—Not less than 9·0 per cent

(e) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than 0·18 per cent.

---

3. *Added by* Noti. No. GSR 1183, dated 6-7-1968 not converted by GSR 1764 dt. 10-7-1967.
26. *Corrected by* Noti. No. GSR 1103, dated 2-12-1978.
27. *Subs. by* Noti. No. GSR 1845, dated 2-10-1976.

(c) Saponification value	188—194
(d) Unsaponifiable matter	Not more than 1·5 per cent
(e) Free Fatty Acids (expressed as Oleic acid)	Not more than 3·0 per cent
OR	
Acid value	Not more than 6·0

Further, if the oil is obtained by the method of solvent extraction, it shall be supplied for human consumption only after refining and shall conform to the standards laid down under item A.17.15. Additionally, it shall have Flash point (Pensky-Martens closed method)—not less than 250°C.]

[68][A.17.23.—RICE BRAN OIL means the oil obtained from the layer around the endosperm of rice obtained from paddy of Oryza Sativa Linn. Fam Graminaceae, which is removed during the process of rice milling and is generally known as rice bran.

Refined Rice Bran Oil shall be obtained from solvent extracted oil, neutralised with alkali, bleached with bleaching earth or activated carbon or both and deodorised with steam. Alternatively dewaxification, bleaching and deodorization may be done by physical means.

The oil shall be clear and free from rancidity, adulterants, sediments, suspended and other foreign matters, separated water and added colouring and flavouring substances. The clarity of the oil shall be judged by the absence of turbidity after keeping the filtered sample at 10°C for 24 hrs. Rice bran oil shall be sold for human consumption only after refining. It shall conform to the following standards, namely :

(i) Moisture and insoluble impurities.	Not more than 0·1 per cent by weight.
(ii) Refractive index at 40°C	1·4600 to 1·4700
OR	
Butyro-refractometer reading at 40°C	51·0 to 60·4
(iii) Saponification value	180 to 195
(iv) Iodine value (Wijs' method)	90 to 105
(v) Free Fatty Acids (as Oleic acid) by weight.	Not more than 0·25 per cent
OR	
Acid value	Not more than 0·5
(vi) Unsaponifiable matter	Not more than 4·0 per cent

[68] Ins. by Notf. No. 4228 (E), dated 11-9-1982 (w.e.f. 11-9-1982) — corrected by Notf. No. 6369 (E), dated 5-8-1982.

(iii) Flash point (Pensky Martens closed method). Not less than 250°C

[68a][A.17.24.—BLEND OF SOYABEAN OIL (REFINED) AND GROUNDNUT OIL means the blend of Soyabean oil (refined) and Groundnut oil where the proportion of Groundnut oil in the blend shall not be less than twenty per cent by weight, and both the oils shall conform to the respective standards prescribed by these rules. The blend shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring matter, flavouring substances and mineral oil. It shall also conform to the following requirements, namely :—

(a) Free Fatty acid as Oleic acid	Not more than 1·0 per cent by weight.
(b) Unsaponifiable matter	Not more than 1·30 per cent by weight.]

Note.—The edible oils prescribed under item A.17 shall be free from castor oil.]

[68b][A.18.—CEREALS]

[68c][A.18.01.—[68d][ATTA OR RESULTANT ATTA] means the coarse product obtained by milling or grinding wheat. It shall conform to the following standards :

(a) Moisture—not more than 14·0 per cent (when determined by heating at 130-133°C for 2 hours).
(b) Total ash—not more than 2·0 per cent (on dry weight basis).
(c) Ash insoluble in dilute HCl—Not more than 0·15 per cent (on dry weight basis).
(d) Gluten (on dry weight basis)—Not less than 6·0 per cent.
(e) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than 0·10 per cent.

Rodent hair and excreta shall not exceed [68e][2] pieces per kg.]

[68f][A.18.01.01.—FORTIFIED ATTA means the product obtained by adding one or more of the following materials to atta, namely—

(a) Calcium carbonate (prepared chalk, popularly known as Creta preparata),
(b) Iron,
(c) Thiamine,
(d) Riboflavin, and
(e) Niacin.

The calcium carbonate powder, if added for fortification shall be in such amount that 100 parts by weight of fortified atta shall contain not less than 0.30 and not more than 0.35 parts by weight of calcium carbonate.]

[68g][A.18.01.02.—PROTEIN RICH (PAUSHTIK) ATTA means the product obtained by mixing groundnut flour up to an extent of 10·0 per cent. It shall be free from insect or fungus infestation, odour and rancid taste. It shall not contain added flavouring and colouring agents or any other extraneous matter.

68. Ins. by Notf. No. GSR 892(E), dt. 8-12-1982 (w.e.f. 7-6-1982).
68a. Added by Notf. No. SRO 1687, dated 14-7-1958.
12. Subs. by Notf. No. GSR 1809, dated 5-10-1979.
68b. Subs. by GSR 103(E), dated 26-2-1983 (w.e.f. 26-2-1983).
68c. Ins. for '5' by Notf. No. GSR 53(E), dated 31-1-1977 (w.e.f. 31-1-1978).
68d. Added by Notf. No. GSR 425, dated 4-4-1960.
68e. Subs. by Notf. No. GSR 1333, dated 8-7-1965 and corrected by GSR 1784, dated 18-7-1965.

Additionally, it shall have Flash point (Pensky-Martens closed method) not less than 250°C.

A.17.19.—PALM OIL means the oil obtained from fleshy mesocarp of fruits of the oil palm (Elaeis Guineensis) tree by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring and flavouring substances or mineral oil. It shall conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 50°C	35·5—44·0
or	
Refractive Index at 50°C	1·4491—1·4552
(*b*) Melting point (capillary slip method)	Not more than 37°C
(*c*) Iodine value (Wijs' method)	45—56
(*d*) Saponification value	195—205
(*e*) Unsaponifiable matter	Not more than 1·2 per cent
(*f*) Free Fatty Acids (expressed as Oleic acid)	Not more than 5·0 per cent
or	
Acid value	Not more than 10·0

Palm oil shall be refined before it is supplied for human consumption and it shall conform to the standards laid down under item A.17.15. Additionally, it shall have Flash point (Pensky-Martens closed method) not less than 250°C.

A.17.20.—PALMOLEIN means the liquid fraction obtained by fractionation of palm oil obtained from the fleshy mesocarp of fruits of oil palm (Elaeis Guineensis) tree by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring and flavouring substances or mineral oils. It shall conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 40°C	43·7—52·5
or	
Refractive Index at 40°C	1·4550—1·4610
(*b*) Iodine value (Wijs' method)	54—62
(*c*) Saponification value	195—205
(*d*) Cloud point	Not more than 19°C
(*e*) Unsaponifiable matter	Not more than 1.2 per cent

(*f*) Free Fatty Acids (expressed as Oleic acid)	Not more than 3·0 per cent
or	
Acid value	Not more than 6·0

Further, if the palmolein is obtained from solvent extracted palm oil, it shall be refined before it is supplied for human consumption and it shall conform to the standards laid down under item A.17.15. Additionally, it shall have Flash point (Pensky-Marten closed method) not less than 250°C.

A.17.21.—PALM KERNEL OIL means the oil obtained from sound kernel of the fruits of oil palm (Elaeis Guineensis) tree by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring and flavouring substance or mineral oil. It shall conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 40°C	33·3—39·5
or	
Refractive Index at 40°C	1·4490—1·4520
(*b*) Iodine value (Wijs' method)	10—23
(*c*) Saponification value	237—255
(*d*) Unsaponifiable matter	Not more than 1·2 per cent
(*e*) Free Fatty Acids (expressed as Oleic acid)	Not more than 3·0 per cent
or	
Acid value	Not more than 6·0

Further, if the oil is obtained by the method of solvent extraction, it shall be supplied for human consumption only after refining and shall conform to the standards laid down under item A.17.15. Additionally it shall have Flash point (Pensky-Marten closed method)—not less than 250°C.

A.17.22.—SUNFLOWER SEED OIL means the oil obtained from clear and sound sunflower seeds or cake from the plants, Helianthus annus Linn (Family : compositae) by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 40°C	57·1—62·9
or	
Refractive Index at 40°C	1·4640—1·4800
(*b*) Iodine value (Wijs' method)	100—145

182

[A.17.14.—MAIZE (CORN) OIL means the oil, extracted from the germ of clean and sound seeds of *Zea mays* Linn. FATS GRUMOSUS, refined. It shall be free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards :

(a) Butyro-refractometer reading at 40°C	..	56·7 to 62·5
(b) Saponification value	..	187 to 195
(c) Iodine value	..	[103 to 128]
(d) Unsaponifiable matter	..	Not more than 1·5 per cent
(e) Free fatty acids (as Oleic acid)	..	Not more than [illegible] per cent]

[A.17.15].—REFINED VEGETABLE OIL means any edible vegetable oil which is obtained by expression, neutralised with alkali, bleached with absorbent earth and/or activated carbon and deodorised with steam. No other chemical agent shall be used. The name of the vegetable oil from which the refined oil has been manufactured shall be clearly specified on the label of the container. In addition to the undermentioned standards to which refined vegetable oils shall conform, the standards prescribed in these rules for the specified edible oils shall also apply except for free fatty acid content, which shall be not more than 0·25 per cent. Moisture shall not exceed 0·10 per cent by weight.

[A.17.16.—ALMOND OIL means the oil expressed from the seeds of *Prunus amygdalus* Batsch, var. dulcis **Koehne** (sweet almond) or of *Prunus amygdalus* Batsch, var. Amara Focke (bitter almond) without the application of heat. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards :

Butyro-refractometer reading at 40°C	..	54 to 57
Saponification value	..	186 to 195
Iodine value	..	90 to 109
Free fatty acid (as Oleic acid)	..	Not more than 3·0 per cent
Bellier's test (Turbidity temperature—Acetic Acid method)		Not more than [illegible] 60°C.]

[A.17.17—WATER-MELON SEED OIL means the oil extracted from the clean, sound seeds of the fruit of Water-Melon (*Citrullus vulgaris* Schrad) (Family: cucurbitaceae). It shall be clear, free from rancidity, substances, sediments, suspended and other foreign matter, separated water, added colouring and flavouring substances and mineral oil. It shall conform to the

43. Ins. by Noti. No. GSR 938, dated 26-8-1971.
43a. Subs. by Noti. No. GSR 55(E), dated 30-1-1979 (w.e.f. 30-1-1979).
43b. Subs. for "0·25" by Noti. No. GSR 740(E), dated 29-8-1983 (w.e.f. 29-8-1983).
44. Re-numbered by Noti. No. GSR 938, dated 26-8-1971.
45. Ins. by Noti. No. GSR 153, dated 7-3-1972.
45a. Ins. by Noti. No. GSR 55(E), dated 30-1-1979 (w.e.f. 30-1-1979).

following standards :

(a) Moisture and insoluble matter	Not more than 0·25 per cent
(b) Butyro-refractometer reading at 40°C	55·6—60·7
(c) Saponification value	190—198
(d) Iodine value	115—125
(e) Free fatty acids (as Oleic acid)	Not more than 1·0 per cent
(f) Unsaponifiable matter	Not more than 1·5 per cent.]

[A.17.18.—[IMPORTED] RAPESEED OIL (Toria-ka-tel) means—

(a) the oil obtained from clean and sound rapeseed belonging to campestris, juncea, or napus varieties of Brassica, by the method of expression or solvent extraction and imported into India, or

(b) the oil obtained from clean and sound imported rapeseed belonging to campestris, juncea, or napus varieties of Brassica by the method of expression or solvent extraction.

It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards, namely :—

(a) Butyro-refractometer reading at 40°C or Refractive Index at 40°C	51·0—64·0 1·4600—1·4690
(b) Iodine value (Wijs' method)	94—128
(c) Saponification value	166—198
(d) Unsaponifiable matter	Not more than 2·0 per cent
(e) Test for argemone oil	Negative
(f) Test for Hydrocyanic acid (Ferric Chloride test).	Passes the test
(g) Free Fatty Acids (expressed as Oleic acid) or Acid value	Not more than 3·0 per cent Not more than 6·0

Rapeseed oil imported into India or rapeseed oil obtained by solvent extraction shall be supplied for human consumption only if it is refined and it shall conform to the standards laid down under item A.17.13 except for free fatty acid content which shall not be more than 0·3 per cent (Acid value being [illegible]

45b. Items A.17.13 to A.17.17 Ins. by G.S.R. 710(E), dated 22-12-1980 (w.e.f. 22-12-1980) as corrected by G.S.R. 895, dt. 24-8-1981.

280

(*d*) Unsaponifiable matter	Not more than 1.0 per cent
(*e*) Free fatty acid as Oleic acid ..	Not more than 3.0 per cent
[35][(*f*) Bellier test [36][* * *] (Turbidity temperature—Acetic acid method) ..	Not more than 10°C]]

[37][A.17.10—TARAMIRA OIL means the oil expressed from clean and sound seeds of Taramira (Eruca sativa). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	58.0 to 60.0
(*b*) Saponification value	174 to 177
(*c*) Iodine value	99 to 105
(*d*) Unsaponifiable matter	Not more than 1.0 per cent
(*e*) Free fatty acid as Oleic acid ..	Not more than 3.0 per cent]

[38][A.17.11.—TIL OIL (Gingelly or sesame oil) means the oil expressed from clean and sound seeds of Til (Sesamum indicum), black, brown, white, or mixed. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	58.0 to 61.0
(*b*) Saponification value	188 to 193
(*c*) Iodine value	[39a][103 to 120]
(*d*) Unsaponifiable matter	Not more than 1.5 per cent
(*e*) Free fatty acid as Oleic acid ..	Not more than 3.0 per cent
[40][(*f*) Bellier test (Turbidity temperature—Acetic acid method) ..	Not more than 22°C]]

[41][Provided that the oil obtained from white sesame seeds grown in Tripura, Assam and West Bengal shall conform to the following standards

Butyro-refractometer reading at 40°C ..	60.5 to 63.4

35. Ins. by Notf. No. 6258, dated 4-7-1964.
36. Omitted by Notf. No. 6258, dated 4-7-1964.
37. Added by Notf. No. 6258, dated 4-7-1964.
38. Subs. by Notf. No. 910(E), dated 27-6-1986 (w.e.f. 27-6-1986) for "105 to 115".
39. Added by Notf. No. 6258, dated 4-7-1964.
39a. Subs. by Notf. No. 1553, dated 8-7-1968.

Saponification value	185 to 190
Iodine value	115 to 120
Free fatty acid (as Oleic acid)	Not more than 3.0 per cent
Unsaponifiable matter	Not more than 2.5 per cent
Bellier Test (Turbidity temperature—Acetic acid method)	Not more than 22°C]

[42][A.17.12.—NIGER SEED OIL (Sarguja ka tel), means the edible oil obtained by process of expressing clean and sound seeds of Guizotia abyssinica. It shall be clear and free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, mineral or other oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	61.0 to 65.0
(*b*) Saponification value	188 to 193
(*c*) Iodine value	[42a][110] to 135
(*d*) Unsaponifiable matter ..	Not more than 1.0 per cent
(*e*) Free fatty acid as Oleic acid	Not more than 3.0 per cent
[43][(*f*) Bellier test (Turbidity temperature—Acetic acid method) ..	25°C to [29°C][43a].]

[44][A.17.13—SOYABEAN OIL means the oil expressed from clean and sound soyabeans (Soja max) from which the major portion of the gums naturally present have been removed by hydration and mechanical or physical separation. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil.

It shall conform to the following standards :

Butyro-refractometer reading at 40°C ..	[45a][58.5 to 68.0]
Saponification value	189 to 195
Iodine value	120 to 141
Unsaponifiable matter	Not more than 1.5 per cent
Free fatty acid as Oleic acid	Not more than 1.25 per cent
Phosphorus	Not more than 0.02 per cent]

NOTE.—Soyabean oil mixed with cottonseed oil will answer to this test. Vide *Food Inspector v. State of M.P.*, (1981) 4 SCC 467 : 1985 SCC (Cri) 4.

40. Added by Notf. No. 1553, dated 8-7-1968.
40a. Subs. by Notf. No. GSR 19, dated 31-12-1965.
41. Subs. for "20(C)" by Notf. No. GSR 196(E), dated 30-3-1993 (w.e.f. 30-3-1993).
41a. Subs. by Notf. No. GSR 1553, dated 8-7-1968.
42. Ins. by Notf. No. 910(E), dated 27-6-1986 (w.e.f. 27-6-1986).
42a. Subs. by Notf. No. 910(E), dated 27-6-1986 for "90.7 to 68.3".

NOTE

Linseed oil is not one of the articles of food enumerated in Rule 29 and hence even permitted coal tar dyes cannot be added to linseed oil. (1977) 1 SCC 173 : 1977 SCC (Cri) 70.

[25](A.17.05.—MAHUA OIL means the oil expressed from clean and sound seeds or nuts of Madhuca (Bassia latifolia or B. longifolia or a mixture of both). It shall be clear and shall be free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. [26][It shall be refined and shall conform to the following standards]:

(a) Butyro-refractometer reading at 40°C ..	49·5 to 52·7
(b) Saponification value ..	187 to 196
(c) Iodine value	58 to 70
(d) Unsaponifiable matter	Not more than 2·0 per cent
(e) Free fatty acid as Oleic acid ..	Not more than [27][0·25] per cent]

[28][A.17.06.—[29][RAPE-SEED OIL (Toria oil) MUSTARD OIL (Sarson-ka-tel)] means the oil expressed from clean and sound mustard seeds, belonging to the compestris, juncea or napus varieties of Brassica. It shall be clear, free from rancidity, suspended or foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards:

(a) Butyro-refractometer reading at 40°C ..	58·0 to 60·5
(b) Saponification value	168 to 177
(c) Iodine value	[30]96 to 110: Polybromide test shall be negative]
(d) Unsaponifiable matter	Not more than 1·2 per cent by weight
(e) Free fatty acid as Oleic acid ..	Not more than 3·0 per cent
(f) Bellier Test (Turbidity temperature—Acetic acid method)	Not more than 27·5°C
(g) Test for argemone oil	Negative
(h) Test for Hydrocyanic acid ..	Negative]

25a. *Ins.* by Noti. No. SRO 1687, dated 14-7-1956.
25b. *Subs.* by Noti. No. GSR 551(E), dated 31-5-1979 (w.e.f. 31-5-1979).
26. *Subs.* by Noti. No. GSR 252, dated 27-2-1969.
27. *Subs.* by Noti. No. GSR 42(E), dated 5-2-1975.
27a. *Subs.* by Noti. No. GSR 211 of 15-3-1974 (w.e.f. 25-5-1974).

NOTES

Toria seeds belong to the compestris variety of Brassica. Hence toria oil falls squarely within the definition of mustard oil. *Jatinder Singh* v. *Municipal Committee*, (1976) 1 SCC 655 : 1976 SCC (Cri) 400.

Inability of ordinary vendor to conform to standards prescribed here, cannot render standards unreasonable. *Jagdish Prasad* v. *State of W.B.*, 1972 SCC (Cri) 63 : (1972) 1 SCC 526.

Public Analyst's report containing results of only three tests out of seven but including saponification, is not ineffective or inconclusive. *Jagdish Prasad* v. *State of W.B.*, 1972 SCC (Cri) 63 : (1972) 1 SCC 526.

[31][A.17.07.—OLIVE OIL means the oil expressed from the ripe olive fruit (Olea europea). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards:

(a) Butyro-refractometer reading at 40°C ..	53·0 to 56·0
(b) Saponification value	185 to 196
(c) Iodine value	79 to 90
(d) Unsaponifiable matter	Not more than 1·0 per cent
(e) Free fatty acid as Oleic acid ..	Not more than 3·0 per cent]

[32][A.17.08.—POPPY SEED OIL means the oil expressed from poppy seeds (Papaver somniferum). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(a) Butyro-refractometer reading at 40°C ..	60·0 to 64·0
(b) Saponification value	186 to 194
(c) Iodine value	133 to 143
(d) Unsaponifiable matter	Not more than 1·0 per cent
(e) Free fatty acid as Oleic acid	Not more than 3·0 per cent]

[33][A. 17.09.—[34][SAFFLOWER SEED OIL] (kartey ka tel) means the oil expressed from the seeds of Carthamus tinctorius. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(a) Butyro-refractometer reading at 40°C ..	62·6 to 64·7
(b) Saponification value	186 to 196
(c) Iodine value	135 to [34a][141]

31. *Added* by Noti. No. SRO 1687, dated 14-7-1956.
32. *Added* by Noti. No. SRO 1687, dated 14-7-1956.
34a. *Subs.* for "Safflower Oil" by Noti. No. GSR 245(E), dated 11-3-1982 (w.e.f. 11-3-1982)
34b. *Subs.* for "146" by Noti. No. GSR 245(E), dated 11-3-1982 (w.e.f. 11-3-1982).

[22][The minimum total soluble solids shall not be less than 15 per cent. The total acidity in terms of acetic acid shall not be less than 1.0 per cent.]

[22a][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[22b][A.16.13—SPICES BASED SAUCE.—Spices based sauce like chillies sauce shall be the product derived from any suitable variety of spices or condiments, singly or in combination. Such spices shall be wholesome and practically free from fungal or insect attack. The only substance that may be added are, spices—fresh or dried, sugar, salt, vinegar, acetic acid, citric acid, fumaric acid, onion, garlic, flavouring agents, permitted preservatives, permitted stabilizers and emulsifiers. It may contain caramel, but shall not contain any coaltar food colour. It may also contain small quantities of vegetable, fruit pulp or juice.

The total acidity in terms of acetic acid shall not be less than 1.0 per cent and total soluble solids shall not be less than 10·0 per cent by weight.]

[22c][A.16.14. TOMATO PUREE OR TOMATO PASTE or any other expression conveying the meaning that the product so designated is a form of tomato puree or tomato paste, shall be a preparation of sound and ripe tomatoes with or without (*a*) salt, spices and condiments; (*b*) citric acid, malic acid, tartaric acid, lactic acid and L-ascorbic acid; and (*c*) permitted preservatives.

The product shall be free from skin and seeds. It shall be free from added colouring matter. The product shall show no sign of fermentation action when incubated at 37°C for seven days.

Tomato Puree shall contain not less than 9 per cent total soluble solids by weight whereas Tomato Paste shall contain not less than 25 per cent total soluble solid by weight.]

NOTES

Rule A.16.12 does not conflict with Essential Commodities Act, Section 3 read with Fruit Products Order, 1955. *H.K. Mehta v. Municipal Corp., Delhi*, 1973 Cri LJ 1511.

[23][A.17.—EDIBLE OILS.]

[24][A.17.01. COCONUT OIL (Naryal ka tel) means the oil expressed from copra obtained from the kernel of Cocos nucifera nuts. It shall be clear and free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(*a*) Butyro refractometer reading at 40°C	..	34·0 to 35·5
(*b*) Saponification value	..	[25][Not less than 250]
(*c*) Iodine value	..	7.5 to 10.0
(*d*) Polenske value	..	Not less than 13.0
(*e*) Free fatty acid as Oleic acid	..	Not more than 3.0 per cent].

[26][A.17.02.—COTTON SEED OIL (Binole ka tel) means the oil expressed from clean, sound and decorticated cotton seeds (genus Gossypium), refined and dehydrated. It shall be clear, free from rancidity suspended or other foreign matter, separated water, added colouring or flavouring substances, or

22. *Added* by Noti. No. GSR 992, dated 6-6-1973.
22a. *Ins.* by Noti. No. GSR 240(E), dated 6-3-1981.
22b. *Ins.* by Noti. No. GSR 290(E), dated 13-4-1981 (w.e.f. 13-4-1981).
22c. *Ins.* by Noti. No. GSR 852(E), dated 13-6-1986 (w.e.f. 13-6-1986).
23. *Added* by Noti. No. 680 1687, dated 14-7-1956.
24. *Subs.* by Noti. No. GSR 1211, dated 9-12-1978.

mineral oil. It shall conform to the following standards:

(*a*) Butyro-refractometer reading at 40°C	..	[27][55·6 to 60·2]
(*b*) Saponification value	..	190 to 198
(*c*) Iodine value	..	[28][90] to 112
(*d*) Unsaponifiable matter	..	Not more than 1·5 per cent
(*e*) Free fatty acid as Oleic acid	..	Not more than [29][0·2] per cent]

[30][(*f*) There shall be no turbidity after keeping the filtered sample at 30°C for 24 hours.]

[31][A.17.03.—GROUNDNUT OIL (moongh-phali-ka-tel) means the oil expressed from clean and sound groundnuts (Arachis hypogoea). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(*a*) Butyro-refractometer reading at 40°C	..	54·0 to 57·1
(*b*) Saponification value	..	188 to 196
(*c*) Iodine value	..	85 to 99
(*d*) Unsaponifiable matter	..	Not more than 1·0 per cent
(*e*) Free fatty acid as Oleic acid	..	Not more than 3·0 per cent
(*f*) Bellier test [32][Turbidity temperature—Acetic acid method]	..	39°C to 41°C]

[33][A.17.04.—LINSEED OIL (Tisi ka tel) means the oil obtained by process of expressing clean and sound linseed (Linum usitatissimum). It shall be clear, free from rancidity, suspended or other foregin matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(*a*) Butyro-refractometer reading at 40°C	..	69·5 to 74·3
(*b*) Saponification value	..	188 to 195
(*c*) Iodine value	..	Not less than 170
(*d*) Unsaponifiable matter	..	Not more than 1·5 per cent
(*e*) Free fatty acid as Oleic acid		Not more than 0 per cent]

25. *Subs.* by Noti. No. GSR 611(E), dated 2-5-1979.
26. *Subs.* by Noti. No. GSR 992, dated 14-6-1973.
26a. *Subs.* for "45·0" by Noti. No. GSR 741(E), dated 30-9-1992 (w.e.f. 30-9-1992).
27. *Ins.* by Noti. No. GSR 992, dated 14-6-1973.
27a. *Added* by Noti. No. 680 1687, dated 14-7-1956.
28. *Subs.* by Noti. No. GSR 74, dated 21-12-1985.
29. *Ins.* by Noti. No. 680 1687, dated 14-7-1956.

251. मल निस्सारण के लिए साधनों की व्यवस्था—मुख्य नगराधिकारी मलादि (sewage) को एकत्र करने, व्यवहृत करने (treating), उसे इकट्ठा करने (storing), उसे कीटाणु रहित करने (disinfecting), उसका निस्तार करने या अन्यथा उसका निस्सारण करने के लिए नगर के भीतर या बाहर किसी भूमि, भवन, इंजिन की सामग्री या स्थिर यंत्र (apparatus) को खरीद कर सकता है या पट्टे पर ले सकता है या किसी व्यक्ति के साथ किसी अवधि के लिए, जो 20 वर्ष से अधिक हो, नगर के भीतर या बाहर मलादि (sewage) को हटाने या उसके निस्सारण के लिए कोई प्रबन्ध (arrangement) कर सकता है।

नाबदान, संडास, मूत्रालय, आदि

252. नाबदानों (water closets) और संडासों (privies) का निर्माण—(1) मुख्य नगराधिकारी की लिखित अनुमति और ऐसे निबन्धनों के, जो तत्समय प्रवर्तित किसी नियम या उपविधि से असंगत न हों और जिनको वह व्यवस्था करे, के अनुकूल किसी भू-गृहादि के लिए नाबदान या संडास का निर्माण करना वैध न होगा।

(2) ऐसे निबन्धनों की व्यवस्था करते समय मुख्य नगराधिकारी प्रत्येक दशा में यह निर्धारित कर सकता है कि—

(क) भू-गृहादि में नाबदान प्रणाली की व्यवस्था रहेगी अथवा संडास प्रणाली की अथवा अंशतः एक की और अंशतः दूसरे की, तथा

(ख) प्रत्येक नाबदान या संडास का स्थल (site) या स्थिति (position) क्या होगी।

(3) यदि किसी भू-गृहादि पर कोई नाबदान या संडास उपधारा (1) का उल्लंघन करके बनाया गया हो तो मुख्य नगराधिकारी उस भू-गृहादि के स्वामी या अध्यासी को कम से कम 10 दिन का नोटिस देने के बाद, उस नाबदान या संडास को बन्द कर सकता है और उसे परिवर्तित कर सकता है अथवा गिरा सकता है (demolish) और ऐसा करने में मुख्य नगराधिकारी द्वारा किये गये व्यय का भुगतान उक्त स्वामी या अध्यासी या दोषी व्यक्ति (person offending) द्वारा किया जायगा।

253. नव निर्मित या पुनर्निर्मित भवनों में नाबदान और अन्य स्थान (accommodation)—(1) किसी ऐसे भवन का, जो मनुष्यों के निवास के लिए हो या उसके लिए अभिप्रेत हो और जिस पर या जिसमें मजदूर (labourer) और श्रमिक (workmen) नियोजित किये जाने वाले हों, बिना उक्त नाबदान या संडास के स्थान के, और ऐसे मूत्रालय के स्थान तथा स्नान करने या ऐसे भवन के कपड़े और घरेलू बर्तन धोने के स्थान के, जिसकी मुख्य नगराधिकारी विहित करे धारा 315 के अर्थ में निर्माण, पुनर्निर्माण या रूपान्तर (convert) वैध न होगा।

(2) किसी ऐसे स्थान को विहित करने में मुख्य नगराधिकारी प्रत्येक दशा में यह निर्धारित कर सकता है कि—

(क) ऐसे भवन या निर्माण-कार्य में नाबदान प्रणाली की व्यवस्था रहेगी या संडास प्रणाली की या अंशतः एक की और अंशतः दूसरी की,

(ख) प्रत्येक नाबदान, संडास, मूत्रालय या स्नान करने और धुलाई के स्थान का स्थल या स्थिति (site or position) क्या होगी और उनकी संख्या क्या होगी।

(3) उपधारा (2) के अधीन अपेक्षित स्थान (accommodation) निर्धारित करने में मुख्य नगराधिकारी भवन के अध्यासियों (occupants) द्वारा नियोजित (employed) घरेलू नौकरों के लिए पर्याप्त और उपयुक्त नाबदान तथा संडास और स्नान करने के स्थानों की व्यवस्था करने की आवश्यकता का ध्यान रखेगा।

254. सार्वजनिक आवश्यकताएँ (public necessities)—मुख्य नगराधिकारी सार्वजनिक (public accommodation) के लिए उपयुक्त और सुविधाजनक स्थानों में नाबदान, संडास और मूत्रालय तथा ऐसी ही अन्य सुविधाओं की व्यवस्था और उनका संधारण करेगा।

निरीक्षण

255. ऐसी नालियों, आदि का, जो [1][नियम] की न हों, निरीक्षण और परीक्षण हो सकेगा—(1) मुख्य नगराधिकारी सभी नालियों, संयोजन दंडों और पाइपों, मलकूपों, घर के जल-मार्गों (house gullies), नाबदानों, संडासों, शौचालयों तथा मूत्रालयों और स्नान करने तथा धुलाई के स्थानों, जो [1][नियम] के न हों अथवा जो ऐसे भू-गृहादि पर जो [1][नियम] के न हों, [1][नियम] विधि से किये गये व्यय से उक्त गृहादि के स्वामी या अध्यासी के प्रयोग या लाभ के लिये बनाये, खड़े, स्थापित किये गये हों (constructed, erected or set up) का निरीक्षण और परीक्षण कर सकेगा।

(2) मुख्य नगराधिकारी उपधारा (1) के अधीन निरीक्षण या परीक्षण करते समय, किसी ऐसे व्यापारिक प्रकृति के पदार्थ (trade effluent) का नमूना प्राप्त कर सकता है या ले जा सकता है, जो ऐसे भू-गृहादि से बह कर, जिसका निरीक्षण या परीक्षण किया गया हो, किसी [1][नियम] की नाली में जाता हो, उस नमूने का विश्लेषण (analysis) विहित रीति से किया जायगा।

(3) उपधारा (2) के अधीन लिये गये नमूने के विश्लेषण का परिणाम इस अधिनियम के अधीन किसी विधिक कार्यवाही में साक्ष्य रूप में ग्राह्य होगा।

256. निरीक्षण या परीक्षण के प्रयोजनों के लिए भूमि, आदि को खोलने का अधिकार—उस निरीक्षण या परीक्षण के प्रयोजन के लिए मुख्य नगराधिकारी किसी ऐसी भूमि या नाली के किसी भाग या अन्य निर्माण-कार्य को, जो भवन के बाहर हों, जिसे वह ठीक समझे, खुलवा, तुड़वा या हटवा सकता है :

किन्तु प्रतिबन्ध यह है कि ऐसा निरीक्षण और परीक्षण करने में यथासंभव कम से कम क्षति पहुँचायी जायगी।

257. मुख्य नगराधिकारी मरम्मत,आदि कराने की माँग कर सकता है—जब धारा 255 के अधीन किये गये निरीक्षण या परीक्षण के फलस्वरूप मुख्य नगराधिकारी को यह पता चले कि कोई नाली, संयोजन-दंड या पाइप, मलकूप, घर का जलमार्ग (house gulley), नाबदान, संडास, शौचालय, मूत्रालय या स्नान करने या धुलाई का स्थान चालू या अच्छी दशा में नहीं है अथवा निर्माण उस दशा के अब वह मुख्य नगराधिकारी की आज्ञा से या उसके अधीन बनाया गया हो, यदि वह इस अधिनियम, नियमावली या उपविधियों या तत्समय प्रवर्तित किसी विधान (enactment) का उल्लंघन करके बनाया गया हो, तो मुख्य नगराधिकारी स्वामी को लिखित नोटिस देकर माँग कर सकता है कि वह दोष (defect) को ऐसी रीति से दूर कर दे, जिसे वह किसी प्रवर्तित नियमावली या उपविधि के अधीन रहते हुए आदेश (direct) करे।

सामान्य उपबन्ध

258. ऐसे कार्यों का प्रतिषेध जो इस अधिनियम, नियमावली या उपविधियों का उल्लंघन करते हों या जो बिना स्वीकृत किये गये हों—(1) कोई व्यक्ति—

(क) इस अधिनियम, नियमावली या उपविधियों के उपबन्धों या इस अधिनियम के अधीन जारी किये गये किसी नोटिस या दिये गये किसी आदेश का उल्लंघन करके या मुख्य नगराधिकारी की लिखित अनुमति के बिना किसी भी प्रकार से किसी नाली, संयोजन-दंड या पाइप,

1. ब० प्र० अधिनियम सं० 13 सन् 1994 द्वारा प्रतिस्थापित

3. नामावली में नाम सम्मिलित किया जाना और वर्तमान प्रविष्टि को शुद्ध किया जाना—कोई व्यक्ति अपना नाम नामावली में सम्मिलित किए जाने या उसमें किसी प्रविष्टि को ठीक किए जाने के लिए विहित प्ररूप में निर्वाचक रजिस्ट्रीकरण अधिकारी को आवेदन कर सकता है, जो आवेदन-पत्र प्राप्त करने की पावती देगा और अपने कार्यालय के सूचना पट पर प्रदर्शित करेगा जिस पर कोई आपत्ति एक सप्ताह के भीतर उसको दी जा सकेगी और वह आवेदन तथा आपत्ति यदि कोई हो, की जांच करके अपनी संस्तुति जिला मजिस्ट्रेट के माध्यम से आयोग को भेजेगा, और उस पर आयोग के निर्देशानुसार नामावली में नाम सम्मिलित करने या किसी प्रविष्टि को शुद्ध करने के सम्बन्ध में कार्यवाही की जायेगी :

परन्तु नामावली में ऐसे नाम सम्मिलित करने या प्रविष्टि को शुद्ध करने की कार्यवाही वर्ष के किसी निर्वाचन के लिए नामांकन देने के अन्तिम दिनांक के पश्चात् और पूरा होने के पूर्व नहीं की जायेगी।

4. नामावली में लिपिकीय या मुद्रण की त्रुटि ठीक करना—निर्वाचक रजिस्ट्रीकरण अधिकारी नामावली में लिपिकीय या मुद्रण की किसी त्रुटि का आवेदन से या अन्यथा पता चलने पर उसे ठीक कर सकता है :

परन्तु ऐसी कोई प्रविष्टि वर्ष के किसी निर्वाचन के लिए नामांकन देने के अन्तिम दिनांक के पश्चात् और उस निर्वाचन के पूरा होने के पूर्व ठीक नहीं की जायेगी।

उदाहरण—

(एक) नामावली में क्रम-संख्या—452 पर नाम "रमेश चंद पुत्र श्री सोनाराम" दर्ज है और प्रार्थी अपने प्रार्थना-पत्र में अपना नाम "रमेश चन्द" बताता है। यह मुद्रण की त्रुटि है और इसे ठीक किया जा सकता है।

(दो) नामावली में क्रम-संख्या-775 पर निर्वाचक का नाम "कृष्ण कान्त" पुत्र श्री "रमेश चन्द" दर्ज है और प्रार्थी अपने प्रार्थना-पत्र में पिता का नाम "रमेश चन्द" बताता है। यह मुद्रण की त्रुटि है और उसे ठीक किया जा सकता है।

5. नामावली में झूठे नाम सम्मिलित किया जाना—यदि किसी नामावली में बहुत से निर्वाचकों के नाम झूठे आने की शिकायत प्राप्त होती है तो जिला मजिस्ट्रेट, निर्वाचक रजिस्ट्रीकरण अधिकारी के माध्यम से जांच कराएंगे। यदि नामावली की शिकायत सत्य पायी जाती है तो निर्वाचक रजिस्ट्रीकरण अधिकारी अपनी जांच रिपोर्ट और संस्तुति जिला मजिस्ट्रेट के माध्यम से आयोग को भेजेंगे और यदि आयोग ऐसा आदेश दे तो नामावली में ऐसे निर्वाचकों के नाम सम्मिलित किये जायेंगे :

परन्तु ऐसा कोई भी नाम वर्ष के किसी निर्वाचन के लिए नामांकन देने के अन्तिम दिनांक के पश्चात् और उस निर्वाचन के पूरा होने के पूर्व सम्मिलित नहीं किया जायेगा।

6. नामावली से नाम हटाया जाना—कोई व्यक्ति नामावली से ऐसी किसी व्यक्ति का नाम हटाने के लिए विहित प्ररूप में निर्वाचक रजिस्ट्रीकरण अधिकारी को आवेदन कर सकता है, जो अधिनियम के उपबन्धों के अधीन निर्वाचक के रूप में रजिस्ट्रीकरण के लिए अर्ह या हकदार नहीं है और निर्वाचक रजिस्ट्रीकरण अधिकारी सम्बन्धित व्यक्तियों को सुनवाई का अवसर देने के पश्चात् अपनी संस्तुति जिला मजिस्ट्रेट के माध्यम से आयोग को प्रेषित करेगा और यदि आयोग द्वारा ऐसा आदेश दिया जाता है तो उस व्यक्ति का नाम नामावली से हटा दिया जायेगा :

परन्तु ऐसे किसी भी व्यक्ति का नाम वर्ष के किसी निर्वाचन के लिए नामांकन देने के अन्तिम दिनांक के पश्चात् और उस निर्वाचन के पूरा होने के पूर्व नहीं हटाया जायेगा :

परन्तु यह और कि यदि ऐसा व्यक्ति अधिनियम के उपबन्धों के अधीन निर्वाचक के रूप में रजिस्ट्रीकरण के लिए अर्ह नहीं है तो उसका नाम तुरन्त हटा दिया जायेगा।

7. नामावली में सम्मिलित किए गये और हटाये गये नामों और शुद्ध की गई प्रविष्टियों की सूची—नामावली में सम्मिलित किए गये नामों, हटाये गए नामों और शुद्ध की गई प्रविष्टियों की एक सूची तैयार की जायेगी जो मूल नामावली के साथ संलग्न कर दी जायेगी। यह सूची सम्बन्धित जनपदीय के सूचना पट पर मुद्रण प्रतियों को लगाई और इस सूची को किसी प्रविष्टि के सम्बन्ध में आक्षेप की जा सकेगी और ऐसे आक्षेप के सम्बन्ध में निर्वाचनों में आक्षेप सम्बन्धी उपरान्त तथा आवश्यक परिवर्तनों सहित लागू होंगे।

8. नामावली में नाम सम्मिलित किए जाने, नाम हटाये जाने या किसी प्रविष्टि को शुद्ध किए जाने के आवेदन के लिए शुल्क—नामावली में कोई नाम सम्मिलित करने या हटाये जाने या किसी प्रविष्टि को शुद्ध करने के लिए दिये जाने वाले आवेदन पत्र पर एक रुपया प्रति व्यक्ति की दर से शुल्क देय होगा। शुल्क ऑफिस को रसीद जारी की जाएगी और निर्वाचक रजिस्ट्रीकरण अधिकारी प्राप्त शुल्क का ब्यौरा एक पंजिका में रखेगा और प्रतिदिन प्राप्त हुए शुल्क की धनराशि अगले दिन आयोग के लेखा "लीफैक-0515 अन्य ग्राम विकास कार्यक्रम-101-पंचायत राज अभिनियमों के अन्तर्गत प्राप्तियां-03 स्थानीय निकाय के निर्वाचन से प्राप्तियां" में आगामी रूप से जमा की जायेगी।

उत्तर प्रदेश नागर निकाय के निर्वाचन (जाति प्रमाण-पत्र) आदेश, 1999[1]

उत्तर प्रदेश नगरपालिका अधिनियम, 1916 की धारा 13-ङ और उत्तर प्रदेश नगर निगम अधिनियम, 1959 की धारा 48 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य निर्वाचन आयोग निम्नलिखित आदेश करता है :-

1. संक्षिप्त नाम और प्रारूप—(1) यह आदेश उत्तर प्रदेश नगर निकाय के निर्वाचन आदेश, 1999 कहा जायेगा।

(2) यह सरकारी गजट में प्रकाशन के दिनांक से प्रवृत्त होगा।

2. निर्वाचन के लिए जाति प्रमाण-पत्र की आवश्यकता—किसी नगर पंचायत, नगरपालिका परिषद् या नगर निगम के किसी निर्वाचन में अनुसूचित जनजाति, अनुसूचित जाति या पिछड़े वर्गों के लिए आरक्षित किसी स्थान या पद के लिए निर्वाचन लड़ने का इच्छुक व्यक्ति नाम-निर्देशन या नामांकन-पत्र के साथ सम्बन्धित तहसीलदार या उपजिला अधिकारी द्वारा जारी किया गया जाति प्रमाण-पत्र, इस आदेश के साथ संलग्न प्ररूप "एक" में घोषणा-पत्र और प्ररूप "दो" में शपथ-पत्र के साथ प्रस्तुत करेगा और यदि ऐसा व्यक्ति स्त्री है तो ऐसा जाति प्रमाण-पत्र उसके विवाह के पूर्व की जाति के सम्बन्ध में होगा।

प्ररूप "एक"

सभा निर्वाचन अधिकारी .....

(क) नगर पंचायत..... (1) सदस्य-वर्ग संख्या .....
(2) अध्यक्ष

(ख) नगरपालिका परिषद्..... (1) सदस्य-वर्ग संख्या .....
(2) अध्यक्ष

(ग) नगर निगम ..... (1) सभासद-वर्ग संख्या .....
(2) उप नगर प्रमुख
(3) नगर प्रमुख

घोषणा-पत्र

मैं ..... पुत्र/पुत्री/पत्नी ..... आयु लगभग .....
वर्ष ..... निवासी ..... मोहल्ला ..... थाना .....

---

1. अधिसूचना संख्या 601/ग-1 नि० आ० आयु०-4-99, दिनांक 30 नवम्बर, 1999 द्वारा उ० प्र० असाधारण गजट, दिनांक 30 नवम्बर, 1999 में प्रकाशित।

(घार) ऐसे नगर निगमों को छोड़ते हुए जिन्हें उपखण्ड (एक), (दो) और (तीन) के अधीन पद आवंटित किये गये हों, नगर निगमों को उनकी जनसंख्या के अनुसार अवरोही क्रम में रखा जायगा और उपनियम (2) के खण्ड (ख) के अधीन अनुसूचित जातियों, अनुसूचित जनजातियों और पिछड़े वर्गों की महिलाओं के लिए अवधारित पदों की संख्या को छोड़ते हुए, उक्त खण्ड के अधीन महिलाओं के लिये अवधारित पदों की संख्या को ऐसे प्रथम और एकान्तर नगर निगमों को आवंटित किया जायगा।

(ख) खण्ड (क) के अधीन पदों के आवंटन के लिये, नियम 5 के उपनियम (2) और (3) के उपबन्ध यथाआवश्यक परिवर्तनों सहित लागू होंगे।]

[1][7. आवंटन आदेश—(1) पूर्ववर्ती नियमों में दी गयी किसी बात के होते हुए भी, राज्य सरकार, नियम 4 के उपनियम (2) के अधीन अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्गों और महिलाओं के लिये आरक्षित किये जाने वाली स्थानों और पदों की संख्या को अवधारित करने के पश्चात्, राजपत्र में प्रकाशित आदेश द्वारा, स्थानों और पदों, को, यथास्थिति, बार्डों और नगर निगमों को आवंटित करेगी।

(2) उपनियम (1) के अधीन आदेश का प्रारूप कम से कम सात दिन की अवधि के लिये आपत्तियों के लिये प्रकाशित किया जायेगा।

(3) राज्य सरकार आपत्तियों पर, यदि कोई हो, विचार करेगी, परन्तु ऐसी आपत्तियों पर व्यक्तिगत सुनवाई किया जाना आवश्यक न होगा जब तक कि राज्य सरकार ऐसा करना आवश्यक न समझे, और तदुपरान्त वह अन्तिम हो जायेगा।

(4) उपनियम (2) में विनिर्दिष्ट आदेश का प्रारूप सम्बन्धित जिले में व्यापक परिचालन रखने वाले कम से कम एक दैनिक समाचार-पत्र में प्रकाशित किया जायेगा और जिला मजिस्ट्रेट और सम्बन्धित नगर निगम के कार्यालयों के सूचना-पटों पर भी चस्पा किया जायेगा।]

---

1. उ० प्र० नगर निगम (स्थानों का आरक्षण और आवंटन) (द्वितीय संशोधन) नियमावली, 1995 द्वारा नियम 7 बदला गया

उत्तर प्रदेश नागर निकाय (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) पूरक उपबन्ध आदेश, 1999[1]

उत्तर प्रदेश नगर निगम अधिनियम, 1959 की धारा 41 तथा उत्तर प्रदेश नगरपालिका अधिनियम, 1916 की धारा 12-ज में प्रदत्त शक्तियों का प्रयोग करते हुए राज्य निर्वाचन आयोग एतद्द्वारा उत्तर प्रदेश नागर निकायों के सदस्यताओं के रजिस्ट्रीकरण एवं सदस्यता सूची तैयार करने सम्बन्धी आदेश संख्या 924/उ० नि० आ०/अनु०-5-98, दिनांक 22 दिसम्बर, 1998 को अतिक्रमित करते हुए निम्नलिखित आदेश करते हैं—

1. संक्षिप्त नाम, प्रारम्भ और लागू होना—(1) यह आदेश नागर निकाय (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) पूरक उपबन्ध आदेश, 1999 कहा जायेगा।

(2) यह आदेश तुरन्त प्रभावी होगा।

(3) यह आदेश नगरपालिका निर्वाचनों को लागू होगा।

(4) यह आदेश नामावली के अन्तिम प्रकाशन के पश्चात् और अधिनियम के अधीन नामावली का पुनरीक्षण किये जाने तक की अवधि में प्रवृत्त रहेगा।

2. परिभाषाएं—इस आदेश में,—

(क) "आयोग" का तात्पर्य राज्य निर्वाचन आयोग से है;

(ख) "अधिनियम" का तात्पर्य नगर निगम के मामले में उत्तर प्रदेश नगर अधिनियम, 1959 से, और नगरपालिका परिषद् या नगर पंचायत के मामले में उत्तर प्रदेश नगरपालिका अधिनियम, 1916 से है;

(ग) "1950 का अधिनियम" का तात्पर्य लोक प्रतिनिधित्व अधिनियम, 1950 से है;

(घ) "मुख्य निर्वाचन अधिकारी" का तात्पर्य आयोग द्वारा अधिनियम के अधीन मुख्य निर्वाचन अधिकारी (नगर स्थानीय निकाय) के रूप में पदाभिहित या नामनिर्दिष्ट अधिकारी से है;

(ङ) "नगरपालिका" का तात्पर्य भारत का संविधान के अनुच्छेद 243-त के खण्ड (ड) में निर्दिष्ट स्वायत्त शासन की किसी संस्था से है;

(च) "निर्वाचक" का तात्पर्य किसी वार्ड के सम्बन्ध में उस व्यक्ति से है जिसका नाम तत्समय उस वार्ड की निर्वाचक सूची में दर्ज हो;

(छ) "निर्वाचन" का तात्पर्य नगरपालिका में किसी पद या स्थान के लिए किसी निर्वाचन से है और इसके अन्तर्गत कोई उप-निर्वाचन भी है;

(ज) "निर्वाचक रजिस्ट्रीकरण अधिकारी" का तात्पर्य नगरपालिका के किसी वार्ड की निर्वाचक नामावली को तैयार करने, प्रकाशित और पुनरीक्षित करने के लिए अधिनियम के अधीन आयोग द्वारा इस रूप में पदाभिहित या नामनिर्दिष्ट अधिकारी से है;

(झ) "विहित प्रपत्र" का तात्पर्य उत्तर प्रदेश नगर निगम (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) नियमावली, 1994 या, यथास्थिति, उत्तर प्रदेश नगरपालिका (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) नियमावली, 1994 से संलग्न सुसंगत प्रपत्र से है;

(ञ) "नामावली" का तात्पर्य किसी वार्ड की निर्वाचक नामावली से है।

1. अधिसूचना संख्या 1052/उ० नि० आ० अनु०-5-99, दिनांक 13 दिसम्बर, 1999 द्वारा उ० प्र० असाधारण गजट, दिनांक 13 दिसम्बर, 1999 में प्रकाशित।

की महिलाओं के लिए अवधारित स्थानों की संख्या को सम्मिलित करते हुए उक्त नियम के उपनियम (1) के अधीन पिछड़े वर्गों के लिए अवधारित स्थानों की संख्या की ऐसे कस्बों, जिनमें पिछड़े वर्गों की जनसंख्या नगरपालिका क्षेत्र में सबसे अधिक हो, आवंटित किया जायगा:

परन्तु पिछड़े वर्गों की महिलाओं के लिए अवधारित स्थानों की संख्या ऐसे कस्बों को पहले आवंटित की जायगी।

(ख) उन कस्बों को छोड़कर जिन्हें खण्ड (क), (ख) और (ग) के अधीन स्थान आवंटित किये गये हैं कस्बों को नगरपालिका क्षेत्र में उनकी जनसंख्या के अनुसार अवरोही क्रम में व्यवस्थित किया जायगा और नियम 4 के उपनियम (2) के अधीन अनुसूचित जातियों, अनुसूचित जनजातियों और पिछड़े वर्गों की महिलाओं के लिए अवधारित स्थानों की संख्या को छोड़ते हुए उस नियम के उपनियम (3) के अधीन महिलाओं के लिये अवधारित स्थानों की संख्या को ऐसे प्रथम, और एकान्तर कस्बों को आवंटित किया जायगा।

स्पष्टीकरण—इस उपनियम के खण्ड (क), (ख) और (ग) के प्रयोजनों के लिए कस्बों को इस रीति से अवरोही क्रम में व्यवस्थित किया जायेगा कि नगरपालिका क्षेत्र में यथास्थिति अनुसूचित जातियों, अनुसूचित जनजातियों या पिछड़े वर्गों के सबसे अधिक जनसंख्या वाले कस्बे को पहले रखा जायगा और ऐसी जातियों, जनजातियों या वर्गों को पहले कस्बे से कम जनसंख्या वाले कस्बे को उसके बाद रखा जायगा और इसी प्रकार आगे भी और खण्ड (घ) के प्रयोजनों के लिये नगरपालिका क्षेत्र में कस्बों की जनसंख्या को दृष्टिगत रखते हुए समान रीति से कस्बों को व्यवस्थित किया जायगा।

(2) यदि किसी नगरपालिका क्षेत्र में अनुसूचित जातियों की या किसी नगरपालिका क्षेत्र में अनुसूचित जनजातियों की या किसी नगरपालिका क्षेत्र में पिछड़े वर्गों की जनसंख्या के आधार पर—

(क) यथास्थिति, अनुसूचित जातियों के लिए या अनुसूचित जनजातियों या पिछड़े वर्गों के लिए केवल एक ही स्थान आरक्षित किया जा सके तो ऐसा स्थान यथास्थिति ऐसी जातियों, जनजातियों या वर्गों की महिलाओं को आवंटित किया जायेगा ;

(ख) यथास्थिति अनुसूचित जातियों के लिए या अनुसूचित जनजातियों के लिए या पिछड़े वर्गों के लिए कोई भी स्थान आरक्षित न किया जा सके तो उपनियम (1) में निर्दिष्ट स्थानों के आवंटन की रीति ऐसी होगी मानो उसमें यथास्थिति, अनुसूचित जातियों या अनुसूचित जनजातियों या पिछड़े वर्गों, के लिये कोई निर्देश नहीं है।

(3) किसी निर्वाचन में अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्गों या महिलाओं को आरक्षित स्थान उसके ठीक बाद वाले निर्वाचन में क्रमशः अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्गों या महिलाओं को आवंटित नहीं किये जायेंगे।]

[**6. पदों का आरक्षण और आवंटन**—(1) अधिनियम की धारा 7 की उपधारा (5) के अधीन पदों का आरक्षण और आवंटन एतद्पश्चात उपबन्धित रीति से किया जायेगा।

(2) आरक्षित किये जाने वाले पदों की संख्या—

(क) अनुसूचित जातियों या अनुसूचित जनजातियों या पिछड़े वर्गों के लिए इस प्रकार अवधारित की जायगी कि वह यथास्थानीय निकायक्षेत्र राज्य में पदों की कुल संख्या के उसी समानुपात में हो जो कि राज्य के यथास्थानीय क्षेत्र में अनुसूचित जातियों या राज्य के यथास्थानीय क्षेत्र में अनुसूचित जनजातियों या राज्य के यथास्थानीय क्षेत्र में पिछड़े वर्गों की जनसंख्या का राज्य के ऐसे क्षेत्र की कुल जनसंख्या से हो और यदि ऐसे पदों की संख्या अवधारित करने में कोई क्षेत्र बचता है तो यदि वह भाजक का आधा या आधे से कम हो तो उसे छोड़ दिया जायगा और यदि वह भाजक के आधे से अधिक हो, तो पक्षकक्ष में एक बढ़ा दिया जायगा और इस प्रकार प्राप्त संख्या यथास्थिति, अनुसूचित जातियों या अनुसूचित जनजातियों या पिछड़े वर्गों के लिये आरक्षित किये जाने वाले पदों की संख्या होगी:

परन्तु इस खण्ड के अधीन पिछड़े वर्गों के लिये आरक्षित किये जाने वाले पदों की संख्या राज्य में पदों की कुल संख्या के सत्ताइस प्रतिशत से अनधिक होगी;

(ख) महिलाओं के लिये जिसमें यथास्थिति अनुसूचित जातियों, अनुसूचित जनजातियों और पिछड़े वर्गों की महिलायें भी सम्मिलित हैं, नियम 4 के उपनियम (2) और (3) के अधीन उपबंधित रीति से अवधारित की जायेगी।

(3) (क) खण्ड (ख) के अधीन रहते हुए, उपनियम (2) के अधीन अवधारित पदों की संख्या राज्य में विभिन्न नगर निगमों को इस रीति से आवंटित की जायगी कि —

(एक) उपनियम (2) के खण्ड (ख) के अधीन अनुसूचित जातियों की महिलाओं के लिये अवधारित पदों की संख्या को सम्मिलित करते हुए, उक्त उपनियम के खण्ड (क) के अधीन अनुसूचित जातियों के लिये अवधारित पदों की संख्या को राज्य के ऐसे नगर निगमों को, जिनमें राज्य के नगर निगमों में अनुसूचित जातियों की जनसंख्या का उच्चतम प्रतिशत हो, आवंटित किया जायगा।

परन्तु अनुसूचित जातियों की महिलाओं के लिये अवधारित पदों की संख्या ऐसे नगर निगम को पहले आवंटित की जायगी।

(दो) उपनियम (2) के खण्ड (ख) के अधीन अनुसूचित जनजातियों की महिलाओं के लिये अवधारित पदों की संख्या को सम्मिलित करते हुए उक्त उपनियम के खण्ड (क) के अधीन, अनुसूचित जनजातियों के लिए अवधारित पदों की संख्या को राज्य के ऐसे नगर निगमों को, जिनमें राज्य के नगर निगमों में अनुसूचित जनजातियों की जनसंख्या का उच्चतम प्रतिशत हो उन नगर निगमों को छोड़ते हुए, जिन्हें उपखण्ड (1) के अधीन पद आवंटित किये गये हों, आवंटित किया जायगा।

परन्तु अनुसूचित जनजातियों की महिलाओं के लिये अवधारित पदों की संख्या ऐसे नगर निगमों को पहले आवंटित की जायेगी।

(तीन) उपनियम (2) के खण्ड (ख) के अधीन पिछड़े वर्गों की महिलाओं के लिये अवधारित पदों की संख्या को सम्मिलित करते हुए उक्त उपनियम के खण्ड (क) के अधीन पिछड़े वर्गों के लिये अवधारित पदों की संख्या को राज्य के ऐसे नगर निगमों को जिनमें राज्य के नगर निगमों में पिछड़ी जाति की जनसंख्या का उच्चतम प्रतिशत हो, उन नगर निगमों को छोड़ते हुए जिन्हें उपखण्ड (एक) और (दो) के अधीन पद आवंटित किये गये हों, आवंटित किया जायगा:

परन्तु पिछड़े वर्गों की महिलाओं के लिये अवधारित पदों की संख्या ऐसे नगर निगमों को पहले आवंटित की जायेगी।

---

1. उ० प्र० नगर निगम (स्थानों और पदों का आरक्षण और आवंटन) (द्वितीय संशोधन) नियमावली, 1995 [अधिसूचना संख्या 309-यू/9-7-1995, दिनांक 22 अगस्त 1995] द्वारा नियम 6 प्रतिस्थापित किया गया

उत्तर प्रदेश नगर निगम (स्थानों और पदों का आरक्षण और आवंटन) नियमावली, 1994[1]

1. संक्षिप्त नाम, लागू होना और प्रारम्भ—[2][यह नियमावली उत्तर प्रदेश नगर निगम (स्थानों और पदों का आरक्षण और आवंटन) नियमावली, 1994 कही जायेगी।]

(2) यह उत्तर प्रदेश में सभी नगर निगमों पर लागू होगी।

(3) यह गजट में प्रकाशन के दिनांक को प्रवृत्त होगी।

[2][**2. परिभाषाएं**.—इस नियमावली में—

(क) अधिनियम का तात्पर्य उत्तर प्रदेश नगर निगम अधिनियम, 1959 से है;

(ख) अध्यक्ष का तात्पर्य नगर निगम के नगर प्रमुख से है;

(ग) "पद" का तात्पर्य अध्यक्ष के पद से है;

(घ) "स्थान" का तात्पर्य नगर निगम के सभासदों के स्थान से है;

(ङ) "राज्य" का तात्पर्य उत्तर प्रदेश राज्य से है;

(च) राज्य के नगर क्षेत्र का तात्पर्य राज्य के समस्त नगर निगमों के नगरपालिका क्षेत्र से है।]

3. कक्षों की व्यवस्था—[3][* * *]

[4][**4. आरक्षित किये जाने वाले स्थानों की संख्या का अवधारण**—(1) अधिनियम की धारा 7 की उपधारा (1) के अधीन अनुसूचित जातियों या अनुसूचित जनजातियों या पिछड़े वर्गों के लिये किसी नगर निगम में आरक्षित किये जाने वाले स्थानों की संख्या का अवधारण इस प्रकार किया जायगा कि यह यथाशक्य निकटतम किसी नगर निगम में कुल स्थानों की संख्या के उसी समानुपात में हो जो कि नगरपालिका क्षेत्र में अनुसूचित जातियों का या नगरपालिका क्षेत्र में अनुसूचित जनजातियों या नगरपालिका क्षेत्र में पिछड़े वर्गों की जनसंख्या का ऐसे क्षेत्र की कुल जनसंख्या में है और यदि स्थानों की ऐसी संख्या का अवधारण करने में कोई शेष बचता है तो यदि यह भाजक का आधा या आधे से कम है तो इसे छोड़ दिया जायगा और यदि यह भाजक के आधे से अधिक हो तो भागफल में एक बढ़ा दिया जायगा और इस प्रकार प्राप्त संख्या, यथास्थिति, अनुसूचित जातियों या अनुसूचित जनजातियों या पिछड़े वर्गों के लिए आरक्षित किये जाने वाले स्थानों की संख्या होगी:

किन्तु प्रतिबन्ध यह है कि अधिनियम की धारा 7 की उपधारा (2) के अधीन पिछड़े वर्गों के लिये किसी नगर निगम में आरक्षित किये जाने वाले स्थानों की संख्या उस नगर निगम में कुल स्थानों की संख्या की सत्ताइस प्रतिशत से अनधिक होगी।

(2) अधिनियम की धारा 7 की उपधारा (3) के अधीन, यथास्थिति, अनुसूचित जातियों, अनुसूचित जनजातियों और पिछड़े वर्गों की महिलाओं के लिए किसी नगर निगम में आरक्षित किये जाने वाले स्थानों की संख्या उपनियम (1) के अधीन अनुसूचित जातियों के लिए या अनुसूचित जनजातियों के लिए या पिछड़े वर्गों के लिए अवधारित स्थानों की संख्या के एक तिहाई से कम न होगी और यदि स्थानों की ऐसी संख्या का अवधारण करने में कोई शेष बचता है तो भागफल में एक बढ़ा दिया जायगा और इस प्रकार प्राप्त संख्या यथास्थिति अनुसूचित जातियों, अनुसूचित जनजातियों या पिछड़े वर्गों की महिलाओं के लिए आरक्षित किए जाने वाले स्थानों की संख्या होगी।

(3) अधिनियम की धारा 7 की उपधारा (4) के अधीन महिलाओं के लिये किसी नगर निगम में आरक्षित किये जाने वाले स्थानों की संख्या उस नगर निगम में कुल स्थानों की संख्या के एक तिहाई से कम नहीं होगी और यदि स्थानों की संख्या का अवधारण करने में कोई शेष बचता है तो भागफल में एक बढ़ा दिया जायगा और इस प्रकार प्राप्त संख्या अनुसूचित जातियों, अनुसूचित जनजातियों और पिछड़े वर्गों की महिलाओं के लिए उपनियम (2) के अधीन अवधारित स्थानों की संख्या को सम्मिलित करते हुए महिलाओं के लिए आरक्षित किये जाने वाले स्थानों की संख्या होगी।]

[1][**5. स्थानों का आवंटन**—(1) अन्य उपनियमों के उपबन्धों के अधीन रहते हुए नियम 4 के अधीन अवधारित स्थानों की संख्या किसी नगर निगम में विभिन्न कक्षों को एतद्पश्चात् उपबन्धित रीति से आवंटित की जायगी —

(क) पहले नगरपालिका क्षेत्र में अनुसूचित जातियों की जनसंख्या के अनुसार नगर निगम के कक्षों को अवरोही क्रम में व्यवस्थित किया जायगा और नियम 4 के उपनियम (2) के अधीन अनुसूचित जातियों की महिलाओं के लिए अवधारित स्थानों की संख्या को सम्मिलित करते हुए उक्त नियम के उपनियम (1) के अधीन अनुसूचित जातियों के लिए अवधारित स्थानों की संख्या को ऐसे कक्षों को जिनमें अनुसूचित जातियों की जनसंख्या नगर पालिका क्षेत्र में सबसे अधिक हो, आवंटित किया जायगा:

परन्तु अनुसूचित जातियों की महिलाओं के लिए अवधारित स्थानों की संख्या ऐसे कक्षों को पहले आवंटित की जायगी।

(ख) फिर उन कक्षों को छोड़कर जिन्हें खण्ड (क) के अधीन स्थान आवंटित किये गये हैं कक्षों को नगरपालिका क्षेत्र में अनुसूचित जनजातियों की जनसंख्या के अनुसार अवरोही क्रम में व्यवस्थित किया जायगा और नियम 4 के उपनियम (2) के अधीन अनुसूचित जनजातियों की महिलाओं के लिए अवधारित स्थानों की संख्या को सम्मिलित करते हुए उक्त नियम के उपनियम (1) के अधीन अनुसूचित जनजातियों के लिए अवधारित स्थानों की संख्या को ऐसे कक्षों को जिनमें अनुसूचित जनजातियों की जनसंख्या नगरपालिका क्षेत्र में सबसे अधिक हो, आवंटित किया जायगा :

परन्तु अनुसूचित जनजातियों की महिलाओं के लिए अवधारित स्थानों की संख्या ऐसे कक्षों को पहले आवंटित की जायगी।

(ग) फिर उन कक्षों को छोड़कर जिन्हें खण्ड (क) और (ख) के अधीन स्थान आवंटित किये गये हैं कक्षों को नगरपालिका क्षेत्र में पिछड़े वर्गों की जनसंख्या के अनुसार अवरोही क्रम में व्यवस्थित किया जायगा और नियम 4 के उपनियम (2) के अधीन पिछड़े वर्गों

---

1. अधिसूचना संख्या 3138/9-7-1994, दिनांक 22 सितम्बर, 1994 द्वारा उ० प्र० गजट, दिनांक 22 सितम्बर, 1994 को प्रकाशित
2. उ० प्र० नगर निगम (स्थानों का आरक्षण और आवंटन) (द्वितीय संशोधन) नियमावली, 1995 अधिसूचना संख्या 2121-ट/9-6-1995, दिनांक 7 जून, 1995] द्वारा प्रतिस्थापित
3. उ० प्र० नगर निगम (स्थानों का आरक्षण और आवंटन) (द्वितीय संशोधन) नियमावली, 1995 द्वारा नियम 3 निकाल दिया गया।
4. उ० प्र० नगर निगम (स्थानों का आरक्षण और आवंटन) (संशोधन) नियमावली, 1994 द्वारा नियम 4 प्रतिस्थापित

1. उ० प्र० नगर निगम (स्थानों का आरक्षण और आवंटन) (द्वितीय संशोधन) नियमावली, 1995 द्वारा नियम 5 प्रतिस्थापित

इस वार्ड के लिये नामावली में मेरा नाम निम्न प्रकार से सम्मिलित किया गया है:—

पूरा नाम.....

पिता/पति/भाता का नाम.....

क्रम-संख्या.....

भाग संख्या.....

दिनांक.....

आपत्तिकर्ता के हस्ताक्षर/अंगूठे का निशान

डाक का पता.....

.....

मैं वार्ड संख्या.....की नामावली के उसी भाग में सम्मिलित एक निर्वाचक हूँ जिसमें आपत्तिजनक नाम विद्यमान है वह नाम—

अर्थात्.....से सम्बन्धित.....भाग संख्या.....जिसमें मेरी क्रम-संख्या.....है।

मैं इस आपत्ति का समर्थन करता हूँ और इस पर हस्ताक्षर करता हूँ।

निर्वाचक के हस्ताक्षर

पूरा नाम.....

प्रपत्र 1-घ

(नियम 9 और 10 देखिये)

नाम के रखने पर आपत्ति

सेवा में,

निर्वाचक रजिस्ट्रीकरण अधिकारी

.....वार्ड

महोदय,

वार्ड संख्या.....की नामावली के भाग संख्या.....में क्रम-संख्या.....के नाम को रखने पर मैं इस आधार पर आपत्ति करता हूँ कि वह अधिनियम की धारा 12-घ के अधीन उस वार्ड की नामावली में रजिस्ट्रीकरण के लिये निम्नलिखित कारण/कारणों से अनर्ह हो गया है:—

.....

.....

मैं एतद्द्वारा घोषणा करता हूँ कि ऊपर उल्लिखित सब मेरे व्यक्तिगत ज्ञान और विश्वास के अनुसार सच हैं। इस वार्ड के लिये नामावली में मेरा नाम निम्न प्रकार से सम्मिलित किया गया है।

पूरा नाम.....

पिता/पति/भाता का नाम.....

क्रम-संख्या.....

भाग संख्या.....

दिनांक.....

आपत्तिकर्ता के हस्ताक्षर अंगूठे का निशान

डाक का पता.....

मैं घोषणा करता हूँ कि मैं वार्ड संख्या.....की नामावली के भाग संख्या.....में क्रम-संख्या.....पर नामांकित किया गया एक निर्वाचक हूँ। मैं इस आपत्ति का समर्थन करता हूँ और उस पर प्रतिहस्ताक्षर करता हूँ।

दिनांक.....

निर्वाचक के हस्ताक्षर

(पूरा नाम).....

प्रपत्र 2

(नियम 14 (4) देखिये)

दावों और आपत्तियों की सूची के लिये प्रपत्र

शहर निगम.....

वार्ड.....

दावों और आपत्तियों की सूची

दावा/आपत्ति की क्रम-संख्या	प्रस्तुत करने का दिनांक	दावेदार/आपत्तिकर्ता का नाम	विनिश्चय का दिनांक	परिणाम
1	2	3	4	5

प्रपत्र 1-क

(नियम 8 और 10 देखिये)

नाम सम्मिलित किये जाने के लिए दावा/आवेदन-पत्र

सेवा में,

निर्वाचक रजिस्ट्रीकरण अधिकारी

वार्ड .....

महोदय,

मैं प्रार्थना करता हूँ कि मेरा नाम उपर्युक्त वार्ड के भाग संख्या ..... से सम्बन्धित निर्वाचक नामावली में सम्मिलित किया जाय।

मेरा नाम (पूरा).....

मेरे पिता/माता/पति का नाम.....

मेरे निवास स्थान का ब्यौरा निम्नलिखित है—

मकान संख्या.....

मार्ग/मुहल्ला.....

वार्ड.....

नगर.....

मैं एतद्द्वारा अपने सर्वोत्तम ज्ञान और विश्वास के साथ घोषणा करता हूँ कि—

(1) मैं भारत का नागरिक हूँ.....

(2) मेरी आयु गत पहली जनवरी को.....वर्ष और.....मास थी।

(3) मैं ऊपर दिये गये पते पर मामूली तौर से निवासी हूँ।

(4) मैंने किसी अन्य वार्ड की नामावली में अपना नाम सम्मिलित किये जाने के लिए आवेदन नहीं किया है।

(5) मेरा नाम इस या किसी अन्य वार्ड की निर्वाचक नामावली में सम्मिलित नहीं है।

मेरा नाम.....वार्ड की निर्वाचक नामावली में नीचे उल्लिखित पते के अधीन सम्मिलित किया गया होगा और यदि ऐसा है तो मैं प्रार्थना करता हूँ कि उसको उक्त निर्वाचक नामावली से हटा दिया जाय।

स्थान.....

दिनांक .....

.....

दावेदार के हस्ताक्षर या अंगूठे का निशान

मैं निर्वाचक नामावली के उस भाग में सम्मिलित एक निर्वाचक हूँ जिसमें दावेदार ने अपना नाम सम्मिलित किये जाने के लिए आवेदन किया है अर्थात्.....से सम्बन्धित भाग संख्या.....जिसमें मेरी क्रम-संख्या..... है। मैं इस दावे का समर्थन करता हूँ और इस पर प्रतिहस्ताक्षर करता हूँ।

निर्वाचक के हस्ताक्षर

(पूरा नाम).....

प्रपत्र 1-ख

(नियम 9 और 10 देखिये)

किसी प्रविष्टि में दिये गये ब्यौरे पर आपत्ति

सेवा में,

निर्वाचक रजिस्ट्रीकरण अधिकारी

.....वार्ड

महोदय,

मैं निवेदन करता हूँ कि मुझसे संबंधित प्रविष्टि जो वार्ड संख्या..... की नामावली के भाग.....में क्रम-संख्या..... पर..... ..... इस रूप में है, शुद्ध नहीं है। इसे शुद्ध किया जाय जिससे ब्यौरे निम्न प्रकार से पढ़े जायें—

.....

.....

स्थान.....

दिनांक.....

निर्वाचक का हस्ताक्षर या अंगूठे का निशान

प्रपत्र 1-ग

(नियम 9 और 10 देखिये)

नाम सम्मिलित किये जाने पर आपत्ति

सेवा में,

निर्वाचक रजिस्ट्रीकरण अधिकारी

.....वार्ड

महोदय,

वार्ड संख्या.....की नामावली के भाग संख्या .....में क्रम-संख्या.....पर श्री.....के नाम को सम्मिलित किये जाने पर निम्नलिखित कारण/कारणों से आपत्ति करता हूँ:—

.....

.....

मैं एतद्द्वारा घोषणा करता हूँ कि ऊपर उल्लिखित तथ्य मेरे सर्वोत्तम ज्ञान और विश्वास के अनुसार सत्य हैं।

378

(2) उपनियम (1) के अधीन प्रत्येक अपील—

(क) अपीलार्थी द्वारा हस्ताक्षरित ज्ञापन के रूप में होगी,

(ख) विनिश्चय के दिनांक से सात दिन के भीतर अपील अधिकारी को प्रस्तुत की जायेगी,

(ग) आदेश की प्रति जिसके विरुद्ध अपील की जाय और पाँच रुपये शुल्क के साथ, जो—

(एक) न्यायिकेतर स्टाम्प द्वारा, या

(दो) राजकोष कोषागार में जमा करके और ऐसी जमा की रसीद संलग्न करके, या

(तीन) ऐसी अन्य रीति से जैसा मुख्य निर्वाचन अधिकारी द्वारा निर्देशित किया जाय, प्रस्तुत की जायेगी।

(3) इस नियम के अधीन केवल अपील प्रस्तुत किए जाने का यह प्रभाव न होगा कि कोई ऐसा कार्य रोक दिया जाए या स्थगित कर दिया जाए जो निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा नियम 15 के अधीन किया जाता है।

(4) अपील अधिकारी का प्रत्येक विनिश्चय अन्तिम होगा, किन्तु जहाँ तक वह निर्वाचक रजिस्ट्रीकरण अधिकारी के किसी विनिश्चय को उलटता है या उपान्तरित करता है वहाँ तक वह अपील में विनिश्चय के दिनांक से ही प्रभावी होगा।

(5) पूर्वगामी उपनियमों के अधीन रहते हुये, निर्वाचक रजिस्ट्रीकरण अधिकारी नामावली में ऐसे संशोधन करवायेगा जैसे इस नियम के अधीन अपील अधिकारी के विनिश्चय को प्रभावी करने के लिये आवश्यक हो।

प्रकीर्ण

21. नामावलियों की अवधि—नियम 6 के उपबन्धों के अधीन तैयार की गयी किसी वार्ड की नामावली नियम 15 के अधीन उसके प्रकाशित होने पर और नियम 16, 18 और 19 के अधीन उसमें किये गये संशोधनों, पुनरीक्षणों आदि के अधीन रहते हुए तुरन्त प्रवृत्त होगी और तब तक प्रवृत्त रहेगी जब तक वार्ड के लिए तत्पश्चात् तैयार की गयी नामावली प्रवृत्त न हो जाय।

22. नामावली आदि की अभिरक्षा और परिरक्षण—(1) नियम 8 के अधीन किये गये सभी दावे और नियम 9 के अधीन की गयी सभी आपत्तियों और निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा उन पर अभिलिखित निश्चयों को निर्वाचक रजिस्ट्रीकरण अधिकारी के कार्यालय में या ऐसे अन्य स्थान पर, जैसा मुख्य निर्वाचन अधिकारी द्वारा विनिर्दिष्ट किया जाय, वार्ड की नामावली के अगले पुनरीक्षण तक या नई तैयार की गई नामावली के प्रवृत्त होने तक, जो भी पहले हो, रखा जायेगा।

(2) प्रत्येक वार्ड की नामावली के अतिरिक्त उसकी प्रतियाँ उतनी संख्या में जितनी मुख्य निर्वाचन अधिकारी द्वारा विनिर्दिष्ट की जाय, निर्वाचक रजिस्ट्रीकरण अधिकारी के कार्यालय में और नगर निगम के कार्यालय में रखी जायेंगी। इन प्रतियों को मूल नामावली में किये गये संशोधनों के अनुसार समय-समय पर संशोधित किया जायगा।

(3) उपनियम (2) में निर्दिष्ट प्रतियों को जमा करने के पूर्व निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा सम्यक् रूप से अधिप्रमाणित किया जायगा।

(4) प्रत्येक व्यक्ति को उपनियम (1) और (2) में निर्दिष्ट निर्वाचन-पत्रों का निरीक्षण करने और उनकी प्रमाणित प्रतियाँ ऐसी फीस का भुगतान करने पर प्राप्त करने का अधिकार होगा जैसी राज्य सरकार द्वारा विनिर्दिष्ट की जाय।

(5) प्रत्येक वार्ड की निर्वाचक नामावली की मुद्रित प्रतियाँ वार्ड की अगली नामावली के प्रकाशन तक जनता को विक्रय के लिए ऐसे मूल्य पर जो राज्य सरकार द्वारा विनिर्दिष्ट की जाय, उपलब्ध करायी जायेंगी।

(6) किसी वार्ड की नामावली के प्रकाशन पर नयी नामावली के प्रकाशन के ठीक पूर्व प्रवृत्त नामावली को उस वर्ष के लिए जो मुख्य निर्वाचन अधिकारी द्वारा विनिर्दिष्ट किया जाय, संबंधित नगर निगम के अभिलेखों में लगाकर रखा जायगा।

प्रपत्र 1

(नियम 13 देखिये)

नोटिस

सेवा में,

दावेदार/दावेदार का अधिकर्ता
आपत्तिकर्ता/आपत्तिकर्ता का अधिकर्ता

विरोधी पक्षकार

.....

.....

.....

नोटिस दी जाती है कि नगर निगम के वार्ड .....की नामावली के सम्बन्ध में, आपके द्वारा आपके नाम को सम्मिलित किये जाने के लिये प्रस्तुत दावे/आपत्ति की सुनवाई निर्वाचक रजिस्ट्रीकरण अधिकारी के समक्ष दिनांक.....को.....
(स्थान).....(समय).....पर होगी, आपको निदेश दिया जाता है कि आप सुनवाई के समय, ऐसे साक्ष्य के साथ जिसे आप प्रस्तुत करना चाहें, उपस्थित हों।

*निर्वाचक नामावली में आपका नाम सम्मिलित किये जाने पर जो आपत्ति की गई है उसकी एक प्रति साथ में भेजी जाती है।

.....
निर्वाचक रजिस्ट्रीकरण अधिकारी

नोटिस मिली।

*आपत्ति की प्रति प्राप्त हुई।

.....
जिस व्यक्ति पर नोटिस तामील
की जानी उसके हस्ताक्षर

*यदि नोटिस दावेदार या आपत्तिकर्ता या इनमें से किसी के अधिकर्ता पर तामील की जाय, तो इसे काट दिया जाय।

तामील करने वाले व्यक्ति की रिपोर्ट.....

.....

(2) उस व्यक्ति को, जिसका नाम सम्मिलित करने के सम्बन्ध में आपत्ति की गयी है नोटिस के साथ आपत्ति की एक प्रति दी जायेगी।

(3) उपनियम (1) के अधीन नोटिस, यदि सम्भव हो, वैयक्तिक रूप में तामील की जायेगी और वैयक्तिक रूप से तामील न होने पर वार्ड के भीतर सम्बन्धित व्यक्ति के निवास स्थान पर या अन्तिम ज्ञात निवास स्थान पर उसकी एक प्रति चिपकाकर तामील की जायेगी।

(4) वैयक्तिक या अन्यथा तामीली का प्रमाण-पत्र ऐसी तामील के तथ्य का निश्चायक प्रमाण-पत्र समझा जायेगा।

14. दावे और आपत्तियाँ—(1) निर्वाचक रजिस्ट्रीकरण अधिकारी प्रस्तुत किये गये प्रत्येक दावे या आपत्ति की, जिसके सम्बन्ध में नोटिस दी गई हो, संक्षिप्त जाँच करेगा और उस पर अपना विनिश्चय अभिलिखित करेगा और अपने विनिश्चय के अनुसार वार्ड की नामावली में कोई वृद्धि, शुद्धि या लोप का आदेश देगा और ऐसी वृद्धि, शुद्धि या लोप तद्नुसार किया जायेगा:

प्रतिबन्ध यह है कि वार्ड में निर्वाचन के लिये नाम-निर्देशन किये जाने के अन्तिम दिनांक के पश्चात् और उस निर्वाचन की समाप्ति के पूर्व ऐसी कोई वृद्धि, शुद्धि या लोप नहीं किया जायेगा।

(2) सुनवाई में उस व्यक्ति को जिसे ऐसी नोटिस जारी की गयी हो और किसी अन्य व्यक्ति को, जो निर्वाचक रजिस्ट्रीकरण अधिकारी की राय में उसकी सहायता कर सकता है, उपस्थित होने और सुने जाने का हकदार होगा।

(3) निर्वाचक रजिस्ट्रीकरण अधिकारी अपने विवेकानुसार—

(क) किसी व्यक्ति से जिसे ऐसी नोटिस जारी की गई है, अपने समक्ष स्वयं उपस्थित होने की अपेक्षा कर सकता है,

(ख) किसी व्यक्ति द्वारा शपथ पर साक्ष्य देने की अपेक्षा कर सकता है और इस प्रयोजन के लिये शपथ दिला सकता है।

टिप्पणी—जाँच के प्रयोजनों के लिये नियम 7 के अधीन प्रकाशित नामावली को शुद्ध माना जायेगा।

(4) निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा प्रपत्र-2 में दावों और आपत्तियों की एक सूची रखी जायेगी।

15. वार्ड के लिये नामावली का अन्तिम प्रकाशन—(1) निर्वाचक रजिस्ट्रीकरण अधिकारी तद्पश्चात् नियम 14 के अधीन अपने विनिश्चयों को कार्यान्वित करने के लिए संशोधनों की एक सूची तैयार करेगा और नामावली को संशोधनों की सूची के साथ उसकी प्रति निरीक्षण के लिए उपलब्ध करवाकर प्रकाशित करेगा।

(2) ऐसे प्रकाशन पर, संशोधनों की सूची के साथ पठित नामावली, वार्ड की निर्वाचक नामावली होगी।

16. निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा संशोधन—(1) निर्वाचक रजिस्ट्रीकरण अधिकारी समय-समय पर अधिनियम की धारा 37 की उपधारा (2) की अपेक्षाओं का अनुपालन करेगा।

(2) आयोग के किसी निदेश के अधीन रहते हुए निर्वाचक रजिस्ट्रीकरण अधिकारी किसी भी समय नामावली में किसी लिपिकीय या मुद्रण सम्बन्धी त्रुटि को शुद्ध करने और दोहरी प्रविष्टियों को निकालने का आदेश दे सकता है और तद्नुसार ऐसी शुद्धि या निकालने की कार्यवाही की जायेगी।

17. संशोधनों आदि को किस प्रकार किया जायगा—(1) अधिनियम की धारा 39 की उपधारा (5) के अधीन किसी वार्ड की नामावली में शुद्धि उसी रीति से की जायगी जिस रीति से 1950 के अधिनियम के अधीन निर्वाचक नामावलियों में शुद्धियाँ की जाती हैं।

(2) मतदान के लिए अनर्ह व्यक्तियों के नामों का काटा जाना और अधिनियम की धारा 37 के अधीन ऐसी अनर्हता समाप्त होने के पश्चात् ऐसे नामों का पुनः स्थापन यथासम्भव उस रीति से किया जायेगा जो 1950 के अधिनियम की धारा 16 की उपधारा (2) के अधीन नामों को काटने और पुनः स्थापन के लिये विहित किया जाय।

(3) नियम 14 और नियम 16 के उप-नियम (2) के अधीन आदेशित संशोधनों को इस निमित्त मुख्य निर्वाचन अधिकारी के किसी सामान्य निदेश के अधीन रहते हुए वार्ड की नामावली और संशोधनों की सूची, यदि कोई हो, जो उक्त नामावली का भाग हो, में किया जायेगा।

(4) यदि नियम 8 के खण्ड (ख) के अधीन निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा दावे को स्वीकार कर लिया जाता है तो वह उस व्यक्ति का नाम उस अन्य वार्ड की नामावली से तत्काल हटा देगा या हटवा देगा।

18. वार्डों के पुनः परिसीमन पर नामावली की तैयारी के लिए विशेष उपबन्ध—(1) यदि विधि के अनुसार किसी वार्ड का नवीन परिसीमन किया जाय और यदि ऐसे वार्ड की नामावली तैयार किए जाने की आत्यधिक आवश्यकता हो, तो मुख्य निर्वाचन अधिकारी यह निदेश दे सकता है कि उसे निम्नलिखित प्रकार से तैयार किया जायगा—

(क) ऐसे वर्तमान वार्डों या उनके भागों, जो नये वार्ड के क्षेत्र के भीतर समाविष्ट हों, की नामावलियों को मिलाकर, और

(ख) इस प्रकार पूरी की गयी नामावली की व्यवस्था, क्रम-संख्या और शीर्षकों में समुचित परिवर्तन करके।

(2) इस प्रकार तैयार की गई नामावली को नियम 7 में विनिर्दिष्ट रीति से प्रकाशित किया जायगा और ऐसे प्रकाशन पर यह नये वार्ड की नामावली होगी।

19. वार्ड की नामावली का पुनरीक्षण—(1) किसी वार्ड की नामावली अधिनियम की धारा 40 के अधीन या तो विस्तारपूर्वक या संक्षिप्ततः या अंशतः विस्तारपूर्वक और अंशतः या संक्षिप्ततः, जैसा आयोग निर्दिष्ट करे, पुनरीक्षित की जायेगी।

(2) जहाँ किसी वर्ष में ऐसी नामावली विस्तारपूर्वक पुनरीक्षित की जानी हो वहाँ वह नये सिरे से तैयार की जायेगी और नियम 3 से 16 तक उसी प्रकार लागू होंगे जैसे कि वे वार्ड की नामावली के प्रथम बार तैयार किये जाने के सम्बन्ध में लागू होते हैं।

(3) जहाँ किसी वर्ष में, ऐसी नामावली संक्षिप्ततः पुनरीक्षित की जानी हो वहाँ निर्वाचक रजिस्ट्रीकरण अधिकारी ऐसी सूचना के आधार पर जो सुगमता से उपलब्ध हो, नामावली के सुसंगत भाग के लिये संशोधनों की एक सूची तैयार करवायेगा और संशोधनों की सूची के साथ नामावली के आलेख को प्रकाशित करवायेगा और नियम 6 से 16 तक के उपबन्ध ऐसे पुनरीक्षण के सम्बन्ध में उसी प्रकार लागू होंगे जैसे वे किसी वार्ड की नामावली के प्रथम बार तैयार किये जाने के सम्बन्ध में लागू होते हैं।

(4) जब उपनियम (2) के अधीन पुनरीक्षित नामावली के आलेख के या उपनियम (3) के अधीन नामावली और संशोधनों की सूची के प्रकाशन और उपर्युक्त उपनियम (2) या (3) के साथ पठित नियम 15 के अधीन उनके अन्तिम प्रकाशन के बीच किसी समय अधिनियम के उपबन्धों के अधीन तत्समय प्रवृत्त किसी वार्ड की नामावली में किन्हीं नामों को सम्मिलित किये जाने का निदेश दिया जाय, तो निर्वाचक रजिस्ट्रीकरण अधिकारी, जब तक उसकी राय में ऐसे नामों को सम्मिलित किये जाने में कोई विधिमान्य आपत्ति न हो, वार्ड की पुनरीक्षित नामावली में उन नामों को सम्मिलित करवायेगा।

20. आदेशों के विरुद्ध अपील—(1) नियम 13, 14 या 19 के अधीन निर्वाचक रजिस्ट्रीकरण अधिकारी के किसी विनिश्चय के विरुद्ध अपील जिला मजिस्ट्रेट को प्रस्तुत की जायेगी:

प्रतिबन्ध यह है कि जहाँ अपील करने की इच्छा रखने वाले व्यक्ति ने उस मामले पर, जो अपील की विषयवस्तु है, निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा सुने जाने या उसको अभ्यावेदन करने के अपने अधिकार का लाभ नहीं उठाया है, वहाँ अपील नहीं की जा सकेगी।

6. मतदाताओं का तैयार किया जाना—(1) प्रत्येक पंजीकृत निर्वाचक और निर्वाचन के संबंध में [illegible] वाले कुल किसी निगम में अन्तर्वलित क्षेत्र के लिये मतदाताओं निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा, 1950 के अधिनियम के अधीन तैयार किया निर्वाचन क्षेत्र के लिये प्रारंभ प्रकाशित मतदाता सूची को, जहां तक उसका सम्बन्ध उस वार्ड के क्षेत्र से हो, अधिकार करके पुन: तैयार की जाएगी।

परन्तु यह है कि ऐसे वार्ड के लिए मतदाता सूची में ऐसे व्यक्ति के निर्वाचन के लिए नाम — निर्देशन पत्रों के स्वीकृत अन्तिम दिनांक के पश्चात और ऐसे निर्वाचन के रद्द होने के पूर्व कोई परिवर्तन, संशोधन या सुधि सम्मिलित नहीं की जाएगी।

(2) निर्वाचक रजिस्ट्रीकरण अधिकारी मतदाता सूची पर हस्ताक्षर करेगा और अपनी मुहर लगाएगा।

7. मतदाता सूची के आदेश या प्रकाशन—(1) ऐसी सूची के लिये मतदाता सूची तैयार हो जाने निर्वाचक रजिस्ट्रीकरण अधिकारी उसके आदेश की सत्यता किए, के व्यवहार या स्थिरता पत्र और उसकी एक प्रति निर्वाचन के लिये उपलब्ध कराने प्रकाशित करेगा।

(2) निर्वाचक रजिस्ट्रीकरण अधिकारी वार्ड के क्षेत्र में प्रचलित परिचालन वाले किसी हिन्दी दैनिक समाचार-पत्र में प्रकाशित करके इस तथ्य की अधिसूचित करेगा कि वार्ड के लिये मतदाता प्रकाशित कर दी गयी है और उसकी प्रति का निःशुल्क निरीक्षण कार्यालय समय के दौरान सात दिन कार्यालय में किया जा सकता है।

(3) उप-नियम (2) में निर्दिष्ट मतदाता की प्रति निःशुल्क निरीक्षण के लिये कार्यालय समय के दौरान उपनियम (1) के अधीन इसके प्रकाशन के दिनांक से सात दिन की अवधि तक उपलब्ध कराई जाएगी।

मतदाता का पुनरीक्षण

8. वार्ड की मतदाता में नामों को सम्मिलित किये जाने के दावे—कोई व्यक्ति—

(क) जिसका नाम वार्ड के क्षेत्र से सम्बन्धित निर्वाचन क्षेत्र की मतदाता में सम्मिलित हो किन्तु वार्ड की मतदाता में सम्मिलित नहीं किया गया है, या

(ख) जिसका नाम किसी से किसी अन्य वार्ड की मतदाता में सम्मिलित कर दिया गया है, या

(ग) जिसका नाम वार्ड के क्षेत्र से सम्बन्धित निर्वाचन क्षेत्र की मतदाता में या वार्ड की मतदाता में सम्मिलित नहीं किया गया है किन्तु जो इस वार्ड की मतदाता में रजिस्ट्रीकरण के लिये अन्यथा अर्ह है, या

(घ) जिसका नाम किसी अन्तर्वाद के कारण वार्ड की मतदाता में काट दिया गया है किन्तु जो यह दावा करता है कि उसकी अर्हता बनी, अब हट गई है, उसका नाम वार्ड की मतदाता में सम्मिलित किये जाने के लिये निर्वाचक रजिस्ट्रीकरण अधिकारी को आवेदन दे सकता है:

परन्तु यह है कि नियम 9 के उप-नियम (1) के अधीन वार्ड की मतदाता के प्रकाशन के दिनांक से सात दिन के पश्चात् दिए गये आवेदन मुख्य निर्वाचन अधिकारी द्वारा अन्यथा निर्देशित के सिवाय, विचार नहीं किए जायेंगे:

अन्यथा उपनियम यह है कि वार्ड के लिये मतदाता का निर्वाचक को अपील करने की अधिसूचना जारी की जाने के पश्चात इस नियम के अधीन किसी दावे पर विचार नहीं किया जाएगा।

9. वार्ड की मतदाता में प्रविष्टियों का आधिसूचित[illegible] के दावे पर निर्णय—(1) इस नियम के अधीन किये गये दावों पर आवेदन प्राप्त होने पर रजिस्ट्रीकरण अधिकारी, जो [illegible] से अन्यथा, जिसमें निर्वाचक रजिस्ट्रीकरण अधिकारी इस नियम के अधीन दावे पर विचार नहीं करेगा।

(क) यदि वार्ड की मतदाता में किसी नाम को रखने पर इस आधार पर आपत्ति की जाती है कि प्रश्नगत व्यक्ति वार्ड की मतदाता में रजिस्ट्रीकरण के लिये अपेक्षित की धारा 27 के अधीन अर्हता हो गया है, जिसे उप-नियम (1) के अधीन वार्ड की मतदाता के प्रकाशित होने के दिनांक से सात दिन के भीतर निर्वाचक रजिस्ट्रीकरण अधिकारी को, सम्बन्धित, प्रविष्टि के लोप की सूचि के लिये या नाम की इस देने के लिये आवेदन प्रस्तुत कर सकता है।

परन्तु यह है कि वार्ड के लिये मतदान के निर्वाचन की अपील करने की अधिसूचना जारी हो जाने के पश्चात् किसी प्रकार पर विचार नहीं किया जाएगा।

10. नामों और आपत्तियों के सम्बन्ध में जांच—(1) नियम 9 के अधीन प्रत्येक दावा या आवेदन, जिसे उप-नियम (1) के खण्ड (क) के अधीन प्रत्येक आपत्ति प्रथम 1-ए में होगी और उसे उप-नियम (1) के अनुसार हस्ताक्षरित किया जायेगा। नियम 9 के खण्ड (ख) या (ग) के अधीन प्रत्येक आपत्ति, यथास्थिति, प्रपत्र 1-बी या 1-सी में होगी और उसे उप-नियम (1) के अनुसार हस्ताक्षरित और प्रतिहस्ताक्षरित किया जायेगा।

प्रपत्र 1-ए या 1-बी में आपत्ति दो प्रतियों में दी जायेगी, जिसकी एक प्रति उस व्यक्ति पर तामील की जायेगी, जिसके विरुद्ध आपत्ति की जाए।

(2) आपत्ति में उस व्यक्ति के सम्बन्ध में, जिसका नाम सम्मिलित किये जाने या सम्बन्ध में यह आपत्ति की जाती है जिसकी सूचि बनी गई है, मतदाता में दर्ज कर्मी प्रविष्टि और उस आधार को, जिस पर आपत्ति की गई है, विनिर्दिष्ट किया जायेगा।

11. संक्षिप्त जांच करने की प्रक्रिया—नियम 10 के उपनियम (1) के अधीन यथाविहित प्रत्येक अधिकारी नियम 9 और 9 में निर्दिष्ट आवेदन पत्रों की एक सूची रखेगा और आवेदन पत्रों को ऐसी क्रमानुसार के साथ, और जांचे हो, जैसी वह उचित समझे, निर्वाचक रजिस्ट्रीकरण अधिकारी को अग्रसारित कर देगा।

12. संशोधित सूची में [illegible] आपत्तियों का अस्वीकृत किया जाना—नियम 9 या 9 के अधीन कोई आवेदन पत्र जो इस नियमावली में विहित समय के भीतर या प्रपत्र में या रीति में न दिया गया हो, निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा अस्वीकार कर दिया जायेगा।

13. सीमित और सम्बन्धी जांचसूची—(1) उस मामले के सिवाय, जिसमें निर्वाचक रजिस्ट्रीकरण अधिकारी यह या उसके या आपत्ति की सावधानी से प्रस्तुतकरण समझ हो, प्रत्येक व्यक्ति जिसका नाम या नाम को रखा हो या हटाने या आपत्ति प्रस्तुत करने वाले उसके आवेदनकर्ता या प्रत्येक ऐसे व्यक्ति या निर्वाचन पत्र उपस्थित किये जाने के सम्बन्ध में आपत्ति की गयी है, प्रपत्र-1 में एक नोटिस तामील की जायेगी जिसमें उसे कथन या दावा निर्दिष्ट होगा जहां और जब दावा या आपत्ति की सुनवाई की जायेगी और उसे उपस्थित होने या निर्देश दिया जायेगा।

(देखिए धारा 460)

(दंड-सारिणी)

भाग 1

धाराएँ, उपधाराएँ तथा खंड	जुर्माना जो किया जा सकता है
369 (2), 397, 398, 400 (ख), 400 (ज), 400 (झ), 403, 404, 405 ...	दस रुपये
388 (2), 408, 425 (2), 438 (6), 442, 443, 447, 448, 449 ...	बीस रुपये
246, 277 [1][**], 294, 303 (1), 307, 422 (ङ), 424, 426 (1), 428, 451 (5)	पचास रुपये
238, 239, 242 (1) (ख), 243 (ख), 248, 257, 258, 259 (1), 259 (2), 270, 281 (2), 289, 293 (3), 295 (1), 295 (2), 299 (1), 302 (1), 303 (2), 304 (1), 305 (1), 305(3), 309 (1), 312, 330 (4), 332, 409, 410, 412, 418, 427, 430, 432 (1), 439	सौ रुपये
236, 252 (1), 353, 367 (1), 292 (1),(2),(4), 303 (3), 308 (1), 330 (2), 330(3), 333 (1), 334 (3), 392 (3), 423 (2), 440, [2][482 (3)]	दो सौ रुपये
245 (1), 288 (1), 324, [3][* * *], 329, 331 (1), 331 (2), 391 (2), 394 (1), 413, 417 (1), 438 (1)	पाँच सौ रुपये
279 (4), 326, 335 (7), 401, 402	एक हजार रुपये

भाग-2

धाराएँ, उपधाराएँ तथा खंड	जुर्माना जो प्रतिदिन किया जा सकता है
293 (3), 294, 427, 428,438 (6)	पाँच रुपये
236, 238, 239, 242 (1) (ख), 243(ख), 246, 248, 257, 258, 259 (1), 259 (2), 267 (1), 270, 289, 292 (2), (4), 295 (1), 295 (2), 299, 303 (2), 305 (1), 305 (1), 305 (3), 308 (1), 309 (1), 330 (4), 422 (ङ), 439, 451 (5) ...	दस रुपये
374 (1), 307, 330 (2), 330(3), 333 (1), 334 (3), 440 ...	बीस रुपये
245 (1), 281 (2), 302 (1), 303 (1), 332, 391 (2), 392 (3), 394 (2), 423 (2), 438 (1), [4][482 (3)]	पचास रुपये
279 (4), 324, 329, 331 (1), 331 (2), 335 (7)	सौ रुपये
401, 402	पाँच सौ रुपये

1. उ० प्र० अधिनियम सं० 23, 1961 द्वारा अंक तथा कोष्ठ "293 (3)," निकाल दिये गये
2. उ० प्र० अधिनियम सं० 23, 1961 द्वारा अंक "482" के स्थान पर अंक "482 (3)" रखा गया
3. उ० प्र० अधिनियम सं० 23, 1961 द्वारा अंक तथा कोष्ठ "326", निकाल दिये गये
4. उ० प्र० अधिनियम सं० 23, 1961 द्वारा अंक "482" के स्थान पर अंक "482 (3)" रखा गया

उत्तर प्रदेश नगर निगम (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) नियमावली, 1994[1]

चूँकि राज्य सरकार का यह समाधान हो गया है कि ऐसी परिस्थितियाँ विद्यमान हैं जिनके कारण उसके लिये यह आवश्यक हो गया है कि तात्काल नियमावली बनायी जाय;

अतएव, अब उत्तर प्रदेश साधारण खण्ड अधिनियम, 1904 (उत्तर प्रदेश अधिनियम संख्या 1 सन् 1904) की धारा 23 की उपधारा (3) और उत्तर प्रदेश नगर अधिनियम, 1959 (उत्तर प्रदेश अधिनियम संख्या 2 सन् 1959) की धारा 39 के साथ पठित 1959 के उक्त अधिनियम की धारा 540 के अधीन शक्ति का प्रयोग करके, राज्यपाल निम्नलिखित नियमावली बनाते हैं, अर्थात—

प्रारम्भिक

1. **संक्षिप्त नाम, प्रवर्तन और प्रारम्भ**— (1) यह नियमावली उत्तर प्रदेश नगर निगम (निर्वाचक नामावली का तैयार किया जाना और पुनरीक्षण) नियमावली, 1994 कही जायेगी।

(2) यह उत्तर प्रदेश में समस्त नगर निगमों पर लागू होगी।

(3) यह सरकारी गजट में प्रकाशन के दिनांक को प्रवृत्त होगी।

2. **परिभाषायें**— इस नियमावली में,—

(1) "अधिनियम" का तात्पर्य उत्तर प्रदेश नगर निगम अधिनियम, 1959 से है,

(2) "1950 का अधिनियम" का तात्पर्य लोक प्रतिनिधित्व अधिनियम, 1950 से है,

(3) "विधान सभा" का तात्पर्य राज्य विधान सभा से है,

(4) "मुख्य निर्वाचन अधिकारी" का तात्पर्य राज्य में अधिनियम के अधीन निर्वाचन नामावली के तैयार करने और पुनरीक्षण के पर्यवेक्षण के लिये अधिनियम की धारा 39 के अधीन आयोग द्वारा इस रूप में पदाभिहित मुख्य निर्वाचन अधिकारी (नगर स्थानीय निकाय) से है,

(5) "आयोग" का तात्पर्य राज्य निर्वाचन आयोग से है,

(6) "निर्वाचक रजिस्ट्रीकरण अधिकारी" का तात्पर्य निगम में किसी वार्ड की निर्वाचक नामावली को तैयार करने उसको प्रकाशित और पुनरीक्षित करने के लिये आयोग द्वारा इस रूप में पदाभिहित या नाम निर्दिष्ट अधिकारी से है,

(7) "प्रपत्र" का तात्पर्य इस नियमावली से संलग्न प्रपत्रों से है,

(8) "नामावली" का तात्पर्य निर्वाचन नामावली से है।

3. **नगरपालिका द्वारा व्यय का वहन किया जाना**—किसी नगर निगम क्षेत्र में नामावली तैयार, प्रकाशित और पुनरीक्षित किये जाने के सम्बन्ध में उपगत व्यय राज्य सरकार द्वारा अन्यथा निर्दिष्ट के सिवाय सम्बन्धित नगर निगम पर राज्य सरकार द्वारा समय-समय पर दी गयी रीति से और उस सीमा तक धारित होंगे और उससे वसूली योग्य होंगे।

4. **निर्वाचक रजिस्ट्रीकरण अधिकारी की सहायता**—निर्वाचक रजिस्ट्रीकरण अधिकारी, आयोग द्वारा इस निमित्त किये गये किसी निर्देशन के अधीन रहते हुए, वार्ड के लिये निर्वाचक नामावली तैयार और पुनरीक्षित करने के लिये ऐसे व्यक्तियों को, जैसे वह उचित समझे, सेवायोजित कर सकता है।

नामावली का तैयार किया जाना और प्रकाशन

5. **नामावली का प्ररूप और भाषा**—किसी वार्ड की नामावली हिन्दी में देवनागरी लिपि में उस प्ररूप में तैयार की जायगी जिसमें नामावली विधान सभा निर्वाचन क्षेत्र के लिये 1950 के अधिनियम के अधीन तैयार की जाती है।

1. यह नियमावली अधिसूचना संख्या 3786 यू/9-7-1994, दिनांक 14 नवम्बर, 1994 द्वारा उ० प्र० गजट में दिनांक 14 नवम्बर, 1994 को प्रकाशित हुई।

[2](3) उक्त ऐक्ट की धारा 23 के अन्त में निम्नलिखित बढ़ाया गया समझा जाय, अर्थात्–

(2) For the purposes of clause first of sub-section (1) or this section—

(a) the market-value of the land shall be shall be the market-value according to the use to which the land was put at the date with reference to which the market-value is to be determined under that clause;

(b) if it be shown that before such date the owner of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use of the same, further compensation based on his actual loss may be paid to him;

(c) if any person, without the permission of the Mukhya Nagar Adhikari required by clause (b) of sub-section (1) of section 348 or by sub-section (4) of section 350 of the Nagar Mahapalika Adhiniyam 1959, has erected, re-erected, added or altered any building or wall so as to make the same project beyond the street alignment prescribed under the said section 348 or within the area specified in sub-section (4) of the said section 350, as the case may be, then any increase in the market-value resulting from such erection, re-erection, addition or alteration shall be disregarded;

(d) if the market-value has been increased by means of any improvement made by the owner or his predecessor-in-interest within two years before the aforesaid date, such increase shall be disregarded unless it be proved that improvement so made was made in good faith and not in contemplation of proceedings for the acquisition of the land being taken under this Act;

(e) if the marke-value is specially high in consequence of the land being put to a use which is unlawful or contrary to public poblicy, that use shall be desregarded and the market-value shall be deemed to be the market-value of the land if put to ordinary uses;

(f) if the market-value of any building is specially high in consequence of the building being so overcroweded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded, and the market-value shall be deemed to be the market-value of the building if occupied by such number of persons only as could be accommodated in it without risk of danger from overcrowding;

(g) when the owner of the land or building has after the passing of the U. P. Nagar Mahapalika Adhiniyam, 1959, and within two years preceding the date with reference to which the market-value is to be determined, made a return under section 158 the United Provinces Municipalities Act, 1916, of the rent of the land or building, the rent of the land or building shall not, in any case, be deemed to be greater than the rent shown in the latest return so made, save as the Court may otherwise direct, and the market-value may be determined on the basis of such rent:

Provided that where any addition to, or improvement of the land or building has been made after the date of such latest and previous to the date with reference which the market-value is to be determined the Court may take into consideration any increase in the letting value of the land due to such addition or improvement."

11. धारा 24 का संशोधन–उक्त ऐक्ट की धारा 24 के खंड सातवें (Seventhly) के स्थान पर निम्नलिखित रखा गया समझा जाय, अर्थात्–

"Seventhly, any outlay on additions or improvements to land acquired [illegible] incurred after the date with reference to which the market-value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair."

12. नयी धारा 24-ए–उक्त ऐक्ट की धारा 24 के पश्चात् निम्नलिखित रखा गया समझा जाय, अर्थात्–

"24.A. Further provision for determining compensation.—In determining the amount of compensation to be awarded for any land acquired under this Act, for a Mahapalika established under the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, the Court shall also have regard to the following provisions, namely:

(1) when any interest in any land acquired under this Act has been acquired after the date with reference to which the market-value is to be determined, no separate estimate of the value, of such interest shall be made so as to increse the amount of compensation to be paid for such land;

(2) if, in the opinion of the Court any building is in a defective state, from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation for such building shall not exceed the sum which the Court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, *minus* the estimated cost of putting it into such condition or state:

(3) if, in the opinion of the Court any buidling which is used or is intended or likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation for such building shall not exceed the value of the materials of the building, *minus* the cost of demolishing the building."

13. धारा 31 का संशोधन–(1) उक्त ऐक्ट की धारा 31 की उपधारा (1) में शब्द "The compensation" के पश्चात् तथा इसी धारा की उपधारा (2) में शब्द "the amount of compensation" के पश्चात् शब्द "and costs (if any)" रखे गये समझे जायँ।

(2) उक्त ऐक्ट की धारा 31 की उपधारा (2) के अन्तिम प्रतिबन्ध (proviso) में शब्द "compensation" के पश्चात् शब्द "(or costs)" रखे गये समझे जायँ।

14. नयी धारा 48-ए–उक्त ऐक्ट की धारा 48 के पश्चात् निम्नलिखित रखा गया समझा जाय, अर्थात्–

"48-A. compensation to be awarded when land not acquired within two years—(1) If within a period of two years from the date of the publication of the declaration under section 6 in respect of any land, the Collector has not made an Award under section 11, with respect to such land, the owner of the land shall unless he has been to a material extent responsible for the delay, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payble under this section."

15. धारा 49 का संशोधन–उक्त ऐक्ट की धारा 49 की उपधारा (1) के पश्चात् निम्नलिखित रखा गया समझा जाय, अर्थात्–

"(1-a) For the purposes of sub-section (1), land which is held with and attached to a house and is reasonably required for the enjoyment of the house shall be deemed to be part of the house."

---

1. उ० प्र० अधिनियम सं० 14, 1959 की धारा 10 द्वारा, जो उप-धारा (2) बढ़ाया गया था उसे उ० प्र० अधिनियम सं० 22, 1961 द्वारा पुनः स्थापित किया गया

2. उ० प्र० अधिनियम सं० 14, 1959 की धारा 10 द्वारा उप-धारा (2) की संख्या बदल कर (3) कर दी गयी

अध्याय	धारा	क्रमांक
13	333	अवैध कार्यों का निदेशन करने वाले व्यक्तियों को हटाने का आदेश देना ।
	334	कुछ परिस्थितियों में किसी भवन को खाली कराने की नोटिस जारी करना ।
	335	विशेष सड़कों अथवा स्थानीय क्षेत्रों में भवनों का भावी निर्माण विनियमित करना ।
	338	ऐसे स्थानों पर भवनों के पुनर्निर्माण का प्रतिषेध करना जहाँ तक पहुँचा न जा सके ।
	340	आवास (accommodation) सम्बन्धी विवरण माँगना ।
16	430	पशुओं के वध के लिए [1][निगम] की अनुज्ञा से वध के गौहर भू-गृहादि चिह्नित करना ।
21	525	[1][निगम] के अनुमोदन से कुछ व्ययों को विकास-व्यय घोषित करना ।

अनुसूची 2

(धारा 376)

लैंड एक्वीजिशन ऐक्ट, 1894 (जिसे आगे उक्त ऐक्ट कहा गया है) में संशोधन

1. धारा 3 का संशोधन–उक्त ऐक्ट की धारा 3 के खंड (ई) के पश्चात् निम्नलिखित रखा गया समझा जाय, अर्थात्–

"(ee) the expression, 'local authority' includes a Mahapalika constituted under the Uttar Pradesh NagarMahapalika Adhiniyam, 1959".

2. विकास-योजनाओं की दशा में धारा 4 तथा धारा 6 के अधीन विज्ञप्ति का स्थान इस अधिनियम की धारा 357 तथा 363 के अधीन प्रचारित विज्ञप्तियाँ लेंगी–(1) इस अधिनियम की धारा 357 के अधीन किसी विकास-योजना का प्रथम प्रकाशित नोटिस, उक्त ऐक्ट की धारा 4 की उपधारा (1) के अधीन सम्बद्ध स्थान (locality) तथा सरकारी गजट में प्रकाशित विज्ञप्ति का स्थान ले लेगा, और उसी के समान प्रभावी होगा, सिवाय उस दशा के जब उक्त ऐक्ट की धारा 4 या 6 के अधीन पहले घोषणा की जा चुकी हो और वह अब भी प्रचलित हो ।

(2) इस अनुसूची की कंडिकाओं 10 तथा 11 के उपबन्धों के अधीन रहते हुए, इस अधिनियम की धारा 348 की उपधारा (4) के अधीन अर्जित भूमि की दशा में उक्त उपधारा के अधीन तथा इस अधिनियम की किसी अन्य विकास-योजना के अधीन अर्जित भूमि की दशा में, इस अधिनियम की धारा 363 के अधीन प्रकाशित विज्ञप्ति उक्त अधिनियम की धारा के अधीन राज्य सरकार द्वारा की गयी घोषणा का स्थान ले लेगी तथा उसी के समान प्रभावी होगी, जब तक कि उक्त धारा 6 के अधीन घोषणा पहले ही न की जा चुकी हो और वह अब भी प्रचलित न हो ।

3. धारा 11 का संशोधन–उक्त ऐक्ट की धारा 11 के अन्त का फुलस्टाप सेमीकोलन में परिवर्तित समझा जाय तथा निम्नलिखित बढ़ाया गया समझा जाय, अर्थात्–

"and

(iv) the cost which, in his opinion, should be allowed to person who is found to be entitled to compensation [2][* * *] as having been actually and reasonably incurred by such person in preparing his claims and putting,

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 23 सन् 1961 द्वारा निकाला गया

the Collector may disallow, wholly or in part, costs incurred by any person, if he considers that the claim made by such person for compensation is extravagant."

4. धारा 18 का संशोधन–उक्त ऐक्ट की धारा 18 में शब्द तथा संख्या "and 24" के स्थान पर संख्या, शब्द तथा वर्ण "24 and 24-A", जिसके पहले एक कोमा भी होगा, रखे गये समझे जायँ ।

5. धारा 17 का संशोधन–(1) उक्त ऐक्ट की धारा 17 की उपधारा (3) में संख्या "24" के पश्चात् शब्द संख्या, तथा वर्ण "or section 24-A" रखे गये समझे जायँ ।

(2) उक्त धारा 17 में निम्नलिखित बढ़ाया गया समझा जाय, अर्थात्–

"(5)* Sub-sections (1) and (3) shall apply also in the case of any area which is stated in a certificate granted by the District Magistrate or a Magistrate or a Magistrate of the first class to be unhealthy.

(6)* Before granting any such certificate, the Magistrate shall cause notice to be served as promptly as may be on the person referred to in sub-section (3) of section 9, and shall hear without any avoidable delay any objections which may be urged by them.

(7)* When proceedings have been taken under this section, for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession."

6. [1][निगम] को भूमि हस्तांतरण–उक्त ऐक्ट की धारा 17 के पश्चात् निम्नलिखित रखा गया समझा जाय, अर्थात्–

"*17-A*. In every case referred to in section 16 or section 17 the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Mukhya Nagar Adhikari, and the land shall thereupon vest in the Mahapalika subject to the liability of the Mahapalika to pay any further costs which may be incurred on account of its acquisition."

7. धारा 18 का संशोधन–उक्त ऐक्ट की धारा 18 की उपधारा (1) के अन्त का फुलस्टाप कामा में परिवर्तित समझा जाय तथा शब्द "or the amount of the costs allowed" बढ़ाये गये समझे जायँ ।

8. धारा 19 का संशोधन–उक्त ऐक्ट की धारा 19 के खंड (स) में शब्द "amount of compensation" के पश्चात् शब्द "and of costs (if any)" रखे गये समझे जायँ ।

9. धारा 19 का संशोधन–उक्त ऐक्ट की धारा 19 के खंड (सी) में शब्द "amount of the compensation" के पश्चात् शब्द "or costs" रखे गये समझे जायँ ।

10. धारा 23 का संशोधन–(1) उक्त ऐक्ट की धारा 23 की उपधारा (1) के पहले तथा छोटे खंड में शब्द "publication of the notification under section 4, sub-section (1)" तथा शब्द "publication of the declaration, under section 6" के पश्चात्–

(क) इस अधिनियम की धारा 348 की उपधारा (3) के अधीन भूमि अर्जित किये जाने की दशा में शब्द "or in the case of acquisition under sub-section (3) of section 348 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, of the issue of the notice under sub-section (3) of section 348 of that Act, and;"

(ख) अन्य किसी दशा में शब्द "or in the case of acquisition of land under improvement scheme other than a Bhavi Saruk Yojna under Chapter XIV of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, of the first publication of the notification under section 357 of that Act" बढ़ाये गये समझे जायँ ।

* उ० प्र० अधिनियम सं० 23, 1961 द्वारा (4), (5) तथा (6) के स्थान पर रखे गये
1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

अध्याय	धारा	कृत्य
7	139	विशेष निधि का निर्माण करना ।
	146 (4)	बजट अंगीकार करना ।
	148	करों की दरें निर्धारित करना ।
	151	अंगीकृत बजट प्राक्कलनों में परिवर्तन करना ।
	154, 155	रुपया उधार लेना ।
	157	निक्षेप निधि का संगठन करना ।
9	172	कर लगाना ।
	204	करों का हटाना या उसमें परिवर्तन करना ।
	216	करों का संग्रहण करना ।
	225	अनुपूरक करों का आश्रय लेना ।
14	360	विकास-समिति द्वारा प्रस्तुत योजना को संशोधनों सहित अथवा रहित परित्याग करना अथवा उसे स्वीकृत करना ।
	364	[1][निगम] अथवा राज्य सरकार द्वारा किसी योजना को चालित करने के पश्चात् उसमें परिवर्तन करना ।
16	423	यह निर्धारित करना कि नगर में अथवा नगर के निर्दिष्ट भाग में निजी बाजारों की स्थापना अथवा निजी वधशालाओं के संधारण की अनुज्ञा दी जाय या नहीं ।

भाग (ख)

कार्यकारिणी समिति के कृत्य, जो प्रतिनिधानित न किये जायेंगे

6	127	(1) संपत्ति अर्जित करने के लिए निबन्धन दरें अथवा अधिकतम मूल्य निश्चित करना ।
		(2) किसी संपत्ति के अनिवार्य रूप से अर्जित करने की और किसी अचल संपत्ति के विनिमय की स्वीकृति देना, और
		(3) किसी संपत्ति का 12 महीने से अधिक की अवधि के लिए पट्टे पर लेने की मंजूरी देना ।
	135	दस हजार रुपये से अधिक की लागत की योजनाओं के तख्मीनों की मंजूरी देना ।
9	213	निर्धारण सूची को परिवर्तित अथवा संशोधित करना ।
16	443	नल-विस्त्रियों के लिए शुल्क निर्धारित करना ।

भाग (ग)

विकास-समिति के कृत्य, जो प्रतिनिधानित न किये जायेंगे

14	344	किसी क्षेत्र को अस्वास्थ्यकर क्षेत्र घोषित करना ।
	345	गन्दी बस्तियों को साफ करने तथा पुनर्निर्माण की योजना बनाने के आदेश देना ।

1. उ० प्र० अधिनियम सं० 13 सन् 1994 द्वारा प्रतिस्थापित

अध्याय	धारा	कृत्य
	351	परिमापन करने की आज्ञा देना ।
	356	मुख्य नगराधिकारी द्वारा तैयार की गयी कोई योजना संशोधनों सहित अथवा रहित, स्वीकार करना ।
	359	किसी विकास-योजना के संबंध में आपत्तियों अथवा अभ्यावेदनों पर विचार करना ।

भाग (घ)

मुख्य नगराधिकारी के वे कृत्य, जो अन्य पदाधिकारियों अथवा सेवकों को प्रतिनिधानित न किये जायेंगे

4	107 (2)	[1][ऐसे पदों पर जो धारा 107 की उपधारा (1) में निर्दिष्ट पदों में सम्मिलित नहीं है, नियुक्तियां करना।]
6	127	नगर के बाहर या भीतर किसी चल अथवा अचल संपत्ति अथवा ऐसी संपत्ति में कोई स्वत्व अर्जित करना ।
	129	[1][निगम] की ओर से किसी सम्पत्ति का निस्तारण करना ।
10	229	यह घोषित करना कि कोई नाली अथवा उसका कोई भाग अथवा जल-निस्सारण अथवा मल-निस्तारण के निर्माण-कार्य [1][निगम] में निहित होंगे ।
	250	नालियाँ खाली करने अथवा मल आदि निस्तारण के लिए स्थान निश्चित करना ।
12	277	कुछ प्रकार के यातायात के लिए सार्वजनिक सड़कों के प्रयोग का प्रतिषेध करना ।
	278	सार्वजनिक सड़कों के सुधार के लिए भू-गृहादि अर्जित करना ।
	279	सड़क की पंक्ति विहित करना ।
	280, 281	भवनों को सड़क की नियमित पंक्ति तक पीछे हटाने और किसी भवन को गिराने के आदेश न माने जाने पर या उसके किसी भाग को गिराने की आज्ञा देना ।
	282, 283	सड़क की विनियमित पंक्ति के भीतर की खुली भूमि अथवा चबूतरों द्वारा घिरी हुई भूमि अर्जित करना ।
	284	भवनों के आगे बढ़ाने की आज्ञा देना ।
	290	किसी निजी सड़क को सार्वजनिक सड़क घोषित करना ।
	293	सड़कों पर निकले हुए भागों को बनाने की अनुज्ञा देना ।
	299	नियत दिन के पहले निर्मित या संस्थापित किसी ढाँचे अथवा संलग्नक को हटाने के आदेश देना ।
	305	आवास-चिह्नों आदि के निर्माण की अनुज्ञा देना ।
13	322	उस समय तक के लिए भवन को बनाने की अनुज्ञा न देना जब तक कि सड़क प्रारम्भ न कर दी जाय अथवा पूरी न कर ली जाय ।
	328	प्राणी द्वारा सारवान भ्रान्त कथन के आधार पर किसी भवन अथवा निर्माण-कार्य आरम्भ करने की अनुज्ञा रद्द करना ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

[1][580. कठिनाइयों को दूर करने की शक्ति—(1) यदि इस अधिनियम के उपबन्धों को या इस अधिनियम में किसी बात के होने के कारण, तत्समय प्रवृत्त किसी अन्य अधिनियमिति को प्रभावी बनाने में कठिनाई उत्पन्न हो तो राज्य सरकार जैसा अवसर विशेष पर अपेक्षित हो, अधिसूचित आदेश द्वारा, यह निदेश दे सकती है कि यह अधिनियम ऐसे अनुकूलनों के अधीन रहते हुए, चाहे वे परिष्कार, परिवर्तन या लोप के रूप में हों, प्रभावी होगा, जिन्हें वह आवश्यक या इष्टकर समझे।

(2) उपधारा (1) के अधीन कोई आदेश उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ होने के दिनांक से दो वर्ष की अवधि की समाप्ति के पश्चात् नहीं किया जाएगा।

(3) उपधारा (1) के अधीन किसी आदेश द्वारा बनाए गए उपबंध प्रभावी होंगे मानो वे इस अधिनियम में अधिनियमित किये गए हैं और ऐसा कोई आदेश किसी भूतलक्षी दिनांक से, किन्तु जो उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ के पूर्व का दिनांक न होगा, दिया जा सकता है।

(4) उपधारा (1) के अधीन दिया गया प्रत्येक आदेश, यथाशक्यशीघ्र, राज्य विधान मण्डल के दोनों सदनों के समक्ष रखा जाएगा और उत्तर प्रदेश साधारण खण्ड अधिनियम, 1904 की धारा 23-क की उपधारा (1) के उपबंध उसी प्रकार लागू होंगे जिस प्रकार वे किसी उत्तर प्रदेश अधिनियम के अधीन राज्य सरकार द्वारा बनाए गए नियमों के संबंध में लागू होते हैं।]

[1][580-क. कुछ दशाओं में सम्पत्ति, आस्तियों, अधिकारों, दायित्वों तथा आभारों का उत्तराधिकार—(1) उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ की और से धारा 140 के उपबन्धों के अधीन रहते हुए—

(क) समस्त सम्पत्ति, सम्पत्ति में हित और आस्तियाँ जिनके अन्तर्गत रोकड़ बाकी भी है, जहाँ कहीं भी वे स्थित हों, जो उक्त दिनांक के ठीक पहले नगर महापालिका में निहित थीं, इस अधिनियम के प्रयोजनों के लिए, निगम में निहित हो जायेंगी और इसके अधिकार में रहेंगी; तथा

(ख) पूर्वोक्त नगर महापालिका के ऐसे समस्त अधिकार, दायित्व और आभार चाहे वे किसी संविदा से उत्पन्न हुए हों या अन्यथा जो उक्त दिनांक से ठीक पहले विद्यमान हों, उस निगम के अधिकार, दायित्व और आभार हो जायेंगे।

(2) यदि कोई संदेह या विवाद उत्पन्न हो कि कोई सम्पत्ति, हित या आस्ति उपधारा (1) के अधीन निगम में निहित हो गयी, या नहीं, अथवा कोई अधिकार, दायित्व या आभार निगम का अधिकार, दायित्व या आभार हो गया है या नहीं, तो ऐसा संदेह या विवाद, यथास्थिति, मुख्य नगर अधिकारी द्वारा राज्य सरकार को निर्दिष्ट किया जायेगा, जिसका निर्णय, जब तक कि वह किसी विधि न्यायालय के किसी निर्णय से अवक्रान्त न हो जाय, अन्तिम होगा।

580-ख. [1][महापालिका को देय धनराशियों] की वसूली हेतु शक्ति—किसी नगर महापालिका को देय समस्त धनराशियाँ, चाहे वे किसी कर के मद में देय धनराशियाँ हों या किसी अन्य खाते में, निगम द्वारा वसूल की जायेंगी और निगम ऐसी वसूली के प्रयोजनार्थ कोई ऐसा कार्य करने के लिये सक्षम होगा या कोई ऐसी कार्यवाही करने के लिये सक्षम होगा, जिसे उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रवृत्त न होने की दशा में उक्त नगरमहापालिका करने या प्रारम्भ करने की अधिकारी होती।

580-ग. [2][महापालिका के ऋण, आभार, संविदायें तथा विचाराधीन कार्यवाहियाँ]—(1) किसी नगर महापालिका द्वारा या उसकी ओर से धारा 580-क की उपधारा (1) में निर्दिष्ट दिनांक के पूर्व उपगत सभी ऋणों और आभारों और की गयी सभी संविदाओं के सम्बन्ध में, जो उक्त दिनांक को विद्यमान हों, यह समझा जायेगा कि वे इस अधिनियम द्वारा उसे प्रदत्त अधिकारों का प्रयोग करके निगम द्वारा हुए अथवा किये गये और तदनुसार वे प्रवर्तन में बने रहेंगे।

(2) उक्त नगर महापालिका के किसी प्राधिकारी के समक्ष उक्त दिनांक को विचाराधीन ऐसी समस्त कार्यवाहियां, जिनका इस अधिनियम के उपबन्धों के अधीन निगम के समक्ष प्रारम्भ किया जाना अथवा उसके द्वारा सम्पन्न किया जाना अपेक्षित हो, निगम को संक्रमित कर दी जायेंगी और उसके द्वारा जारी रखी जायेंगी, और ऐसी अन्य समस्त कार्यवाहियों भी, यथासम्भव, उस प्राधिकारी को संक्रमित कर दी जायेंगी और उसके द्वारा जारी रखी जायेंगी, जिसके समक्ष अथवा जिसके द्वारा, वे इस अधिनियम के उपबन्धों के अधीन, प्रारम्भ या सम्पन्न की जातीं।

(3) उक्त नगर महापालिका के प्राधिकारी के समक्ष उक्त दिनांक को विचाराधीन समस्त अपीलें, यथा व्यवहार्य इस प्रकार निस्तारित की जायेंगी मानों उनके प्रारम्भ किये जाने के समय निगम विद्यमान था।

(4) उक्त नगर महापालिका द्वारा या उसकी ओर से चलाये गये सभी अभियोजन और उक्त नगर महापालिका द्वारा या उसके विरुद्ध या उक्त नगर महापालिका के किसी अधिकारी द्वारा या उसके विरुद्ध चलाये गये सभी वाद और अन्य विधिक कार्यवाहियां जो उक्त दिनांक को विचाराधीन हों, निगम या अधिकारी द्वारा या उसके विरुद्ध उसी प्रकार जारी रहेंगी मानों ऐसे अभियोजन, वाद या कार्यवाही चलाये जाने के समय निगम संगठित किया जा चुका हो।]

581. निरसन—यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916, यू० पी० टाउन एरियाज ऐक्ट, 1914, यू० पी० इम्प्रूवमेंट ऐक्ट, 1919, यू० पी० टाउन इम्प्रूवमेंट (अपील्स) ऐक्ट, 1890, यू० पी० टाउन इम्प्रूवमेंट (एडाप्टेशन) ऐक्ट, 1948, [1][यू० पी० डिस्ट्रिक्ट बोर्ड्स ऐक्ट, 1922, उत्तर प्रदेश स्थानीय निकाय (प्रशासकों की नियुक्ति) अधिनियम, 1953] तथा कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945, नियत दिन से जहाँ तक वे नगर में किसी क्षेत्र में प्रवृत्त हों, निरस्त हो जायेंगे।

अनुसूची 1

[धारा 119]

[2][निगम] प्राधिकारियों के अप्रत्यनिधान्य कृत्य

भाग (क)

[2][निगम] के कृत्य जो प्रतिनिधानित न किये जायेंगे

अध्याय	धारा	कृत्य
3	95	(1) विशेष समितियाँ अथवा संयुक्त समितियों का संगठन करना।
	96	(1) किसी छावनी प्राधिकारी अथवा अन्य किसी विधिक प्राधिकारी अथवा ऐसे प्राधिकारी के समवाय में मिलना।
6	127	किसी अचल संपत्ति को मंजूर करने अथवा अर्जन करने की स्वीकृति देना यदि उस संपत्ति का मूल्य, जिसे मंजूर करने, अर्जित करने अथवा विनिमय में देने का प्रस्ताव है, पाँच हजार रुपये से अधिक हो। तीन वर्ष से अधिक की अवधि के लिए किसी संपत्ति को पट्टे पर लेने की मंजूरी देना। किसी आभारग्रस्त संपत्ति का दान अथवा विक्रय मंजूर करने की स्वीकृति देना, यदि उसका मूल्य पाँच हजार रुपये से अधिक हो।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 14, 1959 की धारा 9 द्वारा जोड़ा गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

372

सिनेमा द्वारा प्रयोग में लाये जा रहे ध्वनि-विस्तारक यंत्र का नगर निगम द्वारा परिवाद—यदि यह मान भी लिया जाय कि ध्वनि-विस्तार यंत्र अपदूषण (nuisance) कारित कर रहे थे, तो भी समुचित अधिकारी लाइसेन्स प्रदान करने वाला प्राधिकारी ही होता है, जो ऐसे कार्यों पर नियंत्रण रखता है कि वह अपने ध्वनि-विस्तारक यंत्रों का इस प्रकार प्रयोग न करे कि वह लोक हित के प्रतिकूल हो अथवा वह एक लोक-अपदूषण का रूप धारण कर ले *[ए० आ० प०, वाराणसी बनाम ए० बी० दूबे, मैनेजर, दीपक टाकीज, 1978 ए० डब्ल्यू० सी० 423 : 1978 ए० एल० जे० 437]*।

1[**577-क. सेवा की निरन्तरता**—उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ के ठीक पूर्व किसी नगर महापालिका के नियोजन में समस्त अधिकारी और कर्मचारी, ऐसे प्रारम्भ पर, इस अधिनियम के अधीन निगम के अधिकारी और कर्मचारी हो जायेंगे और वे वही वेतन और भत्ते पायेंगे और सेवा की उन्हीं शर्तों के अधीन रहेंगे जिनके कि वे ऐसे प्रारम्भ के ठीक पूर्व हकदार या अधीन थे।]

578. [* * *] विघटित नगरपालिका अथवा स्थानीय प्राधिकारी के लिए व्यवस्था—पूर्ववर्ती धाराओं में किसी नगरपालिका या स्थानीय प्राधिकारी के प्रति किया गया कोई निर्देश तदर्थ निर्मित किसी विधायन के अधीन किसी ऐसी नगरपालिका या स्थानीय प्राधिकारी के 2[* * *] विघटित होने अथवा किसी प्रशासक के अवधायन में रख दिये जाने की दशा में ऐसे व्यक्ति या व्यक्तियों के प्रति किया गया निर्देश समझा जायगा, जो ऐसी नगरपालिका या स्थानीय प्राधिकारी से सम्बद्ध किसी विधि के अधीन उक्त नगरपालिका या स्थानीय प्राधिकारी के अधिकारों का प्रयोग करने अथवा कृत्यों का संपादन करने के लिए नियुक्त किया गया अथवा किये गये हों।

579. विशेष उपबन्ध—(1) 3[जब कोई क्षेत्र संविधान के अनुच्छेद 243-घ के खण्ड (2) के अधीन वृहत्तर नगरीय क्षेत्र विनिर्दिष्ट किया जाये तो] इस अधिनियम अथवा ऐसे क्षेत्र में तत्समय प्रवृत्त किसी अन्य विधायन में किसी बात के रहते हुए राज्य सरकार—

(क) ऐसे नगर में 4[* * *] इस अधिनियम के अधीन मुख्य नगराधिकारी के अधिकारों का प्रयोग एवं कृत्यों का संपादन करने के लिए सरकारी गजट में विज्ञप्ति प्रकाशित करके किसी अन्तःकालीन मुख्य नगराधिकारी की नियुक्ति कर सकती है;

(ख) ऐसे नगर में 5[निगम] की स्थापना से सम्बद्ध समस्त कार्यों के प्रयोजनार्थ ऐसे नगर के अन्तर्गत स्थित क्षेत्र के सम्बन्ध में कार्य करने वाले 3[नगरपालिका परिषद], इम्प्रूवमेंट ट्रस्ट या विकास बोर्ड या अन्य स्थानीय प्राधिकारी के किसी पदाधिकारी या कर्मचारी की सेवाएँ अभिपाषित कर सकती है;

(ग) आज्ञा देकर अन्य ऐसे विषयों की व्यवस्था कर सकती है जो ऐसे नगर में 5[निगम] की स्थापना को सुगम बनाने के लिए आवश्यक हो।

(2) उपधारा (1) के खंड (ख) में निर्दिष्ट पदाधिकारियों तथा कर्मचारियों के वेतन और भत्तों का भुगतान उस स्थानीय प्राधिकारी की निधियों में से किया जायगा जिसके कि वे सेवाओं की अभिपाचना के समय पदाधिकारी या कर्मचारी रहे हों तथा अन्तःकालीन मुख्य नगराधिकारी के वेतन और भत्तों का भुगतान ऐसे स्थानीय प्राधिकारी की निधि में से किया जायगा जिसे राज्य सरकार आदिष्ट करे।

---

1. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा बढ़ायी गयी
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "अधिकार आया" का "अधिकार" निकाल दिये गये
3. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "निगम के संगठन हेतु निर्वाचन के सम्बन्ध में" निकाल दिये गये
5. उ० प्र० अधिनियम सं० 12 सन 1994 द्वारा प्रतिस्थापित

1[**579-क. नगर निगम के संगठन तक के लिये व्यवस्था**—(1) इस अधिनियम में किसी बात के होते हुए भी, उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ के दिनांक को और से, 2[उक्त अधिनियम द्वारा तथा संशोधित इस अधिनियम के अधीन नगर निगम के पहले संगठन तक] की अवधि के दौरान नगर महापालिका और उसके नगर प्रमुख, उप नगर प्रमुख और सदस्य क्रमशः नगर निगम और उसके नगर प्रमुख, उप नगर प्रमुख और सदस्यों के अधिकारों का प्रयोग, कृत्यों का सम्पादन और कर्त्तव्यों का निर्वहन करेंगे और नगर निगम के नगर प्रमुख, उपनगर प्रमुख और सदस्य समझे जायेंगे।

(2) 2[जहाँ महापालिका जैसी कि वह उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ के ठीक पूर्व थी, का कार्यकाल या बढ़ाया गया कार्यकाल, ऐसे प्रारम्भ के पूर्व समाप्त हो गया है और राज्य सरकार द्वारा कोई अधिकारी नियुक्त कर दिया गया है (जिसे आगे प्रशासक कहा गया है) तो निगम के प्रथम संगठन तक]]—

(क) 3[* * *]

(ख) निगम, उसके नगर प्रमुख, उप नगर प्रमुख, कार्यकारिणी समिति, विकास समिति तथा धारा 5 के खण्ड (ङ) के अधीन नियुक्त अन्य समितियों की तथा मुख्य नगर अधिकारी की समस्त शक्तियाँ, कृत्य तथा कर्त्तव्य 2[उसमें निरन्तर निहित रहेंगे और उनका प्रयोग, पालन तथा निर्वहन प्रशासक द्वारा किया जायगा जो] विधि की दृष्टि से निगम, नगर प्रमुख, उपनगर प्रमुख, कार्यकारिणी समिति, विकास समिति या अन्य समितियाँ अथवा मुख्य नगर अधिकारी, जैसा भी अवसर के अनुसार अपेक्षित हो, समझा जायेगा;

(ग) प्रशासक, राज्य सरकार के किन्हीं साधारण या विशेष आदेशों के अधीन रहते हुए, खण्ड (ख) द्वारा उसे प्रदत्त शक्तियों में से सब या किन्हीं के बारे में—

(1) उसके द्वारा उस निमित्त विनिर्दिष्ट रीति से संगठित समिति या अन्य निकाय से, यदि कोई हो, परामर्श कर सकेगा, अथवा

(2) इस प्रकार प्रदत्त शक्तियों को ऐसी शर्तों के अधीन रहते हुए जो अधिरोपित करना वह उचित समझे, उसके द्वारा इस निमित्त विनिर्दिष्ट किये जाने वाले किसी व्यक्ति अथवा उप-खण्ड (1) के अधीन संगठित किसी समिति या अन्य निकाय को प्रत्यायोजित कर सकेगा;

(घ) प्रशासक का वेतन और भत्ते, जो उस निमित्त राज्य सरकार के साधारण या विशेष आदेशों द्वारा नियत किए जाएँ, निगम की निधि से दिए जायेंगे।

2[(3) उपधारा (2) में किसी बात के होते हुए भी, निगम के संगठन के लिये निर्वाचन, उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ के दिनांक से डेढ़ वर्ष की अवधि के भीतर उक्त अधिनियम द्वारा तथा संशोधित इस अधिनियम के उपबन्धों के अनुसार कराये जायेंगे, और निगम का संगठन हो जाने पर उपधारा (2) के खण्ड (ख), (ग) और (घ) के उपबन्ध प्रभावी नहीं रह जायेंगे।]

(4) 3[* * *]

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 69 द्वारा बढ़ायी गयी
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा निकाल दिया गया

अधीन प्रशासित की गयी है, तथा ऐसी योजना को बढ़ाने हेतु सभी की कार्यवाहियाँ तदनुसार की जायेंगी;

(ग) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916 या कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 या यू० पी० टाउन इम्प्रूवमेंट ऐक्ट, 1919 या नगर के अन्तर्गत क्षेत्र पर लागू होने वाले अन्य किसी विधायन के अधीन किसी भूमि के अर्जन से सम्बद्ध सभी कार्यवाहियाँ, चाहे वे किसी विकास योजना के अनुसरण में अथवा अन्यथा आरम्भ की गयी हों, उसी प्रकार जारी रखी जायेंगी मानो वे इस अधिनियम के अधीन आरम्भ हों;

(घ) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916 या कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 या नियत दिनांक से तुरन्त पूर्व नगर के रूप में संगठित किये गये किसी क्षेत्र में प्रवृत्त किसी अन्य विधि के अधीन किये गये बजट के सभी तख्मीने, निर्धारण, मूल्यांकन, माप तथा विभाजन जहाँ तक वे इस अधिनियम के उपबन्धों से संगत हों, इस अधिनियम के अधीन किये गये समझे जायेंगे;

(ङ) नियत दिन से ठीक पूर्व [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद], इम्प्रूवमेंट ट्रस्ट, डेवलपमेंट बोर्ड या स्थानीय प्राधिकारी के नियोजन में होने वाले सभी पदाधिकारी तथा कर्मचारी धारा 106 और 107 में किसी बात के होते हुए भी इस अधिनियम के अधीन अस्थायी रूप से नियोजित [2][निगम] के पदाधिकारी तथा कर्मचारी हो जायेंगे [3][और जब तक वे इस अधिनियम के अधीन सृजित पदों पर नियुक्त न किये जायें धारा 112-क के अधीन बनायी गयी नियमावली द्वारा सृजित किसी केन्द्रीय सेवा में अन्तिम रूप से ले न लिये जायें अथवा उनकी सेवायें ऐसी नियमावली के अनुसार समाप्त न हो जायें, वे वही वेतन और भत्ते पायेंगे और, ऐसी नियमावली में अन्यथा की गयी व्यवस्था को छोड़कर, सेवा की उन्हीं शर्तों के अधीन रहेंगे जिनके कि वे नियत दिन के ठीक पूर्व अधिकारी अथवा अधीन थे];

[4][(ङङ) जब तक कि धारा 106 में उल्लिखित पदों में [2][निगम] द्वारा सृजन नहीं किया जाता है और उन पर इस अधिनियम में की गयी व्यवस्था के अनुसार औपचारिक नियुक्तियाँ नहीं की जाती—

(1) मुख्य नगराधिकारी खंड (ङ) में उल्लिखित वर्तमान पदाधिकारियों और सेवकों के पदनामों में ऐसे परिवर्तन करने के लिये सक्षम होगा जो इस अधिनियम और तद्धीन बनाये गये नियमों के उपबन्धों को ध्यान में रखते हुए आवश्यक हों, और इस प्रकार नामोद्दिष्ट पदाधिकारी और सेवक ऐसे अधिकारों का प्रयोग, कर्त्तव्य का पालन तथा कृत्यों का संपादन करने के लिए सक्षम होंगे जो उन्हें अधिनियम और उक्त नियमों के अधीन सौंपे गये हों:

किन्तु प्रतिबन्ध यह है कि इस उपखंड के अधीन मुख्य नगराधिकारी द्वारा दिये गये प्रत्येक आदेश की एक प्रतिलिपि राज्य सरकार को भेजी जायगी जो उसमें ऐसे परिवर्तन कर सकती है जो आवश्यक या वांछनीय हों।

(2) राज्य स्वास्थ्य सेवा का ऐसा पदाधिकारी अथवा ऐसे पदाधिकारी जिसे/जिन्हें राज्य सरकार तदर्थ नाम-निर्दिष्ट अथवा नामोद्दिष्ट कर, अधिनियम के अधीन नगर स्वास्थ्य अधिकारी या नगर स्वास्थ्य अधिकारियों के रूप में कार्य करेंगे।

(3) राज्य सरकार के ऐसे सेवक जो नियत दिन के ठीक पूर्व [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद], इम्प्रूवमेंट ट्रस्ट, डेवलपमेंट बोर्ड या स्थानीय प्राधिकारी के यहाँ प्रतिनियुक्त हों, धारा 106 और 107 में किसी बात के होते हुए भी नगर [2][निगम] के यहाँ प्रतिनियुक्त समझे जायेंगे;

1. उ० प्र० अधिनियम सं० 26 सन् 1998 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 29 सन् 1966 की धारा 9 (क) द्वारा संशोधित
4. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 28 द्वारा नया खंड (ङङ) बढ़ाया गया और सदैव से बढ़ाया गया समझा जायगा

किन्तु प्रतिबन्ध यह है कि राज्य सरकार, किसी भी समय, स्वतः अथवा [1][निगम] द्वारा अनुरोध किये जाने पर किसी ऐसे पदाधिकारी को वापस बुला सकती है अथवा किसी ऐसे पदाधिकारी के स्थान पर नया पदाधिकारी भेज सकती है।]

(च) खंड (ङ) में उल्लिखित पदाधिकारियों तथा कर्मचारियों को [1][निगम] द्वारा धारा 106 के अधीन निर्मित पदों पर [2][नियुक्ति करने में धारा 112-क के अधीन बनाये गये किन्हीं नियमों के उपबन्धों के अधीन रहते हुए निम्नलिखित प्रक्रिया का अनुसरण किया जायगा]—

(1) उन पदों पर नियुक्ति का कार्य, जिनके संबंध में धारा 107 के अनुसार राज्य के लोक सेवा आयोग का परामर्श आवश्यक है, उक्त धारा के अनुसार किया जायेगा;

(2) अन्य पदों पर नियुक्तियाँ मुख्य नगराधिकारी, नगर-प्रमुख के परामर्श से और इस संबंध में राज्य सरकार के सामान्य या विशेष निदेशों के अनुसार करेगा;

(3) यदि किसी पद के लिये उपर्युक्त अस्थायी पदाधिकारियों में से कोई उपयुक्त व्यक्ति नियुक्ति के लिए न मिले तो ऐसे पद के लिए अन्यथा इस अधिनियम के अधीन नियुक्ति कर ली जायेगी;

(4) यदि कोई उपर्युक्त अस्थायी पदाधिकारी या कर्मचारी [1][निगम] द्वारा निर्मित किसी पद के लिए उपयुक्त न समझा जाये अथवा जिस पद पर उसकी नियुक्ति की जाय उस पद को ग्रहण करना वह इस कारण स्वीकार न करे कि उसका वेतन या वेतन का समय मान उसके वर्तमान वेतन अथवा वेतन के समय मान से कम है तो उसकी सेवा को नियोजन की शर्तों की अपेक्षानुसार आवश्यक नोटिस देकर समाप्त कर दिया जायेगा; परन्तु ऐसा प्रत्येक पदाधिकारी तथा कर्मचारी, जिसकी सेवाएँ इस प्रकार समाप्त कर दी गई हों, ऐसे अवकाश, निवृत्त-वेतन या उपादान का अधिकारी होगा जिसे वह इस अधिनियम के पारित न होने की दशा में सेवा से पृथक किये जाने पर ग्रहण करने या प्राप्त करने का अधिकारी होता।

(छ) खंड (ङ) में उल्लिखित पदाधिकारियों तथा कर्मचारियों ने नियत दिन से पूर्व जितनी भी सेवा की होगी, वह [1][निगम] के अधीन की गई सेवा समझी जायेगी।

टिप्पणियाँ

धारा का विस्तार-क्षेत्र— किसी क्षेत्र विशेष में जो नगर-क्षेत्र में सम्मिलित किया गया, प्रवृत्त कर उस भूतपूर्व स्थानीय क्षेत्र की सीमाओं के भीतर तब तक प्रवर्तन में रहेगा जब तक कि अधिनियम के अधीन अधिरोपित कर द्वारा अतिरिक्त न कर दिया जाय। यह धारा प्रत्येक क्षेत्र में, जो कि नगर-क्षेत्र की सीमाओं के भीतर सम्मिलित कर लिया जाय फेर-बदल होने तक, वस्तुतः प्रवर्तन में रहने वाले करों के सम्बन्ध में यथापूर्व स्थिति को केवल संरक्षित करती है। *[मेसर्स सी० एण्ड ए० पी० लिमिटेड, बरेली बनाम उ० प्र० राज्य, 1983 यू० पी० एल० बी० ई० सी० 285]*।

स्थानान्तरण—कोई भी ऐसा स्थानान्तरण आदेश नहीं पारित किया जा सकता जो कि सेवा की शर्तों का इस प्रकार अतिलंघन करे कि कोटिक्रम सूची कुप्रभावित हो जाए *[जी० आर० भगवान बनाम स्टेट ऑफ म०, 1964 ए० एल० जे० 1965]*।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 29 सन् 1966 की धारा (ख) द्वारा संशोधित

अध्याय 25

संक्रान्तिकालीन उपबन्ध, निरसन तथा संशोधन

574. अन्य विधायनों में निर्देशों का अर्थ—[1][(1) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916, यू० पी० टाउन इम्प्रूवमेंट ऐक्ट , 1919 तथा कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 से भिन्न किसी विधायन में, जो किसी नगर में, नियत दिन से ठीक पूर्व के दिनांक पर प्रवृत्त हो या तदन्तर्गत निर्मित या प्रचारित किसी नियम, आज्ञा या विज्ञप्ति में जो उक्त दिनांक पर उक्त नगर में प्रवृत्त हो, जब तक कि यह न प्रतीत हो कि उससे कुछ और आशय है—

(क) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916 के अधीन संगठित [2][यथास्थिति, नगरपालिका या नगरपालिका क्षेत्र और म्युनिसिपल बोर्ड या नगर पालिका परिषद्] के प्रति किये गये निर्देशों का अर्थ यह लगाया जायगा कि वे यथास्थिति [2][नगर और उस नगर के निगम] के प्रति किये गये निर्देश हैं और ऐसा विधायन, नियम, आज्ञा, विज्ञप्ति उक्त नगर अथवा [3][निगम] के सम्बन्ध में लागू होगी;

(ख) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916 के अधीन संगठित म्युनिसिपल बोर्ड [4][या, यथास्थिति नगरपालिका परिषद्] के अध्यक्ष अथवा उपाध्यक्ष के प्रति किये गये निर्देश का अर्थ नगर के सम्बन्ध में यह लगाया जायगा कि वे इस अधिनियम के अधीन नियुक्त मुख्य नगराधिकारी के प्रति किये गये निर्देश हैं;

(ग) यू० पी० टाउन इम्प्रूवमेन्ट ऐक्ट, 1919 अथवा कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 के अधीन संगठित इम्प्रूवमेंट ट्रस्ट या डेवलपमेन्ट बोर्ड तथा ऐसे ट्रस्ट या बोर्ड के चेयरमैन या अध्यक्ष (President) के प्रति किये गये निर्देशों का अर्थ नगर के सम्बन्ध में यह लगाया जायगा कि वे क्रमशः इस अधिनियम के अधीन संगठित विकास समितियों तथा मुख्य नगराधिकारी के प्रति किये गये निर्देश हैं;

(घ) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916 के अधीन म्युनिसिपल बोर्ड [4][या, यथास्थिति नगरपालिका परिषद्] के प्रति किये गये निर्देशों का अर्थ नगर के सम्बन्ध में यह लगाया जायगा कि वे इस अधिनियम के अधीन नगर के लिए संगठित [3][निगम] के सदस्यों के प्रति किये गये निर्देश हैं; तथा

(ङ) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916, यू० पी० टाउन इम्प्रूवमेंट ऐक्ट, 1919 तथा यू० पी० कानपुर अरबन एरिया डेवलपमेंट बोर्ड ऐक्ट, 1945 के किसी अध्याय अथवा किसी धारा के प्रति किये गये निर्देशों का अर्थ किसी नगर के सम्बन्ध में यथास्थिति यह लगाया जायगा कि वे इस अधिनियम, या इसके तत्स्थानी (corresponding) अध्याय या धारा के प्रति किये गये निर्देश हैं।

[5][(2) उत्तर प्रदेश नगर स्वायत्त शासन विधि (संशोधन) अधिनियम, 1994 के प्रारम्भ के दिनांक को और से, किन्हीं नियमों, विनियमों, उपविधियों, परिपत्रित लिखतों में या तत्समय प्रवृत्त किसी अन्य विधि में या किसी लेख या कार्यवाही में नगरमहापालिका या महापालिका के प्रति किये गये निर्देशों का अर्थ यह लगाया जायगा कि वह क्रमशः नगर निगम या निगम के प्रति किये गये निर्देश हैं।]

575. देय धनराशियाँ—चाहे वे किसी कर (tax) चाहे अन्य किसी लेखे (account) के सम्बन्ध में देय हों, किसी ऐसे क्षेत्र के, जो अब नगर बना दिया गया हो, नगरपालिका अथवा स्थानीय प्राधिकारी को देय सभी धनराशियाँ नगर के मुख्य नगराधिकारी द्वारा वसूल की जायेंगी और ऐसी वसूली के प्रयोजनार्थ वह कोई ऐसा कार्य (measure) करने अथवा कोई ऐसा कार्य निदेशित करने के लिए सक्षम होगा, जिसे इस अधिनियम के प्रवृत्त न होने तथा उक्त क्षेत्र के नगर के रूप में संगठित न किये जाने की दशा में [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद्] अथवा स्थानीय प्राधिकारी सम्पन्न कर सकता है।

576. ऋण, आभार, संविदे तथा विचाराधीन कार्यवाहियाँ—(1) [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद्] अथवा स्थानीय प्राधिकारी द्वारा या उसकी ओर से नियत दिन से ठीक पूर्व उपगत सभी ऋण तथा आभार और किये गये सभी संविदों के सम्बन्ध में, जो उक्त दिन पर विद्यमान हों, यह समझा जायगा कि वे इस अधिनियम द्वारा उसे प्रदत्त अधिकारों का प्रयोग करके उक्त नगर के मुख्य नगराधिकारी द्वारा उपगत हुए हैं अथवा किये गये हैं और तदनुसार वे प्रवर्तन में बने रहेंगे।

(2) उक्त दिन पर [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद्] या स्थानीय प्राधिकारी के किसी अधिकारी के समक्ष समस्त विचाराधीन कार्यवाहियाँ, जिन्हें इस अधिनियम के उपबन्धों के अधीन मुख्य नगराधिकारी के समक्ष निवेशित किया जाना अथवा उसके द्वारा सम्पन्न किया जाना अपेक्षित हो, उसे हस्तान्तरित कर दी जायेंगी और उसके द्वारा जारी रखी जायेंगी, और ऐसी अन्य समस्त कार्यवाहियाँ यथाशक्य ऐसे प्राधिकारी को हस्तान्तरित कर दी जायेंगी और उसके द्वारा जारी रखी जायेंगी जिसके समक्ष अथवा जिसके द्वारा वे इस अधिनियम के उपबन्धों के अधीन निवेशित की जातीं अथवा सम्पन्न की जातीं।

(3) उक्त दिनांक पर [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद्] या स्थानीय प्राधिकारी के समक्ष विचाराधीन समस्त अपीलें यथा व्यवहार्य इस प्रकार विस्तारित की जायेंगी मानी उन्हें प्रस्तुत करने के समय वह क्षेत्र नगर के रूप में संगठित किया जा चुका हो।

(4) [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद्] अथवा स्थानीय प्राधिकारी द्वारा अथवा उसकी ओर से निवेशित सभी अभियोजन तथा [1][यथास्थिति, म्युनिसिपल बोर्ड अथवा नगरपालिका परिषद्] या स्थानीय प्राधिकारी, अथवा उस नगरपालिका या स्थानीय प्राधिकारी के किसी पदाधिकारी द्वारा, अथवा उसके विरुद्ध निवेशित सभी वाद तथा अन्य विधिक कार्यवाहियाँ, जो उक्त दिनांक को विचाराधीन हों, यथास्थिति मुख्य नगराधिकारी अथवा उक्त नगर की [2][निगम] द्वारा अथवा उसके विरुद्ध इस प्रकार जारी रहेंगी मानी ऐसे अभियोजन, वाद अथवा कार्यवाही के निवेशित किये जाने के समय यह क्षेत्र नगर के रूप में संगठित किया जा चुका हो।

577. नियुक्तियों, करों, बजट के तखमीनों तथा निर्धारण का जारी रहना—इस अध्याय के उपबन्धों अथवा धारा 579 के अधीन प्रचारित किसी विज्ञप्ति द्वारा की गई स्पष्ट व्यवस्था को छोड़कर—

(क) यू० पी० म्युनिसिपैलिटीज ऐक्ट, 1916 या कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 या यू० पी० टाउन इम्प्रूवमेंट ऐक्ट, 1919 या नियत दिन से ठीक पूर्व नगर के रूप में संगठित किये गये किसी स्थानीय क्षेत्र में प्रवृत्त किसी अन्य विधि के अधीन की गई, प्रचारित, आरोपित या स्वीकृत कोई नियुक्ति, प्रतिनिधायन, विज्ञप्ति, नोटिस, कर, आज्ञा, निदेश, योजना, अनुज्ञप्ति, अनुज्ञा, पंजीयन, नियम, उपविधि, विनियम तथा प्रपत्र जहाँ तक वह इस अधिनियम के उपबन्धों से असंगत न हो तब तक प्रवृत्त बना रहेगा जब तक कि वह यथास्थिति, इस अधिनियम अथवा पूर्वोक्त अन्य किसी विधि के अधीन की गई, प्रसारित, आरोपित अथवा स्वीकृत किसी नियुक्ति, प्रतिनिधायन, विज्ञप्ति, नोटिस, कर, आज्ञा, निदेश, योजना, अनुज्ञप्ति, अनुज्ञा, पंजीयन, नियम, उपविधि, विनियम या प्रपत्र द्वारा अवक्रान्त न कर दिया जाय;

(ख) नगर के अन्तर्गत किसी क्षेत्र की किसी विकास-योजना के सम्बन्ध में यू० पी० टाउन इम्प्रूवमेंट ऐक्ट , 1919 या कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 के अधीन प्रसारित किसी नोटिस, विज्ञप्ति या स्वीकृति के विषय में यह समझा जायगा कि वह इस अधिनियम के

---

1. उ० प्र० अधिनियम सं० 13 सन् 1994 की धारा 68 द्वारा मूल अधिनियम की धारा 574 को उसकी उपधारा (1) के रूप में पुनः संख्यांकित किया गया
2. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 13 सन् 1994 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा अन्तःस्थापित
5. उ० प्र० अधिनियम सं० 13 सन् 1994 की धारा 68 द्वारा मूल अधिनियम की धारा 574 में उपधारा (2) जोड़ी गयी

1. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा शब्द "उक्त नगरपालिका" के स्थान पर प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 13 सन् 1994 द्वारा प्रतिस्थापित

(ख) जब तक कि वह वाद का कारण प्रोद्भूत होने के पश्चात् 6 मास के भीतर प्रारम्भ न किया जाय।

किन्तु प्रतिबन्ध यह है कि इस उपधारा की किसी भी बात का यह अर्थ न लगाया जायगा कि वह किसी ऐसे वाद पर लागू होती है जिसमें प्रार्थित उपशम केवल व्यादेश (injunction) हो जिसका उद्देश्य नोटिस देने अथवा वाद या कार्यवाही का आरम्भ स्थगित कर दिये जाने के फलस्वरूप विफल हो जायगा।

(2) ऐसे किसी वाद पर विचार के समय-

(क) प्रतिवादी को उपर्युक्त प्रकार छोड़े गये नोटिस में वर्णित वाद-कारण के अतिरिक्त अन्य किसी वाद का कारण का साक्ष्य प्रस्तुत करने की अनुमति न दी जायगी;

(ख) वाद, यदि क्षति के लिए हो, अपास्त (dismiss) कर दिया जायगा, यदि वाद निदेशित किये जाने वाली क्षति की पर्याप्त रूप से पूर्ति कर दी गयी हो या यदि वाद के निवेशित किये जाने के पश्चात् न्यायालय में व्यय सहित पर्याप्त धनराशि जमा कर दी गयी हो।

(3) यदि किसी ऐसे वाद में प्रतिवादी [1][निगम] का पदाधिकारी या कर्मचारी हो तो वाद में, या फलस्वरूप-लागत, परिव्यय, व्यय क्षति के लिए प्रतिकर के रूप में या अन्यथा उसके द्वारा धनराशि या उसके किसी भाग की अदायगी, कार्यकारिणी समिति की पूर्व स्वीकृति से, [1][निगम]-निधि में से की जा सकती है।

टिप्पणियाँ

(1) **किराये का बकाया हेतु नोटिस की आवश्यकता**—यदि परिसर के प्रयोग के लिए किराये का दावा किया गया तथा वाद किराये के बकाये की वसूली के लिए हो, जिसका नगर [1][निगम] भुगतान करने में विफल रही, तो ऐसा वाद उ० प्र० नगर निगम अधिनियम की धारा 57 द्वारा आच्छादित नहीं होता, क्योंकि वह किसी ऐसे कार्य के सम्बन्ध में नहीं है कि जिसका किया जाना या जिसके किये जाने का अभिप्राय अधिनियम के निष्पादन अथवा आशयित निष्पादन में हो, या जो इस अधिनियम के निष्पादन में किसी उपेक्षा अथवा गफलत के सम्बन्ध में हो [*राम प्रसाद बनाम नं० म० पा०*, 1971 ए० डब्ल्यू० आर० (उ० न्या० 871)]। नगर निगम के विरुद्ध किराये के बकाये तथा बेदखली के लिए वाद में धारा 571 के अधीन नोटिस की अपेक्षा नहीं की जाती [*महादेव जी डेंटी बनाम नं० म० पा०, कानपुर*, 1982 यू० पी० एल० बी० ई० सी० 614]।

(2) **निषेधाज्ञा उसके लिए जहाँ कि हर्जाना पर्याप्त उपचार न हो**—जहाँ म्युनिसिपैलिटी के विरुद्ध निषेधाज्ञा के लिए वाद दायर किया जाय और क्षति के लिए प्रतिकर तथा हर्जाना पर्याप्त अनुतोष न हो, वहाँ पूर्व नोटिस देने में विफलता के कारण वाद को खारिज नहीं किया जा सकता [*लक्ष्मन दास बनाम म्युनिसिपल बोर्ड*, 1978 ए० डब्ल्यू० सी० (एच० ओ० सी०)24]।

(3) **निषेधाज्ञा के लिए वाद-नोटिस**—लेखनबद्ध रूप में नोटिस दिये जाने से जब तक दो मास बीत न जायँ, वाद दायर नहीं किया जा सकता *आगरा नं० म० पा० का मामला*, 1982 यू० पी० एल० बी० ई० सी० 192]

[2][**571-क. [1][निगम] के अधिलेखों को प्रमाणित करने की रीति**—[1][निगम] के कब्जे की किसी रसीद, प्रार्थना-पत्र, नक्शे, नोटिस, आदेश, किसी रजिस्टर की प्रविष्टि या अन्य लेख्य की प्रतिलिपि, यदि वह उसके विधिवत् रखने वाले या मुख्य नगराधिकारी द्वारा तदर्थ प्राधिकृत किसी व्यक्ति द्वारा यथाविधि प्रमाणित की गयी हो, ऐसी प्रविष्टि या लेखन के विद्यमान होने के प्रथमदृष्टया (*prima facie*) साक्ष्य के रूप में ग्रहण की जायगी और उसमें अभिलिखित विषयों तथा व्यवहारों के लिए ऐसे प्रत्येक वाद में तथा उस आशय तक साक्ष्य के रूप में ग्रहण की जायगी, जिस आशय तक मूल प्रविष्टि या लेखन, यदि वह प्रस्तुत किया गया होता, ऐसे विषयों को प्रमाणित करने के लिए ग्राह्य होता।]

[3][**571-ख. लेखों को प्रस्तुत करने के लिए नें [निगम] के पदाधिकारियों या सेवकों को आहूत करने पर निर्बन्धन**—[2][निगम] के किसी पदाधिकारी या सेवक से किसी विधिक कार्यवाही में, जिसमें [2][निगम] एकपक्ष न हो, कोई ऐसा रजिस्टर या लेखा प्रस्तुत करने को, जिसके तथ्य पिछली धारा के अधीन प्रमाणित प्रतिलिपि द्वारा सिद्ध किये जा सकते हों, अथवा उसमें अभिलिखित विषयों या व्यवहारों को सिद्ध करने के लिए साक्षी के रूप में उपस्थित होने को तब तक अपेक्षा न की जायगी, जब तक कि न्यायालय विशेष कारण से ऐसा आदेश न दे]।

572. कुछ दशाओं में दीवानी न्यायालय अल्पकालिक निषेधाज्ञा न दे सकेगा—किसी वाद के दौरान में कोई दीवानी न्यायालय-

(क) किसी व्यक्ति को, [2][निगम] या [2][निगम] की किसी समिति या उप-समिति के किसी सभासद [3][***], पदाधिकारी या कर्मचारी के अधिकारों का प्रयोग करने या कृत्यों अथवा कर्त्तव्यों का पालन करने से इस आधार पर कि वह व्यक्ति यथास्थिति यथोचित रूप में निर्वाचित या नियुक्त नहीं हुआ है, निरुद्ध करने के लिए; या

(ख) किसी व्यक्ति या व्यक्तियों को या किसी [2][निगम], [2][निगम] की किसी समिति अथवा उप-समिति को कोई निर्वाचन करने या किसी विशिष्ट रूप से निर्वाचन आयोजित करने से निरुद्ध करने के लिए;

कोई अल्पकालिक निषेधाज्ञा या अन्तिम आज्ञा न देगा।

573. स्वामी के अधिकर्त्ता या न्यासी के दायित्व की सीमा—(1) कोई भी व्यक्ति, जो धारा 2 के खंड (52) के उपखंड (क) के पैरा (1), (2) या (3) में वर्णित किसी रूप में किसी भी भू-गृहादि का किराया ग्रहण करता है, कोई ऐसा कार्य करने के लिए उत्तरदायी न होगा जिसका इस अधिनियम के अधीन स्वामी द्वारा किया जाना अपेक्षित हो, जब तक कि उसके पास उस कार्य के व्यय को पूरा करने के लिए स्वामी की, या स्वामी को देय पर्याप्त धनराशि न हो, या अपने द्वारा अनुचित कार्य या चूक न किये जाने की दशा में, जो उसके पास रही होती, न हो।

(2) उन तथ्यों को सिद्ध करने का भार, जिनके कारण किसी व्यक्ति को उपधारा (1) के अधीन उपशम प्राप्त करने का अधिकार हो, स्वयं उसी व्यक्ति पर होगा।

(3) यदि कोई व्यक्ति उपधारा (1) के अधीन उपशम प्राप्त कर ले तो मुख्य नगराधिकारी लिखित नोटिस द्वारा ऐसे व्यक्ति को स्वामी की ओर से या स्वामी के प्रयोगार्थ सर्वप्रथम प्राप्त होने वाली धनराशियों से वह आधार उत्सर्जित करने का आदेश दे सकता है, जिसे वह उपशम के न मिलने की दशा में उत्सर्जित करता तथा यदि कोई व्यक्ति इस नोटिस का अनुपालन न करे, तो वह ऐसे आधार के उत्सर्जन के निमित्त व्यक्तिगत रूप से उत्तरदायी समझा जायगा।

(4) इस धारा की किसी बात से यह न समझा जायगा कि वह मुख्य नगराधिकारी को आवश्यक निर्माण-कार्य संपादित करने और उसका व्यय वास्तविक स्वामी से वसूल करने से रोकती है।

---

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 21, 1964 की धारा 27 द्वारा बढ़ायी गयी
3. उ० प्र० अधिनियम सं० 12, 1977 की धारा 32 द्वारा शब्द "विशिष्ट प्रदत्त" विलुप्त किये गये

पालन को सुनिश्चित (secure) करने के निमित्त, प्राप्त करना आवश्यक या इष्टकर समझे, या जिसे [1][निगम] या कार्यकारिणी समिति उसके द्वारा प्राप्त करवाना चाहे, प्राप्त कर सकता है तथा उसके लिए भुगतान कर सकता है;

किन्तु प्रतिबन्ध यह है कि मुख्य नगराधिकारी खंड (ख) के अधीन किसी वाद अथवा विधिक कार्यवाही का प्रतिवाद सर्वप्रथम तत्सम्बन्धी विधिक परामर्श प्राप्त किये बिना न करेगा, तथा वह किसी भी ऐसे वाद को निवेशित एवं अभियोजित करेगा, जिसके सम्बन्ध में [1][निगम] यह निर्धारित करे कि वह निवेशित एवं अभियोजित किया जाय।

सामान्य

565. सभासद, इत्यादि जन-सेवक (public servant) समझे जायेंगे–(1)मुख्य नगराधिकारी तथा प्रत्येक सभासद [2][* * *] और प्रत्येक [1][निगम] पदाधिकारी या कर्मचारी, जो इस अधिनियम के अधीन नियुक्त हुआ हो तथा [1][निगम] को प्राप्य किसी कर, शुल्क या अन्य धनराशि की उगाही के निमित्त प्रत्येक ठेकेदार या अधिकर्ता तथा ऐसे किसी ठेकेदार या अधिकर्ता द्वारा नियुक्त कोई अन्य व्यक्ति, इंडियन पीनल कोड की धारा 21 के अर्थ में जन-सेवक समझे जायेंगे।

(2) उपधारा (1) के प्रयोजनों के निमित्त इंडियन पीनल कोड की धारा 161 में "लीगल रेम्युनेरेशन" (legal remuneration) की परिभाषा के अन्तर्गत शब्द "गवर्नमेन्ट (Government)" में [1][निगम] का अन्तर्भाव भी समझा जायगा।

566. पुलिस पदाधिकारियों के कर्त्तव्य–प्रत्येक पुलिस पदाधिकारी के कर्त्तव्य निम्नलिखित होंगे:–

(क) इस अधिनियम के अथवा तदन्तर्गत बनाये गये किसी नियम, उपविधि या विनियम के अधीन कोई अपराध किये जाने के षड्यंत्र (design) की या इस बात की कि अपराध किया जा चुका है, कोई सूचना प्राप्त होने पर अविलम्ब उसे उपयुक्त [1][निगम] पदाधिकारी को ज्ञापित करना;

(ख) मुख्य नगराधिकारी को या किसी [1][निगम] पदाधिकारी या कर्मचारी को या किसी ऐसे अन्य व्यक्ति को, जिसे मुख्य नगराधिकारी ने विधित: अधिकारों का प्रतिनिधायन किया हो, जो इस अधिनियम अथवा किसी ऐसे नियम, उपविधि या विनियम के अधीन उक्त मुख्य नगराधिकारी में या ऐसे पदाधिकारी या कर्मचारी या व्यक्ति में निहित किसी अधिकार के वैध प्रयोग के लिए उचित रूप में उसकी सहायता माँगता हो, सहायता देना;

तथा ऐसे समस्त प्रयोजनों के लिए उसे वही अधिकार प्राप्त होंगे जो उसे अपने सामान्य पुलिस कर्त्तव्यों के पालन में प्राप्त हैं।

567. पुलिस पदाधिकारियों का लोगों को गिरफ्तार करने का अधिकार–(1) यदि कोई पुलिस पदाधिकारी किसी व्यक्ति को इस अधिनियम के अथवा तदन्तर्गत बनाये गये किसी नियम, उपविधि अथवा विनियम के किसी उपबन्ध के विरुद्ध कोई अपराध करता हुआ पाये तो वह यदि उस ऐसे व्यक्ति का नाम या पता ज्ञात न हो तथा यदि पूछने पर वह अपना नाम और पता बताने से इन्कार करे या ऐसा नाम या पता बताये जिसके सम्बन्ध में उक्त पदाधिकारी को यह विश्वास करने का कारण हो कि वह असत्य है, उसे गिरफ्तार कर सकता है।

(2) उपधारा (1) के अधीन गिरफ्तार किये गये किसी व्यक्ति को–

(क) उसका ठीक-ठीक नाम और पता ज्ञात होने के पश्चात्, या

(ख) बिना मजिस्ट्रेट की आज्ञा के गिरफ्तारी के समय से चौबीस घंटों से अधिक की ऐसी अवधि से अधिक के लिए, जो उसे किसी मजिस्ट्रेट के समक्ष प्रस्तुत करने के लिए आवश्यक हो,

अभिरक्षा में निरुद्ध न किया जायगा।

568. [1][निगम] कर्मचारियों द्वारा पुलिस के अधिकारों का प्रयोग–राज्य सरकार किसी [1][निगम] पदाधिकारी या कर्मचारी को या [1][निगम] पदाधिकारियों या कर्मचारियों के किसी वर्ग को इस अधिनियम के प्रयोजनों के निमित्त पुलिस पदाधिकारी के अधिकारों का प्रयोग करने का अधिकार दे सकती है।

569. निर्धारण, इत्यादि में अनौपचारिकताएँ तथा त्रुटियाँ ऐसे निर्धारण, आदि को अवैध करने वाली न समझी जायेंगी–(1) इस अधिनियम या किसी नियम, विनियम या उपविधि के अधीन किये गये किसी निर्धारण या किया गया अधिहरण या की गयी कुर्की या जारी किये गये किसी नोटिस, बिल, अनुसूची, आह्वान या लेख्य में कोई अनौपचारिकता, लिपिक-त्रुटि, अकर्म या अन्य दोष किसी भी समय यथास्थान ठीक किये जा सकते हैं।

(2) उक्त कोई भी ऐसी अनौपचारिकता, लिपिक-त्रुटि, अकार्य या अन्य दोष उपर्युक्त निर्धारण, अधिहरण, कुर्की, नोटिस, बिल, अनुसूची, आह्वान या अन्य लेख्य को अमान्य अथवा अवैध करने वाली न समझी जायगी, यदि इस अधिनियम के तथा नियमों, विनियमों और उपविधियों के उपबन्ध सारत: तथा प्रभावत: अनुपालित किये गये हों, किन्तु किसी ऐसे व्यक्ति को जिसे अनौपचारिकता, लिपिक-त्रुटि, अकार्य या अन्य दोष के कारण कोई विशेष क्षति पहुँची हो, किसी अधिकार-क्षेत्रयुक्त सक्षम न्यायालय में वाद प्रस्तुत करके उसके लिए प्रतिकर प्राप्त करने का अधिकार होगा।

570. सद्भावना से किये गये कार्यों के लिए क्षति-पूर्ति–इस अधिनियम के अधीन सद्भावना से किये गये या किये गये समझे गये या अभिप्रेत किसी कार्य के सम्बन्ध में राज्य सरकार किसी सभासद [2][* * *], नगर प्रमुख या मुख्य नगराधिकारी या किसी [1][निगम] पदाधिकारी या कर्मचारी या इस अधिनियम के अधीन राज्य सरकार के, [1][निगम] के या इस अधिनियम के अधीन संगठित किसी समिति के, मुख्य नगराधिकारी के या किसी [1][निगम] पदाधिकारी या कर्मचारी के या मजिस्ट्रेट के आदेशों के अधीन और अनुसार कार्य करने वाले किसी व्यक्ति के विरुद्ध कोई भी वाद, अभियोजन या विधिक कार्यवाही न की जा सकेगी।

571. इस अधिनियम के अधीन काम करने वाले व्यक्तियों का वादों से संरक्षण–(1) इस अधिनियम के अनुसार अथवा इस अधिनियम की कार्यान्विति अथवा अभिप्रेत कार्यान्विति के सम्बन्ध में किये गये या किये गये समझे गये कार्य के सम्बन्ध में या इस अधिनियम की कार्यान्विति के सम्बन्ध में तथाकथित किसी असावधानी या चूक के कारण, [1][निगम] के या मुख्य नगराधिकारी के या किसी [1][निगम] पदाधिकारी या कर्मचारी के विरुद्ध कोई वाद तब तक निषिष्ट नहीं किया जायगा–

(क) जब तक ऐसी लिखित नोटिस के छोड़े या दिये जाने के पश्चात् दो मास की अवधि व्यतीत न हो जाये जो [1][निगम] की दशा में [1][निगम] के कार्यालय में छोड़ी जाये तथा मुख्य नगराधिकारी या [1][निगम] के किसी पदाधिकारी या कर्मचारी की दशा में, उसे दी जाये या उसके पास छोड़ी जाय और जिसमें वाद का कारण, प्रार्थित उपशम का प्रकार, अभियाचित, प्रतिकर, यदि कोई हो, की धनराशि और ऐसा वाद के प्रयोजन के लिए वादेच्छुवादी, उसके मुख्तयार, एडवोकेट, वकील या अभिकर्ता (agent) का नाम तथा निवास-स्थान समुचित ब्यौरों के साथ लिखा जायगा; तथा

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "या विशिष्ट सदस्य" निकाले गये

561. निर्माण-कार्यों से संलग्न भूमियों पर मुख्य नगराधिकारी का प्रवेशाधिकार—(1) मुख्य नगराधिकारी इस अधिनियम अथवा तदन्तर्गत बनाये गये किसी नियम अथवा उपविधि द्वारा प्राधिकृत किसी निर्माण-कार्य से संलग्न अथवा उसके 100 गज के भीतर स्थित भूमि, उसमें मिट्टी, बजरी, बालू, ईंट, पत्थर अथवा अन्य पदार्थ डालने या ऐसे निर्माण-कार्य में प्रवेश के पाने के प्रयोजनार्थ अथवा ऐसे निर्माण-कार्यों को संपादित करने से सम्बद्ध किसी अन्य प्रयोजन के निमित्त प्रवेश कर सकता है।

(2) मुख्य नगराधिकारी उपधारा (1) के अधीन किसी भूमि में प्रवेश करने से पूर्व जब तक कि इस अधिनियम में अथवा तदन्तर्गत बनाये गये किसी नियम या उपविधि में अन्यथा व्यवस्था न की गयी हो, भूमि के स्वामी अथवा अध्यासी को (यदि कोई हो), अपने प्रवेश के अभिप्राय का तथा तत्सम्बन्धी प्रयोजन का तीन दिन पूर्व लिखित नोटिस देगा और यदि स्वामी अथवा अध्यासी ऐसी अपेक्षा करे तो पर्याप्त मेड़ों के द्वारा उतनी भूमि को पृथक् कर देगा जो उक्त धारा में उल्लिखित प्रयोजनार्थ अपेक्षित हो।

(3) मुख्य नगराधिकारी उपधारा (1) के अधीन किसी भूमि में प्रवेश से पूर्व, कोई भी भुगतान करने अथवा कोई धन प्रस्तुत या जमा करने के लिए बाध्य नहीं होगा, किन्तु यथाशक्य कम से कम क्षति पहुँचायेगा तथा भूमि के स्वामी तथा अध्यासी को (यदि कोई हो), ऐसे प्रवेश के लिए तथा उसके फलस्वरूप हुई किसी अस्थायी क्षति के लिए प्रतिकर देगा तथा उक्त स्वामी को तज्जन्य किसी स्थायी क्षति के लिए भी प्रतिकर देगा।

562. प्रवेश करने का समय—(1) सूर्यास्त के पश्चात् और सूर्योदय के पूर्व ऐसा प्रवेश नहीं किया जायगा:

किन्तु प्रतिबन्ध यह है कि किसी ऐसी दशा में, जिसमें इस अधिनियम के द्वारा अथवा अधीन इसकी स्पष्ट रूप से व्यवस्था की गयी हो, ऐसा प्रवेश दिन में या रात में किया जा सकता है।

(2) उस दशा को छोड़कर जब इस अधिनियम के द्वारा अथवा अधीन अन्यथा स्पष्ट व्यवस्था की गई हो, किसी भवन में, जो मनुष्यों के निवास के लिए प्रयुक्त होता हो, उसके अध्यासी की सहमति के बिना अथवा उसे अभिप्रेत प्रवेश तथा सिवाय उस दशा के जब तत्सम्बन्धी प्रयोजन बताना अनुपयुक्त समझा जाय, ऐसे प्रयोजन की 6 घन्टे पूर्व लिखित सूचना दिये बिना प्रवेश न किया जायगा।

(3) जब ऐसे भू-गृहादि में अन्यथा बिना नोटिस दिये प्रवेश किया जा सकता हो तो प्रत्येक मामले में पर्याप्त नोटिस दिया जायगा, जिससे उस कक्ष के, जो महिलाओं के प्रयोग के लिए अलग कर दिया गया हो, रहने वाले वहाँ से हट सकें।

(4) जहां तक प्रवेश के प्रयोजन की आवश्यकतानुसार सुसंगत हो, उस भू-गृहादि के अध्यासियों की सामाजिक एवं धार्मिक प्रथाओं की ओर सर्वदा समुचित ध्यान दिया जायगा जहां प्रवेश किया जाय।

(5) धारा 438 की उपधारा (7) के अधीन प्रवेश से अथवा ऐसा प्रवेश करने के लिए प्रयुक्त आवश्यक बल-प्रयोग से अनिवार्यतः हुई किसी क्षति के लिए किसी व्यक्ति के विरुद्ध प्रतिकर का दावा नहीं किया जायगा।

563. धारा 560 या 561 के अधीन प्रवेश अवरुद्ध करने का प्रतिषेध—कोई व्यक्ति किसी भी प्रकार से, मुख्य नगराधिकारी के धारा 560 या 561 के अधीन प्रवेश करने में या किसी [1][निगम] पदाधिकारी या अन्य ऐसे व्यक्ति के प्रवेश करने में बाधक न होगा जो ऐसे प्रवेश के प्रयोजन के लिए मुख्य नगराधिकारी की प्रार्थना से उसके साथ हो या जो उसकी आज्ञा से कार्य कर रहा हो।

वैधिक कार्यवाहियाँ

564. दीवानी तथा फौजदारी कार्यवाहियों के निवेशन, आदि तथा विधिक परामर्श, आदि प्राप्त करने के सम्बन्ध में उपबन्ध—मुख्य नगराधिकारी—

(क) किसी व्यक्ति के विरुद्ध जिस पर निम्नलिखित किसी अपराध के सम्बन्ध में दोषारोपण किया गया हो (charged) कार्यवाही कर सकता है अथवा कार्यवाही वापस ले सकता है—

(1) इस अधिनियम अथवा किसी नियम, विनियम अथवा उपविधि के अधीन कोई अपराध;

(2) कोई ऐसा अपराध जिससे [1][निगम] की सम्पत्ति अथवा स्वत्व पर अथवा इस अधिनियम के उचित प्रशासन पर, प्रभाव पड़ता हो या पड़ने की आशंका हो;

(3) कोई भी अपदूषण करना;

(ख) इस अधिनियम अथवा किसी नियम, विनियम या उपविधि के विरुद्ध किये गये किसी ऐसे अपराध के सम्बन्ध में समझौता कर सकता है जिसमें तत्समय प्रचलित विधि के अधीन विधित: समझौता किया जा सकता हो;

(ग) इस अधिनियम के अधीन प्रस्तुत किसी निर्वाचन याचिका में अथवा इस अधिनियम के अधीन निर्वाचन से सम्बद्ध किसी अन्य कार्यवाही में, यदि स्वयं उस पर अथवा [1][निगम] अथवा अन्य किसी [1][निगम] के पदाधिकारी पर वाद चलाया गया हो (sued) प्रतिवाद कर सकता है;

(घ) वार्षिक मूल्यांकन या कर के विरुद्ध धारा 472 के अधीन की गई किसी अपील का प्रतिवाद कर सकता है, उसे स्वीकार कर सकता है अथवा उसमें समझौता कर सकता है;

(ङ) धारा 470 की उपधारा (2), धारा 522 की उपधारा (3) व (4) तथा धारा 481 के अधीन तथा ऐसे प्रतिकर या व्यय की वसूली के निमित्त, जिनके सम्बन्ध में वह दावा किया गया हो कि वे [1][निगम] को प्राप्य हैं, कार्यवाही वापस कर सकता है, कार्यवाही वापस ले सकता है अथवा उसमें समझौता कर सकता है;

(च) मुख्य नगराधिकारी द्वारा किसी व्यक्ति के साथ किये गये किसी संविदे के अधीन देय अर्थ-दंड के सम्बन्ध में उस व्यक्ति के विरुद्ध 500 रु० से अनधिक के तथा कार्यकारिणी समिति के अनुमोदन से 500 रु० से अधिक की धनराशि के किसी दावे को वापस ले सकता है या उसमें समझौता कर सकता है;

(छ) [1][निगम] के विरुद्ध लाये गये या मुख्य नगराधिकारी के विरुद्ध, उनके द्वारा अपने अधिकारी रूप में क्रमशः किये गये अथवा न किये गये किसी कार्य के सम्बन्ध में लाये गये किसी वाद अथवा विधिक कार्यवाही का प्रतिवाद कर सकता है;

(ज) [1][निगम] के विरुद्ध या मुख्य नगराधिकारी या किसी [1][निगम] पदाधिकारी या कर्मचारी के विरुद्ध उपर्युक्त प्रकार से कृताकृत किसी कार्य के सम्बन्ध में लाये गये किसी दावे, वाद अथवा विधिक कार्यवाही को कार्यकारिणी समिति के अनुमोदन से स्वीकृत कर सकता है अथवा उसमें समझौता कर सकता है;

(झ) उपर्युक्त प्रकार के अनुमोदन से किसी वाद को निविष्ट तथा अभियोजित कर सकता है अथवा किसी वाद या खंड (च) में वर्णित दावे से भिन्न किसी दावे की, जो [1][निगम] अथवा मुख्य नगराधिकारी के नाम से निविष्ट किया गया हो, वापस ले सकता है या उसमें समझौता कर सकता है;

(ञ) ऐसे विधिक परामर्श या सहायता का, जिसे वह समय-समय पर, इस उपधारा के पूर्वगामी खंडों में वर्णित किसी प्रयोजन के लिए अथवा किसी [1][निगम] प्राधिकारी, या पदाधिकारी या कर्मचारी में निहित या उस पर आरोपित किसी अधिकार या कर्तव्य के प्रयोग अथ

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

561. निर्माण-कार्यों से संलग्न भूमियों पर मुख्य नगराधिकारी का प्रवेशाधिकार–(1) मुख्य नगराधिकारी इस अधिनियम अथवा तदन्तर्गत बनाये गये किसी नियम अथवा उपविधि द्वारा प्राधिकृत किसी निर्माण-कार्य से संलग्न अथवा उसके 100 गज के भीतर स्थित भूमि, उसमें मिट्टी, बजरी, बालू, ईंटें, पत्थर अथवा अन्य पदार्थ डालने या ऐसे निर्माण-कार्य में प्रवेश के पाने के प्रयोजनार्थ अथवा ऐसे निर्माण-कार्यों को संपादित करने से सम्बद्ध किसी अन्य प्रयोजन के निमित्त प्रवेश कर सकता है ।

(2) मुख्य नगराधिकारी उपधारा (1) के अधीन किसी भूमि में प्रवेश करने से पूर्व जब तक कि इस अधिनियम में अथवा तदन्तर्गत बनाये गये किसी नियम या उपविधि में अन्यथा व्यवस्था न की गयी हो, भूमि के स्वामी अथवा अध्यासी को (यदि कोई हो), अपने प्रवेश के अभिप्राय का तथा तत्सम्बन्धी प्रयोजन का तीन दिन पूर्व लिखित नोटिस देगा और यदि स्वामी अथवा अध्यासी ऐसी अपेक्षा करे तो पर्याप्त मेड़ों के द्वारा उतनी भूमि को पृथक् कर देगा जो उक्त धारा में उल्लिखित प्रयोजनार्थ अपेक्षित हो ।

(3) मुख्य नगराधिकारी उपधारा (1) के अधीन किसी भूमि में प्रवेश से पूर्व, कोई भी भुगतान करने अथवा कोई धन प्रस्तुत या जमा करने के लिए बाध्य नहीं होगा, किन्तु यथाशक्य कम से कम क्षति पहुँचायेगा तथा भूमि के स्वामी तथा अध्यासी को (यदि कोई हो), ऐसे प्रवेश के लिए तथा उसके फलस्वरूप हुई किसी अस्थायी क्षति के लिए प्रतिकर देगा तथा उक्त स्वामी को तज्जन्य किसी स्थायी क्षति के लिए भी प्रतिकर देगा ।

562. प्रवेश करने का समय–(1) सूर्यास्त के पश्चात् और सूर्योदय के पूर्व ऐसा प्रवेश नहीं किया जायगा:

किन्तु प्रतिबन्ध यह है कि किसी ऐसी दशा में, जिसमें इस अधिनियम के द्वारा अथवा अधीन इसकी स्पष्ट रूप से व्यवस्था की गयी हो, ऐसा प्रवेश दिन में या रात में किया जा सकता है ।

(2) उस दशा को छोड़कर जब इस अधिनियम के द्वारा अथवा अधीन अन्यथा स्पष्ट व्यवस्था की गई हो, किसी भवन में, जो मनुष्यों के निवास के लिए प्रयुक्त होता हो, उसके अध्यासी की सहमति बिना अथवा उसे अभिप्रेत प्रवेश तथा सिवाय उस दशा के जब तत्सम्बन्धी प्रयोजन बताना अनुपयुक्त समझा जाय, ऐसे प्रयोजन की 6 घन्टे पूर्व लिखित सूचना दिये बिना प्रवेश न किया जायगा ।

(3) जब ऐसे भू-गृहादि में अन्यथा बिना नोटिस दिये प्रवेश किया जा सकता हो तो प्रत्येक मामले में पर्याप्त नोटिस दिया जायगा, जिससे उस कक्ष के, जो महिलाओं के प्रयोग के लिए अलग कर दिया गया हो, रहने वाले वहाँ से हट सकें ।

(4) जहां तक प्रवेश के प्रयोजन की आवश्यकतानुसार सुसंगत हो, उस भू-गृहादि के अध्यासियों की सामाजिक एवं धार्मिक प्रथाओं की ओर सर्वदा समुचित ध्यान दिया जायगा जहां प्रवेश किया जाय ।

(5) धारा 438 की उपधारा (7) के अधीन प्रवेश से अथवा ऐसा प्रवेश करने के लिए प्रयुक्त आवश्यक बल-प्रयोग से अनिवार्यतः हुई किसी क्षति के लिए किसी व्यक्ति के विरुद्ध प्रतिकर का दावा नहीं किया जायगा ।

563. धारा 560 या 561 के अधीन प्रवेश अवरुद्ध करने का प्रतिषेध–कोई व्यक्ति किसी भी प्रकार से, मुख्य नगराधिकारी के धारा 560 या 561 के अधीन प्रवेश करने में या किसी [1][निगम] पदाधिकारी या अन्य ऐसे व्यक्ति के प्रवेश करने में बाधक न होगा जो ऐसे प्रवेश के प्रयोजन के लिए मुख्य नगराधिकारी की प्रार्थना से उसके साथ हो या जो उसकी आज्ञा से कार्य कर रहा हो ।

वैधिक कार्यवाहियाँ

564. दीवानी तथा फौजदारी कार्यवाहियों के निवेशन, आदि तथा विधिक परामर्श, आदि प्राप्त करने के सम्बन्ध में उपबन्ध–मुख्य नगराधिकारी–

(क) किसी व्यक्ति के विरुद्ध जिस पर निम्नलिखित किसी अपराध के सम्बन्ध में दोषारोपण किया गया हो (charged) कार्यवाही कर सकता है अथवा कार्यवाही वापस ले सकता है–

(1) इस अधिनियम अथवा किसी नियम, विनियम अथवा उपविधि के अधीन कोई अपराध;

(2) कोई ऐसा अपराध जिससे [1][निगम] की सम्पत्ति अथवा स्वत्व पर अथवा इस अधिनियम के उचित प्रशासन पर, प्रभाव पड़ता हो या पड़ने की आशंका हो;

(3) कोई भी अपदूषण करना;

(ख) इस अधिनियम अथवा किसी नियम, विनियम या उपविधि के विरुद्ध किये गये किसी ऐसे अपराध के सम्बन्ध में समझौता कर सकता है जिसमें तत्समय प्रचलित विधि के अधीन विधितः समझौता किया जा सकता हो;

(ग) इस अधिनियम के अधीन प्रस्तुत किसी निर्वाचन याचिका में अथवा इस अधिनियम के अधीन निर्वाचन से सम्बद्ध किसी अन्य कार्यवाही में, यदि स्वयं उस पर अथवा [1][निगम] अथवा अन्य किसी [1][निगम] के पदाधिकारी पर वाद चलाया गया हो (sued) प्रतिवाद कर सकता है;

(घ) वार्षिक मूल्यांकन या कर के विरुद्ध धारा 472 के अधीन की गई किसी अपील का प्रतिवाद कर सकता है, उसे स्वीकार कर सकता है अथवा उसमें समझौता कर सकता है;

(ङ) धारा 470 की उपधारा (2), धारा 522 की उपधारा (3) व (4) तथा धारा 481 के अधीन तथा ऐसे प्रतिकर या व्यय की वसूली के निमित्त, जिसके सम्बन्ध में यह दावा किया गया हो कि वे [1][निगम] को प्राप्य हैं, कार्यवाही वापस कर सकता है, कार्यवाही वापस ले सकता है अथवा उसमें समझौता कर सकता है;

(च) मुख्य नगराधिकारी द्वारा किसी व्यक्ति के साथ किये गये किसी संविदे के अधीन देय अर्थ-दंड के सम्बन्ध में उस व्यक्ति के विरुद्ध 500 रु० से अनधिक के तथा कार्यकारिणी समिति के अनुमोदन से 500 रु० से अधिक की धनराशि के किसी दावे को वापस ले सकता है या उसमें समझौता कर सकता है;

(छ) [1][निगम] के विरुद्ध लाये गये या मुख्य नगराधिकारी के विरुद्ध, उनके द्वारा अपने अधिकारी रूप में क्रमशः किये गये अथवा न किये गये किसी कार्य के सम्बन्ध में लाये गये किसी वाद अथवा विधिक कार्यवाही का प्रतिवाद कर सकता है;

(ज) [1][निगम] के विरुद्ध या मुख्य नगराधिकारी या किसी [1][निगम] पदाधिकारी या कर्मचारी के विरुद्ध उपर्युक्त प्रकार से कृताकृत किसी कार्य के सम्बन्ध में लाये गये किसी दावे, वाद अथवा विधिक कार्यवाही को कार्यकारिणी समिति के अनुमोदन से स्वीकृत कर सकता है अथवा उसमें समझौता कर सकता है;

(झ) उपर्युक्त प्रकार के अनुमोदन से किसी वाद को निविष्ट तथा अभियोजित कर सकता है अथवा किसी वाद या खंड (च) में वर्णित दावे से भिन्न किसी दावे को, जो [1][निगम] अथवा मुख्य नगराधिकारी के नाम से निविष्ट किया गया हो, वापस ले सकता है या उसमें समझौता कर सकता है;

(ञ) ऐसी विधिक परामर्श या सहायता का, जिसे वह समय-समय पर, इस उपधारा के पूर्वगामी खंडों में वर्णित किसी प्रयोजन के लिए अथवा किसी [1][निगम] प्राधिकारी, या पदाधिकारी या कर्मचारी में निहित या उस पर आरोपित किसी अधिकार या कर्तव्य के प्रयोग अथ-

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित ।

पालन को सुनिश्चित (secure) करने के निमित्त, प्राप्त करना आवश्यक या इष्टकर समझे, या जिसे [1][निगम] या कार्यकारिणी समिति उसके द्वारा प्राप्त करवाना चाहे, प्राप्त कर सकता है तथा उसके लिए भुगतान कर सकता है;

किन्तु प्रतिबन्ध यह है कि मुख्य नगराधिकारी खंड (छ) के अधीन किसी वाद अथवा विधिक कार्यवाही का प्रतिवाद सर्वप्रथम तत्सम्बन्धी विधिक परामर्श प्राप्त किये बिना न करेगा, तथा वह किसी भी ऐसे वाद को निवेशित एवं अभियोजित करेगा, जिसके सम्बन्ध में [1][निगम] यह निर्धारित करे कि वह निवेशित एवं अभियोजित किया जाय।

सामान्य

565. सभासद, इत्यादि जन-सेवक (public servant) समझे जायेंगे—(1)मुख्य नगराधिकारी तथा प्रत्येक सभासद [2][* * *] और प्रत्येक [1][निगम] पदाधिकारी या कर्मचारी, जो इस अधिनियम के अधीन नियुक्त हुआ हो तथा [1][निगम] को प्राप्य किसी कर, शुल्क या अन्य धनराशि की उगाही के निमित्त प्रत्येक ठेकेदार या अभिकर्ता तथा ऐसे किसी ठेकेदार या अभिकर्ता द्वारा नियुक्त कोई अन्य व्यक्ति, इंडियन पीनल कोड की धारा 21 के अर्थ में जन-सेवक समझे जायेंगे।

(2) उपधारा (1) के प्रयोजनों के निमित्त इंडियन पीनल कोड की धारा 161 में "लीगल रेम्युनेरेशन" (legal remuneration) की परिभाषा के अन्तर्गत शब्द "गवर्नमेन्ट (Government)" में [1][निगम] का अन्तर्भाव भी समझा जायगा।

566. पुलिस पदाधिकारियों के कर्त्तव्य—प्रत्येक पुलिस पदाधिकारी के कर्त्तव्य निम्नलिखित होंगे:—

(क) इस अधिनियम के अथवा तदन्तर्गत बनाये गये किसी नियम, उपविधि या विनियम के अधीन कोई अपराध किये जाने के षड्यंत्र (design) की या इस बात की कि अपराध किया जा चुका है, कोई सूचना प्राप्त होने पर अविलम्ब उसे उपयुक्त [1][निगम], पदाधिकारी को ज्ञापित करना;

(ख) मुख्य नगराधिकारी को या किसी [1][निगम] पदाधिकारी या कर्मचारी को या किसी ऐसे अन्य व्यक्ति को, जिसे मुख्य नगराधिकारी ने विधितः अधिकारों का प्रतिनिधापन किया हो, जो इस अधिनियम अथवा किसी ऐसे नियम, उपविधि या विनियम के अधीन उक्त मुख्य नगराधिकारी में या ऐसे पदाधिकारी या कर्मचारी या व्यक्ति में निहित किसी अधिकार के वैध प्रयोग के लिए उचित रूप में उसकी सहायता माँगता हो, सहायता देना;

तथा ऐसे समस्त प्रयोजनों के लिए उसे वही अधिकार प्राप्त होंगे जो उसे अपने सामान्य पुलिस कर्त्तव्यों के पालन में प्राप्त हैं।

567. पुलिस पदाधिकारियों का लोगों को गिरफ्तार करने का अधिकार—(1) यदि कोई पुलिस पदाधिकारी किसी व्यक्ति को इस अधिनियम के अथवा तदन्तर्गत बनाये गये किसी नियम, उपविधि अथवा विनियम के किसी उपबन्ध के विरुद्ध कोई अपराध करता हुआ पाये तो वह यदि उस ऐसे व्यक्ति का नाम या पता ज्ञात न हो तथा यदि पूछने पर वह अपना नाम और पता बताने से इन्कार करे या ऐसा नाम या पता बताये जिसके सम्बन्ध में उक्त पदाधिकारी को यह विश्वास करने का कारण हो कि वह असत्य है, उसे गिरफ्तार कर सकता है।

(2) उपधारा (1) के अधीन गिरफ्तार किये गये किसी व्यक्ति को—

(क) उसका ठीक-ठीक नाम और पता ज्ञात होने के पश्चात्, या

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "या विशिष्ट सदस्य" निकाले गये

(ख) बिना मजिस्ट्रेट की आज्ञा के गिरफ्तारी के समय से चौबीस घंटों से अनधिक की ऐसी अवधि से अधिक के लिए, जो उसे किसी मजिस्ट्रेट के समक्ष प्रस्तुत करने के लिए आवश्यक हो,

अभिरक्षा में निरुद्ध न किया जायगा।

568. [1][निगम] कर्मचारियों द्वारा पुलिस के अधिकारों का प्रयोग—राज्य सरकार किसी [1][निगम] पदाधिकारी या कर्मचारी को या [1][निगम] पदाधिकारियों या कर्मचारियों के किसी वर्ग को इस अधिनियम के प्रयोजनों के निमित्त पुलिस पदाधिकारी के अधिकारों का प्रयोग करने का अधिकार दे सकती है।

569. निर्धारण, इत्यादि में अनौपचारिकताएँ तथा त्रुटियाँ ऐसे निर्धारण, आदि को अवैध करने वाली न समझी जायेंगी—(1) इस अधिनियम या किसी नियम, विनियम या उपविधि के अधीन किये गये किसी निर्धारण या किया गया अभिहरण या की गयी कुर्की या जारी किये गये किसी नोटिस, बिल, अनुसूची, आह्वान या लेख्य में कोई अनौपचारिकता, लिपिक-त्रुटि, अकर्म या अन्य दोष किसी भी समय यथाशक्य ठीक किये जा सकते हैं।

(2) उक्त कोई भी ऐसी अनौपचारिकता, लिपिक-त्रुटि, अकार्य या अन्य दोष उपर्युक्त निर्धारण, अभिहरण, कुर्की, नोटिस, बिल, अनुसूची, आह्वान या अन्य लेख्य को अमान्य अथवा अवैध करने वाली न समझी जायगी, यदि इस अधिनियम के तथा नियमों, विनियमों और उपविधियों के उपबन्ध सारतः तथा प्रभावतः अनुपालित किये गये हों, किन्तु किसी ऐसे व्यक्ति को जिसे अनौपचारिकता, लिपिक-त्रुटि, अकार्य या अन्य दोष के कारण कोई विशेष क्षति पहुँची हो, किसी अधिकार-क्षेत्रयुक्त सक्षम न्यायालय में वाद प्रस्तुत करके उसके लिए प्रतिकर प्राप्त करने का अधिकार होगा।

570. सद्भावना से किये गये कार्यों के लिए क्षति-पूर्ति—इस अधिनियम के अधीन सद्भावना से किये गये या किये गये समझे गये या अभिप्रेत किसी कार्य के सम्बन्ध में राज्य सरकार किसी सभासद [2][* * *], नगर प्रमुख या मुख्य नगराधिकारी या किसी [1][निगम] पदाधिकारी या कर्मचारी या इस अधिनियम के अधीन राज्य सरकार के, [1][निगम] के या इस अधिनियम के अधीन संगठित किसी समिति के, मुख्य नगराधिकारी के या किसी [1][निगम] पदाधिकारी या कर्मचारी के या मजिस्ट्रेट के आदेशों के अधीन और अनुसार कार्य करने वाले किसी व्यक्ति के विरुद्ध कोई भी वाद, अभियोजन या विधिक कार्यवाही न की जा सकेगी।

571. इस अधिनियम के अधीन काम करने वाले व्यक्तियों का वादों से संरक्षण—(1) इस अधिनियम के अनुसार अथवा इस अधिनियम की कार्यान्विति अथवा अभिप्रेत कार्यान्विति के सम्बन्ध में किये गये या किये गये समझे गये कार्य के सम्बन्ध में या इस अधिनियम की कार्यान्विति के सम्बन्ध में तथाकथित किसी असावधानी या चूक के कारण, [1][निगम] के या मुख्य नगराधिकारी के या किसी [1][निगम] पदाधिकारी या कर्मचारी के विरुद्ध कोई वाद तब तक निविष्ट नहीं किया जायगा—

(क) जब तक ऐसी लिखित नोटिस के छोड़े या दिये जाने के पश्चात् दो मास की अवधि व्यतीत न हो जाये जो [1][निगम] की दशा में [1][निगम] के कार्यालय में छोड़ी जाये तथा मुख्य नगराधिकारी या [1][निगम] के किसी पदाधिकारी या कर्मचारी की दशा में, उसे दी जाये या उसके पास छोड़ी जाय और जिसमें वाद का कारण, प्रार्थित उपशम का प्रकार, अभिवाचित, प्रतिकर, यदि कोई हो, की धनराशि और ऐसा वाद के प्रयोजन के लिए वादेच्छुकदी, उसके मुख्तयार, एडवोकेट, वकील या अभिकर्ता (agent) का नाम तथा निवास-स्थान समुचित ब्यौरों के साथ लिखा जायगा; तथा

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1977 द्वारा शब्द "विशिष्ट सदस्य" निकाले गये

किए भी नजूल भूमि पर आक्रमणकृत निर्माण हटवाने से नगर निगम को निषेधाज्ञा के बाद द्वारा निषिद्ध नहीं किया जा सकता। [लाल जी वनाम म० म० पा०, इलाहाबाद, 1981 यू० पी० एल० बी० ई० सी० 144]।

गिराने का आदेश सुनवाई का अवसर प्रदान किये जाने के पश्चात् ही पारित किया जा सकता है [खुसरो एस० गाँधी बनाम म० म० पा० इलाहाबाद, 1982 यू० पी० एल० बी० ई० सी० 56]।

धारा 326 के अधीन गिराने की कार्यवाही करने के लिए परिसीमा (limitation) तीन मास की है। कार्य के पूरा हो जाने के तीन मास के पश्चात् कोई कार्यवाही की जा सकती है। [खुसरो एस० गाँधी बनाम म० म० पा० इलाहाबाद, 1982 यू० पी० एल० बी० ई० सी० 57]।

निर्माण के इस विशेष नियम को ध्यान में रखते हुए कि विशेष (धारा 326) सामान्य प्रावधान (धारा 557) को अपवर्जित करती है। धारा 557 के अधीन शक्ति का प्रयोग वहाँ नहीं किया जा सकता जहाँ कि धारा 326 लागू होती है [लाल जी बनाम म० नि०, इलाहाबाद, 1981 यू० पी० एल० बी० ई० सी० 143]।

निर्माण, आदि के सम्बन्ध में आज्ञाओं का प्रवर्तन

558. निर्माण, आदि, जिन्हें किसी व्यक्ति से सम्यपित करने की अपेक्षा की गयी हो, कुछ दशाओं में उक्त व्यक्ति की लागत पर मुख्य नगराधिकारी द्वारा सम्यपित किये जा सकते हैं—(1) इस अधिनियम तथा नियमों, उपविधियों एवं विनियमों के उपबन्धों के अधीन रहते हुए, यदि इस अधिनियम अथवा किसी नियम, उपविधि या विनियम के किसी उपबन्ध के अधीन मुख्य नगराधिकारी अथवा एतदर्थ यथास्थत् अधिकृत किसी [1][निगम] पदाधिकारी द्वारा लिखित नोटिस देकर कोई आदेश दिया जाय तो ऐसे नोटिस में उक्त आदेश अथवा आज्ञा को कार्यान्वित किये जाने के लिए एक उचित अवधि विहित की जायगी और यदि इस प्रकार विहित की गई अवधि के भीतर, उक्त आदेश अथवा आज्ञा अथवा उक्त आदेश अथवा आज्ञा के किसी अंश का अनुपालन न किया गया हो तो मुख्य नगराधिकारी ऐसी कार्यवाही कर सकता है, अथवा ऐसा निर्माण सम्पादित करा सकता है, अथवा ऐसा कार्य करा सकता है जो उसकी राय में इस प्रकार दिये गये आदेश अथवा दी गयी आज्ञा को समीचीन रूप से प्रभावपूर्ण बनाने के लिए आवश्यक हो, उस पर होने वाले व्यय उस व्यक्ति द्वारा अथवा उनमें से किसी व्यक्ति द्वारा वहन किया जायगा, जिसे या जिन्हें उक्त आदेश अथवा आज्ञा सम्बोधित की गई थी।

(2) मुख्य नगराधिकारी इस धारा के अधीन, कोई कार्यवाही कर सकता है, कोई निर्माण सम्पादित करा सकता है अथवा अन्य कोई कार्य करा सकता है चाहे उक्त आदेश अथवा आज्ञा का अनुपालन न करने वाला व्यक्ति, आज्ञा का अनुपालन न करने के लिए दण्ड का भागी रहा हो या अभियोजित किया गया हो या एतदर्थ उसे किसी दण्ड का आदेश किया जा चुका हो अथवा नहीं।

559. सामग्री का सम्भरण—किसी ऐसे व्यक्ति की लिखित प्रार्थना पर जिसे इस अधिनियम के अथवा किसी नियम, विनियम या उपविधि के किसी उपबन्ध के अधीन कोई सामग्री अथवा संयन्त्रों के संभरण का आदेश दिया गया हो, मुख्य नगराधिकारी ऐसे व्यक्ति की ओर से आवश्यक सामग्री अथवा संयन्त्रों का सम्भरण करके निर्माण करा सकता है:

किन्तु शर्तोपबन्ध यह है कि यदि धारा 524 या 525 के उपबन्ध लागू न होते हों, तो उक्त व्यक्ति द्वारा सर्वप्रथम ऐसी धनराशि जमा की जायगी जो मुख्य नगराधिकारी की राय में उक्त सामग्री, संयन्त्रों तथा निर्माण के व्यय को पूरा करने के लिये पर्याप्त हो।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

प्रवेश तथा निरीक्षण का अधिकार

560. प्रवेश तथा निरीक्षण के अधिकार—(1) मुख्य नगराधिकारी अथवा उसके द्वारा एतदर्थ प्राधिकृत कोई 1[निगम] पदाधिकारी अथवा सेवक किसी ऐसे भू-गृहादि में, या, पर जहाँ इस अधिनियम अथवा नियमों के उपबन्धों के द्वारा या अधीन उसे प्रवेश अथवा निरीक्षण करने का अधिकार हो अथवा कोई ऐसा निरीक्षण, तलाशी, भूमापन, माप, मूल्यांकन अथवा जाँच करने का कोई ऐसा निर्देश संपादित करने के निमित्त, जिसके लिए वह इस अधिनियम द्वारा, अथवा उसके अधीन प्राधिकृत किया गया हो अथवा जिसे करना इस अधिनियम के अथवा तदन्तर्गत बनाये गये किन्हीं नियमों, उपविधियों अथवा विनियमों के प्रयोजनार्थ, अथवा अनुसार, आवश्यक हो, अपने सहायकों सहित या रहित, प्रवेश कर सकता है।

(1) उपधारा (1) के उपबन्धों की व्यापकता पर विपरीत प्रभाव डाले बिना, मुख्य नगराधिकारी अथवा उसके द्वारा एतदर्थ प्राधिकृत किसी पदाधिकारी अथवा सेवक को निम्नलिखित दशाओं में किसी स्थान में प्रवेश करने और किसी वस्तु का निरीक्षण करने का अधिकार होगा, अर्थात्—

(क) कोठा, अस्तबल, मोटरखाना, वाहनगृह अथवा अन्य कोई स्थान जहाँ का लगाये जाने योग्य कोई वाहन, पशु या पशु रखा जाता हो;

(ख) परती भूमि, जहाँ 1[निगम] की कोई नाली रही हो अथवा जहाँ नाली बनाने का प्रस्ताव हो- धारा 230 के अधीन;

(ग) कोई भूमि, जो किसी व्यक्ति के कब्जे में स्थित अपनी नाली 1[निगम] की नालियों में गिराने के उद्देश्य से हो—धारा 234, 236, 241 तथा 242 के अधीन;

(घ) कोई भूमि जिसमें नालियों के संशोधन के निमित्त दंड और पाइप लगाने की आवश्यकता हो—धारा 249 के अधीन;

(ङ) नालियाँ, संयोजन, दंड, पाइप, मलकूप, शौचालय, मूत्रालय, स्नान और धुलाई के स्थान—धारा 253 के अधीन;

(च) कोई भूमि, जिससे होकर 1[निगम] के जलकल में जाने का मार्ग हो—धारा 264 के अधीन;

(छ) कोई भू-गृहादि जिसके बारे में यह संशय हो कि उसमें धारा 438 का उल्लंघन करके कोई व्यापार किया जाता है या कोई वस्तु रखी जाती है;

(ज) कोई भू-गृहादि जिसके प्रयोग के लिए अनुज्ञप्ति की आवश्यकता हो तथा जिसके लिए इस अधिनियम के उपबन्धों के अधीन अनुज्ञप्ति दी गयी हो;

(झ) निर्माण-काल में कोई भवन अथवा संगठन के समय कोई निर्माण-कार्य;

(ञ) कोई भू-गृहादि, जिसकी व्यवस्था 1[निगम] में 1[निगम] के पदाधिकारियों और सेवकों के रहने के लिए की हो।

(3) मुख्य नगराधिकारी अथवा उक्त प्राधिकृत व्यक्ति, उपधारा (1) के अधीन प्रवेश करने के लिए तब तक बल-प्रयोग न करेगा जब तक कि—

(क) ऐसा प्रवेश अन्यथा न किया जा सकता हो;

(ख) ऐसा विश्वास करने का कारण न हो कि इस अधिनियम अथवा तदन्तर्गत बनाये गये किसी नियम अथवा उपविधि के किसी उपबन्ध के अधीन कोई अपराध किया जा रहा है अथवा किया जा चुका है।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(2) यदि किसी अधिनियम अथवा किसी नियम, विनियम या उपविधि द्वारा किसी नोटिस, बिल, अनुसूची, आह्वान अथवा ऐसी ही अन्य लेख्य का किसी व्यक्ति पर तामील किया जाना, जारी किया जाना, उसे प्रस्तुत किया जाना अथवा दिया जाना अपेक्षित हो, तो ऐसी तामील, जारी किया जाना, उसे प्रस्तुत किया जाना अथवा दिया जाना उन दशाओं को छोड़ कर जिनके लिए उपधारा (3) में अन्यथा स्पष्ट व्यवस्था की गई हो, निम्नलिखित प्रकार से कार्यान्वित किया जायगा–

(क) उक्त नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य लेख्य उक्त व्यक्ति को देकर अथवा प्रस्तुत करके;

(ख) उक्त व्यक्ति के न मिलने पर, उक्त नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य लेख्य को नगर में उस व्यक्ति के अंतिम ज्ञात निवास-स्थान पर छोड़कर, अथवा उसके परिवार के किसी वयस्क सदस्य अथवा नौकर को देकर अथवा प्रस्तुत करके, अथवा उसके कारोबार के सामान्य स्थान पर, यदि कोई हो, छोड़कर अथवा ऐसे स्थान में उसके किसी वयस्क कर्मचारी, यदि कोई हो, को देकर अथवा प्रस्तुत करके; अथवा

(ग) यदि उक्त व्यक्ति नगर में निवास न करता हो और यदि उसके अन्य स्थान का पता मुख्य नगराधिकारी को ज्ञात हो, तो उक्त नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य लेख्य ऐसे लिफाफे में रख कर जिस पर उसका उक्त पता लिखा हो, डाक द्वारा भेज कर; अथवा

(घ) यदि उपर्युक्त कोई भी साधन उपलब्ध न हो तो उक्त नोटिस, बिल, अनुसूची, अथवा अन्य लेख्य को उससे सम्बद्ध भवन अथवा भूमि, यदि कोई हो, के किसी प्रमुख स्थान पर चिपकवा कर।

(3) यदि इस अधिनियम अथवा किसी नियम, विनियम या उपविधि द्वारा किसी नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य ऐसे ही लेख्य को किसी भवन अथवा भूमि के स्वामी अथवा अध्यासी पर तामील करना, जारी करना, अथवा उसे प्रस्तुत करना अपेक्षित हो तो उसमें स्वामी अथवा अध्यासी का नाम लिखना आवश्यक न होगा तथा उसकी तामील, उसका जारी किया जाना अथवा उसका प्रस्तुत किया जाना अंतिम पूर्ववर्ती उपधारा के अनुसार कार्यान्वित न किया जाकर निम्नलिखित प्रकार से कार्यान्वित किया जायगा, अर्थात्–

(क) उक्त नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य लेख्य को स्वामी अथवा अध्यासी को देकर अथवा उसे प्रस्तुत करके अथवा यदि स्वामी अध्यासी एक से अधिक हों तो ऐसे भवन अथवा भूमि के किसी भी एक स्वामी अथवा अध्यासी को देकर अथवा प्रस्तुत करके; अथवा

(ख) यदि स्वामी अथवा अध्यासी अथवा स्वामियों या अध्यासियों में से कोई भी स्वामी अथवा अध्यासी न मिले तो उक्त नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य लेख्य को स्वामी या अध्यासी के परिवार के अथवा स्वामियों या अध्यासियों में से किसी स्वामी या अध्यासी के परिवार के किसी वयस्क अथवा नौकर को देकर या उसे प्रस्तुत करके; अथवा

(ग) यदि पूर्वोक्त कोई भी साधन उपलब्ध न हो तो उक्त नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य लेख्य को सम्बद्ध भवन अथवा भूमि के किसी प्रमुख स्थान पर चिपकवा कर।

(4) यदि वह व्यक्ति, जिस पर कोई नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य कोई ऐसा ही लेख्य तामील किया जाना हो, अवयस्क हो तो उसके अभिभावक अथवा उसके परिवार के किसी वयस्क पुरुष सदस्य अथवा नौकर पर उसका तामील किया जाना ही उस अवयस्क पर उसकी तामील समझी जायगी।

(5) इस धारा की कोई बात इस अधिनियम के अधीन किसी मैजिस्ट्रेट द्वारा जारी किये गये आह्वान (summons) पर लागू न होगी।

555. नोटिस, आदि पर हस्ताक्षर मुद्रांकित किये जा सकते हैं–(1) प्रत्येक अनुज्ञप्ति, लिखित अनुमति, नोटिस, बिल, अनुसूची, आह्वान या अन्य लेख्य, जिस पर इस अधिनियम अथवा किसी नियम, विनियम, उपविधि द्वारा मुख्य नगराधिकारी अथवा अन्य किसी [1][निगम] पदाधिकारी के हस्ताक्षर होने आवश्यक हों, यथोचित रूप से हस्ताक्षरित समझा जायगा, यदि उस यथास्थिति मुख्य नगराधिकारी अथवा ऐसे [1][निगम] पदाधिकारी के हस्ताक्षर की अनुलिपि (facsimile) मुद्रांकित हो।

(2) इस धारा की कोई बात इस अधिनियम के किसी उपबन्ध के अधीन [1][निगम] निधि के नाम काटे गये चेक अथवा किसी संविदा-पत्र पर लागू नहीं समझी जायगी।

556. मुख्य नगराधिकारी का भू-गृहादि के स्वामित्व के सम्बन्ध में सूचना माँगने का अधिकार–(1) किसी नोटिस, बिल, अनुसूची, आह्वान अथवा अन्य ऐसे लेख्य को किसी व्यक्ति पर तामील करने, जारी किये जाने, प्रस्तुत करने या दिये जाने के कार्य को योजना बनाने के लिए मुख्य नगराधिकारी किसी भी भू-गृहादि अथवा उसके किसी भाग के स्वामी अथवा अध्यासी को लिखित नोटिस द्वारा लिखित रूप में यह प्राक्कथन करने का आदेश दे सकता है कि वह ऐसी अवधि के भीतर जिसे मुख्य नगराधिकारी नोटिस में निर्दिष्ट करे, यह बतायें कि उसमें उसके स्वत्व का क्या स्वरूप है, तथा उसमें स्वत्व रखने वाले किसी अन्य व्यक्ति का, चाहे वह बाकीदार, बंधकी, पट्टेदार अथवा किसी अन्य रूप में हों, नाम और पता, जहाँ तक कि ऐसा नाम और पता उसे ज्ञात हो गया है।

(2) कोई व्यक्ति, जिसे मुख्य नगराधिकारी ने उपधारा (1) के अनुसार कोई सूचना देने के लिए आदेश दिया हो, उक्त आदेश का पालन करने और ऐसी सूचना जिसे वह अपनी जानकारी तथा विश्वास के आधार पर ठीक समझता हो, देने के लिये बाध्य होगा।

अनधिकृत कार्य

557. मुख्य नगराधिकारी की लिखित अनुज्ञा के बिना किये गये निर्माण अथवा कार्य अनधिकृत समझे जायेंगे–(1) यदि किसी व्यक्ति ने कोई ऐसा निर्माण या कार्य जिसके लिए इस अधिनियम अथवा किसी नियम, विनियम या उपविधि के अधीन मुख्य नगराधिकारी की लिखित अनुज्ञा अपेक्षित हो, बिना ऐसी अनुज्ञा प्राप्त किये हो, अथवा यदि ऐसी अनुज्ञा बाद में मुख्य नगराधिकारी द्वारा किसी कारण से निलम्बित अथवा प्रतिसंहृत (revoked) कर दी गई हो तो किया गया ऐसा निर्माण अथवा कार्य, अनधिकृत समझा जायगा और इस अधिनियम के उपबन्धों के अधीन रहते हुए मुख्य नगराधिकारी किसी समय लिखित नोटिस द्वारा आदेश दे सकता है कि उक्त निर्माण अथवा कार्य करने वाला व्यक्ति, ऐसे निर्माण को यथास्थिति हटा दे, गिरा दे अथवा अकारथ कर दे। यदि ऐसे निर्माण को सम्पादित अथवा कार्य को करने वाला व्यक्ति ऐसा नोटिस दिये जाने के समय स्वामी न हो, तो उक्त नोटिस दिये जाने के समय जो भी व्यक्ति स्वामी हो, वह मुख्य नगराधिकारी के आदेशों का पालन करने के लिए उत्तरदायी होगा।

(2) यदि उक्त लिखित नोटिस में निर्दिष्ट अवधि के भीतर यथास्थिति उक्त व्यक्ति या स्वामी द्वारा नोटिस में वर्णित आदेशों को कार्यान्वित नहीं किया जाता, तो मुख्य नगराधिकारी उस निर्माण को हटा सकता है, परिवर्तित कर सकता है अथवा अकारथ कर सकता है तथा ऐसा करने में जो व्यय होगा वह यथास्थिति उक्त व्यक्ति अथवा स्वामी द्वारा वहन किया जायगा।

टिप्पणी

धारा का विस्तार-क्षेत्र–मुख्य नगराधिकारी केवल उन्हीं निर्माणों को गिरवा सकता है जिन्हें वह विहित कर सकता हो, और जो बिना अनुज्ञा के निर्मित किये गये हों [लालजी बनाम म० म० पा०, इलाहाबाद, 1981 यू० पी० एल० बी० ई० सी० 143]।

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित

अनुपस्थिति के कारण परिवाद खारिज नहीं किया जा सकता। *आत्मा राम बनाम राज्य*, [1961 ए० डब्ल्यू० आर० (समरी 27)]; एवं *जगन्नाथ बनाम म्युनिसिपल बोर्ड, कोटद्वार* [1971 ए० डब्ल्यू० आर० (उ० न्याय०) 416] के मामले में इलाहाबाद उच्च न्यायालय की खंडपीठ ने यह धारण किया कि उप-विधि लागू होगी और कोई निषेधाज्ञा जारी नहीं की जा सकती।

549. राज्य सरकार को उपविधियाँ तथा विनियम बनाने का अधिकार–(1) यदि धारा 541 में निर्दिष्ट किन्हीं विषयों के सम्बन्ध में [1][निगम] ने कोई उपविधियाँ न बनायी हों या यदि [1][निगम] द्वारा बनायी गयी उपविधियाँ, राज्य सरकार की राय में पर्याप्त न हों तो राज्य सरकार ऐसे विषय की व्यवस्था करने के लिये उस सीमा तक उपविधियाँ बना सकती है, जिसे वह उपयुक्त समझे।

(2) शब्द [1]["निगम"] के स्थान पर शब्द "राज्य सरकार" रख कर धारा 543 के उपबन्ध इस धारा के अधीन उपविधियाँ बनाने के सम्बन्ध में लागू होंगे और उपविधियों के सरकारी गजट में प्रकाशित होने पर उनका विधि का सा प्रभाव होगा।

(3) यदि इस धारा के अधीन बनायी गयी किसी उपविधि का कोई उपबन्ध, [1][निगम] द्वारा बनायी गयी उपविधि के किसी उपबन्ध के प्रतिकूल हो तो इस धारा के अधीन बनायी गयी उपविधि प्रभावी होगी और धारा 541 के अधीन बनायी गई उपविधि, उसकी प्रतिकूलता की सीमा तक शून्य होगी।

(4) राज्य सरकार, यदि वह उचित समझे, सरकारी गजट में प्रकाशन द्वारा धारा 548 की उपधारा (1) के खंड (घ) में निर्दिष्ट विषयों के सम्बन्ध में इस अधिनियम और नियमों तथा उपविधियों के अनुकूल विनियम बना सकती है।

550. नियमों, उपविधियों अथवा विनियमों की अवहेलना करने का दंड–नियम, उपविधियाँ अथवा विनियम बनाते समय यथास्थिति [1][निगम] अथवा कार्यकारिणी-समिति या राज्य सरकार इस बात की व्यवस्था कर सकती है कि उसकी अवहेलना करने के लिए सिद्धदोष होने पर अपराधी पर–

(क) जुर्माना किया जायगा जो पाँच सौ रु० तक हो सकता है और निरन्तर अवहेलना की दशा में ऐसा जुर्माना किया जायगा जो प्रथम अवहेलना की दोष-सिद्धि के पश्चात् ऐसे प्रत्येक दिन के लिए, जिसमें अवहेलना जारी रखी गयी हो, बीस रुपये तक हो सकता है;

(ख) मुख्य नगराधिकारी अथवा अवहेलना को रोकने के लिए, तदर्थ यथाप्राप्त प्राधिकृत किसी [1][निगम] के पदाधिकारी से लिखित नोटिस प्राप्त होने पर जुर्माना किया जायगा, जो ऐसे प्रत्येक दिन के लिए, जिसमें अवहेलना जारी रखी गयी हो, बीस रुपये तक हो सकता है।

(ग) उक्त जुर्माना किये जाने के साथ-साथ उसे यह भी आदेश दिया जायगा कि वह दुष्चय का यथाशक्ति परिहार करे।

अध्याय 24
विविध

सार्वजनिक नोटिस तथा विज्ञापन

551. सार्वजनिक नोटिसों का प्रचार कैसे किया जायगा–जब कभी इस अधिनियम द्वारा अथवा इसके अधीन यह व्यवस्था हो कि किसी बात के संबंध में सार्वजनिक नोटिस दिया जाय अथवा दिया जा सकता है, तो ऐसी सार्वजनिक नोटिस, जब तक इसके प्रतिकूल कोई विशेष उपबन्ध न हो, लिखित रूप में होगा और उन पर मुख्य नगराधिकारी अथवा उसे देने के लिए इस अधिनियम के अधीन अधिकृत किसी मुख्य नगराधिकारी के हस्ताक्षर होंगे तथा उससे प्रभावित होने वाले स्थानों (localities) में उसका प्रचार किया जायगा। यह प्रचार उक्त स्थान की प्रमुख सार्वजनिक जगहों पर नोटिस की प्रतियाँ चिपका कर अथवा ढुग्गी पिटवाकर, अथवा स्थानीय समाचार-पत्रों में उसका विज्ञापन देकर अथवा [1][निगम] के बुलेटिन में उसे प्रकाशित करा कर, अथवा इनमें से किन्हीं दो या दो से अधिक साधनों द्वारा अथवा अन्य किन्हीं साधनों द्वारा, जिन्हें मुख्य नगराधिकारी उचित समझे, किया जायगा।

552. विज्ञापन किस प्रकार किया जायगा–जब कभी इस अधिनियम द्वारा अथवा इसके अधीन यह व्यवस्था हो कि नोटिस स्थानीय समाचार-पत्रों में विज्ञापन द्वारा दिया जायगा अथवा यह कि कोई विज्ञप्ति अथवा सूचना स्थानीय समाचार-पत्रों में प्रकाशित की जायगी, तो यदि व्यावहारिक हो, ऐसी नोटिस, विज्ञप्ति अथवा सूचना नगर में प्रकाशित होने वाले अथवा नगर में आने वाले कम से कम दो समाचार-पत्रों में ऐसी भाषा अथवा भाषाओं में विज्ञापित की जायगी, जिन्हें [1][निगम] समय-समय पर एतदर्थ निर्दिष्ट करे:

किन्तु प्रतिबन्ध यह है कि यदि [1][निगम] अपना कोई बुलेटिन निकालती है, तो [1][निगम] के बुलेटिन के दो लगातार प्रकाशित अंकों में उक्त नोटिस का प्रकाशन इस धारा के प्रयोजनों के लिए पर्याप्त समझा जायगा।

553. [1][निगम] आदि द्वारा लिखित लेखों में सहमति आदि का दिया जाना–(1) जब कभी इस अधिनियम, किसी नियम, उपनियम, विनियम अथवा आज्ञा के अधीन किसी कार्य का करना, न करना अथवा किसी कार्य की वैधता–

(क) [1][निगम], कार्यकारिणी समिति अथवा अन्य किसी पदाधिकारी;

(ख) मुख्य नगराधिकारी अथवा किसी [1][निगम] पदाधिकारी;

की सम्मति, स्वीकृति, अनुमोदन, सहमति, पुष्टीकरण, घोषणा, राय अथवा समाधान पर निर्भर करती हो तो, उपधारा (2) में उपबंधित रीति से हस्ताक्षर किया हुआ कोई लिखित लेख्य जिसका उद्देश्य ऐसी सम्मति, स्वीकृति, अनुमोदन, सहमति, पुष्टीकरण, घोषणा, राय या समाधान को ज्ञापित करना अथवा उसकी सूचना देना हो, ऐसी सम्मति, स्वीकृति, अनुमोदन, सहमति, पुष्टीकरण, घोषणा, राय या समाधान का पर्याप्त साक्ष्य होगा।

(2) उपधारा (1) में निर्दिष्ट लिखित लेख्य पर जब तक कि इस अधिनियम द्वारा अथवा इसके अधीन अन्यथा व्यवस्था न की गई हो:

(क) यदि संबद्ध प्राधिकारी, [1][निगम], कार्यकारिणी समिति अथवा अन्य कोई समिति हो, तो ऐसे प्राधिकारी की ओर से मुख्य नगराधिकारी;

(ख) यदि सम्बद्ध प्राधिकारी, मुख्य नगराधिकारी अथवा कोई [1][निगम] पदाधिकारी हो तो यथास्थिति, मुख्य नगराधिकारी अथवा ऐसा [1][निगम] पदाधिकारी; हस्ताक्षर करेंगे।

नोटिसों, आदि की तामील

554. नोटिस और उनकी तामील–(1) नोटिस, बिल, अनुसूचियाँ, आह्वान तथा अन्य ऐसे लेख्य, जिन्हें इस अधिनियम अथवा अन्य किसी विनियम या उपविधि द्वारा किसी व्यक्ति पर तामील कराना, उसके लिए जारी करना, उसे प्रस्तुत करना अथवा देना अपेक्षित हो, [1][निगम] के पदाधिकारियों अथवा कर्मचारियों द्वारा अथवा ऐसे अन्य व्यक्तियों द्वारा जिन्हें मुख्य नगराधिकारी एतदर्थ प्राधिकृत करे, तामील किये जायेंगे, प्रस्तुत किये जायेंगे अथवा दिये जायेंगे।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "नगरपालिका" के स्थान पर रख गया

(2) धारा 542, 543 और 544 के उपबन्ध आवश्यक परिवर्तनों सहित उपधारा (1) के अधीन उपविधि के परिष्कार या संहरण पर लागू होंगे ।

547. राज्य सरकार उपविधियों को परिष्कृत या निरस्त कर सकती है–(1) यदि राज्य सरकार को किसी भी समय यह प्रतीत हो कि किसी उपविधि को पूर्णतः या अंशतः परिष्कृत या निरस्त किया जाना चाहिए, तो वह अपने ऐसे मत के कारण [1][निगम] को सूचित करेगी और एक उपयुक्त अवधि विहित करेगी, जिसके भीतर उसके सम्बन्ध में [1][निगम] कोई ऐसा अभ्यावेदन कर सकेगी, जिसे वह उचित समझे ।

(2) ऐसे किसी अभ्यावेदन के प्राप्त होने और उस पर विचार करने के पश्चात् या यदि उस समय के भीतर कोई अभ्यावेदन प्राप्त न हुआ हो तो विहित अवधि के समाप्त होने के पश्चात् राज्य सरकार किसी भी समय सरकारी गजट में विज्ञप्ति द्वारा उक्त उपविधि को पूर्णतः या अंशतः परिष्कृत या निरस्त कर सकती है ।

(3) उपधारा (2) के अधीन किसी उपविधि का परिष्कार या निरसन उस दिनांक से, जिसे राज्य सरकार उक्त विज्ञप्ति में निर्दिष्ट करे या यदि कोई ऐसा दिनांक निर्दिष्ट न किया जाय तो विज्ञप्ति के सरकारी गजट में प्रकाशित होने के दिनांक से प्रभावी होगा, सिवाय किसी ऐसी बात के सम्बन्ध में, जो उक्त दिनांक के पूर्व की गयी हो, करने दी गयी हो या न की गयी हो ।

(4) उक्त विज्ञप्ति [1][निगम] की बुलेटिन में भी, यदि कोई हो, प्रकाशित की जायगी ।

548. विनियम–(1) कार्यकारिणी-समिति समय-समय पर निम्नलिखित नियम के संबंध में ऐसे विनियम बनायेगी, जो इस अधिनियम और नियमों तथा उपविधियों से असंगत न हों, किन्तु जो [1][निगम] द्वारा पारित किसी संकल्प के अनुकूल हों–

(क) किसी ऐसे [1][निगम] के पदाधिकारी या कर्मचारी द्वारा जिससे प्रतिभूति माँगना इष्टकर समझा जाय, दी जाने वाली प्रतिभूति की धनराशि और उसका प्रकार निश्चित करना;

(ख) [1][निगम] के पदाधिकारियों और कर्मचारियों को छुट्टी का दिया जाना विनियमित करना;

(ग) उक्त किन्हीं पदाधिकारियों और कर्मचारियों के छुट्टी पर अनुपस्थित रहने की अवधि में उनके स्थान पर कार्य के लिए नियुक्त किये गये व्यक्तियों को दिया जाने वाला पारिश्रमिक निर्धारित करना;

(घ) उक्त पदाधिकारियों और कर्मचारियों को यात्रा या सवारी भत्ते के भुगतान को प्राधिकृत करना;

(ङ) उक्त सभी पदाधिकारियों और कर्मचारियों की सेवा की अवधि विनियमित करना;

(च) उन शर्तों को, जिनके अधीन उक्त पदाधिकारी और कर्मचारी या उनमें से कोई भी पदाधिकारी या कर्मचारी सेवा-निवृत्त या सेवा-मुक्त (discharge) होने पर, निवृत्ति वेतन, उपादान का कारणम अधिदेय प्राप्त करेगा और जिनके अधीन उत्तरजीवी पति/पत्नी और बच्चे तथा उत्तरजीवी पति/पत्नी और बच्चों की अनुपस्थिति में, उक्त पदाधिकारियों और कर्मचारियों में से किसी पदाधिकारी या कर्मचारी पर आश्रित उनके माता-पिता, भाई और बहन यदि कोई हों, उनकी मृत्यु के पश्चात् कारणम् अधिदेय प्राप्त करेंगे और ऐसे निवृत्ति-वेतन, उपादान या कारणम अंशदेय की धनराशि निर्धारित करना;

(छ) कतिपय विहित दशों से तथा कतिपय विहित शर्तों के अधीन रहते हुए, किसी ऐसे निवृत्ति-वेतन या भविष्य-निधि में, जो कार्यकारिणी-समिति की स्वीकृति से उक्त पदाधिकारियों और कर्मचारियों द्वारा स्थापित की जाय या ऐसी परिषद् निधि में, यदि कोई हो, जो [1][निगम] द्वारा उक्त पदाधिकारियों और कर्मचारियों के सम्बन्ध स्थापित की जाय, अंशदानों के भुगतान को प्राधिकृत करना;

(ज) वे शर्तें जिनके अधीन और वह प्राधिकारी जिसके द्वारा किसी पदाधिकारी या कर्मचारी को जब वह कर्तव्यरत हो या छुट्टी पर हो, किसी व्यक्ति या निजी संस्था या किसी सार्वजनिक संस्था, जिसके अन्तर्गत स्थानीय प्राधिकारी भी सम्मिलित है, के लिए या सरकार के लिए कोई निर्दिष्ट सेवा या वैज्ञानिक सेवाएँ सम्पादित करने और उसके लिए पारिश्रमिक प्राप्त करने की अनुमति दी जा सकती है, विहित करना;

(झ) सामान्यतया उक्त पदाधिकारियों और कर्मचारियों की सेवा की किन्हीं अन्य शर्तों को विहित करना;

(2) कार्यकारिणी समिति, समय-समय पर निम्नलिखित के संबंध में ऐसे विनियम भी बना सकती है जो इस अधिनियम और नियमों के उपबन्धों से असंगत न हों–

(क) मनुष्यों के रहने के प्रयोजनार्थ भवनों की उपयुक्तता के स्तरों को निर्धारित करना;

(ख) उन व्ययों की योजना को विनियमित करना, जो किसी भवन या भूमि के लिए सम्पत्ति किये गये सामानों या संस्थापनों, अथवा उसमें उस पर, या उसके संबंध में सम्पादित किये गये निर्माण-कार्य या किये गये काम के संबंध में मुख्य अग्निशमक द्वारा इस अधिनियम और नियमों के उपबन्धों के अधीन किये गये हों और जो विकास-व्यय के रूप में उसके स्वामी या अध्यासी से वसूल किये जा सकते हों;

(ग) धारा 335 के अधीन प्रचलित घोषणा-पत्र में निर्दिष्ट किन्हीं सड़कों, सड़कों के भाग या स्थानों में विशेष प्रयोजनों के हेतु अधिप्रेत दुकानों, गोदामों, फैक्टरियों, कुटियों तथा भवनों के निर्माण के लिए मुख्य नगराधिकारी द्वारा दी जाने वाली अनुमति को विनियमित करना ।

(3) उपधारा (1) या उपधारा (2) के खंड (क) के अधीन कोई भी विनियम तब तक प्रभावी न होगा जब तक कि उसकी पुष्टि [1][निगम] द्वारा न कर दी गई हो और यदि वह उपधारा (1) के खंड (ज) के अधीन बनाया गया हो तो जब तक कि उसकी पुष्टि राज्य सरकार द्वारा भी न कर दी गई हो और दोनों दशाओं में जब तक कि वह सरकारी गजट में प्रकाशित न कर दिया गया हो ।

(4) [1][निगम] या राज्य सरकार उपधारा (3) के अधीन उसके समक्ष रखे गये किसी विनियम को पुष्ट करने से इंकार कर सकती है या उसे परिष्कार सहित अथवा ऐसे परिष्कार के साथ जिसे वह उचित समझे पुष्ट कर सकती है ।

टिप्पणियाँ

उद्देश्य–यह धारा कार्यपालिका अधिकारी को ऐसे विनियम बनाने के लिए समर्थ करती है जो कि नियम के नियमों तथा उप-विधियों से असंगत न हों । विनियम ऐसे प्राधिकारियों द्वारा बनाये जायँगे जिन्हें कानून द्वारा प्रदत्त किये गये ऐसे अधिकार प्राप्त हों [डा० ब्र० राज्य बनाम मुंशी आलें, ए० आई० आर० 1961 इला० 477] ।

कार्यपालिका अधिकारी की अनुपस्थिति–अप्राधिकृत निर्माण के सम्बन्ध में कार्यपालिका अधिकारी द्वारा परिवाद दाखिल किया गया और सुनवाई की तारीख पर कार्यपालिका अधिकारी अनुपस्थित था, तो उच्च न्यायालय ने यह धारण किया कि परिवादी को

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित

(33) मृत पशुओं के शरीरों से चमड़ा निकालने और उन्हें काटने के निमित्त किसी स्थान के प्रयोग को विनियमित करना;

(34) जन्म और मरण के पूर्ण और यथार्थ पंजीयन को सुविधाजनक बनाना और सुनिश्चित करना;

(35) विवाहों का पंजीयन;

(36) [1][निगम] में निहित या उसके नियंत्रण के अधीनस्थ सार्वजनिक बाजारों, उद्यानों, मोटर गाड़ी, आदि खड़ा करने के सार्वजनिक स्थानों तथा खुले मैदानों की क्षति या दुरुपयोग से रक्षा करना, उनके प्रबन्ध और उस रीति को विनियमित करना, जिससे ये जनता द्वारा प्रयुक्त किये जा सकते हों तथा वहाँ के लोगों के उचित व्यवहार की व्यवस्था करना;

(37) किसी ऐसी सड़क, पगडंडी, स्थान, जिसे प्रयोग करने या जिसमें आने-जाने का सर्वसाधारण को अधिकार हो, से लगी हुई भूमि या भूगृहादि पर मेड़ लगाने के लिए कटिदार या अन्य सामग्री के प्रयोग को विनियमित करना;

(38) चिथड़ों, हड्डियों या पुराने कपड़ों, बिस्तरों तथा इसी प्रकार की अन्य वस्तुओं के व्यापार को विनियमित करना, जिसके अन्तर्गत किसी ऐसी वस्तु के आयात के समय या उसके हटाये जाने, बिक्री या बिक्री के लिए प्रदर्शित किये जाने या किसी उत्पादन क्रिया में प्रयोग किये जाने के पूर्व उसे कीटशोधित करने के उपाय भी सम्मिलित हैं;

(39) नगर में मेलों के आयोजन और औद्योगिक प्रदर्शनियों को विनियमित करना;

(40) नगर के किसी निर्दिष्ट भाग में ज्वलनशील वस्तुएं एकत्रित करना और आग जलाने को विनियमित और प्रतिषिद्ध करना;

(41) इस अधिनियम के द्वारा अथवा अधीन अनुज्ञप्ति स्वीकृत अथवा अनुज्ञा प्रदान करने के लिये शुल्क निश्चित करना;

(42) किसी [1][निगम] के प्राधिकारी द्वारा की गयी सेवाओं के लिये शुल्क विनियमित करना;

(43) [1][निगम] के अस्पतालों, औषधालयों, आरोग्यशालाओं, गृहों और इसी प्रकार की संस्थाओं में जनता के प्रवेश और जनता द्वारा उनके प्रयोग को और उसके सम्बन्ध में लिये जाने वाले शुल्क को विनियमित करना;

(44) [1][निगम] की सम्पत्ति की रक्षा;

(45) [1][निगम] के अभिलेखों का जनता द्वारा किये जाने वाले निरीक्षण और ऐसे निरीक्षण की अनुमति देने के पूर्व लिए जाने वाले शुल्कों का विनियमन;

(46) [1][निगम] के अभिलेखों के उद्धरणों की प्रमाणित प्रतिलिपियाँ या उद्धरण दिये जाने और उनके लिये जाने वाले शुल्कों को विनियमित करना;

(47) नगर में भवनों और भूमियों के ऐसे स्वामियों द्वारा, जो उस नगर में निवास न करते हों, इस अधिनियम या नियमों, विनियमों या उपविधियों के सभी या किसी प्रयोजन के लिए स्वामी की ओर से कार्य करने के निमित्त उक्त नगर में या उसके निकट रहने वाले अभिकर्त्ताओं की नियुक्ति को विनियमित करना;

(48) विज्ञापनों का प्रतिषेध, विनियमन और अधिप्रायों को कार्यान्वित करना;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

[1][(48-क) मिट्टी के बर्तन बनाने के व्यवसाय में परम्परागत रूप से जुड़े हुये व्यक्तियों को भूमि के आवंटन के लिये व्यवस्था और रीति;

स्पष्टीकरण—किसी व्यक्ति को ऐसे व्यवसाय में परम्परागत रूप से जुड़ा हुआ समझा जायगा यदि वह व्यक्तियों के ऐसे वर्ग का हो जैसा कि राज्य सरकार द्वारा इस रूप में अधिसूचित किया जाय।]

(49) सामान्यतया इस अधिनियम के उपबन्धों और अभिप्रायों को कार्यान्वित करना।

542. मुख्य नगराधिकारी उपविधियों के पांडुलेख को [2][निगम] के समक्ष विचारार्थ रखेगा—मुख्य नगराधिकारी का यह कर्तव्य होगा कि वह समय-समय पर [2][निगम] के समक्ष विचारार्थ किसी ऐसी उपविधि का पांडुलेख, जिसे वह इस अधिनियम के किसी प्रयोजनों को आगे बढ़ाने के लिए आवश्यक और वांछनीय समझे।

543. प्रस्तावित उपविधियों के सम्बन्ध में की गई आपत्तियों की [3][निगम] द्वारा सुनवाई—[3][निगम] द्वारा कोई भी उपविधि न बनायी जायगी, जब तक कि—

(क) नोटिस में निर्दिष्ट किये जाने वाले दिनांक को या उसके पश्चात् ऐसी उपविधि पर विचार किये जाने के [3][निगम] के अभिप्राय का नोटिस, उस दिनांक के पूर्व सरकारी गजट और [3][निगम] की बुलेटिन, यदि कोई हो, में न दे दिया गया हो;

(ख) ऐसी उपविधि की एक मुद्रित प्रति [3][निगम] के मुख्य कार्यालय में न रख दी गई हो और किसी व्यक्ति द्वारा, जो खंड (क) के अधीन दिये गये नोटिस के दिनांक के बाद किसी उचित समय में उसे पढ़ना चाहता हो, सार्वजनिक रूप से निःशुल्क निरीक्षण किये जाने के लिए उपलब्ध न करा दी गई हो;

(ग) ऐसी उपविधि की मुद्रित प्रतियाँ किसी ऐसे व्यक्ति को, जिसे उनकी आवश्यकता हो, प्रत्येक प्रति के लिए ऐसा शुल्क भुगतान करने पर, जो मुख्य नगराधिकारी द्वारा निश्चित किया जायगा, न दे दी गई हो;

(घ) खंड (क) के अधीन दिये गये नोटिस के दिनांक के पूर्व उस उपविधि के सम्बन्ध में किसी व्यक्ति द्वारा की गई सभी लिखित आपत्तियों और सुझावों के सम्बन्ध में [3][निगम] ने विचार न कर लिया हो।

[3][**544. उपविधियों को प्रकाशित किया जाना**—धारा 541 के अधीन बनाई गई उपविधियाँ सरकारी गजट में प्रकाशित की जायेंगी।]

545. उपविधि की मुद्रित प्रतियाँ बिक्री के लिए रखी जायेंगी—(1) मुख्य नगराधिकारी समय-समय पर प्रचलित सभी उपविधियों की मुद्रित करायेगा और उनकी मुद्रित प्रतियाँ किसी भी व्यक्ति को, जिसे उनकी आवश्यकता हो, प्रत्येक प्रति के लिए ऐसा शुल्क देने पर, जिसे मुख्य नगराधिकारी निश्चित करे, दिलायेगा।

(2) तत्समय प्रचलित उपविधियों की मुद्रित प्रतियाँ सर्वसाधारण के निरीक्षणार्थ [3][निगम] के कार्यालय के ऐसे भाग में, जहाँ सर्वसाधारण को आने-जाने का अधिकार हो तथा सार्वजनिक आहरण-स्थान, बाजार, वाचनालयों या उससे प्रभावित होने वाले अन्य निर्माण-कार्य या स्थान जैसे अन्य स्थानों में, यदि कोई हों, जिन्हें वह उचित समझे, रखी जायेंगी और मुख्य नगराधिकारी उक्त प्रतियों के स्थान पर समय-समय पर नयी प्रतियाँ रखेगा।

546. [3][निगम] द्वारा उपविधियों का परिष्कार और खंडन—[3][निगम] अपनी बनाई हुई किसी उपविधि को परिष्कृत या खंडित कर सकती है।

1. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा अन्तःस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 26 सन् 1995 द्वारा प्रतिस्थापित

(5) वह रीति, निरीक्षण, अधिकरण शर्तें एवं निर्बन्धन विनियमित करना जिसमें, जिसके अन्तर्गत, जिसके द्वारा और जिनके अधीन विशेष श्रेणियों के भवनों के निर्माण अथवा पुनर्निर्माण का कार्य अथवा धारा 317 में वर्णित कोई कार्य किया जायगा;

(6) सुदृढ़ बनाने और अग्निकांड से बचाव तथा आग लगने की दशा में गृहवासियों की सुरक्षा तथा स्वास्थ्य के प्रयोजनार्थ या तो सामान्यतः या निर्माण-कार्य के प्रकार और उसके अभिप्रेत प्रयोग की दृष्टि से दीवालों, नींवों, छतों और चिमनियों का ढाँचा, जोनों की संख्या, चौड़ाई और स्थिति, बरामदों और रास्तों की चौड़ाई, फर्श, सीढ़ियों और छोटे-छोटे सभी टुकड़े, गार्डरों, खम्भों तथा भवन-स्तम्भों की सामग्री, आकार और मजबूती;

(7) कार्य करने वालों और सामान्य जनता की सुरक्षा को सुनिश्चित करने के निमित्त भवन-निर्माण के प्रयोजनार्थ पाड़ों का निर्माण;

(8) भवनों के पर्याप्त संवीजन के लिए वायु के निर्बाध संचार तथा अन्य साधनों को सुनिश्चित करने के उद्देश्य से भवनों के निकट पर्याप्त खुली जगह, चाहे वह बाहर हो या भीतर, की व्यवस्था करना तथा उसका संधारण;

(9) भवनों में पहुँचने के लिए उपयुक्त साधनों की व्यवस्था और उनका संधारण तथा उनमें अतिक्रमण का निवारण;

(10) गृहपथों और सेवा-मार्गों की व्यवस्था और उनका संधारण;

(11) उन शर्तों को विनियमित करना, जिनके अधीन ढाँचे के भवन बनाये जा सकते हैं;

(12) भवन-निर्माण स्थल के रूप में भूमि के प्रयोग को विनियमित करना, ऐसे स्थलों का न्यूनतम आकार, सामान्यतः अथवा निर्दिष्ट क्षेत्रों के लिए विहित करना, और निर्दिष्ट स्थानों में, निर्दिष्ट सड़कों या सड़कों की श्रेणियों पर सभी या विशेष श्रेणियों के भवनों के लिए यह विहित करना कि सड़क के पार्श्व से वे कितने पीछे रहेंगे;

(13) सामान्यतः तथा उन सामानों की दृष्टि से, जिससे वे बनाये जायँ या उन सड़कों की चौड़ाई की दृष्टि से, जिनकी ओर उनका सामने का भाग पड़ता हो, अथवा उन क्षेत्रों की दृष्टि से, जिनमें वे स्थित हों या उस प्रयोजन की दृष्टि से, जिसके लिए उनका प्रयोग अभिप्रेत हो, ढाँचों की ऊँचाई को विनियमित करना;

(14) भूमि के ऊपर, या अगली-निचली मंजिल के ऊपर भवन में बनाये जाने वाले मंजिल की संख्या और ऊँचाई को विनियमित करना;

(15) धारा 329 के अधीन अपेक्षित समाप्ति के प्रमाण-पत्रों का प्रपत्र, वह रीति जिससे तथा वह व्यक्ति जिसके द्वारा उस पर हस्ताक्षर किया जायगा, विहित करना;

(16) कालान्तरों, जिन पर रीति जिससे तथा व्यक्ति जिनके द्वारा धारा 330 के अधीन भवन का समय-समय पर निरीक्षण किया जायगा, विनियमित करना;

(17) [1][निगम] में विहित तथा समाज के निर्धन वर्गों के लिए अभिप्रेत निवास-गृहों (dwelling) के प्रबन्ध, संधारण, नियंत्रण तथा प्रयोग को विनियमित करना;

(18) अनुज्ञप्ति, भू-मापकों, वास्तुशास्त्रियों, अभियंताओं, ढाँचा-निर्माताओं, निर्माण-लिपिकों और नल-मिस्त्रियों के लिए अर्हताएँ और अनुभव विहित करना;

(19) किसी ऐसे विवरण की दृष्टि से जिसकी इस अधिनियम में स्पष्ट रूप से व्यवस्था न की गई हो, सफाई, संरक्षण और स्वच्छता का और कृन्तकों (rodents) तथा अन्य को नुकसान

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

पहुँचाने वाले अन्य कीड़े-मकोड़ों के विनाश, मच्छरों, मक्खियों तथा अन्य कृमियों (pests) के विरुद्ध रोकथाम तथा औषधीय उपायों का विनियमन;

(20) धारा 434 में उल्लिखित किन्हीं प्रयोजनों के लिए प्रयुक्त सभी भू-गृहादि और उस किये जाने वाले सभी व्यापारों और उत्पादनों का नियंत्रण तथा निरीक्षण तथा ऐसे किसी भू-गृहादि के निर्माण, आकार, संवीजन, प्रकाश, सफाई, जलोत्सारण तथा जल-संभरण को विहित तथा विनियमित करना;

(21) दूध देने वाले पशुओं का निरीक्षण तथा पशुशालाओं और दुग्धशालाओं के निर्माण, आकार, संवीजन, प्रकाश, सफाई, जलोत्सारण तथा जल-संभरण को विहित और विनियमित करना;

(22) दूध के भंडारों, दूध की दुकानों तथा ग्वालों या दूध बेचने वालों द्वारा दूध रखने के प्रयोजनार्थ प्रयोग किये जाने वाले दुग्ध-भांडों की स्वच्छता को सुनिश्चित करना;

(23) नगर में दूध की बिक्री को विनियमित करना, दूध को दूषित होने से बचाना और दूषित दूध की बिक्री की रोक-थाम करना;

(24) जब दूध देने वाला कोई पशु किसी सांसर्गिक रोग से ग्रस्त हो जाय तो उस दशा में नोटिस दिये जाने का आदेश देना तथा दूध देने वाले पशुओं और दूध को संक्रमित या दूषित होने से बचाने के लिए पूर्वोपाय विहित करना;

(25) पशुओं में ऐसी बीमारी के फैलने की दशा में, जो मनुष्यों को भी लग सकती है, किये जाने वाले उपायों तथा ऐसी सूचनाएँ देने के कार्यों को विनियमित करना, जो उन उपायों के सम्पन्न करने में सुविधा प्रदान करें;

(26) बाजारों, वधशालाओं और ऐसी दुकानों के कुशल निरीक्षण को सुनिश्चित करना, जिसमें मानव-भोजन के लिए अभिप्रेत वस्तुएँ रखी या बेची जाती हों;

(27) नगर के भीतर या नगर के बाहर किसी [1][निगम] वधशाला में कारबार करने वाले कसाइयों का नियंत्रण और पर्यवेक्षण;

(28) [1][निगम] के बाजार के किसी भवन, बाजार-स्थल या वधशाला या किसी भाग के प्रयोग को विनियमित करना;

(29) बाजारों और वधशालाओं की सफाई की स्थिति को निर्धारित और विनियमित करना और उसमें निर्दयता के प्रयोग का निवारण करना;

(30) धारा 183 के अधीन कर-निर्धारण से मुक्त ठेलों से भिन्न हाथ से चलाये जाने वाले ठेलों को अनुज्ञप्त करना और किसी ठेले का अभिग्रहण करना और उसे निरुद्ध करना, जो यथावत् अनुज्ञप्त न हो;

(31) किसी ऐसे संक्रामक रोग, महामारी या स्थानिक प्रकार के ऐसे रोगों की घटनाओं के सम्बन्ध में जो भयानक न हों, ऐसा नोटिस दिये जाने का आदेश देना, जो निर्दिष्ट किया जाय तथा किसी ऐसे रोग से ग्रस्त व्यक्ति या उस व्यक्ति द्वारा ऐसे रोग के संक्रमण की आशंका हो सकती हो, किये जाने वाले पूर्वोपायों को विहित करना;

(32) समाज के विभिन्न वर्गों की धार्मिक प्रथाओं का उचित ध्यान रखते हुए मृतकों के विस्तारण को तथा मृतकों के विस्तारण के समस्त स्थानों की अच्छी, स्वच्छ तथा सुरक्षित दशा में संधारित किया जाना, विनियमित करना;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

अध्याय 22
निदेशन

531. राज्य सरकार का कार्यवाहियों,इत्यादि से अकारण मांगने का अधिकार–(1) राज्य सरकार किसी भी समय [1][निगम] को यह आदेश दे सकती है कि उसे [1][निगम], कार्यकारिणी-समिति अथवा इस अधिनियम के अधीन निर्मित किसी अन्य समिति को किसी कार्यवाही से या [1][निगम] के नियन्त्रणाधीन किसी अभिलेख से कोई अवतरण और इस अधिनियम के प्रशासन से सम्बद्ध या संभवतः कोई अवतरण और इस अधिनियम के प्रशासन से सम्बद्ध या संभवतः आँकड़े प्रस्तुत करे, और [1][निगम] उसे बिना अनुचित विलम्ब के प्रस्तुत करेगी ।

(2) राज्य सरकार किसी भी समय मुख्य नगराधिकारी को यह आदेश दे सकती है कि वह इस अधिनियम के कार्यपालिक प्रशासन से सम्बद्ध या संभवतः कोई सूचना, प्रतिवेदन, स्पष्टीकरण या आँकड़े प्रस्तुत करे और मुख्य नगराधिकारी यथास्थिति बिना अनुचित विलम्ब के उन्हें प्रस्तुत करेगा ।

532. राज्य सरकार का निरीक्षण करने का अधिकार–राज्य सरकार [1][निगम] के किसी विभाग, कार्यालय, सेवा-कार्य अथवा वस्तु का निरीक्षण अथवा परीक्षण करने और उस पर प्रतिवेदन देने के लिए किसी पदाधिकारी को प्रतिनियुक्त कर सकती है और इस प्रकार प्रतिनियुक्त पदाधिकारी ऐसे निरीक्षण अथवा परीक्षण के प्रयोजनों के लिए उन समस्त अधिकारों का प्रयोग कर सकता है जो धारा 531 के अधीन सरकार को प्राप्त है ।

533. राज्य सरकार के कार्यवाही करने के सम्बन्ध में निदेश देने के अधिकार–यदि धारा 531 अथवा 532 के अधीन कोई सूचना अथवा प्रतिवेदन प्राप्त होने पर अथवा अन्यथा राज्य सरकार की यह राय हो कि–

(क) इस अधिनियम द्वारा अथवा इसके अन्तर्गत किसी [1][निगम] के प्राधिकारी पर आरोपित किसी कर्तव्य का पालन नहीं किया गया है या अपूर्ण, अकुशल अथवा अनुपयुक्त रीति से उसका पालन किया गया है,

(ख) उक्त किसी कर्तव्य के पालन के लिए पर्याप्त वित्तीय व्यवस्था नहीं की गयी है, तो राज्य सरकार आज्ञा द्वारा [1][निगम] अथवा मुख्य नगराधिकारी को आदेश दे सकती है कि वह उक्त आज्ञा में निर्दिष्ट अवधि के भीतर यथास्थिति कर्तव्य का उचित प्रकार से पालन करने के लिए उसके ह्रासोन्मुखी हिस्से व्यवस्था करे अथवा कर्तव्य पालन करने के लिए उसके ह्रासोन्मुखी वित्तीय व्यवस्था करे:

किंतु प्रतिबन्ध यह है कि जब तक ऐसे कारणों के आधार पर, जो अभिलिखित किये जायेंगे, राज्य सरकार की राय में ऐसी आज्ञा का तात्कालिक निष्पादन आवश्यक न हो, राज्य सरकार इस धारा के अधीन कोई आज्ञा देने के पूर्व [1][निगम] को यह कारण बताने का अवसर देगी कि ऐसी आज्ञा क्यों न दी जाय ।

534. राज्य सरकार का [1][निगम] के चुका करने पर कार्यवाही करने के लिए किसी व्यक्ति को [1][निगम] के खर्च से नियुक्त करने का अधिकार–यदि धारा 533 के अधीन प्रदत्त किसी आज्ञा द्वारा निर्दिष्ट अवधि के भीतर इस धारा के अधीन अपेक्षित कोई कार्यवाही यथावत् नहीं की गई है तो राज्य सरकार आज्ञा द्वारा–

(क) इस प्रकार अपेक्षित कार्यवाही करने के लिए किसी व्यक्ति को नियुक्त कर सकती है,

(ख) उसे दिये जाने के लिए पारिश्रमिक निश्चित कर सकती है; और

(ग) यह आदेश दे सकती है कि ऐसा पारिश्रमिक और ऐसी कार्यवाही करने में होने वाला व्यय [1][निगम] निधि से पूरा किया जायगा और यदि आवश्यक हो, तो अध्याय 9 के अधीन प्राधिकृत कोई एक या एकाधिक कर लगायी जायँगी, अथवा बढ़ाये जायँगे, किन्तु इस प्रकार नहीं कि वे उस भाग द्वारा विहित अधिकतम सीमा से बढ़ जायँ ।

(2) उपर्युक्त रूप से अपेक्षित कार्यवाही करने के प्रयोजन के लिए उपधारा (1) के अधीन नियुक्त व्यक्ति को ऐसे संविदाओं को, जो अत्यावश्यक हों, करने का अधिकार होगा और वह इस अधिनियम द्वारा अथवा उसके अधीन किसी [1][निगम] प्राधिकारी को प्रदत्त और उपधारा (1) के अधीन प्रकाशित आज्ञा में स्पष्टतः निर्दिष्ट किसी अधिकार का प्रयोग कर सकता है तथा उसे इस अधिनियम के अधीन उसी प्रकार संरक्षण का अधिकार प्राप्त होगा मानो वह [1][निगम] का प्राधिकारी हो ।

(3) राज्य सरकार उक्त कार्यों में से किसी कार्य को लगाने अथवा बढ़ाने का आदेश देने के अतिरिक्त या उसके बदले में निर्देशित द्वारा यह आदेश दे सकती है कि कोई धनराशि जो उसकी राय में उसकी आज्ञाओं को प्रभावी बनाने के लिए अपेक्षित हो, ब्याज की ऐसी दर से और उक्त करों में से सभी अथवा किसी कर की प्रतिभूति पर ऋण-पत्र द्वारा भुगतान की अवधि और अन्य प्रकार की ऐसी शर्तों पर, जिन्हें में निर्दिष्ट की जाय, उधार ली जाय ।

(4) धारा 136 से लेकर 170 तक के उपबन्ध जहाँ तक संभव होगा, इस धारा के अनुसार लिये गये ऋण पर लागू होंगे ।

535. आपात के समय राज्य सरकार के अधिकार–(1) आपात की दशा में राज्य सरकार किसी ऐसे निर्माण-कार्य के ऐसे अधिकरण द्वारा तथा ऐसी रीति से जो वह अपनी आज्ञा में नियत करे, निष्पादन की अथवा मुख्य नगराधिकारी, [1][निगम] या कार्यकारिणी समिति की स्वीकृति से अथवा उसके बिना निष्पादित करने या इस कार्य के करने का अधिकार रखती हो और उसकी राय में जिसका तात्कालिक निष्पादन अथवा किया जाना जनता की सुरक्षा अथवा संरक्षण के लिए आवश्यक हो और यह आदेश दे सकती है कि निर्माण-कार्य को निष्पादित करने अथवा उस कार्य को करने का व्यय तुरन्त [1][निगम] द्वारा अदा किया जायगा ।

(2) यदि उक्त व्यय उपर्युक्त प्रकार से अदा न किया जाय तो राज्य सरकार एक आज्ञा दे सकती है जिसमें [1][निगम] निधि को अभिरक्षा में रखने वाले व्यक्ति को ऐसी निधि में से उक्त व्यय अदा करने का आदेश दिया जायगा ।

536. राज्य सरकार को संकल्पों की प्रतियाँ का प्रस्तुत किया जाना–मुख्य नगराधिकारी राज्य सरकार को और राज्य सरकार यदि ऐसा आदेश दे तो विहित प्राधिकारी को [1][निगम], कार्यकारिणी समिति, विकास समिति के और [1][निगम] की समितियों, कार्य कारिणी समिति, विकास समिति के और [1][निगम] की समितियों और संयुक्त समितियों तथा उपसमितियों के सभी संकल्पों की प्रतियाँ प्रस्तुत करेगा ।

537. राज्य सरकार का इस अधिनियम के अधीन कार्यवाही को निलम्बित करने का अधिकार–(1) यदि राज्य सरकार की यह राय हो कि [1][निगम] के अथवा [1][निगम] के किसी प्राधिकारी अथवा किसी अन्य समिति अथवा संयुक्त समिति अथवा उपसमिति अथवा [1][निगम] के किसी पदाधिकारी अथवा कर्मचारी (servants) के किसी संकल्प या आज्ञा के निष्पादन अथवा किसी ऐसे कार्य के करने से जो [1][निगम] द्वारा या उसकी ओर से किया जाने जाता हो या किया जा रहा हो, इस अधिनियम द्वारा प्राप्त अधिकारों अथवा तत्समय प्रवृत्त किसी अन्य विधि का उल्लंघन होगा या उसका अतिक्रमण होगा या वह ऐसे किसी अधिकार का दुरुपयोग करके पारित किया या दिया गया है या उसके द्वारा भंग होने या जनता या व्यक्तियों के किसी वर्ग अथवा संम्पत्ति को बाधा, क्षति अथवा परिभव (annoyance) पहुँचने या मानव-

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "सहायिका" के स्थान पर प्रतिस्थापित

अथवा देय होने वाले किराये में से [1][निगम] को इतनी धनराशि दे जिससे उक्त देय धनराशि का भुगतान किया जा सके ।

(2) ऐसा नोटिस उस किराये की कुर्की के समान प्रभावी होगा जब तक कि सम्पत्ति कार के रूप में देय धनराशि की अदायगी और भराई न हो जाय तथा अध्यासी को यह अधिकार होगा कि वह उक्त नोटिस के अनुसार अपने द्वारा [1][निगम] को दी गयी धनराशि उस व्यक्ति के किराये के हिसाब में से काट ले, जिसे यह देय हो ।

(3) पूर्वोक्त रूप से जारीकिये गये नोटिस के अनुसार यदि अध्यासी को यह आदेश दिये गये हों कि वह देय अथवा देय होने वाला किराया [1][निगम] को अदा करे और यह अध्यासी उक्त किराये की धनराशि को उसी प्रकार वसूल कर सकता है मानो वह धारा 504 के अधीन सम्पत्ति कर की कोई बकाया हो ।

517. यदि आवश्यक हो तो बाकीदारों पर बकाये के लिए वाद प्रस्तुत किया जा सकेगा—किसी बाकीदार के विरुद्ध अभिहरण, कुर्की और विक्रय, जिसकी इसके पूर्व व्यवस्था की गयी है, द्वारा कार्यवाही करने के बजाय अथवा यदि बाकीदार के विरुद्ध ऐसी कार्यवाही में कोई सफलता न मिली हो अथवा आंशिक सफलता मिली हो, तो कर के रूप में किसी बाकीदार द्वारा देय कोई धनराशि अथवा उसका कोई शेष भाग, जैसी भी स्थिति हो, सक्षम अधिकार क्षेत्र वाले किसी न्यायालय में वाद प्रस्तुत करके उससे वसूल किया जा सकता है ।

518. शुल्क व व्यय—

(क) धारा 506 के अधीन जारी किये गये प्रत्येक नोटिस का शुल्क,

(ख) धारा 509 के अधीन किया गया प्रत्येक अभिहरण का शुल्क, तथा

(ग) उक्त धारा के अधीन अभिगृहीत पशु-धन के रख-रखाव के व्यय,

राज्य सरकार द्वारा यादृच्छ बनाये गये नियमों में क्रमशः निर्दिष्ट दरों से वसूल किये जा सकेंगे तथा उन्हें धारा 507 के अधीन आदेय वसूली के व्ययों में सम्मिलित किया जायगा ।

519. अपवाद—इस अधिनियम के अधीन कोई भी अभिहरण, कुर्की या विक्रय अवैध नहीं समझा जायगा और न उसके अनुसार कार्य करने वाला व्यक्ति बिल, नोटिस, अभिहरण के वारण्ट, सूची या तत्सम्बन्धी कार्यवाही में कोई त्रुटि या कमी होने के कारण अनधिकार प्रवेश करने वाला ही समझा जायगा ।

520. ऐसे दावों की वसूली, जिनके सम्बन्ध में घोषणा की जा चुकी हो कि वे कर के रूप में वसूल किये जा सकते हैं—कोई [1][निगम] देय धनराशियाँ जिनके सम्बन्ध में इस अधिनियम या विधिपालिकी या उपविधियों द्वारा यह घोषणा की जा चुकी हो कि वह इस अध्याय में उपबन्धित रीति से वसूल किये जा सकते हैं, मुख्य नगराधिकारी द्वारा यथास्थिति धारा 504 से 514 तथा 516 से 519 तक के उपबन्धों के अनुसार उसी प्रकार वसूल की जायगी मानो वे कोई कर हों ।

521. कुछ धाराओं के अधीन मुख्य नगराधिकारी द्वारा सामानों के हटाये जाने के सम्बन्ध में व्ययों की वसूली—(1) मुख्य नगराधिकारी द्वारा, जो धारा 296 या धारा 302 की उपधारा (3) के अधीन कोई सामान हटवाने में या धारा 292 की उपधारा (2) या धारा 293 की उपधारा (3) या धारा 302 या धारा 305 की उपधारा (3) या धारा 306 की उपधारा (1) या धारा 331 के अधीन जारी किये गये लिखित नोटिस का अनुपालन न होने की दशा में, धारा 558 के अधीन किये गये व्यय तथा उपधारा (2) में निर्दिष्ट अन्य सभी व्यय और परिव्यय, यदि कोई हों, उपधारा (2) के उपबन्धों के अधीन रहते हुए, हटाये गये सामान की बिक्री से वसूल किये जा सकेंगे, तथा यदि ऐसे सामान की बिक्री से प्राप्त धन पर्याप्त न हो तो उस सामान का स्वामी शेष धन का भुगतान करेगा ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(2) यदि सामान हटाने का व्यय किसी ऐसे व्यक्ति से वसूल किया जाना है जिसे सामान की बिक्री से पहले अदा कर दिया जाना था तो मुख्य नगराधिकारी सामान को उसके मालिक को वापस कर देगा यदि उस सामान का स्वामी उसके बिक्री अथवा अन्य रूप से निस्तारित होने के पूर्व, तथा मुख्य नगराधिकारी द्वारा तद्धर्थ अथवा उसके अधिकृत विक्रय अथवा निस्तारण के सम्बन्ध में किये गये अन्य समस्त व्यय, यदि कोई हो, तथा अन्य ऐसे समस्त परिव्यय, यदि कोई हों, जिन्हें मुख्य नगराधिकारी सामान को जमा रखने के आशय लिखित करे, अदा करने के पश्चात् उस सामान को वापस लेने के सम्बन्ध में दावा करे ।

(3) यदि उपधारा (2) के अधीन सामान स्वामी को वापस न किया जाय तो मुख्य नगराधिकारी, उसे नीलाम द्वारा बेच देगा या अन्य ऐसी रीति से निस्तारित करेगा, जो वह उचित समझे :

किन्तु प्रतिबन्ध यह है कि यदि सामान शीघ्र नष्ट होने वाला है तो उसे तुरन्त बेचा या निस्तारित किया जा सकता है और यदि शीघ्र नष्ट होने वाला नहीं है तो उसके हटाये जाने के दिनांक से एक महीने के भीतर यथा सुविधा बेचा या निस्तारित किया जायगा, ऐसे सामान को हटाने का व्यय तथा उसे जमा रखने के परिव्यय, यदि कोई हों, इसी कोष में अदा कर दिये गये हों, या नहीं तथा विक्रय अथवा अन्य प्रकार के निस्तारण के व्यय और यदि आवश्यक हो, सामान हटाने का व्यय तथा उसे जमा रखने से सम्बद्ध परिव्यय काट लेने के बाद [1][निगम] निधि में जमा किया जायेगा तथा [1][निगम] की सम्पत्ति होगी ।

522. इस अधिनियम के अधीन वसूलने योग्य व्यय माँग करने पर देय होंगे और यदि माँग करने पर अदा न किये जायँ तो वे सम्पत्ति कर की बकाया की भाँति वसूल किये जायेंगे—(1) यदि इस अधिनियम, किसी नियम, विनियम अथवा उपविधि के अधीन मुख्य नगराधिकारी अथवा धारा 119 में यथादर्श अधिकृत किसी [1][निगम] पदाधिकारी द्वारा अथवा उसकी आज्ञा के अधीन कोई निर्णय-कार्य, कार्य या बात सम्पादित की गयी हो और उससे व्ययों का भुगतान किसी व्यक्ति द्वारा किया जाना हो तो माँग करने पर ऐसे व्यय देय होंगे ।

(2) यदि उक्त व्यय माँग करने पर अदा न किये जायँ तो इस धारा की उपधारा (4) तथा धारा 481 की उपधारा (3) के उपबन्धों के अधीन रहते हुए, मुख्य नगराधिकारी द्वारा बाकीदार की चल सम्पत्ति अभिहरण तथा बिक्री द्वारा या अचल सम्पत्ति या कुर्की और बिक्री द्वारा उसी प्रकार वसूल किये जा सकेंगे, मानो वे बाकीदार द्वारा सम्पत्ति कर हों ।

(3) मुख्य नगराधिकारी द्वारा उपधारा (1) के अधीन व्ययों के अधीन व्ययों के भुगतान की माँग करने पर यदि उसके इस प्रकार माँग करने के अधिकार या माँगी हुई धनराशि के सम्बन्ध में अथवा मुख्य नगराधिकारी द्वारा धारा 308 की उपधारा (2) के अधीन कोई अस्थायी कार्य सम्पादित करने की दशा में इस अस्थायी कार्य की आवश्यकता के सम्बन्ध में कोई विवाद खड़ा कर दिया जाय, तो मुख्य नगराधिकारी निर्णायन के लिए उसे न्यायाधीश के पास भेज देगा ।

(4) मुख्य नगराधिकारी न्यायाधीश का निर्णय होने तक अपने द्वारा अभिग्रहीत धनराशि की वसूली से सम्बद्ध आगे की कार्यवाहियों को रोक देगा, तथा निर्णय के परन्तुक, धारा 481 के उपबन्धों के अधीन रहते हुए, केवल ऐसी धनराशि, यदि कोई हो, वसूल करने के सम्बन्ध में कार्यवाही करेगा, जो निर्णय द्वारा देय धनराशि निर्धारित की जाय ।

523. यदि बाकीदार उस भू-सुधादि का स्वामी हो, जिसके सम्बन्ध में व्यय देय हो, तो अध्यासी भी उस व्यय का देनदार होगा—यदि धारा 522 में निर्दिष्ट व्यय किसी भवन या भूमि में अथवा पर, या उसके सम्बन्ध में सम्पादित किये गये किसी निर्माण-कार्य, या की गयी किसी बात के सम्बन्ध में या किसी

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

राज्य उस धनराशि के, जिसे वसूल किया जाना है, सम्पत्ति के मूल्य से बढ़ जाने की आशंका हो, तो मुख्य नगराधिकारी या अन्य ऐसा पदाधिकारी, जिसने वारन्ट पर हस्ताक्षर किये हों, उस व्यक्ति को, जिसके कब्जे में सम्पत्ति अभिग्रहीत की गयी थी, इस आशय का तुरन्त एक नोटिस देगा कि उसे फौरन बेच दिया जायगा और यदि वारन्ट में उल्लिखित धनराशि का तुरन्त भुगतान नहीं कर दिया जाता तो वह उसी तदनुसार बेच देगा।

(2) यदि उपधारा (1) के अधीन सम्पत्ति तुरन्त बेच नहीं दी जाती तो अभिग्रहीत सम्पत्ति अथवा उसका पर्याप्त भाग, वारन्ट को कार्यान्वित करने वाले पदाधिकारी द्वारा तामील किये गये नोटिस में निर्दिष्ट अवधि की समाप्ति पर, [1][निगम] की आज्ञा के अधीन सार्वजनिक नीलाम द्वारा बेच दिया जायगा जब तक कि उस व्यक्ति द्वारा जिसने वारन्ट पर हस्ताक्षर किये हों, वारन्ट निर्दिष्ट न कर दिया जाय या बाकीदार देय धन और नीलाम, वारन्ट, अभिग्रहण और सम्पत्ति के विक्रय के सम्बन्ध में हुए समस्त व्ययों का भुगतान न कर दे।

(3) अधिशेष, यदि कोई हो, तुरन्त ही [1][निगम] निधि में जमा कर दिया जायगा तथा उस व्यक्ति को, जिसके कब्जे से सम्पत्ति ली गयी थी, जमा किये गये उक्त धन के सम्बन्ध में फौरन नोटिस दिया जायगा और यदि नोटिस के दिनांक से एक वर्ष के भीतर मुख्य नगराधिकारी को दिये गये लिखित प्रार्थना-पत्र द्वारा उसके सम्बन्ध में कोई दावा किया जाय तो वह उस व्यक्ति को वापस कर दिया जायगा। यदि नोटिस के दिनांक से एक वर्ष के भीतर उक्त धन के सम्बन्ध में कोई दावा न किया जाय तो वह [1][निगम] की सम्पत्ति हो जायगी।

511. नगर के बाहर स्थित सम्पत्ति के सम्बन्ध में कार्यवाही की प्रक्रिया—(1) यदि किसी बाकीदार की चाहे चल सम्पत्ति या ऐसी सम्पत्ति जो उस भू-खण्ड पर हो जिसके सम्बन्ध में उस पर कर निर्धारित किया गया हो, नगर के भीतर प्राप्त न हो तो [1][निगम] के प्रार्थना-पत्र देने पर जिला मजिस्ट्रेट अपने न्यायालय के किसी पदाधिकारी को—

(क) बाकीदार की किसी ऐसी चल सम्पत्ति अथवा सामानों के अभिग्रहण और बिक्री के लिये जो जिला मजिस्ट्रेट के अधिकार क्षेत्रान्तर्गत किसी अन्य थाना में हो, या

(ख) बाकीदार की किसी ऐसी चल सम्पत्ति अथवा सामानों के अभिग्रहण और बिक्री के लिए जो किसी अन्य ऐसे जिला मजिस्ट्रेट के अधिकार-क्षेत्र में हो, जो उत्तर प्रदेश में अपने अधिकार-क्षेत्र का प्रयोग करता हो,

अपना वारन्ट जारी कर सकता है।

(2) उपधारा (1) के खंड (ख) के अधीन कार्यवाही होने की दशा में, अन्य जिला मजिस्ट्रेट इस प्रकार जारी किये गये वारन्ट को अनुलिखित करेगा तथा उसे कार्यान्वित कराये जाने और वसूल की हुई किसी धनराशि को वारन्ट जारी करने वाले जिला मजिस्ट्रेट को प्रेषित करा देगा और वह उसे [1][निगम] को भेज देगा।

512. बाकीदार की अचल संपत्ति की कुर्की और बिक्री द्वारा वसूली—धारा 507 की उपधारा (1) में वर्णित परिस्थितियों में मुख्य नगराधिकारी या धारा 507 की उपधारा (1) के खंड (ख) में निर्दिष्ट पदाधिकारी, चल सम्पत्ति के अभिग्रहण और बिक्री का वारन्ट जारी करने के स्थान पर या जब ऐसा वारन्ट जारी हो चुका हो, किन्तु वसूल की जाने वाली धनराशि पूर्णतः अथवा अंशतः वसूल न हुई हो, बाकीदार की अचल सम्पत्ति की कुर्की और बिक्री के लिए वारन्ट जारी कर सकता है।

513. अचल सम्पत्ति की दशा में वारन्ट किस प्रकार कार्यान्वित होगा—(1) जब किसी अचल सम्पत्ति की कुर्की और बिक्री का वारन्ट धारा 512 के अधीन जारी किये जायें तो कुर्की ऐसी आज्ञा द्वारा की जायेगी जो बाकीदार को उस सम्पत्ति को किसी प्रकार से हस्तान्तरित अथवा भारित करने से तथा समस्त व्यक्तियों को ऐसे किसी हस्तान्तरण अथवा भार से लाभ उठाने से प्रतिषिद्ध करे तथा इस बात की घोषणा करे

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर रखा गया।

कि यदि 5 दिन के भीतर उक्त ऐसे धन तथा वसूली का न्याय [1][निगम] के कार्यालय में जमा न किया गया तो सम्पत्ति बेच डाली जायगी।

(2) ऐसी आज्ञा सम्पत्ति पर या उसके सन्निकट किसी स्थान पर डुगडुगी पीट कर या अन्य सर्वविदित ढंग से घोषित की जायगी, तथा आज्ञा की एक प्रति सम्पत्ति के किसी प्रमुख स्थान पर तथा [1][निगम] के कार्यालय के प्रमुख स्थान पर और यदि सम्पत्ति ऐसी हो जिसमें राज्य सरकार की मालगुजारी बकाया हो तो उस जिले के कलेक्टर के कार्यालय में भी चस्पाँ कर भूमि स्थित हो, चिपका दी जायगी।

(3) मुख्य नगराधिकारी की लिखित अनुज्ञा के बिना किया हुआ अभिग्रहण सम्पत्ति के किसी भार का या तदन्तर्गत स्वत्व का हस्तान्तरण, कुर्की के अधीन प्रवर्तनीय [1][निगम] के सभी दावों के विरुद्ध शून्य होगा।

514. अचल सम्पत्ति की बिक्री—(1) यदि देय धनराशि धारा 513 की उपधारा (1) में उल्लिखित अवधि के भीतर अदा न कर दी जाय, तो मुख्य नगराधिकारी की आज्ञा से अचल सम्पत्ति अथवा उसका पर्याप्त अंश नीलाम द्वारा बेचा जा सकता है, जब तक कि वह वारन्ट को निलम्बित न कर दे या बाकीदार वसूली व्यय सहित देय धनराशि अदा न कर दे। मुख्य नगराधिकारी बिक्री से प्राप्त कर धनराशियों या उसके ऐसे अंश को, जो आवश्यक हो, उक्त देय धनराशि तथा वसूली के खर्चों की अदायगी में लगायेगा।

(2) अधिशेष (surplus), यदि कोई हो, तुरन्त ही [1][निगम] निधि में जमा कर दिया जायगा, किन्तु यदि विक्रय के दिनांक से 6 महीने के भीतर मुख्य नगराधिकारी को लिखित प्रार्थना-पत्र देकर अधिशेष के लिये दावा प्रस्तुत किया जाय तो वह बाकीदार को वापस कर दिया जायगा और यदि किसी अधिशेष की पूर्वोक्तानुसार 6 महीने के भीतर दावा न किया जाय, तो वह [1][निगम] की सम्पत्ति हो जायगी।

(3) यदि बाकीदार विक्रय होने से पूर्व देय धनराशि तथा वसूली की लागत का भुगतान कर दे तो अचल संपत्ति की कुर्की के सम्बन्ध में यह समझा जायगा कि वह उठा ली गयी है।

(4) इस धारा के अधीन अचल सम्पत्ति के विक्रय नियमों में विहित रीति से संचालित होंगे।

(5) पूर्वोक्तानुसार अचल सम्पत्ति के विक्रय के पश्चात् मुख्य नगराधिकारी उसका कब्जा ऐसे व्यक्ति को दे देगा, जिसे खरीदार घोषित किया गया हो तथा उसे इस आशय का एक प्रमाण-पत्र देगा कि उसने वह सम्पत्ति खरीद ली है, जिसका प्रमाण-पत्र में निर्देश है।

(6) मुख्य नगराधिकारी के लिये यह वैध होगा कि वह विक्रयार्थ प्रदर्शित अचल सम्पत्ति के लिए महापालिका की ओर से नाममात्रिक बोली (nominal bid) बोली, किन्तु प्रतिबन्ध यह है कि ऐसी बोली के सम्बन्ध में कार्यकारिणी समिति से पूर्व स्वीकृति प्राप्त कर ली गई हो।

(7) मुख्य नगराधिकारी किसी पुलिस पदाधिकारी को किसी अचल सम्पत्ति पर से किसी ऐसे व्यक्ति को हटाने का आदेश दे सकता है, जो उपधारा (5) के अनुसार की गयी उसकी किसी कार्यवाही में बाधा डालता हो, तथा वह ऐसा बल-प्रयोग भी कर सकता है, जो ऐसी सम्पत्ति में प्रवेश के लिए समुचित रूप से आवश्यक हो।

515. [2][* * *]

516. देय किराये की कुर्की—(1) यदि सम्पत्ति कर के रूप में देय किसी धनराशि के निमित्त किसी भू-गृहादि के अध्यासी को धारा 504 की उपधारा (1) के अनुसार कोई बिल दिया जाय तो मुख्य नगराधिकारी उसके दिये जाने के समय या तत्पश्चात् किसी समय अध्यासी पर नोटिस तामील करा के यह आदेश दे सकता है कि वह ऐसे व्यक्ति को, जो उक्त कर के भुगतान के लिए प्रथमतः उत्तरदायी हो, देय

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित।
2. उ० प्र० अधिनियम सं० 8 सन् 1981 द्वारा निकाल दी गयी।

अध्याय 21

करों तथा अन्य [निगम] देयों की वसूली

503. [निगम]-करों की वसूली की रीति—कोई भी [निगम] का निकमी द्वारा विहित रीति से निम्नलिखित रीतियों से वसूल किया जा सकता है—

(1) बिल प्रस्तुत करके;

(2) मांग की लिखित नोटिस तामील करके;

(3) बकीदार की चल सम्पत्ति के अभिग्रहण (distraint) तथा बिक्री से;

(4) बकीदार की अचल सम्पत्ति की कुर्की (attachment) तथा बिक्री से;

(5) [* * *]

(6) सम्पत्ति कर की दशा में सम्पत्ति पर देय किराये कुर्क करके, [यदि ऐसे किराये के हकदार किसी व्यक्ति द्वारा ऐसा कर देय हो];

(7) वाद द्वारा।

504. बिल प्रस्तुत करना—(1) जैसे ही कोई व्यक्ति [तात्कालिक (immediate) मांग पर देय किसी कर] से भिन्न किसी कर के रूप में किसी धनराशि के भुगतान के लिए उत्तरदायी हो जाये, मुख्य नगाधिकारी यथाशीघ्र ऐसे उत्तरदायी व्यक्तियों को बिल प्रस्तुत करायेगा।

(2) जब तक नियम द्वारा अन्यथा व्यवस्था न हो, कोई भी व्यक्ति प्रत्येक कर तथा अनुज्ञप्ति शुल्क (licence fee) के भुगतान के लिए उस अवधि के आरम्भ होते ही उत्तरदायी हो जायेगा, जिसके सम्बन्ध में ऐसा कर या शुल्क देय हो।

505. बिल में समाविष्ट होने वाले विषय—उक्त प्रत्येक बिल में निम्नलिखित का उल्लेख होगा—

(क) अवधि जिसके लिये तथा सम्पत्ति, पेशा (occupation), हैसियत (circumstance) या कोई अन्य, जिसके सम्बन्ध में किसी धनराशि की मांग की गयी हो; तथा

(ख) भुगतान न करने की दशा में लागू किये जाने वाले (enforceable) दायित्व या शास्ति (penalty); तथा

(ग) समय यदि कोई हो, जिसके भीतर धारा 472 में उपबन्धित अपील की जा सकती हो।

506. मांग की नोटिस—यदि कोई धनराशि, जिसके निमित्त उपयुक्त बिल प्रस्तुत किया जाये, [निगम] के कार्यालय में या उस व्यक्ति को, जो किसी विनियमन द्वारा ऐसा भुगतान लेने के लिए अधिकृत किया गया हो, बिल प्रस्तुत करने के 15 दिन के भीतर न दे दी जाये, तो मुख्य नगाधिकारी उत्तरदायी व्यक्ति या नियम द्वारा विहित प्रपत्र में उक्त धनराशि के भुगतान के मांग का नोटिस तामील करा सकता है।

507. वारन्ट जारी होना—(1) यदि उक्त धनराशि के भुगतान के लिए उत्तरदायी व्यक्ति मांग के ऐसे नोटिस के तामील होने के 15 दिन के भीतर—

(क) नोटिस में मांगी गई धनराशि का भुगतान न करे; या

(ख) मुख्य नगाधिकारी अथवा ऐसे पदाधिकारी को जिसे [निगम] विनियम द्वारा एतदर्थ नियुक्त करे, उसके सोचानुसार उस धनराशि के भुगतान न किये जाने के कारण न बताये;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा निकाल गया
3. उ० प्र० अधिनियम सं० 17 सन् 1999 द्वारा अन्तःस्थापित
4. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा प्रतिस्थापित

तो ऐसी धनराशि वसूली सम्बन्धी समस्त लागतों सहित किसी भी विहित प्रपत्र में [निगम] द्वारा जारी कराये गये वारन्ट द्वारा अथवा बकीदार की चल सम्पत्ति को तत्काल प्रभावी अभिग्रहण या बिक्री द्वारा वसूल की जा सकती है।

(2) इस धारा के अधीन जारी किये गये उक्त प्रत्येक वारन्ट पर मुख्य नगाधिकारी के या उपधारा (1) के खंड (ख) में निर्दिष्ट पदाधिकारी के हस्ताक्षर होंगे।

508. वारन्ट की कार्यान्विति के लिए बलपूर्वक प्रवेश—उस [निगम] के पदाधिकारी के लिए, जिसे धारा 507 के अधीन जारी किया गया वारन्ट सम्बोधित किया जाय, यह वैध होगा कि वह सूर्योदय और सूर्यास्त के बीच किसी भी समय, निम्नलिखित परिस्थितियों में, और अन्यथा नहीं, वारन्ट में आदिष्ट अभिग्रहण को कार्यान्वित करने के लिए भवन के किसी बाहरी या भीतरी दरवाजे या खिड़की को तोड़कर उसमें प्रवेश करे—

(क) यदि वारन्ट में ऐसी कोई विशेष आज्ञा हो जिसमें उसे सूर्यास्त प्राधिकृत किया गया हो;

(ख) यदि उसे यह विश्वास करने के उचित कारण हों कि भवन में ऐसी सम्पत्ति है, जिसे वारन्ट के अधीन अभिगृहीत किया जा सकता है; तथा

(ग) यदि, अपना प्राधिकार और प्रयोजन बताने के पश्चात् प्रवेश चाहने के पश्चात् उसे अस्वीकार प्रवेश न दिया गया हो।

किन्तु प्रतिबन्ध यह है कि उक्त पदाधिकारी महिलाओं के किसी कक्ष में तब तक न प्रवेश करेगा अथवा उसके दरवाजे को तब तक न तोड़ेगा जब तक कि उसने किसी भी महिला को, जो वहाँ हो, वहाँ से हट जाने का अवसर न दे दिया हो।

509. वारन्ट कार्यान्वित कराने की रीति—(1) उपधारा (2) तथा (3) के उपबन्धों के अधीन रहते हुए, उक्त पदाधिकारी के लिए उस व्यक्ति की, जिसका नाम बकीदार के रूप में दर्ज किया गया हो, चल सम्पत्ति को, जहाँ कहीं भी वह हो, अभिग्रहण करना वैध होगा।

(2) निम्नलिखित सम्पत्ति अभिग्रहण से छूट जायगी—

(क) बकीदार, उसकी पत्नी तथा बच्चों के पहनने के आवश्यक वस्त्र तथा बिस्तरे;

(ख) कारीगरों के औजार;

(ग) सेवा-पुस्तकें;

(घ) यदि बकीदार खेतिहर हो, तो खेती के औजार, बीज और ऐसे पशु जो उसके जीविकोपार्जन के लिए आवश्यक हों।

(3) अभिग्रहण अविहय न होगा, अर्थात् अभिग्रहीत सम्पत्ति मूल्य में यथासंभव उस धनराशि के बराबर होगी, जिसे वारन्ट के अधीन वसूल किया जाना है और यदि किसी ऐसे व्यक्ति की राय में जिसे धारा 507 की उपधारा (2) के अधीन वारन्ट पर हस्ताक्षर करने का प्राधिकार दिया गया हो, कोई ऐसी वस्तुएँ अभिग्रहीत हो गयी हों, जो अभिग्रहीत न होनी चाहिए थीं, तो वे तुरन्त वापस कर दी जायेंगी।

(4) उक्त पदाधिकारी सम्पत्ति का अभिग्रहण करने के पश्चात् तुरन्त उसकी सूची बनायेगा तथा उसे हटाने से पहले उस व्यक्ति को, जिसके कब्जे में वह सम्पत्ति अभिग्रहण के समय रही हो, नियम द्वारा विहित प्रपत्र में इस आशय का एक लिखित नोटिस देगा कि वह सम्पत्ति नोटिस में दी गयी व्यवस्था के अनुसार बेच दी जायगी।

510. वारन्ट के अधीन सामानों की बिक्री और उससे प्राप्त धन का उपयोग—(1) यदि अभिगृहीत सम्पत्ति जल्द और स्वाभाविक रूप से खराब हो जाने वाली हो अथवा यदि उसे अभिरक्षा में रखने का व्यय

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित

उपस्थिति न हो सके तथा यदि आह्वान की तामील मैजिस्ट्रेट के समाधानानुसार सिद्ध हो जाती है और ऐसे व्यक्ति की अनुपस्थिति का कोई पर्याप्त कारण नहीं प्रदर्शित किया जाता तो मैजिस्ट्रेट उसकी अनुपस्थिति में वाद की सुनवाई कर सकता है और उसमें निर्णय दे सकता है ।

495. सरकार के लोक विश्लेषक का प्रतिवेदन—उत्तर प्रदेश सरकार के लोक विश्लेषक का विश्लेषण के लिए यथोचित रूप से प्रेषित किसी भी पदार्थ के संबंध में, उसके हस्ताक्षर सहित किसी लेखन को, जो प्रतिवेदन के रूप में अभिप्रेत हो, उसमें उल्लिखित तथ्यों के साक्ष्य के रूप में इस अधिनियम के अधीन किसी जाँच या अभियोजन में बिना किसी प्रमाण के प्रयुक्त किया जा सकता है ।

496. अपदूषणों सम्बन्धी परिवाद—(1) नगर में रहने वाला कोई भी व्यक्ति, उसमें अधिकार-क्षेत्रयुक्त प्रथम श्रेणी के मैजिस्ट्रेट से, नगर में किसी अपदूषण के विद्यमान होने के संबंध में अथवा इस सम्बन्ध में शिकायत कर सकता है कि धारा 231, 232, 249, 250, 251, 310 या 385 द्वारा प्राप्त किसी अधिकार के प्रयोग करने में न्यूनतम व्यावहारिक अपदूषण से अधिक अपदूषण उत्पन्न हुआ है ।

(2) किसी ऐसी शिकायत की प्राप्ति पर मैजिस्ट्रेट ऐसी जाँच करने के पश्चात् जिसे वह आवश्यक समझे, मुख्य नगराधिकारी को निम्नलिखित आदेश दे सकता है, यदि वह ऐसा करना उपयुक्त समझे :—

(क) इस अधिनियम या किसी विनियम, नियम या उपविधि के किन्हीं उपबन्धों को प्रवर्तित करो या ऐसे उपाय करो जो उस मैजिस्ट्रेट को अपदूषण को रोकने, हटाने, कम करने या दूर करने के निमित्त व्यावहारिक और उचित जान पड़े;

(ख) परिवादी को उक्त शिकायत तथा आज्ञा के या से सम्बद्ध ऐसे उचित व्यय अदा करो, जिसे उक्त मैजिस्ट्रेट निर्धारित करे, जिन व्ययों में उस शिकायत के सम्बन्ध में परिवादी के समय का अपव्यय हुआ है, उसका प्रतिकार भी सम्मिलित है ।

(3) धारा 497 के उपबन्धों के अधीन रहते हुए, मुख्य नगराधिकारी उक्त प्रत्येक आज्ञा का पालन करने के लिए बाध्य होगा ।

(4) इस अधिनियम में वर्णित कोई भी बात, किसी ऐसे व्यक्ति के प्रतिकार प्राप्त करने के अधिकार पर प्रभाव न डालेगी, जिसे अथवा जिसकी सम्पत्ति को, धारा 231, 232, 249, 250, 251, 310 अथवा 385 द्वारा प्राप्त अधिकारों का प्रयोग उसके किये गये किसी कार्य के कारण हानि पहुँची हो ।

497. धारा 496 के अधीन पारित आज्ञा के विरुद्ध सत्र न्यायालय में अपील—(1) धारा 496 के अधीन मैजिस्ट्रेट द्वारा पारित आज्ञा के विरुद्ध उस आज्ञा के दिनांक के एक महीने के भीतर सत्र न्यायालय में अपील हो सकेगी ।

(2) सत्र न्यायालय, उपधारा (1) के अधीन अपील निस्तारित करते समय, यह आदेश दे सकता है कि अपील-व्यय किसके द्वारा और किस अनुपात में, यदि कोई हो, अदा किया जायगा और इस प्रकार अदा किये जाने के लिए आदिष्ट समय, नगर में अधिकार-क्षेत्र युक्त प्रथम श्रेणी के मैजिस्ट्रेट को प्रार्थना-पत्र दिये जाने पर सत्र न्यायालय के आदेशानुसार उसके द्वारा उसी प्रकार वसूल किया जा सकेगा मानो वह उसके द्वारा किया गया कोई जुर्माना हो ।

(3) यदि इस धारा के अधीन सत्र-न्यायालय में अपील विचि की जाय तो मुख्य नगराधिकारी मैजिस्ट्रेट की आज्ञा पर तब तक के लिए कार्यवाही स्थगित कर देगा जब तक कि वह अपील निस्तारित न हो जाय और तदुपरान्त सत्र न्यायालय द्वारा उस अपील में पारित आज्ञा को अथवा यदि सत्र न्यायालय मैजिस्ट्रेट की आज्ञा को बहाल रखे तो मैजिस्ट्रेट की आज्ञा को तुरन्त कार्यान्वित करेगा ।

(4) राज्य सरकार हाईकोर्ट से परामर्श के पश्चात् समय-समय पर उपधारा (1) के अधीन अपीलों के प्रवेश तथा उन पर न्यायिक विचार करने की प्रक्रिया को विनियमित करने के लिए नियम बना सकती है ।

अपराधियों की गिरफ्तारी

498. इस अधिनियम के विरुद्ध आचरण करने वाले अपराधी कुछ दशाओं में पुलिस पदाधिकारियों द्वारा गिरफ्तार किये जा सकते हैं—(1) कोई पुलिस पदाधिकारी किसी ऐसे व्यक्ति को, जिसने उसके विचार से इस अधिनियम के अथवा किसी नियम, विनियम अथवा उपविधि के विरुद्ध कोई अपराध किया हो, गिरफ्तार कर सकता है, यदि उस व्यक्ति का नाम और पता उसे ज्ञात न हो, तथा यदि वह व्यक्ति पूछने पर अपना नाम और पता न बतावे, अथवा ऐसा नाम और पता बतावे जिसे ऐसा पदाधिकारी सकारण मिथ्या समझता है ।

(2) इस प्रकार गिरफ्तार किया गया कोई व्यक्ति, उसका ठीक नाम व पता ज्ञात हो जाने के पश्चात् या मैजिस्ट्रेट की आज्ञा के बिना, गिरफ्तारी से 24 घंटे से अनधिक की ऐसी अवधि से अधिक के लिए अभिरक्षा में न रखा जायगा, जो उसे उक्त अपराध में हस्तक्षेप करने के लिए सक्षम मैजिस्ट्रेट के समक्ष लाने के लिए आवश्यक हो ।

प्रकीर्ण

499. कोड आफ सिविल प्रोसीजर का लागू होना—(1) इस अध्याय में स्पष्ट रूप से की गई व्यवस्था को छोड़कर मूल डिक्रियों पर की गई अपीलों से सम्बद्ध कोड आफ सिविल प्रोसीजर, 1908 के उपबन्ध आवश्यक परिवर्तनों सहित, जिला जज को जाने वाली अपीलों पर लागू होंगे।

(2) अन्य समस्त विषय, जिनके लिए इस अधिनियम में स्पष्ट व्यवस्था नहीं की गई है, ऐसे नियमों द्वारा नियमित होंगे, जिन्हें राज्य सरकार समय-समय पर हाईकोर्ट से परामर्श करने के पश्चात् बनावेगा ।

500. कालावधि—(1) इस अध्याय में निर्दिष्ट अपील अथवा प्रार्थना-पत्र के लिए विहित कालावधि की संगणना करते समय इंडियन लिमिटेशन ऐक्ट, 1908 ई० की धारा 5, 12 तथा 14 के उपबन्ध यथाशक्य लागू होंगे ।

(2) यदि किसी अपील, प्रार्थना-पत्र अथवा अभिदेश को प्रस्तुत करने के निमित्त इस अधिनियम में कोई समय विहित न हो तो ऐसी अपील, प्रार्थना-पत्र अथवा अभिदेश उस आज्ञा के, जिसके सम्बन्ध में अथवा जिसके विरुद्ध उक्त अपील, प्रार्थना-पत्र अथवा अभिदेश प्रस्तुत किया गया हो, दिनांक से 30 दिन के भीतर प्रस्तुत किया जायगा ।

501. न्यायाधीश और जिला जज की आज्ञा का सम्पादन—न्यायाधीश की सभी आज्ञाएँ उसी रीति से सम्पादित की जायेंगी मानो वे प्रेसिडेन्सी स्माल काजेज कोर्ट ऐक्ट, 1887 ई० के अधीन स्माल काजेज कोर्ट द्वारा पारित डिक्रियाँ हों ।

(2) जिला जज की सभी आज्ञाएँ उसी प्रकार सम्पादित होंगी मानो वे उसी के न्यायालय की डिक्रियाँ हों ।

502. मैजिस्ट्रेट के समक्ष समस्त जाँचों और कार्यवाहियों में क्रिमिनल प्रोसीजर कोड लागू होगा—कोड आफ क्रिमिनल प्रोसीजर, 1898* ई० के उपबन्ध यथाशक्य इस अधिनियम के अधीन मैजिस्ट्रेट के समक्ष सभी जाँचों और कार्यवाहियों पर लागू होंगे ।

---

* अब देखें दण्ड प्रक्रिया संहिता 1973

द्वारा तब ही जाय जो उस समय तक अदा किये गये समस्त शुल्कों की आपत्ति न्यायालय द्वारा अस्वीकृत कर दी जाय, उन्हें पक्षों को वापस कर दी जायगी, जिन्होंने उसे अदा किया हो।

मैजिस्ट्रेटों की नियुक्ति

487. प्रथम श्रेणी के मैजिस्ट्रेट की नियुक्ति—(1) राज्य सरकार इस अधिनियम के विरुद्ध किये गये अपराधों पर विचारार्थ [1][निगम] की सहमति से एक या एकाधिक प्रथम श्रेणी मैजिस्ट्रेटों के पदों का सृजन कर सकती है अथवा किसी भी व्यक्ति को ऐसे पद पर नियुक्त कर सकती है, या ऐसे मैजिस्ट्रेट के न्यायालय के निमित्त ऐसे प्रशासकी पदाधिकारी नियुक्त कर सकती है, जिन्हें वह आवश्यक समझे।

किन्तु प्रतिबन्ध यह है कि इस धारा के अधीन प्रथम श्रेणी के एक या एकाधिक मैजिस्ट्रेटों की नियुक्ति होते हुए भी जिला मैजिस्ट्रेट प्रथम श्रेणी के मैजिस्ट्रेटों के न्यायालयों में कार्य-वितरण का विनियम करने वाले कोड आफ क्रिमिनल प्रोसीजर, 1898 ई० की धारा 17* के अधीन तत्समय प्रचलित नियमों के अधीन रहते हुए इस बात के लिए स्वाधीन होगा कि वह ऐसे अपराधों की सुनवाई के कार्य का तथा मैजिस्ट्रेटों के, जिनके अन्तर्गत इस धारा के अधीन नियुक्त मैजिस्ट्रेट भी हैं, न्यायालयों के अन्य समस्त कार्यों का ऐसा वितरण करे जो कार्यकुशलता के हित में उसे सर्वश्रेष्ठ प्रतीत हों।

(2) ऐसा मैजिस्ट्रेट अथवा ऐसे मैजिस्ट्रेट तथा उसके स्थापनों को ऐसा वेतन, निवृत्ति वेतन, अवकाश-भत्ते तथा अन्य भत्ते दिये जायेंगे, जिन्हें समय-समय पर राज्य सरकार निश्चित करे।

(3) उपधारा (2) के अधीन निश्चित किये गये वेतन तथा भत्तों की धनराशि की भरपाई, अन्य समस्त प्रासंगिक परिव्ययों सहित [1][निगम] द्वारा राज्य सरकार को की जायगी और [1][निगम] राज्य सरकार को ऐसे मैजिस्ट्रेटों के तथा उनके स्थापन के निवृत्ति वेतनों, अवकाश भत्तों तथा अन्य भत्तों के लिए भी ऐसा अंशदान देगा, जिसे राज्य सरकार समय-समय पर निश्चित करे।

किन्तु प्रतिबन्ध यह है कि राज्य सरकार [1][निगम] की सहमति से यह आदेश दे सकती है कि इस धारा के अधीन देय धनराशियों के बदले [1][निगम] प्रतिवर्ष ऐसे दिनांक पर, जिसे राज्य सरकार एतदर्थ निश्चित करे राज्य सरकार को ऐसी नियत धनराशि अदा करेगी, जो राज्य सरकार एतदर्थ निर्धारित करे।

मैजिस्ट्रेटों को अभिदेश

488. मैजिस्ट्रेटों को अभिदेश—नगर की सीमा के भीतर क्षेत्राधीन प्रथम श्रेणी के मैजिस्ट्रेट को किसी भयानक रोग से ग्रस्त व्यक्ति को नियमों के अधीन सार्वजनिक अस्पताल में निरुद्ध किये जाने के सम्बन्ध में, अभिदेश किया जायगा।

489. ऐसे पशुओं तथा शीघ्र खराब न होने वाली वस्तुओं का निस्तारण, जिनका धारा 435 के अधीन अभिग्रहण किया जाय—(1) धारा 435 के अधीन अभिगृहीत कोई पशु तथा शीघ्र खराब न होने वाली कोई वस्तु अथवा कोई बर्तन या पात्र प्रथम श्रेणी के मैजिस्ट्रेट के पास ले जाया जायगा।

(2) यदि ऐसे मैजिस्ट्रेट को यह प्रतीत हो कि ऐसा कोई पशु अथवा वस्तु यथास्थिति, रोग-ग्रस्त, विकृत अथवा मानव उपभोग के लिए अस्वास्थ्यकर अथवा अनुपयुक्त है; अथवा वह उस प्रकार की नहीं है जैसी कि वह बताई गई थी; अथवा ऐसा बर्तन या पात्र इस प्रकार का है, अथवा ऐसी दशा में है, जिससे उसमें तैयार किया गया, निर्मित अथवा रखा गया पदार्थ मानव उपभोग के लिए अस्वास्थ्यकर अथवा अनुपयुक्त हो जायगा तो उसे अधिकार होगा कि, और यदि वह रोगग्रस्त, विकृत, अस्वास्थ्यकर अथवा मानव उपभोग के लिए अनुपयुक्त है, तो उसके लिए आवश्यक होगा कि, वह उसे उस व्यक्ति के व्यय पर, जिसके कब्जे में वह अभिग्रहण के समय रहा हो, ऐसी रीति से नष्ट कर दे, जिससे कि वह फिर प्रदर्शित या फेरी लगाकर बेची न

1. ३० ३० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
* अब दण्ड प्रक्रिया संहिता 1973 की तत्सम्बन्धी धारा देखें

जा सके या मानव उपभोग के लिए अथवा अनुपयुक्त किसी वस्तु के तैयार या विक्रय करने या उसे रखने के लिए प्रयुक्त न हो सके।

490. ऐसा भोजन रखने के सम्बन्ध में दंड, जो रोगग्रस्त, विकृत अथवा अस्वास्थ्यकर अथवा मानव भोजन के लिए अनुपयुक्त प्रतीत हो—ऐसी प्रत्येक दशा में जब धारा 489 के अधीन भोजन-सामग्री के संबंध में कार्यवाही किये जाने पर, मैजिस्ट्रेट को यह प्रतीत हो कि वह रोगग्रस्त, विकृत, अस्वास्थ्यकर अथवा मानव उपभोग के लिए अनुपयुक्त है, तो उसका केवल उपस्थिती अथवा साहक न हो, सिद्ध-दोष होने पर, यदि ऐसी दशा में इण्डियन पीनल कोड की धारा 273 के उपबन्ध न लागू होते हों, जुर्माने से दंडित किया जायगा जो 500 रु० तक हो सकता है।

491. उचित समय के भीतर न दिये जाने पर आह्वान संबंधी प्रार्थना-पत्र अस्वीकार किया जायगा—धारा 490 के अधीन सभी अभियोजनों में मैजिस्ट्रेट उक्त धारा के विरुद्ध अपराध करने वाले किसी अभियुक्त व्यक्ति की उपस्थिति के लिए आह्वान जारी करने से इन्कार कर देगा जब तक कि उस अपराध का, जिसका कि उक्त व्यक्ति पर अभियोग लगाया जाता है, उस कथित दिनांक से उचित समय के भीतर आह्वान संबंधी प्रार्थना-पत्र न दिया जाय।

मैजिस्ट्रेट तथा सत्र न्यायालय के समक्ष कार्यवाहियाँ

492. हस्तक्षेप योग्य अपराध—(1) [1][धारा 112-ग, धारा 112-घ या धारा 4] का उल्लंघन करने के अपराध हस्तक्षेप योग्य (cangnizable) होंगे।

(2) कोड आफ क्रिमिनल प्रोसीजर, 1898* में किसी बात के होते हुए भी इस अधिनियम के अथवा किसी नियम, विनियम अथवा उपविधि के विरुद्ध किये समस्त अपराध, चाहे वे नगर के भीतर किये गये हों अथवा नगर के बाहर, अभिक्षेत्र युक्त प्रथम श्रेणी के मैजिस्ट्रेट द्वारा हस्तक्षेप योग्य होंगे, तथा कोई भी ऐसा मैजिस्ट्रेट केवल इसी कारण से किसी ऐसे अपराध अथवा एतद्द्वारा निरस्त किसी विधायन के विरुद्ध किये गये अपराध में हस्तक्षेप करने के निमित्त अक्षम न होगा कि वह किसी [2][निगम] कर का देनदार है अथवा उसे [2][निगम] निधि से लाभ पहुँचता है।

(3) उक्त कोड की धारा 200* में किसी बात के होते हुए भी, इस अधिनियम अथवा तदन्तर्गत बनाये गये किसी नियम, विनियम अथवा उपविधि के विरुद्ध किये गये किसी अपराध के विषय में परिवादी की परीक्षा करना आवश्यक न होगा यदि परिवाद लिखित रूप में प्रस्तुत किया जाय।

493. कालावधि, जिसके भीतर इस अधिनियम के दंडनीय अपराधों के परिवाद लिये जायेंगे, का परिसीमन—कोई भी मैजिस्ट्रेट इस अधिनियम अथवा किसी नियम, विनियम अथवा उपविधि के अधीन दंडनीय किसी अपराध में तब तक हस्तक्षेप न करेगा जब तक कि उसके समक्ष ऐसे अपराध के संबंध में परिवाद निम्नलिखित अवधि के भीतर न किया जाय—

(क) ऐसा अपराध करने के दिनांक के पश्चात् 6 महीनों के भीतर, अथवा

(ख) यदि ऐसा दिनांक ज्ञात न हो या अपराध लगातार किया जाता हो तो उस अपराध के किये जाने अथवा उसकी जानकारी होने के 6 महीने के भीतर।

494. मैजिस्ट्रेट का अभियुक्त की अनुपस्थिति में याद की सुनवाई करने का अधिकार—यदि इस अधिनियम अथवा किसी नियम, विनियम अथवा उपविधि के अधीन दंडनीय किसी अपराध के आरोप का प्रत्युत्तर देने के लिए किसी मैजिस्ट्रेट के समक्ष आहूत कोई व्यक्ति, आह्वान में वर्णित समय और स्थान पर

1. ३० ३० अधिनियम सं० 21, 1964 ई० की धारा 26 द्वारा अक्षरशः रखा गया
* अब देखें दण्ड प्रक्रिया संहिता, 1973
2. ३० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(4) ऐसी कोई आज्ञा, जिसके विरुद्ध इस धारा के अधीन अपील की जा सकती हो, यदि ऐसी अपील न की जाय, तो धारा 395 में उल्लिखित 21 दिन की अवधि समाप्त होने पर प्रभावी हो जायगी तथा उन विषयों के सम्बन्ध में जो उक्त अपील में उठाये जा सकते थे, अंतिम और निश्चायक होगी और ऐसी कोई आज्ञा, जिसके विरुद्ध अपील की जाय, यदि और जहाँ तक न्यायाधीश अथवा जिला जज उसे पुष्ट करे, अपील के अंतिम निर्णय के दिनांक से प्रभावी हो जायगी।

(5) इस धारा के प्रयोजनों के लिए किसी अपील की वापसी उसका अंतिम निर्णय समझा जायगा तथा उसका वैसा ही प्रभाव होगा, जैसा उस आज्ञा को पुष्ट करने वाले निर्णय का हो, जिसके विरुद्ध अपील की गई हो तथा उपर्युक्त बातों के अधीन रहते हुए, कोई भी अपील अंतिम रूप से उस दिन निर्णीत समझी जायगी, जिस दिन जिला जज निर्णय दे, अथवा जिला जज की अपील न की जाने की दशा में, उस अवधि के समाप्त हो जाने के पश्चात्, जिसके भीतर अपील की जा सकती थी अथवा उस दशा में जब कि जिला जज को अपील न हो सके, तो उस दिनांक को, जिस पर न्यायाधीश निर्णय दे, अंतिम रूप से निर्णीत समझी जायगी।

481. संपादित कार्यों के व्यय के भुगतान के सम्बन्ध में न्यायाधीश के निर्णय के विरुद्ध अपील—(1) किसी निर्माण-कार्य के सम्पादन के व्यय की धनराशि अथवा उसकी अदायगी के सम्बन्ध में, जबकि उस दावे की धनराशि, जिसमें निर्णय दिया गया हो, 2,000 रु० से अधिक हो, न्यायाधीश के निर्णय के विरुद्ध जिला जज को अपील हो सकेगी :

किन्तु प्रतिबन्ध यह है कि जिला जज द्वारा ऐसी कोई अपील तब तक न सुनी जायगी जब तक कि वह न्यायाधीश के निर्णय के दिनांक से एक महीने के भीतर निविष्ट न की जाय।

(2) सम्पादित किये गये किसी निर्माण-कार्य के व्यय की धनराशि अथवा उसकी अदायगी के सम्बन्ध में न्यायाधीश का निर्णय, यदि इस धारा के अधीन अपील निविष्ट न की जाय तथा यदि अपील निविष्ट की जाय, तो ऐसी अपील में जिला जज का निर्णय अंतिम होगा।

(3) जब सम्पादित किये गये किसी निर्माण-कार्य के व्यय की धनराशि अथवा उसकी अदायगी के सम्बन्ध में किसी निर्णय के विरुद्ध उपधारा (1) के अधीन कोई अपील निविष्ट की जाय, तो मुख्य नगराधिकारी उक्त धारा के अधीन देय निर्धारित की गई धनराशि की वसूली की कार्यवाही तब तक के लिए स्थगित कर देगा, जब तक कि जिला जज का निर्णय न हो जाय तथा निर्णय के पश्चात् उस धनराशि की, यदि कोई भी वसूली करेगा, जो एतद्द्वारा देय निर्धारित की जाय।

न्यायाधीश के समक्ष कार्यवाहियाँ

482. भवन या भूमि के स्वामी का ऐसे अध्यासी के विरुद्ध उपशमनाधिकार, जो ऐसे स्वामी को इस अधिनियम के किन्हीं उपबन्धों के अनुपालन से रोके—(1) यदि किसी भवन अथवा भूमि का स्वामी उसके अध्यासी द्वारा इस अधिनियम अथवा किसी नियम, विनियम अथवा उपविधि के किन्हीं उपबन्धों के अथवा ऐसे भवन या भूमि के सम्बन्ध में इस अधिनियम या किसी ऐसे नियम, विनियम अथवा उपविधि के अधीन दिये गये किसी आदेश के अनुपालन से रोका जाय, तो स्वामी न्यायाधीश को प्रार्थना-पत्र दे सकता है।

(2) न्यायाधीश ऐसे किसी प्रार्थना-पत्र को प्राप्ति पर लिखित आज्ञा द्वारा अथवा भूमि के अध्यासी को आदेश दे सकता है कि वह उक्त उपबन्ध अथवा आदेश के अनुपालनार्थ स्वामी को सभी उचित सुविधाएँ दे अथवा यदि उक्त उपबन्ध या आदेश धारा 331 के अन्तर्गत की जाने वाली किसी ऐसी कार्यवाही से सम्बन्ध रखता है, जिसमें उक्त अध्यासी की सुरक्षा और सुविधा अन्तर्ग्रस्त हो तो भू-गृहादि को अस्थायी रूप से खाली करे, तथा यदि वह उचित समझे तो यह भी आदेश दे सकता है कि उक्त प्रार्थना-पत्र एवं आज्ञा का व्यय अध्यासी द्वारा वहन किया जाय।

(3) उक्त आज्ञा के दिनांक से आठ दिन के पश्चात् उक्त अध्यासी इसके लिए बाध्य होगा कि वह उपर्युक्त प्रयोजन के निमित्त उक्त आज्ञा में विहित रीति के अनुसार स्वामी के समस्त यथोचित सुविधाएँ प्रदान करे या उक्त भू-गृहादि को अस्थायी रूप से खाली कर दे तथा यदि वह लगातार ऐसा करने से इन्कार करे तो उस समय तक जब तक वह इस प्रकार इन्कार करता रहे स्वामी किसी ऐसे दायित्व से मुक्त होगा, जो उक्त व्यवस्था या आदेश के अनुपालन न करने के कारण उस पर अन्यथा होता।

(4) इस धारा की कोई भी बात इस अधिनियम के किसी उपबन्ध के अधीन मुख्य नगराधिकारी के किसी भू-गृहादि को खाली कराने के अधिकार पर प्रभाव न डालेगी।

483. साक्षियों को बुलाने और लेख्य प्रस्तुत करने के लिए बाध्य करने का अधिकार—इस अध्याय के प्रयोजनों के निमित्त निम्नलिखित विषयों से सम्बद्ध किसी वाद की सुनवाई करते समय न्यायाधीश को वही अधिकार प्राप्त होंगे, जो कोड आफ सिविल प्रोसीजर, 1908 ई० के अधीन न्यायालय में निहित हैं, अर्थात्—

(क) किसी व्यक्ति को उपस्थित होने के लिए बाध्य करना तथा शपथ अथवा प्रतिज्ञान पर उसकी परीक्षा करना;

(ख) किसी भी पत्र को लेख्य प्रस्तुत करने के लिए बाध्य करना; तथा

(ग) साक्षियों की परीक्षा के लिए आयोग जारी करना, और इसी अध्याय के अधीन न्यायाधीश के समक्ष कोई भी कार्यवाही इंडियन पीनल कोड की धारा 193 तथा 228 के अर्थों में तथा धारा 196 के प्रयोजन के निमित्त "जुडीशियल प्रोसीडिंग" समझी जायगी।

484. न्यायाधीश के समक्ष कार्यवाहियों का शुल्क—(1) राज्य सरकार समय-समय पर सरकारी गजट में विज्ञप्ति द्वारा निम्नलिखित के निमित्त देय शुल्क, यदि कोई हो, विहित कर सकती है—

(क) इस अधिनियम के अधीन न्यायाधीश के समक्ष प्रस्तुत किसी प्रार्थना-पत्र, अपील अथवा अभिदेश पर; तथा

(ख) इस अधिनियम के अधीन न्यायाधीश की किसी जाँच अथवा कार्यवाही में कोई आह्वान अथवा अन्य आदेशिका जारी होने से पूर्व :

किन्तु प्रतिबन्ध यह है कि खंड (क) के अधीन विहित शुल्क, यदि कोई हो, उन दशाओं में जब कि दावे अथवा वाद-विषय का मूल्य रुपयों में आँका जा सकता हो, [1][कोर्ट फीस ऐक्ट, 1870] के उपबन्धों के अधीन ऐसे मामलों में तत्समय लगाये गये शुल्क से अधिक न होगा, जिसमें दावे अथवा वाद-विषय का मूल्य समान धनराशि का हो।

(2) राज्य सरकार समय-समय पर उक्त प्रकार की विज्ञप्ति द्वारा यह निर्धारित कर सकती है कि उपधारा (1) के खंड (क) के अधीन विहित शुल्क किस व्यक्ति द्वारा देय होगा।

(3) न्यायाधीश द्वारा कोई भी प्रार्थना-पत्र, अपील अथवा अभिदेश तब तक नहीं लिया जायगा, जब तक तदर्थ उपधारा (1) के खंड (क) के अधीन विहित शुल्क, यदि कोई हो, न दे दिया गया हो।

485. निर्धन व्यक्तियों की शुल्क से मुक्ति—न्यायाधीश, जब भी वह उचित समझे, इस अधिनियम के अधीन किसी निर्धन व्यक्ति द्वारा या उसकी ओर से दिये गये किसी प्रार्थना-पत्र, अपील अथवा अभिदेश को ले सकता है और धारा 484 के अधीन विहित शुल्क की अदायगी के बिना अथवा उसकी आंशिक अदायगी पर किसी ऐसे व्यक्ति को ओर से आदेशिका जारी कर सकता है।

486. सुनवाई के पूर्व समझौता हो जाने पर आधे शुल्क की वापसी—जब कभी इस अधिनियम के अधीन न्यायाधीश को दिया गया कोई प्रार्थना-पत्र, अपील अथवा अभिदेश सुनवाई से पूर्व पक्षों में अनुबन्ध

---

1. उ० प्र० अधिनियम सं० 22, 1961 ई० की धारा 5 द्वारा शब्द तथा अंक "प्रेसिडेन्सी स्माल कॉजेज कोर्ट्स ऐक्ट, 1882" के स्थान पर रखा गया

474. मध्यस्थ निर्णय—जब इस अधिनियम के अधीन निश्चित या स्थगित किसी वार्षिक मूल्यांकन या कर के विरुद्ध कोई अपील विचाराधीन हो तथा उसमें संलग्न रहने वाले सभी पक्ष इस बात से सहमत हों कि उनके बीच मतभेद का कोई भी विषय मध्यस्थ निर्णय के लिए निर्दिष्ट किया जाय तो वे ऐसी अपील में निर्णय होने से पूर्व किसी भी समय न्यायाधीश को ऐसे विषय में अधिदेश की आज्ञा के निमित्त लिखित प्रार्थना-पत्र दे सकते हैं और ऐसा ही प्रार्थना-पत्र प्रस्तुत होने पर वादों में मध्यस्थ निर्णयन संबंधी आर्बिट्रेशन ऐक्ट, 1940 के उपबन्ध जहाँ तक कि वे लागू किये जा सकते हों, उस प्रार्थना-पत्र और उस पर होने वाली कार्यवाही पर उसी प्रकार लागू होंगे मानो उक्त न्यायाधीश उस अधिनियम के अर्थ में कोई कोर्ट (न्यायालय) हो और वह प्रार्थना-पत्र किसी वाद में प्रस्तुत किया गया कोई प्रार्थना-पत्र हो।

475. कुशल मूल्यांकन करने वाले की नियुक्ति—(1) यदि वार्षिक मूल्यांकन के विरुद्ध की गई किसी अपील का कोई पक्ष अपील की सुनवाई के पूर्व अपील की सुनवाई के दौरान में किसी भी समय, किन्तु मूल्यांकन से सम्बद्ध साक्ष्य प्रस्तुत होने से पूर्व, न्यायाधीश को प्रार्थना-पत्र देता है कि उस भू-गृहादि के निमित्त, जिसके बारे में अपील की गई हो, मूल्यांकन के लिए आदेश दिया जाय तो न्यायाधीश स्वविवेक से किसी भी सक्षम व्यक्ति को मूल्यांकन करने के लिए नियुक्त कर सकता है तथा इस प्रकार नियुक्त व्यक्ति को उस भू-गृहादि में प्रवेश करने, उसको परिमाप करने तथा उसका मूल्यांकन करने का अधिकार प्राप्त होगा जिसके संबंध में आदेश दिया गया हो :

किन्तु प्रतिबन्ध यह है कि उस दशा को छोड़कर जब ऐसा प्रार्थना-पत्र मुख्य नगराधिकारी द्वारा प्रस्तुत किया जाय, न्यायाधीश तब तक ऐसा आदेश नहीं देगा जब तक प्रार्थी मुख्य नगराधिकारी को ऐसी प्रतिभूति न दे दे, जिसे न्यायाधीश इस उपधारा के अधीन मूल्यांकन की लागत के भुगतान के लिए उचित समझे।

(2) उपधारा (1) के अधीन मूल्यांकन के लिए किया गया व्यय अपील का व्यय होगा, किन्तु वह पहले-पहल प्रार्थी द्वारा देय होगा।

(3) न्यायाधीश को अधिकार होगा, और अपील के किसी पक्ष द्वारा प्रार्थना-पत्र दिये जाने पर उसके लिए आवश्यक होगा कि उपधारा (1) के अधीन मूल्यांकन करने वाले व्यक्ति को साक्षी के रूप में बुलावे तथा जब वह इस प्रकार बुलाया जाय तो अपील के किसी भी पक्ष को उससे जिरह करने का अधिकार होगा।

476. जिला जज को अपीलें—जिला जज को निम्नलिखित मामलों में अपील हो सकेगी—

(क) धारा 472 के अधीन किसी अपील में न्यायाधीश के उस निर्णय के विरुद्ध, जिसके द्वारा वार्षिक मूल्यांकन बारह हजार रुपये से अधिक निश्चित किया जाय; और

(ख) उक्त धारा के अधीन विधि संबंधी अथवा विधि का प्रभाव रखने वाली प्रथा संबंधी अथवा किसी लेख्य के अन्वय संबंधी किसी अपील में न्यायाधीश के किसी अन्य निर्णय के विरुद्ध:

किन्तु प्रतिबन्ध यह है कि ऐसी कोई भी अपील जिला जज द्वारा तब तक न सुनी जायगी, जब तक कि वह उस न्यायाधीश (Judge) के निर्णय के दिनांक से एक महीने के भीतर निर्दिष्ट (file) न की जाय।

टिप्पणी

पुनरीक्षण वाद—हस्तक्षेपणीय—किसी अनौचित्य अथवा मनमानेपन के अभाव में व्यवहार प्रक्रिया संहिता की धारा 115 के अधीन पुनरीक्षण किये गये कर निर्धारण में हस्तक्षेप नहीं किया जा सकता [देव सरन लाल बनाम नगर म० घ०, इलाहाबाद, 1982 यू० पी० एल० बी० ई० सी० 68]।

477. अपीलों में कार्यवाहियों का व्यय—न्यायाधीश के समक्ष धारा 472 के अधीन की कार्यवाहियों का, जिसके अन्तर्गत धारा 464 के अधीन मध्यस्थ निर्णय की कार्यवाहियाँ तथा धारा 475 के अधीन मूल्यांकन की कार्यवाहियाँ भी हैं, व्यय उन पक्षों द्वारा और ऐसे अनुपात में देय होगा जिसे न्यायाधीश आदिष्ट

करें और वह मामलादि, यदि आवश्यक हो, इस प्रकार वसूल की जा सकेगी मानो वह प्रविधिपालक स्मॉल कॉज कोर्ट्स ऐक्ट, 1887 के अधीन किसी स्मॉल कॉज़ेज कोर्ट द्वारा पारित डिक्री के अधीन देय हो।

478. ऐसे मूल्यांकन और कर, जिनके विरुद्ध अपील न की गई हो, तथा अपील में किये गये निर्णय अन्तिम होंगे—(1) इस अधिनियम के अधीन निश्चित प्रत्येक ऐसा वार्षिक मूल्यांकन जिसके विरुद्ध पहले की गई व्यवस्था के अनुसार कोई शिकायत न की गयी हो तथा इस अधिनियम के अधीन किसी कर के निमित्त किसी व्यक्ति से अभिप्राप्त प्रत्येक धनराशि, यदि पहले की हुई व्यवस्था के अनुसार उसके विरुद्ध कोई अपील न की गई हो, तथा ऐसे किसी मूल्यांकन अथवा कर के विरुद्ध की गई अपील में उपर्युक्त न्यायाधीश का निर्णय, यदि धारा 476 के अधीन ऐसे निर्णय के विरुद्ध अपील न की जाय, और यदि ऐसी अपील की जाय तो ऐसी अपील पर जिला जज का निर्णय अंतिम होगा।

(2) किसी ऐसे मूल्यांकन अथवा कर के विरुद्ध अपील होने पर मुख्य नगराधिकारी उक्त न्यायाधीश अथवा जिला जज का निर्णय कार्यान्वित किया जायगा।

न्यायाधीश तथा जिला जज के समक्ष अपीलें

479. न्यायाधीश के समक्ष अपील—न्यायाधीश (Judge) के समक्ष की जाने वाली ऐसी किसी अन्य अपील के अतिरिक्त, जिसकी इस अधिनियम के अधीन व्यवस्था की गई हो, निम्नलिखित मामलों में मुख्य नगराधिकारी की आज्ञा के विरुद्ध न्यायाधीश (Judge) के समक्ष अपील की जा सकेगी अर्थात्—

(1) धारा 249 के अधीन किसी दंड या जुर्माना को न हटाने की आज्ञा;

(2) धारा 284 के अधीन किसी भवन को आगे बढ़ाने की आज्ञा;

(3) धारा 300 के अधीन किसी स्थान के खतरनाक पाये जाने पर उसके स्वामी या अध्यासी को उसकी मरम्मत करने, उसे सुरक्षित करने अथवा घेरने के लिये दी गई आज्ञा :

किन्तु प्रतिबन्ध यह है कि कोई ऐसी अपील तब तक न की जा सकेगी, जब तक कि वह मुख्य नगराधिकारी की आज्ञा के दिनांक से एक महीने के भीतर निर्दिष्ट न की जाय।

480. भवन गिराने की आज्ञा के विरुद्ध अपील—(1) धारा 395 के अधीन भवन गिराने की आज्ञा के विरुद्ध धारा 395 के अधीन अपील की जाने पर न्यायाधीश उस आज्ञा को पुष्ट करने अथवा निरस्त करने अथवा परिवर्तित करने की ऐसी आज्ञा दे सकता है जो वह उचित समझे और यदि वह उचित समझे तो अपील करने वाले व्यक्ति से ऐसा कोई वचन स्वीकार करा सकता है, जिसे मुख्य नगराधिकारी ने स्वीकार किया होता तथा न्यायाधीश द्वारा इस प्रकार प्रभावी होगा मानो वह धारा 393 के अधीन मुख्य नगराधिकारी को दिया गया हो और उसके द्वारा स्वीकृत किया गया हो :

किन्तु प्रतिबन्ध यह है कि न्यायाधीश अपील करने वाले किसी ऐसे व्यक्ति से, जिस पर धारा 393 की उपधारा (1) में वर्णित नोटिस तामील किया गया हो, कोई नियंत्रण-कार्य संपादित करने का वचन तब तक स्वीकार न करेगा जब तक कि अपील करने वाले व्यक्ति ने उपधारा (2) के आदेशों का अनुपालन न किया हो।

(2) इस धारा के अधीन अपील के संबंध में न्यायाधीश (Judge) द्वारा किये गये निर्णय के विरुद्ध ऐसे निर्णय के एक महीने के भीतर जिला जज को अपील हो सकेगी, यदि मुख्य नगराधिकारी की निर्धारण पंजी में इस अधिनियम के उपबन्धों के अनुसार दर्ज उस भू-गृहादि का वार्षिक मूल्यांकन जिससे गिराये जाने की आज्ञा जिसके विरुद्ध अपील की गई हो, पूर्णतः अथवा अंशतः सम्बद्ध हो, 2,000 रु० से अधिक दर्ज की गई हो;

(3) इस धारा के अधीन न्यायाधीश द्वारा किया गया निर्णय, यदि उपधारा (2) के अधीन उसके विरुद्ध अपील न हो सकती हो अथवा यदि अपील न की जाय तथा यदि अपील निर्दिष्ट की जाय तो जिला जज द्वारा अपील में किया गया निर्णय अंतिम होगा।

अध्याय 20

न्यायाधीश, जिला जज और मैजिस्ट्रेट के समक्ष कार्यवाहियाँ

471. न्यायाधीश को अधिदेश–निम्नलिखित मामलों में न्यायाधीश को अधिदेश (reference) किया जायगा–

(1) इस सम्बन्ध में कि धारा 249 के अधीन भवन अथवा कुटी के स्वामी के आवेदन-पत्र देने पर मुख्य नगराधिकारी को दण्ड या खाद्य हटाने के लिए आदेश दिया जा सकता है या नहीं :

[1][प्रतिबन्ध यह है कि न्यायाधीश के समक्ष किसी प्रक्रम पर लम्बित कोई ऐसी अपील सुनवाई और निस्तारण के लिए जिला जज द्वारा लघुवाद न्यायालय के किसी अपर न्यायाधीश या सिविल न्यायाधीश या अपर न्यायाधीश को, जिसकी नगर में अधिकारिता हो, अन्तरित की जा सकती है,]

(2) धारा 284 के अधीन किसी भवन को आगे बढ़ाने के लिए अपेक्षित भूमि के मूल्य की धनराशि के संबंध में;

(3) धारा 522 के अधीन मुख्य नगराधिकारी या किसी [2][निगम] पदाधिकारी की आज्ञा के अधीन संपादित कोई निर्माण-कार्य अथवा किया गया कोई कार्य या की गई बातों के लिए व्यय की धनराशि अथवा उसके भुगतान के संबंध में;

(4) इस अधिनियम के किन्हीं उपबन्धों अथवा उसके अधीन बनाये गये किसी नियम अथवा उपविधि के अधीन होने वाले व्यय या प्रतिकर की धनराशि या उसके भुगतान और उसके संविभाजन के सम्बन्ध में जिसके लिए अन्यथा विशिष्ट रूप से व्यवस्था न की गयी हो।

मूल्यांकन और करों के विरुद्ध अपील

472. अपील कब और किसको की जायेगी–(1) आगे दिये गये उपबन्धों के अधीन रहते हुए इस अधिनियम के अधीन निश्चित अथवा धारित किसी वार्षिक मूल्य या कर के विरुद्ध अपीलें न्यायाधीश द्वारा सुनी और निर्धारित की जायेंगी।

(2) ऐसी कोई अपील उस समय तक न सुनी जायगी जब तक कि–

(क) वह शिकायत का कारण प्रोद्भूत होने के पश्चात् 15 दिन के भीतर न की गई हो;

(ख) वार्षिक मूल्य के विरुद्ध की गई किसी अपील की दशा में [3][* * *] पहले आपत्ति न की गई हो और [4][धारा 209 के अधीन उसका] निपटारा न किया जा चुका हो;

(ग) किसी ऐसे कर के विरुद्ध अपील की दशा में, जिसके सम्बन्ध में माँग के विरुद्ध मुख्य नगराधिकारी को आपत्ति किये जाने के लिए इस अधिनियम के अधीन व्यवस्था हो, ऐसी आपत्ति पहले न की गई हो और उसका निपटारा न किया जा चुका हो;

(घ) [5][धारा 213 की उपधारा (1) के अधीन सम्पत्ति करों की निर्धारण-सूची में किये गये किसी संशोधन या परिवर्तन के विरुद्ध की गयी किसी अपील की दशा में, उक्त उपधारा (1) के प्रतिबन्धात्मक खंड के अधीन जारी किये गये नोटिस के अनुसरण में आपत्ति न की गयी हो और ऐसी आपत्ति का निपटारा न किया जा चुका हो;]

1. उ० प्र० अधिनियम सं० 35 सन् 1978 द्वारा स्थापित किया गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 21, 1964 की धारा 24 (1) द्वारा कतिपय शब्द "इस अधिनियम में की गयी व्यवस्था के अनुसार मुख्य नगराधिकारी के समक्ष" निकाल दिये गये
4. उ० प्र० अधिनियम सं० 21, 1964 की धारा 24 (1) द्वारा शब्द "उस आपत्ति का" के स्थान पर रखे गये
5. उ० प्र० अधिनियम सं० 21, 1964 की धारा 24 (2) द्वारा संशोधित किया गया

(ङ) किसी कर के विरुद्ध अपील की दशा में अथवा वार्षिक मूल्यांकन के विरुद्ध अपील की दशा में, जब ऐसे मूल्यांकन पर निर्धारित कोई सम्पत्ति कर का अपीलकर्त्ता को प्रस्तुत किया जा चुका हो, अपीलकर्त्ता से अभिवाचित धनराशि उसके द्वारा मुख्य नगराधिकारी के पास जमा न कर दी गई हो।

टिप्पणियाँ

अपील प्राधिकारी की अपीलीय अधिकारिता–उस भाग का, जो स्वयं स्वामी दखल में हो, का मूल्य रु० 1,800.00 से बढ़ा कर रु० 2,400.00 करने की अपील प्राधिकारी की कोई अधिकारिता इस कारण नहीं है कि इस तर्क को कि सम्पूर्ण मकान का मूल्य रु० 3,000.00 है, अयुक्त नहीं कहा जा सकता।

यदि यह इस परिणाम पर पहुँचे कि मकान का वह भाग जो किरायेदारी पर हो, उस रकम से कम पर उठाया गया हो कि जिस पर वार्षिक मूल्यांकन का निर्धारण किया गया है, तो यह उस भाग के वार्षिक मूल्य को अवश्य घटा सकेगा [गंगोत्तरा शर्मा बनाम सी० जे० एम०, 1982 यू० पी० एल० बी० ई० सी० 221]।

धारा 472 तथा 476 का विस्तार क्षेत्र–अधिनियम की धारा 472 के अधीन अधिनियम के अधीन नियत किये गये अथवा अधिरोपित किये गये कर के विरुद्ध अपील की जा सकती है, जो न्यायाधीश द्वारा सुनी जायगी और अवधारित की जायगी। इसके अलावा, एक और भी अपील का प्राविधान धारा 476 के अधीन किया गया है, जो जिला जज के समक्ष दाखिल की जायगी। अतः यह स्पष्ट ही है कि कर के अधिरोपण से क्षुब्ध कोई व्यक्ति अधिनियम के अधीन दो अपीलें दायर कर सकता है और ये अपीलें नियमित न्यायालयों में दायर की जाती हैं। धारा 472 के अवलोकन मात्र से इस बात में तनिक भी सन्देह नहीं रह जाता कि अधिनियम के अधीन अधिरोपित किये गये किसी भी प्रकार के कर के विरुद्ध इन अपीलों का प्राविधान किया गया है। धारा 472 (2) के प्राविधान में यह निर्दिष्ट है कि किसी भी प्रकार के कर के विरुद्ध अपील की जा सकेगी। यह मात्र अधिनियम के अधीन नियत किये गये वार्षिक मूल्य तक ही सीमित नहीं है [*मेसर्स आगरा इलेक्ट्रिक सप्लाई कं० लि०* बनाम *आगरा नगर म० पा०*, 1982 यू० पी० एल० बी० ई० सी० 192]।

473. [1][शिकायत का कारण कब प्रोद्भूत हुआ समझा जायगा–धारा 472 के प्रयोजनों के लिए शिकायत का कारण निम्नलिखित प्रकार से प्रोद्भूत हुआ समझा जायगा, अर्थात्–

(क) [2][धारा 209 के अधीन ऐसे मूल्यांकन के विरुद्ध] अपील की दशा में, उस दिन जब ऐसे मूल्यांकन के विरुद्ध मुख्य नगराधिकारी को की गई आपत्ति का निपटारा किया जाय;

(ख) [3][धारा 472] की उपधारा (2) के खंड (ग) में निर्दिष्ट कर के विरुद्ध अपील की दशा में, उस दिन जब ऐसे कर के विरुद्ध की गयी आपत्ति का संबन्धित प्राधिकारी द्वारा निपटारा कर दिया जाय;

(ग) [3][धारा 213 की उपधारा (1) के अधीन सम्पत्ति करों की निर्धारण-सूची में किये गये किसी संशोधन या परिवर्तन के विरुद्ध की गयी किसी अपील की दशा में, उस दिन जब उक्त उपधारा के प्रतिबन्धात्मक खंड के अधीन जारी किये गये नोटिस के अनुसरण में आपत्ति का निपटारा कर दिया जाय;]

(घ) किसी ऐसे कर के विरुद्ध अपील की दशा में जो उपर्युक्त खंड (ख) के अन्तर्गत न आता हो, उस दिन जब उसका भुगतान माँग जाय अथवा तदर्थ बिल तामील किया जाय।

1. उ० प्र० अधिनियम सं० 21, 1964 की धारा 25 (1) द्वारा शब्द "वार्षिक मूल्यांकन के विरुद्ध" के स्थान पर रखा गया
2. उ० प्र० अधिनियम सं० 21, 1964 की धारा 25 (2) द्वारा रखा गया
3. उ० प्र० अधिनियम सं० 21, 1964 की धारा 25 (3) द्वारा संशोधित

(घ) किसी ऐसी वस्तु के प्रापक विक्रय में कोई अंश अथवा स्वत्व रखता हो, जिसका वह [1][निगम] के साथ निषिद्ध रूप से व्यवसाय करता हो, जिसे राज्य सरकार की स्वीकृति से एतदर्थ निश्चित करे; अथवा

(ङ) जल संभरण के लिए, जिसका शुल्क लिया जाता हो, [1][निगम] के साथ किये गये किसी अनुबंध में कोई पक्ष हो।

464. संविदा, आदि में कर्मचारियों के स्वत्व रखने के विरुद्ध उपबन्ध–(1) ऐसा कोई व्यक्ति जो [1][निगम] के कर्मचारी से भिन्न रूप में स्वयं या अपने साझीदार द्वारा, प्रत्यक्ष अथवा अप्रत्यक्ष रूप से [1][निगम] के साथ उसके द्वारा अथवा उसकी ओर से किसी संविदे में अथवा [1][निगम] के साथ, उसके द्वारा, उसके अधीन अथवा उसकी ओर से किसी नियोजन में, कोई अंश या स्वत्व रखे, उक्त [1][निगम] का कर्मचारी बना रहने के लिए अनर्ह होगा।

(2) ऐसा [1][निगम] कर्मचारी जो स्वयं अथवा अपने साझीदार द्वारा, प्रत्यक्ष अथवा अप्रत्यक्ष रूप से उपर्युक्त किसी संविदे अथवा नियोजन में कोई अंश या स्वत्व अर्जित करे अथवा बनाये रखे तो वह [1][निगम] का कर्मचारी न रहेगा और उसका पद रिक्त हो जायगा।

(3) ऐसा [1][निगम] का सेवक जो किसी [1][निगम], जिसका वह कर्मचारी है, के साथ, अधीन अथवा उसकी ओर से किसी संविदे में अथवा उस दशा को छोड़कर जब संविदे का संबंध किसी [1][निगम] के कर्मचारी के रूप में उसके नियोजन से हो, किसी नियोजन में जानबूझकर अप्रत्यक्ष या प्रत्यक्ष रूप से कोई अंश या स्वत्व अर्जित करता है अथवा बनाये रखता है, के सम्बन्ध में यह समझा जायगा कि उसने इंडियन पीनल कोड की धारा 168 के अधीन अपराध किया है।

(4) इस धारा की कोई बात [1][निगम] के साथ, उसके अधीन, उसके द्वारा अथवा उसकी ओर से किये गये किसी ऐसे संविदे अथवा नियोजन में धारा 463 के प्रतिबन्ध के खंड (ख), (घ) तथा (ङ) में निर्दिष्ट हो, किसी अंश तथा स्वत्व के संबंध में अथवा विहित प्राधिकारी की अनुज्ञा से भूमि अथवा भवनों के पट्टे, क्रय या विक्रय में अर्जित किये गये अथवा बनाये रखे गये किसी अंश अथवा स्वत्व के, अथवा तदर्थ किये गये किसी अनुबन्ध के सम्बन्ध में लागू न होगी।

[2][464-क. धारा 112-ग और 112-घ का उल्लंघन करने के लिए दण्ड–जो भी व्यक्ति धारा 112-ग या धारा 112-घ का उल्लंघन करके कोई कार्य करता है अथवा करने के लिए अनुरोजित करता है, तो सिद्ध दोष हो जाने पर उसे या तो कारावास का दंड दिया जायगा, जो छः मास तक का हो सकता है अथवा अर्थ-दंड दिया जायगा, जो पाँच सौ रुपये तक का हो सकता है अथवा दोनों दंड दिये जायेंगे।]

465. धारा 267 के प्रतिकूल किये गये अपराधों के लिए दण्ड–(1) जो भी व्यक्ति धारा 267 की उपधारा (2) के किसी भी उपबन्ध का उल्लंघन करे, उसे दोष सिद्ध होने पर, एक मास तक का कारावास दंड अथवा 100 रुपये तक का अर्थ दंड अथवा दोनों ही दंड दिये जा सकते हैं।

(2) जब कोई व्यक्ति उपधारा (1) के अधीन सिद्ध दोष होता है तो दोष सिद्ध करने वाला मैजिस्ट्रेट ऐसे किसी भवन को तुरन्त हटाये जाने अथवा ऐसी भूमि पर होने वाली क्रियाओं अथवा उस भूमि के प्रयोग को तुरन्त बन्द किये जाने की आज्ञा दे सकता है, जिसके सम्बन्ध में उक्त दोष-सिद्धि दी गयी हो।

(3) यदि उपधारा (2) के अधीन की गयी किसी आज्ञा का पालन न किया जाय अथवा उसके संपादन का विरोध किया जाय तो अपराधी व्यक्ति को दोष सिद्ध होने पर, एक महीने का कारावास दंड अथवा 100 रुपये तक का अर्थ-दंड अथवा दोनों ही दंड दिये जा सकते हैं।

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 21 सन् 1964 की धारा 23 द्वारा बढ़ायी गयी

466. भूमी या पथ-कर के अपवंचन (evasion) पर शास्ति–[1][* * *]

467. सामान्य शास्ति–जो भी व्यक्ति इस अधिनियम के उपबन्धों के अथवा तदनुसार प्रवर्तित किसी नियम, उपविधि, विनियम, अनुज्ञप्ति, अनुज्ञा या नोटिस का उल्लंघन करे अथवा ऐसे किसी उपबन्ध के अधीन विधिवत् दी गयी किसी आज्ञा का पालन करने में असफल रहे, तो यदि इस अधिनियम के अन्य किसी उपबन्ध में ऐसे उल्लंघन अथवा असफलता के लिए किसी शास्ति की व्यवस्था न की गयी हो, उसे ऐसे प्रत्येक अपराध के लिए 100 रु० तक का अर्थ-दण्ड दिया जा सकता है तथा प्रथम दोष-सिद्धि के उपरांत ऐसे प्रत्येक दिन के लिए, जब तक कि उक्त उल्लंघन अथवा असफलता जारी रहे, 25 रुपये तक का अर्थ-दण्ड दिया जा सकता है।

टिप्पणी

उद्देश्य–धारा 467 सामान्य शास्ति (general penalty) का प्राविधान करती है, जिसमें किसी नियम का अतिलंघन भी सम्मिलित है। उन तथ्यों के आधार पर, जो इस मामले में पाये गये हैं, इस परिणाम पर पहुँचने में कोई सन्देह नहीं रह जाता कि अपीलार्थीगण उन अपराधों के लिए कि जिनका उन पर आरोप लगाया गया था, दोषी थे [बाबादीन राय बनाम उत्तर प्रदेश राज्य, 1971 यू० जे० (एस० सी०) 692]।

468. स्वामियों के अभिकर्त्ताओं तथा न्यासियों के उत्तरदायित्व के संबंध में शास्ति की आपत्ति–कोई भी व्यक्ति जो धारा 2 के खंड (52) के उपखंड (क) की कंडिका (1), (2) तथा (3) में वर्णित किसी भी रूप में भू-गृहादि का किराया प्राप्त करता है, भू-गृहादि के स्वामी के रूप में इस अधिनियम के अधीन किसी कार्य के न करने के लिए किसी शास्ति का भागी न होगा, यदि वह यह सिद्ध कर दे कि चूक इसी कारण हुई है कि अपेक्षित कार्य पर होने वाले व्यय को पूरा करने के लिए, उसके पास स्वामी को अथवा स्वामी की देय पर्याप्त न थी।

469. समवाय, आदि द्वारा किये गये अपराध–इस अधिनियम अथवा किसी नियम, उपविधि या विनियम के अधीन अपराध करने वाला व्यक्ति, यदि कोई समवाय, निगमित संस्था अथवा व्यक्तियों का संघ (चाहे वह निगमित हो अथवा न हो) या फर्म हो तो उसके प्रत्येक संचालक, प्रबन्धक, मंत्री, अभिकर्त्ता या अन्य किसी पदाधिकारी अथवा उसके प्रबन्धक से सम्बद्ध किसी व्यक्ति तथा फर्म के प्रत्येक हिस्सेदार जब तक कि वह यह सिद्ध न कर दे कि उक्त अपराध बिना उसकी जानकारी अथवा सहमति के किया गया है, के संबंध में समझा जायगा कि वह उक्त अपराध का दोषी है।

470. इस अधिनियम के प्रतिकूल दोषी व्यक्तियों द्वारा की गयी क्षति के लिए उनके द्वारा देय प्रतिकर–(1) यदि कोई कार्य करने या न करने के कारण कोई व्यक्ति इस अधिनियम अथवा किसी नियम, विनियम या उपविधि के प्रतिकूल किसी अपराध में सिद्ध-दोष हुआ हो और उस व्यक्ति के उक्त कार्य करने अथवा न करने के कारण [2][निगम] को किसी सम्पत्ति को कोई क्षति पहुँची हो, तो उक्त अपराध के लिए उस व्यक्ति को दण्ड दिये जा चुकने पर भी, उसे उस क्षति के लिए प्रतिकर देना होगा।

(2) कोई विवाद उठ खड़ा होने पर उक्त व्यक्ति द्वारा देय प्रतिकर की धनराशि उस मैजिस्ट्रेट द्वारा निर्धारित की जायगी, जिसके समक्ष उक्त अपराध के संबंध में वह सिद्ध-दोष हुआ हो और उस प्रकार निर्धारित प्रतिकर की धनराशि अदा न किये जाने पर वह उक्त मैजिस्ट्रेट के वारन्ट द्वारा इस प्रकार वसूल की जायगी मानो वह धनराशि मैजिस्ट्रेट द्वारा किसी ऐसे व्यक्ति पर किया गया कोई जुर्माना हो, जिस पर उसे अदा करने का दायित्व हो।

1. उ० प्र० अधिनियम सं० 9 सन् 1991 द्वारा निकाला गया
2. उ० प्र० अधिनियम सं 12 सन् 1994 द्वारा प्रतिस्थापित

संशोधित हुआ है, की धारा 23 तथा 24 के उपबन्धों से तथा उन विषयों के सम्बन्ध में जिन पर इन उपबन्धों के अधीन विचार नहीं किया जा सकता, ऐसे उपबन्धों से निर्देशित (guided) होगा, जो नियमों द्वारा विहित किये जायँ ।

(2) यदि कोई व्यक्ति धारा 456 अथवा धारा 457 के अधीन दिये गये प्रतिकर के सम्बन्ध में मुख्य नगराधिकारी अथवा [1][जिला] के निर्णय से क्षुब्ध हो तो वह एक महीने की अवधि के भीतर अध्याय 20 के उपबन्धों के अनुसार न्यायादेश के समक्ष अपील कर सकता है ।

459. नियम बनाने का अधिकार—(1) राज्य सरकार इस अध्याय के प्रयोजनों को कार्यान्वित करने के नियम बना सकती है ।

(2) पूर्वोक्त अधिकार की व्यापकता पर प्रतिकूल प्रभाव डाले बिना इन नियमों में निम्नलिखित को व्यवस्था की जा सकती है—

(क) वे सिद्धान्त, जिनके आधार पर प्रतिकर का निर्धारण किया जायगा;

(ख) मुख्य नगराधिकारी द्वारा प्रतिकर का निर्धारण;

(ग) अस्थायी निर्धारणों के सम्बन्ध में आपत्तियाँ प्रस्तुत करना और उनका निराकरण ।

अध्याय 19
शास्तियाँ

460. कुछ अपराध जिनमें जुर्माने का दंड दिया जा सकता है—(1) जो भी व्यक्ति—

(क) अनुसूची 3 की सारिणी के भाग 1 के पहले स्तम्भ में उल्लिखित किन्हीं धाराओं, उपधाराओं या खंडों या उनके अन्तर्गत दी गई किसी आज्ञा के किसी उपबन्ध का उल्लंघन करे; या

(ख) उक्त किसी धाराओं, उपधाराओं या खंडों के अधीन उसे विधिवत् दिये गये किसी आदेश का अनुपालन न करे, तो उसे ऐसे प्रत्येक अपराध के लिए अर्थदंड दिया जायगा, जो उस सम्बन्ध में उक्त भाग के दूसरे स्तम्भ में उल्लिखित धनराशि तक हो सकता है—

(2) जो भी व्यक्ति—

(क) अनुसूची 3 की सारिणी के भाग 2 के पहले स्तम्भ में उल्लिखित किन्हीं धाराओं, उपधाराओं या खंडों या उनके अन्तर्गत दी गयी किसी आज्ञा के किसी उपबन्ध का उल्लंघन करने; या

(ख) उक्त किन्हीं धाराओं, उपधाराओं या खंडों के अधीन उसे विधिवत् दिये गये किसी आज्ञा का अनुपालन न करने,

के बावजूद सिद्धदोष हो जाने के पश्चात् भी बराबर उक्त उपबन्ध का उल्लंघन अथवा उक्त आदेश का अनुपालन करने में उपेक्षा करता रहे या उक्त उपबन्ध के उल्लंघन में किये गये किसी निर्माण-कार्य या वस्तु को न हटाये या ठीक न करे, जैसी भी स्थिति हो, या किसी भू-गृहादि को रिक्त न करे, तो उसे प्रत्येक ऐसे दिन के लिये जब तक वह उक्त अपराध करता रहे, अर्थदंड दिया जायगा, जो उस सम्बन्ध में उक्त भाग के दूसरे स्तम्भ में उल्लिखित धनराशि तक हो सकता है ।

461. पीनल कोड के अधीन दंडनीय अपराध—(1) जो भी व्यक्ति निम्नलिखित सारिणी के पहले स्तम्भ में उल्लिखित इस अधिनियम की किन्हीं धाराओं, उपधाराओं या खंडों या उनके अन्तर्गत दी गई किसी आज्ञा के किसी उपबन्ध का उल्लंघन करे और जो भी व्यक्ति उक्त किन्हीं धाराओं, उपधाराओं या खंडों के अधीन उसे विधिवत् दिये गये उसी आदेश का अनुपालन न करे, तो उसके सम्बन्ध में यह समझा

1. उ० प्र० अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित ।

क्रमशः उस धाराओं के दूसरे स्तम्भ में उस ओर के ऐसी [illegible]
उस व्यक्ति को दंड दिया जायगा, अर्थात्:—

इस अधिनियम की धाराएँ		इंडियन पीनल कोड की वे धाराएँ जिनके अधीन अपराधी दंडनीय है
267 (3)*, 400, खंड (क), (ख)	...	277
(ग), (घ), (ङ) और (च)	...	188
411	...	177
456		

(2) जो भी व्यक्ति मुख्य नगराधिकारी द्वारा विधिवत् दिये गये ऐसे आदेश, नोटिस अथवा आज्ञा का अनुपालन नहीं करता, जो किसी भवन के वार्षिक मूल्य को निर्धारित करने के सम्बन्ध में सूचना देने अथवा लिखित विवरणी (return) के सम्बन्ध में हो या किसी [1][जिला] कर के लगाये जाने (levy) या निर्धारण के सम्बन्ध में हो, या जो भी व्यक्ति ऐसी सूचना दे या ऐसी विवरणी तैयार करे, जिसके विषय में यह पाया जाता हो कि वह असत्य, अशुद्ध या भ्रामक (misleading) है, तो यह समझा जायगा कि उसने इंडियन पीनल कोड की धारा 176 या 177 के अधीन दंडनीय अपराध किया है ।

462. झूठी निर्वाचक नामावलियाँ तैयार करने के अपराधों के लिये दंड—[2][* * *]

463. समिति, आदि में स्थान अर्जित करने वाले सदस्य या नगर-प्रमुख को दंड—[1][जिला] का कोई सदस्य या नगर प्रमुख जो विहित प्राधिकारी को लिखित अनुज्ञा के अनुकूल जान-बूझ कर प्रत्यक्ष या अप्रत्यक्ष रूप से, स्वयं या अपने साझीदार द्वारा [1][जिला] के साथ उसके द्वारा या उसकी ओर से किसी समिति या नियोजन में कोई अंश या स्वत्व अर्जित करे या इसे बराबर बनाये रखे, तो यह समझा जायगा कि उसने इंडिया पीनल कोड की धारा 168 के अधीन अपराध किया है ।

किन्तु प्रतिबन्ध यह है कि इस धारा के प्रयोजनों के लिए किसी व्यक्ति के सम्बन्ध में यह नहीं समझा जायगा कि उसने किसी समिति या नियोजन में कोई अंश या स्वत्व अर्जित किया है या उसे बराबर बनाये रखा है, यदि वह केवल—

(क) भूमि अथवा भवनों के किसी पट्टे, विक्रय अथवा क्रय में, अथवा उसके लिए किसी अनुबंध में, कोई अंश अथवा स्वत्व रखता हो, परन्तु ऐसे अंश अथवा स्वत्व उसके सदस्य अथवा नगर प्रमुख बनने के पूर्व ही अर्जित किया गया हो; अथवा

(ख) किसी ऐसे संयुक्त समष्टि समवाय (joint stock Company) में कोई अंश रखता हो [1][जिला] के साथ संविदा करेगा अथवा [1][जिला] के द्वारा या उसकी ओर से नियोजित होगा; अथवा

(ग) किसी ऐसे समाचार-पत्र में अंश अथवा स्वत्व रखता हो, जिसमें [1][जिला] के कार्यों से सम्बद्ध कोई विज्ञापन दिया जाता हो; अथवा

(घ) कोई ऋण-पत्र रखता हो अथवा [1][जिला] द्वारा अथवा उसकी ओर से उगाहे गये ऋण में अन्यथा कोई स्वत्व रखता हो; अथवा

(ङ) [1][जिला] द्वारा विधि व्यवसायी (legal practitioner) के रूप में बनाये रखा गया हो; अथवा

---

* उ० प्र० अधिनियम सं० 23, 1961 द्वारा अंक "267 (2)" के स्थान पर रखा गया ।
1. उ० प्र० अधिनियम सं० 12, सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित ।
2. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 64 द्वारा निकाली गई ।

(3) धारा 423 की उपधारा (2) के प्रतिकल्प के उपबन्धों के अधीन रहते हुए, इस अधिनियम के अधीन दी गई कोई अनुज्ञप्ति या लिखित अनुज्ञा मुख्य नगराधिकारी द्वारा किसी भी समय निलम्बित या प्रतिसंहृत की जा सकती है, यदि उसका यह समाधान हो जाय कि उसे गृहीता (holder) ने भ्रान्त कथन या कपट से प्राप्त किया है या वह व्यक्ति, जिसे वह दी गई है, उसके किसी निर्बन्धन या शर्तों का अतिलंघन (infringe) या अपसंचरण (evade) करता है या यदि उक्त व्यक्ति किसी ऐसे मामले में, जिससे उक्त अनुज्ञप्ति या अनुज्ञा सम्बन्ध रखती हो, इस अधिनियम या किसी नियम, उपविधि या विनियम के किसी उपबन्ध का अतिलंघन करने के कारण अपराधी ठहराया गया है।

(4) यदि उक्त कोई अनुज्ञप्ति या लिखित अनुज्ञा निलम्बित या प्रतिसंहृत की जाय या जब वह अवधि जिसके लिये वह अनुज्ञप्ति या अनुज्ञा दी गई थी, समाप्त हो गई हो, तो वह व्यक्ति जिसे वह अनुज्ञप्ति या अनुज्ञा दी गई हो, इस अधिनियम के सभी प्रयोजनों के लिए, उस समय तक बिना अनुज्ञप्ति या लिखित अनुज्ञा के समझा जायगा जब तक कि मुख्य नगराधिकारी यथास्थिति अपने द्वारा अनुज्ञप्ति या लिखित अनुज्ञा को निलम्बित या प्रतिसंहृत करने के लिखित दी गई आज्ञा को निरस्त न कर दे या जब तक कि अनुज्ञप्ति या लिखित अनुज्ञा का नवीकरण न कर दिया जाय।

किन्तु प्रतिबन्ध यह है कि यदि अनुज्ञप्ति या लिखित अनुज्ञा में विनिर्दिष्ट दिनांक तक उसके नवीकरण के लिये कोई आवेदन-पत्र दे दिया गया हो, तो आज्ञा प्राप्त होने तक प्रार्थी को इस प्रकार कार्य करने का अधिकार होगा, मानो कि उसका नवीकरण हो गया है।

(5) प्रत्येक व्यक्ति, जिसे ऐसी अनुज्ञप्ति या लिखित अनुज्ञा दी गई हो, सभी समुचित समयों पर, जब तक कि उक्त लिखित अनुमति या अनुज्ञप्ति प्रचलित हो; मुख्य नगराधिकारी द्वारा ऐसा आदेश दिये जाने पर, उस अनुज्ञप्ति या लिखित अनुज्ञा को प्रस्तुत करेगा।

(6) अनुज्ञप्ति या अनुज्ञा के लिए प्रत्येक आवेदन-पत्र मुख्य नगराधिकारी को सम्बोधित किया जायगा।

(7) मुख्य नगराधिकारी द्वारा या उसकी ओर से अनुज्ञप्ति या अनुज्ञा के लिए शुल्क स्वीकार किया जाना ही शुल्क देने वाले व्यक्ति को अनुज्ञप्ति या अनुज्ञा का अधिकारी नहीं बना देगा।

452. अनुज्ञप्ति शुल्क, इत्यादि—मुख्य नगराधिकारी किसी ऐसी अनुज्ञप्ति, स्वीकृत हुई या अनुज्ञा के लिए जिसका उसके द्वारा दिया जाना इस अधिनियम के द्वारा अथवा अधीन अधिकृत अथवा अपेक्षित है, उपविधि द्वारा विहित शुल्क ले सकता है।

453. नियम बनाने का अधिकार—(1) इस अध्याय के प्रयोजनों को कार्यान्वित करने के लिए राज्य सरकार नियम बना सकती है।

(2) उपर्युक्त अधिकार की व्यापकता पर प्रतिकूल प्रभाव डाले बिना ऐसे नियमों में निम्नलिखित की व्यवस्था की जा सकती है—

(क) [1][निगम] के या निजी बाजारों के भीतर या बाहर बिक्री का विनियमन;

(ख) निजी बाजारों की सीमा निश्चित या निर्धारित करना;

(ग) निजी बाजारों के लिए पहुँच के उचित रास्ते, आस-पास में स्थान एवं संयोजन;

(घ) निजी बाजारों तथा वधशालाओं के लिए उचित खड़ंजे तथा जल-निस्सारण का प्रबंध;

(ङ) अनुज्ञप्ति धू-धारकों, वास्तुशास्त्रियों, अभियन्ताओं, ढाँचा-निर्माताओं, निर्माण लिपिकों तथा जल-मिस्त्रियों के पथ-प्रदर्शनार्थ क्रमशः आज्ञाएँ जारी करना।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर रखा गया

अध्याय 17

जन्म-मृत्यु सम्बन्धी अभिलेख

454. जन्म तथा मृत्यु का पंजीयन—मुख्य नगराधिकारी जन्म तथा मृत्यु का एक रजिस्टर रखवायेगा, जिसमें नगर में होने वाले प्रत्येक जन्म तथा मृत्यु को विहित रीति से दर्ज किया जायगा।

455. नियम बनाने का अधिकार—राज्य सरकार निम्नलिखित की व्यवस्था करने के लिए नियम बना सकती है—

(क) नगर में होने वाले जन्म और मृत्यु के बारे में सूचना प्राप्त करने की प्रक्रिया;

(ख) जन्म तथा मृत्यु के रजिस्टर में दर्ज किये जाने वाले विवरण;

(ग) जन्म तथा मृत्यु के बारे में सूचना संग्रह करने के लिए [1][निगम] के पदाधिकारियों और सेवकों द्वारा प्रयुक्त किये जाने वाले अधिकार;

(घ) नगर में होने वाले प्रत्येक जन्म तथा मृत्यु के सम्बन्ध में यथास्थिति गर्भजात अथवा मृत व्यक्ति के माता-पिता अथवा अन्य किसी सम्बन्धी अथवा अन्य किसी व्यक्ति का [1][निगम] के पदाधिकारियों और सेवकों को सूचना देना तथा जन्म और मृत्यु के रजिस्टरों में गलतियाँ ठीक किया जाना;

(ङ) बच्चे के नाम का अथवा नामों में परिवर्तन का पंजीयन;

(च) अन्य ऐसे प्रासंगिक तथा आनुषंगिक विषय जो इस अधिनियम के उपबन्धों को कार्यान्वित करने के प्रयोजन से आवश्यक हों।

अध्याय 18

प्रतिकर

456. प्रतिकर अदा करने का मुख्य नगराधिकारी का साधारण अधिकार—किसी ऐसे मामले में, जिसको इस अधिनियम में अथवा इसके अन्तर्गत बने किसी नियम अथवा उपविधि में स्पष्टतः अन्यथा व्यवस्था न की गई हो, मुख्य नगराधिकारी कार्यकारिणी समिति के पूर्वानुमोदन से किसी भी ऐसे व्यक्ति को प्रतिकर अदा कर सकता है, जिसे इस अधिनियम द्वारा अथवा उक्त किसी नियम या उपविधि द्वारा मुख्य नगराधिकारी अथवा किसी [1][निगम] के पदाधिकारी अथवा सेवक में निहित अधिकार का प्रयोग करने के कारण कोई क्षति हुई हो।

457. मूल्यापकर्षित अचल संपत्ति के मूल्य के लिए स्वामी को दिया जाने वाला प्रतिकर—(1) किसी ऐसे मामले में जिसमें धारा 231, 232, 249, 250, 251 और 284 द्वारा प्रदत्त किसी अधिकार का उपयोग करने के कारण किसी अचल सम्पत्ति के मूल्य में अपकर्ष हो गया हो [1][निगम] उस सम्पत्ति के स्वामी को उचित प्रतिकर दे सकती है।

(2) यदि उस सम्पत्ति का, जिसके मूल्य में अपकर्ष हुआ हो, स्वामी प्रतिकर स्वीकार कर लेता है, तो वह यह समझा जायगा कि उसने [1][निगम] को उपर्युक्त किन्हीं भी धाराओं के अधीन ऐसी रीति से अपने अधिकारों का प्रयोग जारी रखने का सतत् अधिकार दे दिया है कि उस अपकृषण अथवा उस क्षति को अपेक्षा जो उस समय, जब प्रतिकर प्राप्त हुआ था, की जा रही थी या की जायगी और न पहुँचायी जायगी।

458. सिद्धान्त, जिन पर और रीति जिनसे प्रतिकर निर्धारित किया जायगा—(1) धारा 457 की उपधारा (1) के अधीन अदा किये जाने वाले प्रतिकर की राशि का निर्धारण करते समय यथास्थिति मुख्य

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

442. अनुज्ञप्त नल-मिस्त्री उचित रूप में कार्य सम्पादित करने के लिए बाध्य होंगे—कोई अनुज्ञप्त नल-मिस्त्री इस अधिनियम के अधीन किसी कार्य को असावधानी या उपेक्षा से सम्पादित न करेगा या ऐसे कार्य के प्रयोजन के लिए खराब सामग्री, उपकरण या संस्थापन का प्रयोग न करेगा ।

443. कार्यकारिणी समिति नल-मिस्त्रियों के लिए शुल्क निश्चित करेगी—कार्यकारिणी समिति वह शुल्क या व्यय निश्चित करेगी जो इस अधिनियम के अधीन किसी या सभी प्रयोजनों के लिए अनुज्ञप्त नल-मिस्त्रियों को उनके द्वारा किये गये कार्यों के लिए दी जायगी और कोई अनुज्ञप्त नल-मिस्त्री ऐसे कार्य के लिए निश्चित शुल्क या व्यय से अधिक न मांगेगा और न प्राप्त करेगा ।

444. अनैतिक प्रयोजनों के लिए इधर-उधर घूमना और याचना करना—यदि कोई व्यक्ति नगर की सीमा के भीतर किसी सड़क या सार्वजनिक स्थान में वेश्यागमन प्रयोजनार्थ घूमता है या नैतिक अनैतिकता करने के लिए किसी व्यक्ति को संकेत करता है तो वह अपराधी ठहराये जाने पर जुर्माने का भागी होगा, जो पचास रुपये तक हो सकता है ।

किन्तु प्रतिबन्ध यह है कि इस धारा के अधीन कोई न्यायालय किसी अपराध का निराकरण न करेगा सिवाय प्रेरित व्यक्ति की शिकायत पर अथवा यथास्थिति क्रमशः [1][निगम] और जिला मैजिस्ट्रेट द्वारा लिखित रूप में प्राधिकृत किये गये किसी [1][निगम] प्राधिकारी या पुलिस-प्राधिकारी, जो सब-इन्सपेक्टर के पद से निम्न पद का न हो, की शिकायत पर ।

445. वेश्यागृह, आदि—(1) जब प्रथम श्रेणी के किसी मैजिस्ट्रेट को यह सूचना मिले कि—

(क) किसी उपासना-स्थल, शिक्षा संस्था के या किसी बोर्डिंग हाउस, छात्रावास या भोजनालय (mess) के निकट जिसका छात्र प्रयोग करते हों या जिसमें वे अन्तर्वलित हों, कोई मकान वेश्यावृत्ति के प्रयोजनार्थ अथवा किसी भी प्रकार के उच्छृंखल (disorderly) व्यक्तियों द्वारा प्रयोग में लाया जा रहा है; या

(ख) कोई मकान उपर्युक्त रूप में प्रयोग किया जा रहा है, जो पास-पड़ोस के प्रतिष्ठित निवासियों के परिभव (annoyance) का कारण है; या

(ग) आवनी के ठीक पड़ोस में कोई मकान वेश्यागृह या आध्यात्मिक वेश्यावृत्ति के प्रयोजनार्थ प्रयोग में लाया जा रहा है,

तो वह उस मकान के स्वामी, किरायेदार, प्रबन्धक या अध्यासी को स्वयं या अभिकर्ता द्वारा अपने समक्ष उपस्थित होने के लिए बुलवा सकता है, और यदि उसका यह समाधान हो जाय कि उक्त मकान खंड (क), खंड (ख) या खंड (ग) में उल्लिखित रूप में प्रयोग किया जा रहा है तो वह ऐसे स्वामी, किरायेदार, प्रबन्धक या अध्यासी को लिखित आदेश दे सकता है कि वह ऐसी आज्ञा में लिखित अवधि के भीतर, जो उस आज्ञा के दिनांक से पाँच दिन से कम की न होगी, ऐसे प्रयोग को बन्द कर दे :

किन्तु प्रतिबन्ध यह है कि इस उपधारा के अधीन कार्यवाही केवल—

(1) जिला मैजिस्ट्रेट की स्वीकृति या आज्ञा से; या

(2) जिस मकान के सम्बन्ध में शिकायत हो, उसके ठीक पास-पड़ोस में रहने वाले तीन या तीन से अधिक व्यक्तियों की शिकायत पर, या

(3) [1][निगम] की शिकायत पर, की जायगी ।

(2) यदि कोई व्यक्ति, जिसके विरुद्ध उपधारा (1) के अधीन किसी मैजिस्ट्रेट द्वारा आज्ञा दी गई है, ऐसी आज्ञा में दी गई अवधि के भीतर, उक्त आज्ञा का अनुपालन न करे तो मैजिस्ट्रेट उस पर जुर्माना कर सकता है जो उक्त अवधि के समाप्त होने के पश्चात् ऐसे प्रत्येक दिन के लिए, जिसमें उस मकान को अपराधी प्रयोजनार्थ प्रयोग किया जाय, एक सौ रुपये तक हो सकता है ।

446. भिक्षावृत्ति, आदि—यदि कोई व्यक्ति नगर के भीतर किसी सड़क या सार्वजनिक स्थान में लोगों को ठग करके भिक्षा माँगता है अथवा दान को याचना जागृत करने के उद्देश्य से किसी कुरूपता या रोग या दुर्व्यसनुरूप भाव या ढंग को खुला रखता है या प्रदर्शित करता है तो अपराधी ठहराये जाने पर उसे कारावास का दंड दिया जा सकता है, जो एक महीने तक हो सकता है या जुर्माना किया जा सकता है, जो पचास रुपये तक हो सकता है या दोनों ही दंड दिये जा सकते हैं ।

447. दुग्धशाला के प्रयोजनार्थ रखे गये अथवा भोजन के लिए प्रयोग किये जाने वाले पशुओं को अनुचित भोजन देना—कोई भी व्यक्ति, उस पशु को जो दुग्धशाला के प्रयोजनार्थ रखा गया हो या जो भोजन के लिए प्रयोग में लाया जा सकता हो, गन्दे या हानिकर पदार्थ न तो खिलायेगा और न खिलाने की अनुमति देगा ।

448. ज्वलनशील वस्तुओं का ढेर लगाना, आदि—जब जीवन या सम्पत्ति पर आने वाले संकट के निवारणार्थ आवश्यक प्रतीत हो तो मुख्य नगराधिकारी सार्वजनिक नोटिस द्वारा सभी व्यक्तियों को किसी भी स्थान में या नोटिस में निर्दिष्ट सीमा के भीतर लकड़ी, सूखी घास, पुआल या अन्य ज्वलनशील वस्तुओं का ढेर लगाने या उन्हें संग्रह करने अथवा चटाइयों या फूस की झोंपड़ी रखने या आग जलाने का प्रतिषेध कर सकता है ।

449. खड्डे,आदि को स्थानच्युत करना—(1) कोई व्यक्ति सार्वजनिक सड़क के खड्डे, गन्दी मोरी (gutter), ढूंढे या अन्य सामग्री, या उसकी सेंढ़, टीकात या खंभों या [1][निगम] की बत्ती (lamp), बत्ती का खंभा, ब्रेकेट, मार्ग निर्देशक खंभ, पानी का कल्ला, पानी निकालने का कल्ला या उसके भीतर को [1][निगम] की ऐसी ही अन्य सम्पत्ति को मुख्य नगराधिकारी या अन्य विधिपूर्ण प्राधिकारी की लिखित स्वीकृति के बिना न स्थानच्युत करेगा, न लेगा और न उसमें परिवर्तन करेगा और न अन्य किसी प्रकार से उसमें हस्तक्षेप करेगा तथा कोई भी व्यक्ति [1][निगम] की बत्ती को नहीं बुझायेगा ।

(2) उपधारा (1) में उल्लिखित किसी काम के किये जाने के कारण [1][निगम] द्वारा जो व्यय किया जायगा वह अपराधी से अध्याय 21 में उपबन्धित रीति से वसूल किया जा सकता है ।

450. आग्नेयास्त्र चलाना, आदि—कोई व्यक्ति उस रीति से आग्नेयास्त्र न चलायेगा अथवा आतिशबाजी या आग के गुब्बारे न छोड़ेगा या खेल न करेगा, जिससे राह चलने वाले या पास-पड़ोस में रहने या कार्य करने वाले व्यक्तियों के जीवन को संकट पहुँचे या पहुँचने की संभावना हो या जिससे सम्पत्ति को क्षति पहुँचने का डर हो ।

451. अनुज्ञप्तियाँ और लिखित अनुज्ञाएँ देने, उन्हें निलम्बित करने या उनका प्रतिसंहरण करने तथा शुल्क, आदि के लगाये जाने के संबंध में सामान्य उपबन्ध—(1) जब इस अधिनियम द्वारा या उसके अधीन प्रयोजनार्थ कोई अनुज्ञप्ति या लिखित अनुज्ञा देने की व्यवस्था हो तो ऐसी अनुज्ञप्ति या लिखित अनुज्ञा में वह अवधि जिसके लिए और वह निबंधन और शर्तें, जिनके अधीन रहते हुए वह दी गई हो और वह दिनांक भी दिया गया होगा, जिस तक उसके व्यवहार के लिए आवेदन-पत्र देना होगा और ऐसी अनुज्ञप्ति या लिखित अनुज्ञा मुख्य नगराधिकारी के हस्ताक्षर से या धारा 119 के अधीन उसे देने के लिए अधिकृत किये गये किसी [1][निगम] के पदाधिकारी के हस्ताक्षर से दी जायगी ।

(2) सिवाय उस दशा के जब इस अधिनियम द्वारा या उसके अधीन कोई अन्य व्यवस्था की जाय, ऐसी प्रत्येक अनुज्ञप्ति या लिखित अनुज्ञा के लिए ऐसी दर से शुल्क लिया जा सकता है, जिसे [1][निगम] की स्वीकृति से मुख्य नगराधिकारी समय-समय पर निश्चित करे ।

---

1. देखिए अधिनियम संख्या 12 सन् 1994 द्वारा प्रतिस्थापित

1. देखिए अधिनियम संख्या 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

(घ) किसी ऐसे भवन में या उसके अन्दर, जो निवास के लिए अधिभोग हो या प्रयोग में लाया जा रहा हो, अथवा ऐसे भवन के 15 फीट के भीतर, 4 "हण्ड्रेड-वेट (hundred-weight) से अधिक परिमाण में कचरा जो दबी हुई गलियों में या कोठों में या खुली हुई गई या कचरा न रखेगा;

(ङ) किसी भू-गृहादि में या उसके ऊपर निम्नलिखित किसी प्रयोजन के लिए घोड़े, पशु या अन्य चौपाये न रखेगा और न रखने की अनुज्ञा देगा :

(1) बिक्री के लिए,

(2) किराये पर देने के लिए,

(3) ऐसे किसी प्रयोजन के लिए कोई शुल्क लिया जाता हो या कोई पारिश्रमिक मिलता हो, अथवा

(4) उसके किसी उत्पादन की बिक्री के लिए ।

(च) किसी भू-गृहादि में या उसके ऊपर, निम्नलिखित कोई कार्य न सम्पादित करेगा और न संपादित करने की अनुज्ञा देगा–

(1) उपधिधियों में निर्दिष्ट किसी व्यापार से संयक्त कोई व्यापार या कार्य,

(2) कोई ऐसा व्यापार या कार्य, जो जीवन, स्वास्थ्य या सम्पत्ति के लिए खतरनाक हो, या जिससे उसके प्रकार के कारण या ऐसी रीति या उन शर्तों के कारण जिससे या जिनके अधीन उसे सम्पादित किया जाता हो या सम्पादित करने का विचार हो, कोई अपदूषण पैदा होने की संभावना हो ।

(छ) नगर के भीतर अश्व चिकित्सक का व्यापार या कार्य न करेगा और न किसी भू-गृहादि का उक्त प्रयोजन के लिए प्रयोग करेगा ।

(2) उपधारा (1) के खंड (च) के अनुच्छेद (2) के अर्थ में कोई भी व्यक्ति इस बात से अधिक समझा जायगा कि अमुक व्यापार खतरनाक है या उससे अपदूषण पैदा होने की संभावना है । यदि मुख्य नगराधिकारी द्वारा हस्ताक्षर किया हुआ इस आशय का लिखित नोटिस उक्त व्यक्ति पर तामील कर दिया गया हो या उस भू-गृहादि पर चिपका दिया गया हो, जिससे उस नोटिस का सम्बन्ध हो ।

(3) उपधारा (1) के खंड (च) के अर्थ में किसी व्यक्ति के सम्बन्ध में यह समझा जायगा कि वह व्यापार या कार्य सम्पादित कर रहा है या उसमें व्यापार या कार्य करने की अनुज्ञा प्रदान की है, यदि वह ऐसे व्यापार के बढ़ाने के लिए कोई कार्य करता है या वह प्रधान अधिकर्ता, लिपिक, स्वामी, चौकर, श्रमिक, दलाकार के रूप में या अन्य प्रकार से उसमें किसी तरह संलग्न है या उससे सम्बन्ध रखता है ।

(4) यदि उपधारा (1) के खंड (ग) या (च) में वर्णित रीति से किसी भू-गृहादि का प्रयोग किया जा रहा हो जब तक कि उसके प्रतिकूल प्रमाणित न कर दिया जाय, यह उपधारणा की जायगी कि ऐसे भू-गृहादि के स्वामी या अध्यासी ने या दोनों ही ने उक्त प्रयोग की अनुमति दी है ।

(5) मुख्य नगराधिकारी के लिए यह वैध होगा कि–

(क) उपधारा (1) में निर्दिष्ट किसी अनुज्ञप्ति को ऐसे अतिरिक्त निर्बन्धों या शर्तों के (यदि कोई हों) अधीन रखते हुए दे, जो आगले की परिस्थिति को देखते हुए उसे उपयुक्त जान पड़े;

(ख) किसी ऐसी अनुज्ञप्ति को रोक ले ।

एक शब्द के अर्थ-उपर देखें कृपया " अन्यत्रोक्त विवरण " में अतिरिक्त विस्तृत व्याख्या का निम्नवत् अवलोकन करें– "measure of weight 112 lb or (metric hundred weight) 50 kg. (110.25 lb.).

(6) ऐसा प्रत्येक व्यक्ति, जिसे उपधारा (1) के अधीन मुख्य नगराधिकारी द्वारा अनुज्ञप्ति दी गई हो, ऐसी अनुज्ञप्ति को उस भू-गृहादि, यदि कोई हो, या उसके ऊपर रखेगा, जिसमें उसका सम्बन्ध हो ।

(7) मुख्य नगराधिकारी दिन अथवा रात में किसी भी समय ऐसे भू-गृहादि में प्रवेश कर सकता है अथवा उसका निरीक्षण कर सकता है, जिसके प्रयोग के लिए इस धारा के अधीन अनुज्ञप्ति दी गई हो ।

(8) उपधारा (6) और (7) की कोई बात सई, बूट, ऊन या रेशम की रंगाई या बुनाई की मिलों या ऐसी किसी अन्य बड़ी मिल, फैक्ट्री पर लागू न होगी जिसे मुख्य नगराधिकारी समय-समय पर कार्यकारिणी-समिति के अनुमोदन से उक्त धारा के प्रवर्तन से विशेष रूप से मुक्त कर दे ।

(9) किसी व्यक्ति के विरुद्ध उस क्षति के लिए कोई प्रतिकर का दावा न किया जा सकेगा, जो ऐसे प्रवेश के कारण अथवा ऐसे प्रवेश करने के सम्बन्ध में आवश्यक बल-प्रयोग करने के कारण अनिवार्यतः पहुँची हो, किन्तु प्रतिबन्ध यह है कि प्रवेश करने के लिए तब तक बल प्रयोग न किया जायगा, जब तक कि वह विश्वास करने का कारण न हो कि इस अधिनियम के किसी उपबन्ध के अथवा उसके अधीन बनायी गई किसी उपविधि के विरुद्ध कोई अपराध किया जा रहा है ।

439. कसाइयों और ऐसे व्यक्तियों को जो पशुओं का मांस बेचते हों, अनुज्ञप्ति लेनी होगी–कोई व्यक्ति मुख्य नगराधिकारी द्वारा इसके लिए या उसके निबन्धनों के अनुकूल –

(क) नगर के भीतर या किसी [1][निगम] की चरागाह में पशुओं का व्यापार न करेगा;

(ख) नगर के भीतर किसी स्थान का प्रयोग मानव-भोजन के लिए अभिप्रेत किसी पशु के मांस की बिक्री के लिए न करेगा, और न उपभोग के प्रयोजनार्थ ऐसे मांस की बिक्री के लिए नगर के बाहर किसी स्थान का प्रयोग करेगा ।

440. दुग्धशालाजन्य पदार्थों का व्यापार करने के लिए अनुज्ञप्ति अपेक्षित होगी–कोई व्यक्ति मुख्य नगराधिकारी द्वारा इसके लिए दी गई अनुज्ञप्ति के बिना या उसके निबन्धनों के अनुकूल –

(क) नगर के भीतर दुग्धशाला का व्यापार या कारबार न करेगा,

(ख) नगर के भीतर किसी स्थान का प्रयोग दुग्धशाला के रूप में या दुग्धशालाजन्य पदार्थों की बिक्री के लिए न करेगा ।

441. शर्तें जिनके अधीन वास्तुशास्त्री, अभियंता, ढाँचा-निर्माता, भू-मापक या नल-मिस्त्री नगर के भीतर अपना-अपना व्यापार कर सकते हैं–(1) प्रत्येक वास्तुशास्त्री (architect), अभियन्ता, ढाँचा-निर्माता भू-मापक, नल-मिस्त्री जो नगर में अपना व्यवसाय करता हो, इसके मुख्य नगराधिकारी से अनुज्ञप्ति लेगा ।

(2) अनुज्ञप्ति, उपविधियों द्वारा नियत की जाने वाली अवधि के लिए होगी, किन्तु विहित शुल्क अदा करने पर अतिरिक्त अवधियों के लिए उतनी बार उसका नवीकरण किया जा सकेगा जितनी बार आवश्यक हो ।

(3) धारा (1) के अधीन तब तक कोई अनुज्ञप्ति न दी जायगी जब तक कि उसके लिए आवेदन-पत्र देने वाले व्यक्ति में वे अर्हताएँ न हों जो इसके विहित की गई हों और अनुज्ञप्ति के लिए कोई आवेदन-पत्र अस्वीकृत न किया जायगा यदि उसमें उपर्युक्त अर्हताएँ वर्णित हों । सिवाय उस दशा के जब इस बात की समुचित आशंका हो कि वह व्यक्ति अक्षम है या वह, यथास्थिति वास्तुशास्त्री, अभियन्ता, ढाँचा-निर्माता, भूमापक अथवा नल-मिस्त्री के रूप में अपने कर्तव्यों का पालन करने में गम्भीर दुर्व्यवहार का दोषी पाया गया है ।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(3) इस धारा का उल्लंघन करके लाए में लाये गये किसी पशु का मुख्य नगराधिकारी या [1][निगम] का कोई पदाधिकारी या चौकीदार या पुलिस का कोई पदाधिकारी या रेलवे के भू-गृहादि के घोड़ा या उस पर, रेलवे का कोई सेवक अभिग्रहण कर सकता है और इस प्रकार अभिग्रहण किये गये किसी पशु या मांस को मुख्य नगराधिकारी के आदेशानुसार बेचा या अन्य प्रकार से निस्तारित किया जा सकता है और इस प्रकार प्राप्त धन यदि कोई हो, [1][निगम] का होगा।

(4) इस धारा की कोई बात उपचारित (cured) या संरक्षित (preserved) मांस के सम्बन्ध में लागू न समझी जायगी।

433. मुख्य नगराधिकारी किसी ऐसे स्थान में प्रवेश कर सकता है जहाँ इस अधिनियम के उपबन्धों के प्रतिकूल पशु-वध या मांस की बिक्री किये जाने का सन्देह हो—(1) यदि मुख्य नगराधिकारी को यह विश्वास करने का कारण हो कि मानव-भोजन के लिए अभिप्रेत किसी पशु का वध किया गया है, किया जा रहा है या किये जाने की संभावना है अथवा किसी ऐसे पशु का मांस किसी ऐसे स्थान में या ऐसी रीति से बेचा जा रहा है या बेचने के प्रयोजनार्थ प्रदर्शित किया जा रहा है, जो इस अधिनियम के उपबन्धों के अधीन यथातथ्य प्राधिकृत नहीं है, तो मुख्य नगराधिकारी किसी भी समय, दिन को या रात को, बिना नोटिस दिये, इस सम्बन्ध में अपना समाधान करने के प्रयोजनार्थ कि वहाँ इस अधिनियम या किसी उपविधि के किसी उपबन्ध का उल्लंघन तो नहीं किया जा रहा है, उस स्थान में प्रवेश कर सकता है और ऐसे पशु या ऐसे पशु के शव या मांस का जो वहाँ पाया जाय, अभिग्रहण कर सकता है।

(2) मुख्य नगराधिकारी उपधारा (1) के अधीन अभिग्रहण किये गये किसी पशु या पशु के शव या किसी मांस को हटा सकता है और उसे नीलाम द्वारा बेच सकता या अन्य प्रकार से निस्तारित कर सकता है।

(3) यदि इस प्रकार अभिग्रहण किये जाने के एक महीने के भीतर पशु, पशु के शव या मांस का स्वामी मुख्य नगराधिकारी के सामने उपस्थित होकर उसके समाधानानुसार अपने दावे को प्रमाणित न कर सके अथवा यदि ऐसा स्वामी ऐसे पशु या शव या मांस के सम्बन्ध में इस अधिनियम के अधीन किसी अपराध के लिए दोषी ठहराया गया हो तो उपधारा (1) के अधीन किसी बिक्री से प्राप्त होने वाला धन [1][निगम] में निहित हो जायगा।

(4) किसी व्यक्ति के विरुद्ध किसी ऐसी क्षति के लिए, जो उपधारा (1) के अधीन किये गये किसी प्रवेश के कारण या ऐसा प्रवेश करने के लिए आवश्यक किसी बल-प्रयोग के कारण अतिकार्यतः पहुँची हो, कोई प्रतिकर या दावा न किया जा सकेगा।

434. मुख्य नगराधिकारी मानव-भोजनार्थ बिक्री के लिए प्रदर्शित की गयी वस्तुओं के निरीक्षण की व्यवस्था करेगा—मुख्य नगराधिकारी का यह कर्तव्य होगा कि वह ऐसे पशुओं, उनके शवों, गोश्त, सुर्ग-मुर्गियों, आखेट पशु, मांस, मछली, फल, सब्जी, अनाज, रोटी, आटा, दुग्धशाला के पदार्थों या अन्य वस्तुओं की नियत एवं सतर्क निरीक्षण की व्यवस्था करे, जो बिक्री के लिए प्रदर्शित की गई हों या जिन्हें फेरी लगाकर बेचा जाता हो या जो बिक्री के लिए तैयार करने के प्रयोजनार्थ किसी स्थान में जमा की गयी या लायी गयी हो तथा जो मानव-भोजन या औषधि के लिए अभिप्रेत हों। यह प्रमाणित करने का भार दोषारोपित पक्ष पर होगा कि उक्त वस्तुएँ न प्रदर्शित की गयी थीं, न फेरी लगाकर बेची गयी थीं, न उन्हें उक्त प्रयोजनार्थ जमा किया या लाया गया था और न वे मानव-भोजन या औषधि के लिए अभिप्रेत थीं।

435. अस्वास्थ्यकर (unwholesome) वस्तुओं आदि का अभिग्रहण—(1) मुख्य नगराधिकारी सभी उचित समयों पर पूर्वोक्त किसी पशु या वस्तु का और उन्हें तैयार करने, बनाने या रखने के लिए प्रयोग में लाये जाने वाले बर्तन या भाड़े का निरीक्षण तथा परीक्षण कर सकता है।

(2) यदि मुख्य नगराधिकारी को कोई ऐसा पशु या ऐसी कोई वस्तु मानव-भोजन के लिए यथास्थिति रोगग्रस्त या विकृत या अस्वास्थ्यकर अथवा अनुपयुक्त प्रतीत हो या यह वैसी न हो जैसी कि बतायी गई हो या यदि कोई बर्तन या भाड़ा इस प्रकार का या ऐसी दशा में हो कि उसमें तैयार की गयी, बनाई गई या रखी गयी हो, वस्तुएँ मानव-भोजन के लिए अस्वास्थ्यकर या अनुपयुक्त हो जाँय तो वह ऐसे पशु, वस्तु, बर्तन या भाड़े का अभिग्रहण कर सकता है और उसे उठा ले जा सकता है, जिससे उसके संबंध में आगे उपबन्धित ढंग से कार्यवाही की जा सके और वह ऐसे किसी पशु या वस्तु के अवधारक या किसी व्यक्ति को गिरफ्तार करा सकता है और उसे निकटतम थाने में ले जा सकता है।

436. धारा 435 के अधीन अभिग्रहण की गई खराब होने वाली वस्तुओं का निस्तारण—यदि किसी गोश्त, मछली, सब्जी या अन्य खराब होने योग्य वस्तु का धारा 435 के अधीन अभिग्रहण किया जाय और वह मुख्य नगराधिकारी की राय में यथास्थिति रोगग्रस्त, विकृत, अस्वास्थ्यकर या मानव-भोजन के लिए अनुपयुक्त हो, तो मुख्य नगराधिकारी तुरन्त ही उसे उस रीति से यह करवा देगा कि वह फिर बिक्री के लिए प्रदर्शित किये जाने अथवा मानव-भोजन के लिए प्रयोग किये जाने के योग्य न रह जाय और उसका व्यय उस व्यक्ति द्वारा वहन किया जायगा जिसके अभ्यासन में वह वस्तु अभिग्रहण करने के समय थी।

437. हानिकारक व्यापार का विनियमन—(1) यदि मुख्य नगराधिकारी के समाधानानुसार यह साबित जाय कि नगर की सीमा के भीतर स्थित किसी भवन या भूमि को कोई व्यक्ति किसी वस्तु के निर्माण, संग्रह, व्यवहार या निस्तारण के प्रयोजनार्थ फैक्ट्री के रूप में या अन्य व्यापारिक स्थान के रूप में प्रयोग करता है या प्रयोग करना चाहता है और ऐसे प्रयोग के कारण अथवा अभिप्रेत प्रयोग के कारण कोई सार्वजनिक अपदूषण पैदा होता हो या पैदा होने की संभावना हो, तो मुख्य नगराधिकारी विकल्प का प्रयोग करके ऐसे भवन या स्थान के स्वामी या अध्यासी को सार्वजनिक नोटिस द्वारा आदेश दे सकता है कि वह—

(क) उक्त भवन या भूमि को यथास्थिति पूर्वोक्त प्रयोजन के लिए प्रयोग करने या प्रयोग किये जाने की अनुमति देने से रोके या मना करे, या

(ख) उक्त भवन या स्थान को केवल ऐसे प्रयोजन के लिये, ऐसी दशाओं में या ढंग सम्बन्धी ऐसे परिवर्तन के पश्चात् जिन्हें [1][निगम] आरोपित करे या जो उक्त प्रयोजनार्थ उक्त भवन या स्थान के प्रयोग को आपत्ति मुक्त करने के उद्देश्य से नोटिस विहित करे, प्रयोग करे या प्रयोग करने की अनुज्ञा प्रदान करे।

(2) यदि उपधारा (1) के अधीन दिये गये नोटिस को प्राप्त करने के पश्चात् कोई व्यक्ति ऐसे नोटिस का उल्लंघन करके, अपराधी ठहराये जाने पर, जुर्माना किया जायगा, जो दो सौ रुपये तक हो सकता है और उसे इसके अतिरिक्त भी जुर्माना किया जा सकता है जो प्रथम बार अपराधी ठहराये जाने के दिनांक के पश्चात् ऐसे प्रत्येक दिन के लिए, जब वह उस स्थान या भवन का प्रयोग करता है या प्रयोग करने की अनुज्ञा देता है, पचीस रुपये तक हो सकता है।

438. बिना अनुज्ञप्ति के कतिपय वस्तुएँ न रखी जायेंगी और कतिपय व्यापार और कार्य सम्यादित नहीं किये जायेंगे—(1) सिवाय मुख्य नगराधिकारी द्वारा दी गयी अनुज्ञप्ति के अधीन तथा उसके निर्बन्धनों और शर्तों के अनुकूल कोई भी व्यक्ति—

(क) किसी भू-गृहादि में या उसके ऊपर, उपविधियों में निर्दिष्ट कोई वस्तु किसी परिमाण में अथवा उपविधियों में उस वस्तु के लिए निर्दिष्ट ऐसे अधिकतम परिमाण से अधिक परिमाण में न रखेगा जो किसी एक समय में बिना अनुज्ञप्ति के उस भू-गृहादि में या उसके ऊपर रखा जा सकता हो;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(4) जब मुख्य नगरपालिकारी ने किसी बाजार को खुला रखने के लिखित किसी अनुज्ञप्ति को अस्वीकार, निरस्त या निलम्बित किया हो तो वह अपने द्वारा ऐसे किये जाने की पोषित, ऐसी अवधि या परिस्थितियों में जिसे [नियम] समय-समय पर विनिर्दिष्ट करे, उस बाजार या स्थान के सम्बन्ध में ऐसा बाजार लगता हो, अथवा या निकट किसी प्रमुख स्थान पर विज्ञापन देगा।

424. किसी [नियम] की अवशाला, अवार्ष पशु-स्थान, बाजार या भू-गृहादि से जीवित ढोर, भेड़, बकरी या सुअरों को हटाना—मुख्य नगरपालिकारी की लिखित अनुज्ञप्ति के बिना अथवा ऐसे शुल्क का भुगतान किये बिना, जो वह विहित करे, कोई व्यक्ति किसी [नियम] की अवशाला या अवार्ष पशु-स्थान से या किसी ऐसे [नियम] के बाजार या भू-गृहादि से जो अवशाला या अवार्ष पशु-स्थान के लिखित या सम्बन्ध में प्रयोग में लाया जाता हो, या प्रयोग में रखने जाने के लिए अभिप्रेत हो, कोई जीवित ढोर, भेड़, बकरी या सुअर न हटायेगा :

किन्तु प्रतिबन्ध यह है कि किसी ऐसे पशु को हटाने के लिये किसी अनुज्ञा की आवश्यकता न होगी जो ऐसी अवशाला, अवार्ष पशु-स्थान, बाजार या भू-गृहादि के घोषा न बेचा गया हो और जो मुख्य नगरपालिकारी द्वारा सम्यक् दी गई आज्ञा में विहित अवधि से अधिक अवधि तक ऐसे अवशाला, अवार्ष पशु-स्थान, बाजार या भू-गृहादि में न रहा हो या जिसे किसी/किन्हीं उपविधियों के अनुसार देखी अवशाला, बाजार या भू-गृहादि में बन्द के लिये अनुपयुक्त घोषित कर दिया गया हो।

425. नियमों, उपविधियों या विनियमों का उल्लंघन करने वाले व्यक्तियों को निष्कासित करने का अधिकार—(1) मुख्य नगरपालिकारी किसी [नियम] के बाजार, अवशाला, अवार्ष पशु-स्थान से किसी ऐसे व्यक्ति को निष्कासित कर सकता है जो स्वयं, अथवा जिसका नौकर ऐसे बाजार, अवशाला या अवार्ष पशु-स्थान में प्रवर्तित किसी नियम, उपविधि या विनियम का उल्लंघन करने के कारण अपराधी ठहराया गया हो और ऐसे व्यक्ति या उसके नौकरों को उस बाजार, अवशाला या अवार्ष पशु-स्थान में भविष्य में कोई व्यापार या व्यवसाय करने अथवा उसमें किसी छोटी दूकान, दूकान, खड़े होने के स्थान, आसन-स्थान, बाड़ा या अन्य स्थान को अन्तरित करने से रोक सकता है, तथा किसी ऐसे पशु या भोगसम्पि को समाप्त कर सकता है, जो उस व्यक्ति को, ऐसी छोटी दूकान, दूकान, खड़े होने के स्थान, आसन-स्थान, बाड़े या अन्य स्थान के सम्बन्ध में रखता हो।

(2) यदि इस अधिनियम के अधीन अनुज्ञप्ति किसी निजी बाजार या अवशाला का स्वामी या ऐसे बाजार या अवशाला या उसमें किसी छोटी दूकान या पड़ेदार या ऐसे स्वामी या पड़ेदार या कोई अभिकर्ता या नौकर, किसी नियम, उपविधि या विनियम का उल्लंघन करने के कारण अपराधी ठहराया गया हो, तो मुख्य नगरपालिकारी ऐसे स्वामी, पड़ेदार, अभिकर्ता या नौकर को किसी ऐसे बाजार या अवशाला से ऐसे समय के भीतर, जो आदेश में दिया हुआ हो, चले जाने का आदेश दे सकता है और यदि वह उस आदेश का अनुपालन न करे तो वह किसी ऐसे दंड के अतिरिक्त जिस पर इस अधिनियम के अधीन आरोपित किया जाय, ऐसे भू-गृहादि से तुरन्त हटाया जा सकता है।

(3) यदि मुख्य नगरपालिकारी को यह प्रतीत हो कि किसी भी ऐसे मामले में स्वामी या पड़ेदार उपर्युक्त ऐसे दोषी ठहराये गये नौकर या अभिकर्ता के साथ अभिसंधि (collusion) में कार्य कर रहा है, जो उपधारा (2) के अधीन आदेश का अनुपालन नहीं कराता, तो मुख्य नगरपालिकारी, यदि वह उपर्युक्त स्वामी, ऐसे भू-गृहादि के सम्बन्ध में उस स्वामी या पड़ेदार की अनुज्ञप्ति को निरस्त कर सकता है।

426. बिना अनुज्ञप्ति के [नियम] के बाजारों में बिक्री का प्रतिषेध—(1) कोई व्यक्ति मुख्य नगरपालिकारी से अनुज्ञप्ति प्राप्त किये बिना किसी [नियम] के बाजार में किसी पशु या वस्तु को न बेचेगा और न बेचने के लिए प्रदर्शित करेगा।

(2) किसी भी व्यक्ति को जो इस धारा का उल्लंघन करे, किसी [नियम] के प्रावधानों का भंग द्वारा तुरन्त हटाया जा सकता है।

427. अनधिकृत निजी बाजारों में बिक्री का प्रतिषेध—यदि किसी व्यक्ति को यह मालूम हो कि कोई बाजार मुख्य नगरपालिकारी की स्वीकृति के बिना स्थापित किया गया है या ऐसे खुला रखने की अनुज्ञप्ति मुख्य नगरपालिकारी द्वारा अस्वीकृत, निरस्त या निलंबित हो जाने के पश्चात् भी ऐसे खुला रखा गया है तो वह उसमें किसी पशु या मानव-भोजन के किसी वस्तु या पशुधन (livestock) या पशुधन की भोजन-सामग्री को न बेचेगा और न बेचने के लिए प्रदर्शित करेगा।

428. बाजारों से अन्यत्र पशुओं, आदि की बिक्री का प्रतिषेध—मुख्य नगरपालिकारी से अनुज्ञप्ति प्राप्त किये बिना कोई व्यक्ति निम्नलिखित को न बेचेगा और न बेचने के लिए प्रदर्शित करेगा—

(क) [नियम] का किसी बाजार से भिन्न [किसी स्थान में मानव-भोजन के लिए अभिप्रेत कोई चौपाया या किसी प्रकार का मांस या मछली;

(ख) [नियम] के बाजार, किसी बाजार या अनुज्ञप्त गोशालय या सिलाई की दूकान से भिन्न किसी स्थान में कपड़े और शयन पर मोड़ाकार, कृत्रिम, गले का हम, कुता या सिला हुआ वस्त्र और सम्बरे, किसी भी प्रकार के बिस्कुट, रोटी इत्यादि या मिठाइयाँ अथवा ऐसा अन्य पका हुआ भोजन या मानव-उपभोग के लिए अभिप्रेत अन्य वस्तुएँ जिन्हें संघप-समय पर मुख्य नगरपालिकारी सार्वजनिक नोटिस द्वारा विहित करे।

429. बिक्री के निमित्त रखे गये पशुओं के चरा पर नियंत्रण—कोई व्यक्ति, मुख्य नगरपालिकारी की अनुज्ञा के बिना, चरा में बिक्री के लिए रखे गये किसी पशु को, [नियम] की अवशाला या अनुज्ञप्त निजी अवशाला के अतिरिक्त किसी और स्थान में न चरा करेगा और न चरा करायेगा।

430. ऐसे पशुओं के जो बिक्री के लिए अभिप्रेत न हों या जिनका चरा आर्थिक प्रयोजन के लिए किया जाता हो, चरा के लिए स्थान—मुख्य नगरपालिकारी सार्वजनिक नोटिस द्वारा, और [नियम] की पूर्व स्वीकृति से, चरा के घोषा ऐसे भू-गृहादि निर्दिष्ट कर सकता है, जिनमें किसी विहित प्रकार के पशु चरा करने, जो बिक्री के लिए न हों, या उस पशु के दूध को बेचने की अनुज्ञा दी जायेगी और नियम उस दशा के जब आवश्यकता पड़े चरा में किसी अन्य स्थान पर इस प्रकार के चरा का प्रतिषेध कर सकता है।

किन्तु प्रतिबन्ध यह है कि इस धारा के उपबन्ध ऐसे पशुओं पर लागू न होंगे, जिनका किसी व्यक्ति प्रयोजनार्थ चरा किया जाता हो।

431. ऐसे पशुओं के सम्बन्ध में जिनका बिक्री के प्रयोजनार्थ चरा नहीं किया जाता, जिला मजिस्ट्रेट के अधिकार—जब कभी शान्ति और व्यवस्था बनाये रखने के लिए जिला मैजिस्ट्रेट को यह आवश्यक प्रतीत हो तो वह विहित प्राधिकारी के निर्णयानुसार रहते हुये सार्वजनिक नोटिस द्वारा, किसी चरा की सीमा के भीतर बिक्री से भिन्न किसी प्रयोजन के लिए पशुओं के चरा का प्रतिषेध या विनियमन कर सकता है तथा वह ऐसी सिमाये और वह मार्ग जिनके द्वारा ऐसे पशु चरा-स्थान में लाये जायेंगे तथा वहाँ से बाँस बाहर ले जाय जायेंगे, विहित कर सकता है।

432. बिना अनुज्ञा चरा में पशु, आदि के आयात का प्रतिषेध—(1) मुख्य नगरपालिकारी की लिखित अनुज्ञा के बिना कोई भी व्यक्ति, मानव-भोजन के लिए अभिप्रेत किसी पशु, भेड़, बकरी या सुअर को या ऐसे किसी पशु के मांस को चरा में न लायेगा जिसका किसी ऐसी अवशाला में वध किया गया हो, जिसका संचालन इस अधिनियम के अधीन न किया जाता हो या जो इस अधिनियम के अधीन अनुज्ञप्त न हो।

(2) कोई पुलिस पदाधिकारी बिना वारंट के किसी ऐसे व्यक्ति को गिरफ्तार कर सकता है, जो उपधारा (1) का उल्लंघन करके चरा के घोषा किसी पशु या उसके मांस को ला रहा हो।

---

1. 24 अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

2. 24 अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

बाजारों, वधशालाओं, कतिपय व्यापारों और कार्यों, आदि का विनियमन

421. किसे निजी बाजार और वधशाला समझा जायगा—इस अध्याय के प्रयोजनार्थ [1][निगम] और वधशालाओं से भिन्न समस्त बाजारों और वधशालाओं को निजी बाजार और वधशालाएँ समझा जायगा ।

422. बाजारों और वधशालाओं, आदि के सम्बन्ध में मुख्य नगराधिकारी के अधिकार—इस अधिनियम और उसके अधीन विरचित नियमों और उपविधियों के उपबन्धों के अधीन रहते हुए मुख्य नगराधिकारी को निम्नलिखित का अधिकार होगा—

(क) [1][निगम] द्वारा एतदर्थ प्राधिकृत किये जाने पर उसे [1][निगम] की सीमा के भीतर और राज्य सरकार की पूर्व स्वीकृति से उसकी सीमा के बाहर किसी [1][निगम] के बाजार या [1][निगम] की वधशाला या वधार्थ पशु-स्थान की स्थापना के प्रयोजनार्थ कोई भवन या भूमि विनिर्दिष्ट करना, खरीदना, पट्टे पर लेना या किसी अन्य प्रकार से अर्जित करना और किसी वर्तमान [1][निगम] की बाजार या वधशाला का विस्तार या सुधार करना;

(ख) समय-समय पर ऐसे [1][निगम] के बाजारों, वधशालाओं और वधार्थ पशु-स्थानों और ऐसे छोटी दुकानों, दूकानों, आवंध स्थलों, खाटों (pens) तथा अन्य भवनों और सुख-सुविधा के स्थानों को, जो उक्त [1][निगम] के बाजारों, वधशालाओं या वधार्थ पशु-स्थानों में व्यापार या व्यवसाय करने वाले या वहाँ पर प्रायः आने वाले व्यक्तियों के प्रयोग के लिए आवश्यक समझे जायँ, बनवाना और उनका संधारण करना;

(ग) ऐसे किसी [1][निगम] के बाजार में ऐसे भवनों, स्थानों, मशीनों, खाटों-सटालुओं और मार्गों के, जिन्हें वह वहाँ बिकने वाली वस्तुओं की तौलने और मापने के प्रयोजनार्थ उचित समझे, के संधारण की व्यवस्था करना;

(घ) [1][निगम] द्वारा एतदर्थ प्राधिकृत किये जाने पर, किसी [1][निगम] के बाजार या वधशाला या वधार्थ पशु-स्थान या उसके किसी भाग को बन्द करना और इस प्रकार बन्द किये गये किसी बाजार, वधशाला या वधार्थ पशु-स्थान या उसके भाग के लिए अन्यांसित भू-गृहादि को [1][निगम] की सम्पत्ति के रूप में निस्तारित करना;

(ङ) [1][निगम] की पूर्व स्वीकृति से समय-समय पर, सार्वजनिक नोटिस द्वारा किसी [1][निगम] के बाजार के पचास गज की दूरी के भीतर उस [1][निगम] के बाजार में वधशालाय बेची जाने वाली ऐसी वस्तुओं को, जो नोटिस में विनिर्दिष्ट हों या उनमें से किसी वस्तु को बेचने या बेचने के लिए प्रदर्शित करने का प्रतिषेध करना और इसी प्रकार [1][निगम] की पूर्व स्वीकृति से ऐसे नोटिस को किसी भी समय निरस्त या परिष्कृत करना;

(च) [1][निगम] के बाजार, वधशाला या वधार्थ पशु-स्थान में किसी छोटी दूकान खड़ा होने का स्थान, आवंध-स्थान या बाड़ा या अन्य भवन के अध्यासन या प्रयोग के लिए, और किसी [1][निगम] के बाजार में विक्रय के प्रयोजनार्थ वस्तुएँ प्रदर्शित करने और ऐसे किसी बाजार में बेचे जाने वाले सामान को तौलने और मापने का अधिकार प्रदान करना तथा ऐसी किसी [1][निगम] की वधशाला में पशुओं के वध का अधिकार प्रदान करने के सम्बन्ध में ऐसा भाड़ा किराया और शुल्क लेना, जो कार्यकारिणी-समिति की स्वीकृति से, एतदर्थ समय-समय पर उसके द्वारा नियत किया जाय,

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

शुल्क या उसके किसी भाग को एक समय में किसी ऐसी अवधि के लिए, जो एक वर्ष से अधिक न हो, निर्धारित करना;

(छ) ऐसे निबन्धनों और शर्तों के अधीन, जिन्हें वह ठीक समझे, किसी [1][निगम] के बाजार, वधशाला या वधार्थ पशु-स्थान में किसी छोटी दूकान, दूकान, खड़े होने के स्थान, आवंध-स्थान या बाड़े अथवा अन्य भवन के अध्यासन या उपयोग के विशेषाधिकार का सार्वजनिक नीलाम करने या कार्यकारिणी-समिति की स्वीकृति से निजी बिक्री द्वारा उसे निस्तारित करना ।

423. निजी बाजारों तथा निजी वधशालाओं का खोला जाना—(1) [1][निगम] समय-समय पर यह निर्धारित करेगी कि नगर में अथवा नगर के किसी विनिर्दिष्ट भाग में नये निजी बाजारों की स्थापना की अथवा निजी वधशालाओं की स्थापना या उनके संधारण की अनुज्ञा दी जाय या नहीं ।

(2) बिना मुख्य नगराधिकारी की स्वीकृति के और उससे अनुज्ञप्ति प्राप्त किये हुए, जो ऐसी स्वीकृति तथा अनुज्ञप्ति प्राप्त करने में उपधारा (1) के अधीन [1][निगम] के साधारणतया निर्देशों द्वारा निर्देशित होगा, कोई भी पुरुष मानव-भोजन के लिए अभिप्रेत पशुओं या मानव-भोजन को कोई वस्तु या मछुपण या पशुपण के निमित्त खाद्य-सामग्रियों की बिक्री के लिए न तो किसी निजी बाजार की स्थापना करेगा और न किसी निजी वधशाला की स्थापना या उसका संधारण करेगा ।

किन्तु प्रतिबन्ध यह है कि मुख्य नगराधिकारी नियत दिन या पहले से ही विधिवत् स्थापित किसी निजी बाजार या वधशाला को चलाने की स्वीकृति देने या उसके लिए अनुज्ञप्ति प्रदान करने से इंकार न करेगा, यदि ऐसी स्वीकृति तथा अनुज्ञप्ति के लिए नियत दिनांक से दो महीने के भीतर आवेदन-पत्र दिया गया हो, सिवाय इस आधार पर कि उस स्थान में जहाँ बाजार या वधशाला की स्थापना की गई है, इस अधिनियम की या तदधीन बनाये गये किसी नियम या उपविधि की अपेक्षाओं का पालन नहीं होता है ।

(3) जब इस प्रकार किसी निजी बाजार या वधशाला की स्थापना की स्वीकृति दे दी गई हो, तो मुख्य नगराधिकारी ऐसी स्वीकृति का नोटिस किसी या किसी ऐसी अन्य रीतियों में, जिन्हें [1][निगम] समय-समय पर विहित करे, उस भवन या स्थान पर या उसके निकट, जहाँ ऐसा बाजार लगाया जाना है, किसी प्रमुख स्थान पर लगवा देगा ।

स्पष्टीकरण—उपधारा (2) के प्रयोजनार्थ किसी ऐसे स्थान के स्वामी या अधिभोगी के बारे में जहाँ किसी निजी बाजार या वधशाला की स्थापना की गई हो, यह समझा जायगा कि उसने ही ऐसे बाजार की स्थापना की है ।

(4) मुख्य नगराधिकारी किसी कारण से किसी निजी बाजार को खुला रखने के सम्बन्ध में किसी अनुज्ञप्ति को निरस्त या निलम्बित या उसके नवीकरण को अस्वीकार न करेगा सिवाय उस दशा के जब उसके स्वामी ने इस अधिनियम के किसी उपबन्ध या किसी विनियम अथवा किसी उपविधि का अनुपालन न किया हो ।

(5) मुख्य नगराधिकारी उस दशा में किसी अनुज्ञप्ति को निरस्त या निलम्बित कर सकता है जब किसी बाजार का कोई स्वामी, अपनी अनुज्ञप्ति की शर्तों के अनुसार, किसी ऐसे भाड़े, किराये, शुल्क या अन्य शुल्क को, जो किसी छोटी दूकान, दूकान, खड़े होने के स्थान, आवंध स्थान, बाड़े या उसमें किसी अन्य स्थान के अध्यासन या प्रयोग के सम्बन्ध में किसी व्यक्ति से उसे उसके अधिकारों की प्राप्त हो, निर्धारित रसीद न दे ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

418. मृतकों के निस्तारण के संबंध में प्रतिषिद्ध कार्य—कोई भी व्यक्ति—

(क) किसी शव को मृत्यु की इतनी देर बाद तक कि वह अपदूषण का कारण बन जाय बिना अग्निदाह किये हुए, गाड़े हुए या अन्य किसी रीति से विधित: निस्तारित किये हुए किसी भू-गृहादि में रोक न रखेगा;

(ख) किसी शव या शव के भाग को बिना अच्छी तरह से ढके हुए या संक्रमण का जोखिम अथवा सार्वजनिक स्वास्थ्य की हानि को रोकने के लिए बिना ऐसे पूर्वोपधान के, जिनको मुख्य नगराधिकारी सार्वजनिक नोटिस द्वारा समय-समय पर अपेक्षा करना उचित समझे, किसी भी मार्ग पर न ले जायगा;

(ग) सिवाय ऐसी दशा में जब दूसरा मार्ग उपलब्ध न हो, किसी भी शव या शव के भाग को उस मार्ग से न ले जायगा, जिस पर शवों का ले जाना मुख्य नगराधिकारी ने एतदर्थ दिये गये किसी सार्वजनिक नोटिस द्वारा प्रतिषिद्ध कर दिया हो;

(घ) किसी भी ऐसे शव अथवा ऐसे शव के भाग को, जिसे चीर-फाड़ (dissection) के प्रयोजनार्थ रखा गया हो या प्रयुक्त किया गया हो, बिना किसी बन्द पात्र (receptacle) या वाहन में रखे हुए न हटायेगा;

(ङ) किसी शव या शव के भाग को ले जाते समय उसे बिना किसी अत्यावश्यक प्रयोजन के किसी सड़क पर या उसके निकट न रोकेगा और न छोड़ेगा;

(च) किसी शव या शव के भाग को किसी कब्र या तहखाने में या अन्यत्र किसी रीति से न तो दफनायेगा और न दफनाने देगा, जिसमें कफन की ऊपरी सतह या, यदि कफन न प्रयुक्त किया गया हो, तो शव का धरा भूमि के धरातल से 6 फुट से कम की गहराई में रहे;

(छ) किसी कब्रिस्तान में, किसी कब्र या तहखाने को किसी दूसरी कब्र या तहखाने के चार्ज के 2 फुट से कम की दूरी पर न तो निर्मित करेगा, न खोदेगा और न निर्मित करवायेगा, न खुदवायेगा;

(ज) किसी कब्रिस्तान में किसी पंक्ति में, जो मुख्य नगराधिकारी की आज्ञा द्वारा अथवा उसके अधीन इस प्रयोजन के निमित्त अंकित (marked) न हो, कोई कब्र या तहखाना न निर्मित करायेगा, और न खोदेगा, और न निर्मित करायेगा न खुदवायेगा;

(झ) मुख्य नगराधिकारी की लिखित अनुज्ञा के बिना किसी शव या शव के भाग का मजार बनाने के लिए किसी ऐसी कब्र या तहखाने को, जिसमें पहले से ही कोई शव रखा गया हो, दोबारा वहाँ खोलेगा;

(ञ) किसी शव या शव के भाग को किसी श्मशान में लाने या लिवा लाने के पश्चात् उसे उस स्थान पर लाने के छ: घंटे के भीतर उसका अग्निदाह कराने या करवाने में न चूकेगा;

(ट) किसी शव या शव के भाग को जलाते या जलवाते समय उसको या उसके किसी अंश को श्मशान अथवा उसके निकट बिना पूर्णत: भस्मीभूत हुए न रहने देगा अथवा ऐसे शव या शव के अंश के से जाने अथवा अग्निदाह के लिए प्रयुक्त किसी कब्र या अन्य वस्तु को न तो वहाँ से हटाने देगा और न बिना पूर्ण रूप से भस्मीभूत हुए वहाँ रहने देगा।

419. राज्य सरकार इस अध्याय के उपबन्धों को नगर की सीमाओं के बाहर लागू कर सकती है—राज्य सरकार सरकारी गजट में आज्ञा प्रकाशित करके उस आज्ञा में निर्दिष्ट किसी क्षेत्र पर, जो नगर की सीमाओं के बाहर दो मील से अधिक दूरी पर न हो, इस अध्याय की किसी धारा तथा तदनुसार निर्मित

निस्तारणी के उपबन्ध, ऐसे अपवादों के अधीन रहते हुए, जो वे विनिश्चय, परिसीमन या क्षेत्र के रूप में किये जायँ, जिन्हें राज्य सरकार आवश्यक और उचित समझे, प्रयुक्त कर सकती है और अनुसार इस प्रकार प्रयुक्त उपबन्ध और नियम उस क्षेत्र में उसी प्रकार प्रभावी होंगे मानो वह क्षेत्र नगर के सीमा हो।

420. नियम बनाने का अधिकार—(1) राज्य सरकार इस अध्याय के उपबन्धों को कार्यान्वित करने के निमित्त नियम बना सकती है।

(2) पूर्वोक्त अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, इन नियमों में निम्नलिखित की व्यवस्था की जा सकती है—

(क) मृत इत्यादि को जमा करने और एकत्र करने के लिए स्थानियों और अध्यासियों का उत्तरदायित्व;

(ख) उन क्षेत्रों के, जो धारा 368 के अन्तर्गत न आते हों, अध्यासियों के ऐसे मल-मूत्र तथा दूषित वस्तुएँ, जो उसके भू-गृहादि में जमा हो जाया करती हों, ऐसे मार्गों आदि में, जिनकी व्यवस्था धारा 385 के अधीन की गई हो, एकत्र करने तथा हटाने का उत्तरदायित्व;

(ग) भू-गृहादि या सड़क अधिक मात्रा में एकत्र हो जाने वाले कूड़े-करकट और गन्दगी को हटाना;

(घ) —(1) भू-गृहादि पर भवन-निर्माण संबंधी सामग्री एकत्र करने,

(2) भू-गृहादि को दोषपूर्ण छतों या अन्य अस्वास्थ्यकर वस्तुओं,

(3) निवास-स्थानों में पकवशाला के धुएँ तथा अन्य धुएँ और धूल इत्यादि,

(4) पोखरे, दलदल, खाईं, तालाब, कुएँ, तड़ाग (pond), पत्थर की खानों के गड्ढे (quarry holes), नाली, जल-प्रणाली तथा जल सोत्र,

(5) खतरनाक तालाब, कुएँ, गड्ढे इत्यादि,

(6) पत्थरों की खतरनाक खानें खोदे जाने, तथा

(7) भू-गृहादि में दुर्गन्धयुक्त वस्तुएँ एकत्र करने से उत्पन्न अपदूषणों को हटाना;

(ङ) अस्वास्थ्यकर निजी जल-प्रणालियों, सोतों, तालाबों, कुओं इत्यादि का, जिनका जल पीने के कार्य में आता हो, साफ किया जाना;

(च) नगर में पशुओं के रखने और उनके बाँधे जाने का विनियमन;

(छ) इंडियन फैक्टरीज ऐक्ट, 1923 के उपबन्धों के अधीन रहते हुए फैक्ट्रियों, कारखानों या कार्य-स्थानों इत्यादि का सफाई सम्बन्धी विनियमन तथा तत्संबंधी सूचनाएँ देना;

(ज) धोबियों द्वारा कपड़ा धोने का विनियमन तथा कपड़ा धोने के स्थानों की व्यवस्था;

(झ) संक्रामक तथा संसर्गजन्य रोगों से ग्रस्त वस्तुओं के बारे में सूचनाएँ देना;

(ञ) भयानक रोगों के प्रसार को रोकने के लिए घरों तथा सार्वजनिक और निजी स्थानों का विसंक्रमण;

*(ट) सीटियों, तुरहियों और लाउडस्पीकरों तथा अन्य सन्दर्थालित शोर मचाने वाले उपकरणों का प्रतिषेध और विनियमन;

(ठ) मूत्रों और झाड़ियों का हटाना, छाँटना तथा काटना।

---

* इस खण्ड में मद्य अधीक्षण हेतु कृपया "U.P. Municipal Corporation (Prohibition of Noise and Regulation of Loudspeaker Rules, 1987" का अवलोकन करें

जायगी। प्रार्थना-पत्र में स्वार्थधारी (interested) स्थानों या व्यक्ति या जाति का नाम तथा प्रकृत को पहचान हेतु अन्य ऐसी बातें भी होंगी, जिनकी मुख्य नगराधिकारी अपेक्षा करे।

(3) ऐसे प्रार्थना-पत्र और नक्शे की प्राप्ति पर मुख्य नगराधिकारी उस स्थान को एक रजिस्टर में, जो इस प्रयोजन के निमित्त रखा जायगा, पंजीकृत करेगा।

(4) मुख्य नगराधिकारी पंजीयन के समय [1][निगम] के कार्यालय में उपधारा (2) में निर्दिष्ट नक्शा जमा करवा लेगा।

(5) यदि उस नक्शे में या उसके ब्यौरे से मुख्य नगराधिकारी का समाधान न हुआ हो तो वह पंजीयन करने से इंकार कर सकता है या उसे ऐसे समय तक के लिए स्थगित कर सकता है जब तक कि उसकी आपत्तियाँ दूर न कर दी जायँ।

(6) मृतकों के दफनाने, अग्निदाह या अन्य किसी रीति से निस्तारित करने का प्रत्येक ऐसा स्थान, जो [1][निगम] में निहित हो, उपधारा (3) के अधीन रखे गये रजिस्टर में पंजीकृत किया जायगा तथा उस स्थान की स्थिति, आमाप एवं सीमाओं का नक्शा, जिस पर मुख्य नगराधिकारी के हस्ताक्षर होंगे, महापालिका कार्यालय में जमा कर दिया जायगा।

413. मुख्य नगराधिकारी की अनुज्ञा के बिना मृतकों को निस्तारित करने के लिए नये स्थान न खोले जायेंगे—ऐसा कोई स्थान, जो विधितः मृतकों के निस्तारणार्थ पहले कभी भी प्रयुक्त न हुआ हो और न इस प्रकार पंजीकृत हुआ हो, किसी भी व्यक्ति द्वारा उक्त प्रयोजन के लिए, बिना मुख्य नगराधिकारी की लिखित अनुज्ञा के, जो [1][निगम] के अनुमोदन से ऐसी अनुज्ञा स्वीकृत अथवा अस्वीकृत कर सकता है, न खोला जायगा।

414. मृतकों के निस्तारणार्थ नये स्थानों की व्यवस्था—(1) यदि किसी भी समय मृतकों के निस्तारणार्थ विद्यमान कोई स्थान अपर्याप्त प्रतीत हो या धारा 415 के उपबन्धों के अधीन कोई स्थान बन्द कर दिया गया हो तो मुख्य नगराधिकारी [1][निगम] की स्वीकृति से नगर के भीतर अथवा बाहर उन प्रयोजनों के लिए अन्य उपयुक्त और सुविधाजनक स्थानों की व्यवस्था कर सकता है तथा उन्हें धारा 412 के अधीन रखे गये रजिस्टर में पंजीकृत करेगा और ऐसे प्रत्येक स्थान के, जिसकी उक्त प्रकार से व्यवस्था की गई हो, पंजीयन के समय उसका एक नक्शा जिसमें उसकी स्थिति, आमाप तथा सीमाएँ दिखाई गयी होंगी, [1][निगम] के कार्यालय में जमा करेगा।

(2) इस अधिनियम, नियम तथा उपविधियों के समस्त उपबन्ध ऐसे स्थान के संबंध में जिसकी उपधारा (1) के अधीन व्यवस्था की गई हो तथा जो नगर के बाहर स्थित हो, किन्तु [1][निगम] में निहित, उसी प्रकार प्रवृत्त होंगे मानो वह स्थान नगर के भीतर स्थित हो।

415. मृतकों को दफनाने के स्थान बन्द किया जाना—(1) यदि व्यक्तिगत निरीक्षण के पश्चात् कभी भी मुख्य नगराधिकारी का यह मत है कि—

(क) सार्वजनिक उपासना का कोई स्थान अपने धरातल के नीचे या दीवालों के भीतर तहखानों (vaults) और कब्रों की दशा के कारण, या पास-पड़ोस में कोई कब्रिस्तान या दफनाने के स्थान के कारण जनस्वास्थ्य के लिए हानिकारक हो गया है अथवा उसके हानिकर हो जाने की संभावना है;

(ख) मृतकों के निस्तारण के लिए अन्य कोई स्थान सार्वजनिक स्वास्थ्य के लिए हानिकर हो गया है या उसके हानिकर हो जाने की संभावना है;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

तो वह अपने इस आशय का लिखित मत तथा उसके कारण [1][निगम] के समक्ष रखेगा और [1][निगम] उसे और उसके संबंध में स्वयं अपना मत राज्य सरकार के पास विचारार्थ अग्रसारित करेगा।

(2) उपधारा (1) में उल्लिखित मत प्राप्त होने पर राज्य सरकार ऐसी अतिरिक्त जाँच के पश्चात्, जिसे वह उपयुक्त समझे, सरकारी गजट में तथा ऐसे पत्र में विज्ञप्ति प्रकाशित करके, जिसे वह आवश्यक समझे, यह आदेश दे सकती है कि सार्वजनिक उपासना का उक्त स्थान या अन्य स्थान भविष्य में मृतकों के निस्तारणार्थ प्रयुक्त नहीं किया जायगा।

(3) उक्त किसी विज्ञप्ति के दिनांक से तीन महीने की समाप्ति पर वह स्थान, जिससे वह विज्ञप्ति सम्बद्ध हो, मृतकों के निस्तारणार्थ प्रयुक्त न किया जायगा।

(4) मृतकों के दफनाने के लिए अलग किया गया निजी स्थान ऐसे निर्बन्धनों के अधीन, जिन्हें मुख्य नगराधिकारी एतदर्थ आरोपित करे, उक्त किसी आदेश से मुक्त किया जा सकता है; किन्तु प्रतिबन्ध यह है कि ऐसे स्थान की सीमाएँ पर्याप्त रूप से चारिभाषित हों तथा वह स्थान केवल अपने स्वामियों के परिवार के सदस्यों को दफनाने के लिए ही प्रयुक्त किया जाय।

416. मृतकों के दफनाने के स्थान को फिर से चालू किया जाना—(1) यदि व्यक्तिगत निरीक्षण के पश्चात् मुख्य नगराधिकारी का यह मत हो कि ऐसा कोई भी स्थान जो धारा 415 के उपबन्धों के अधीन बन्द कर दिया गया हो, समय बीतने के कारण अब स्वास्थ्य के लिए हानिकर नहीं रह गया तथा अब बिना जोखिम अथवा भय के उक्त प्रयोजनों के लिए प्रयुक्त किया जा सकता है, तो वह सकारण अपना मत [1][निगम] के पास प्रस्तुत करेगा और [1][निगम] अपने मत सहित उसे राज्य सरकार के पास विचारार्थ अग्रसारित करेगा।

(2) ऐसे मत की प्राप्ति पर राज्य सरकार ऐसी जाँच करने के पश्चात्, जिसे वह उपयुक्त समझे, सरकारी गजट में विज्ञप्ति प्रकाशित करके आदेश दे सकती है कि उक्त स्थान मृतकों के निस्तारणार्थ पुनः चालू कर दिया जाय।

417. मुख्य नगराधिकारी की अनुज्ञा के बिना गड्ढे खोदे न जायेंगे तथा उपासना के स्थानों के भीतर दफनाये न जायेंगे—(1) कोई भी व्यक्ति उपधारा (2) के अधीन मुख्य नगराधिकारी की लिखित अनुज्ञा के बिना—

[1][(क) किसी उपासना-स्थान की किसी दीवाल के भीतर या किसी ऐसे स्थान के किसी दालान (portico), कुर्सी (plinth) या बरामदे के नीचे कोई तहखाना या कब्र या मजार (interment) न बनायेगा];

(ख) किसी ऐसे स्थान में, जो धारा 415 के अधीन मृतकों के लिए बन्द कर दिया गया हो, कोई मजार न बनायेगा अथवा किसी अन्य रीति से कोई शव निस्तारित न करेगा;

(ग) किसी ऐसे स्थान में, जो धारा 412 के अधीन एतदर्थ रखे गये रजिस्टर में पंजीकृत न हो, कोई कब्र या तहखाना न निर्मित करेगा, न खोदेगा, न निर्मित करवायेगा, न खुदवायेगा, अथवा किसी भी रीति से किसी शव को न तो निस्तारित करेगा और न निस्तारित होने देगा;

(घ) सिक्योर कोड आफ क्रिमिनल प्रोसीजर, 1898 की धारा 176* के या तत्समय प्रचलित अन्य किसी विधि के उपबन्धों के अधीन शवों के निस्तारण के किसी भी स्थान से शवों को नहीं खोदेगा।

(2) मुख्य नगराधिकारी ऐसी सामान्य या विशेष आज्ञाओं के अधीन रहते हुए, जिन्हें सरकार एतदर्थ समय-समय पर दे, विशेष दशाओं में उपर्युक्त प्रयोजनाओं में किसी के निमित्त अनुज्ञा दे सकता है।

1. उ० प्र० अधिनियम सं० 21, 1964 की धारा 22 द्वारा खंड (क) बदल दिया गया
* कृपया देखें क्रीमिनल प्रोसीजर कोड, 1973 की तत्समकक्षी धारा

किसी निजी कुएँ, तालाब या जलाशय, पोखरे (ponds), गड्ढे या उत्खनन (excavation) को, जो मुख्य नगराधिकारी की स्वास्थ्य के निमित्त हानिप्रद या पास-पड़ोस वालों के लिये दोषकर प्रतीत हो, साफ कराने, उसकी मरम्मत कराने और उसे आच्छादित कराने (cover), भराने या उसकी जल-निकासी की व्यवस्था करे:

किन्तु प्रतिषेध यह है कि उक्त स्वामी या अध्यासी इस धारा के अधीन आदेशित जल निकासी को कार्यान्वित करने के प्रयोजनार्थ [1][निगम] के व्यय से ऐसी जल-निकासी के लिये आवश्यक कोई भूमि अथवा भूम्याधिकार अर्जित कराने या अन्यथा उसकी व्यवस्था करने की मुख्य नगराधिकारी से अपेक्षा कर सकता है।

भयानक रोगों का निवारण और उनकी रोकथाम

406. भयानक रोगों के सम्बन्ध में मुख्य नगराधिकारी और स्वास्थ्य चिकित्साधिकारी, इत्यादि के अधिकार—यदि किसी भयानक रोग से पीड़ित या ग्रस्त कोई व्यक्ति—

(क) किसी वाहन या सार्वजनिक स्थान पर लेटा हुआ पाया जाय; या

(ख) बिना किसी उपयुक्त निवास या स्थान के हो; या

(ग) किसी ऐसे कमरे या मकान में रहता हो, जिसका न वह स्वामी हो और न जिसके अध्यासन का अन्य रूप से ही उसे अधिकार हो; या

(घ) ऐसे कमरे में या कक्षों के समूह में रहता हो जो एक से अधिक परिवार के अध्यासन में हों और उनमें से कोई भी अध्यासी उसके रहने पर आपत्ति करे,

तो मुख्य नगराधिकारी चिकित्सा अधिकारी के परामर्श से जो असिस्टेन्ट सर्जन से न्यून न हो, उस रोगी को अस्पताल में या ऐसे अन्य स्थान में भिजवा सकता है, जहाँ ऐसे रोग से ग्रस्त व्यक्ति चिकित्सा के लिए प्रविष्ट किये जाते हों तथा उसको इस प्रकार हटाने के निमित्त कोई भी आवश्यक कार्यवाही कर सकता है।

407. भयानक रोग को फैलने से रोकने के निमित्त किसी भी स्थान का किसी भी समय निरीक्षण किया जा सकता है—मुख्य नगराधिकारी किसी भी समय, दिन में अथवा रात में, बिना नोटिस दिये या अपने निरीक्षण की इच्छा का ऐसा नोटिस देने के पश्चात् जो उसे यथास्थिति जान पड़े ऐसे किसी स्थान का निरीक्षण कर सकता है, जिसके सम्बन्ध में यह कहा जाता है कि वहाँ भयंकर रोग व्याप्त है अथवा जहाँ ऐसे रोग के विद्यमान होने की आशंका हो और ऐसे उपाय कर सकता है जिन्हें वह उक्त रोग को उस स्थान से बाहर फैलने से रोकने के लिये उचित समझे।

408. भयानक रोगों की सूचना दी जायगी—प्रत्येक व्यक्ति—

(क) जो चिकित्सक (medical practitioner) हो तथा जिसे चिकित्सा के दौरान में यह ज्ञात हो कि नगर के सार्वजनिक अस्पताल से भिन्न किसी निवास-स्थान में कोई भयानक रोग विद्यमान है; या

(ख) जो उस निवास-स्थान का स्वामी या अध्यासी हो, जिसे यह पता चले कि वहाँ कोई भयंकर रोग विद्यमान है, ऐसे चिकित्सक के चूक करने पर;

(ग) जो ऐसे निवास-स्थान में उक्त भयानक रोग से ग्रस्त व्यक्ति का अवधायक हो या उसकी परिचर्या करता हो और जिसे यह पता हो कि वहाँ भयानक रोग विद्यमान है, उक्त स्वामी या अध्यासी के चूक करने पर;

ऐसे किसी पदाधिकारी को, जिसे मुख्य नगराधिकारी इस प्रयोजन के लिये नियुक्त करे, उक्त रोग के सम्बन्ध में सूचना देगा।

1. उ० प्र० अधिनियम सं० 12, 1994 द्वारा प्रतिस्थापित

409. मास गृहों अथवा भोजनशालाओं का बन्द किया जाना—यदि मुख्य नगराधिकारी का समाधान हो जाय कि कोई भी निवास-गृह या अन्य स्थान, जहाँ भोज्य और पेय पदार्थ बेचे या तैयार किये या बिक्री के लिये संग्रहीत या प्रदर्शित किये जाते हैं, ऐसा निवास-गृह या स्थान है, जहाँ भयानक रोग फैला है, या जहाँ हाल ही में फैल चुका है, और उस स्थान का बन्द किया जाना सार्वजनिक हित में होगा तो वह लिखित नोटिस द्वारा आदेश दे सकता है कि उक्त स्थान आदेश में निर्दिष्ट अवधि तक के लिये बन्द कर दिया जाय:

किन्तु प्रतिबन्ध यह है कि यदि नगर स्वास्थ्य अधिकारी यह प्रमाणित कर दे कि उक्त निवास-गृह अथवा स्थान विसंक्रमित (disinfected) कर दिया गया है या संक्रमण (infection) से मुक्त है तो उस स्थान के खोले जाने की घोषणा की जा सकती है।

410. भयानक रोगादि से ग्रस्त व्यक्ति कुछ प्रकार के कार्य न कर सकेंगे—कोई भी व्यक्ति जब तक वह किसी भयानक रोग या घृणित दुर्व्यवस्था (loathsome disorder) से ग्रस्त है, तब तक—

(क) मानव उपयोग के लिये कोई भोज्य या पेय पदार्थ अथवा औषधि या भेषज बिक्री के लिये न तैयार करेगा और न प्रस्तुत करेगा; या

(ख) यदि उक्त कोई पदार्थ, औषधि या भेषज दूसरे व्यक्तियों द्वारा बिक्री के लिये खुला रखा गया (exposed) हो तो उसे जानबूझ कर न छुयेगा; या

(ग) गन्दे कपड़े धोने या उन्हें लाद कर ले जाने के किसी कारोबार में भाग न लेगा।

411. किसी भयानक रोग के फैलने पर मुख्य नगराधिकारी विशेष उपाय कर सकता है—(1) यदि किसी समय नगर में कोई भयानक रोग फैले या उसके फैलने की आशंका हो या नगर में कोई संसर्गजन्य (infectious) रोग फैले अथवा उसके फैलने की आशंका हो तो मुख्य नगराधिकारी यदि यह समझता है कि इस अधिनियम के या तदन्तर्गत बने नियमों के या तत्समय प्रचलित किसी अन्य विधि के सामान्य उपबन्ध इस प्रयोजन के लिये पर्याप्त नहीं हैं तो वह राज्य सरकार की स्वीकृति से—

(क) ऐसे विशेष उपाय कर सकता है; तथा

(ख) सार्वजनिक नोटिस देकर जनता द्वारा या किसी व्यक्ति या व्यक्तियों के विशेष वर्ग द्वारा अनुपालनार्थ ऐसी अस्थायी आज्ञाएँ विहित कर सकता है जो तत्सम्बन्धी किसी नियमावली में निर्दिष्ट हों तथा जिन्हें वह ऐसे रोग के आविर्भाव या प्रसार को रोकने के लिये आवश्यक समझे।

(2) मुख्य नगराधिकारी तुरन्त ही उपधारा (1) के अधीन अपने द्वारा किये गये किन्हीं आज्ञाओं का प्रतिवेदन [1][निगम] को देगा।

मृतकों का निस्तारण

412. मृतकों के निस्तारण के स्थानों का पंजीयन किया जायगा—(1) यदि कोई व्यक्ति किसी ऐसे स्थान का स्वामी है या ऐसा स्थान उसके नियंत्रण में है जो पहले से ही मृतकों को दफनाने, अग्निदाह या किसी अन्य विधि से निस्तारित करने के लिये प्रयुक्त होता रहा हो, तो वह नियत दिन से 6 महीने के भीतर मुख्य नगराधिकारी के पास उसकी रजिस्ट्री के लिये प्रार्थना-पत्र देगा, और मुख्य नगराधिकारी उसकी रजिस्ट्री कराएगा।

(2) ऐसे प्रार्थना-पत्रों के साथ एक नक्शा (plan) भी होगा जिस पर अनुज्ञप्ति भूमापक के इस बात के उपलक्ष्य में हस्ताक्षर होंगे कि वह उसके द्वारा अथवा उसके निर्देशन में तैयार किया गया है तथा उसमें पंजीकृत होने वाला स्थान, उसकी स्थिति, उसकी आयति (extent) और चौहद्दी (boundaries) दिखायी

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(क) किसी झील, तालाब, जलाशय, फौव्वारे, जलकुंड, प्रणाली, कुंडे, स्रोते या कुएँ या नदी के किसी भाग में अथवा [1][निगम] में निहित किसी अन्य स्थान में न नहायेगा;

(ख) किसी तालाब, जलाशय, सोते, कुएँ अथवा खाई में कोई ऐसा पशु, वनस्पति (vegetable) या खनिज-पदार्थ (mineral matter) न डालेगा जिससे उसका जल दूषित अथवा स्वास्थ्य के लिए भयप्रद (dangerous) हो जाय;

(ग) किसी संक्रामक संसर्गजन्य अथवा सूचित रोग से ग्रस्त अथवा में किसी स्नान के प्लेटफार्म, झील, तालाब, जलाशय, फौव्वारे, जलकुंड, प्रणाली, कुंडे, स्रोते या कुएँ पर उसमें या उसके पास नहीं नहायेगा;

(घ) उक्त किसी स्थान या निर्माण-कार्य में या उसके पास कोई पशु, वस्त्र या अन्य वस्तुएँ न धोयेगा और न धुलवायेगा;

(ङ) उक्त किसी स्थान या निर्माण-कार्य के जल में किसी पशु या वस्तु को न फेंकेगा, न वहाँ रखेगा और न प्रविष्ट होने देगा;

(च) उक्त किसी स्थान या निर्माण-कार्य में या पर, न कोई वस्तु प्रवाहित करायेगा, न करने देगा और न उसमें या उन पर कार्य करायेगा न कराने देगा, जिससे किसी भी अंश में जल गंदा या दूषित हो जाय;

(छ) उक्त किसी स्थान में, या पर, कपड़े नहीं सुखायेगा;

(ज) मुख्य नगराधिकारी द्वारा धारा 399 के अधीन दी गयी किसी आज्ञा का उल्लंघन करते हुये नदी के किसी भाग को अथवा किसी स्थान को, जो [1][निगम] में निहित न हो, उक्त धारा में उल्लिखित किसी भी प्रयोजन के लिए प्रयोग में नहीं लायेगा;

(झ) मुख्य नगराधिकारी द्वारा धारा 399 के अधीन पूर्वोक्त किसी प्रयोजन के लिये नदी के उक्त किसी भाग अथवा स्थान के प्रयोग के सम्बन्ध में दिये गये किसी नोटिस के उपबन्धों का उल्लंघन नहीं करेगा।

फैक्ट्रियों, व्यापारियों, इत्यादि का विनियमन

401. बिना मुख्य नगराधिकारी की अनुज्ञा के नयी फैक्ट्री, इत्यादि स्थापित न की जायेंगी—मुख्य नगराधिकारी की पूर्व प्राप्त लिखित अनुज्ञा के बिना कोई भी व्यक्ति कोई फैक्ट्री, कारखाना या कार्य-स्थान, जिसमें भाप, पानी, बिजली या किसी अन्य यन्त्र-चालित शक्ति का प्रयोग अभिप्रेत हो या नानबाई की दुकान—

(1) किसी भू-गृहादि में नये सिरे से स्थापित न करेगा;

(2) एक स्थान से दूसरे स्थान को न हटायेगा;

(3) तीन साल से अन्यून किसी अवधि तक बन्द रखने के पश्चात् न फिर से खोलेगा और न उसका नवीकरण करेगा; या

(4) का क्षेत्र या उनकी सीमाओं को न बढ़ायेगा न विस्तृत करेगा;

और न कोई व्यक्ति ऐसी किसी फैक्ट्री, कारखाने, कार्यस्थान या नानबाई की दुकान को बिना उक्त अनुज्ञा के चलायेगा या चलाने देगा:

किन्तु प्रतिबन्ध यह है कि यदि बन्द रखने की अवधि में उस स्थान से, जहाँ आरम्भ में कोई फैक्ट्री, कारखाना, कार्यस्थान अथवा नानबाई की दूकान स्थापित की गयी थी, मशीनें आदि न हटायी गई हों तो खंड (3) के प्रयोजनों के लिखित ऐसी किसी अनुज्ञा की आवश्यकता न होगी।

402. रासायनिक द्रव्यों, आदि द्वारा जल के गन्दे या दूषित किये जाने का प्रतिषेध—धारा 438 या नियमावली में निर्दिष्ट किसी व्यापार या उत्पादन (manufacture) में संलग्न कोई व्यक्ति—

(क) [1][निगम] की किसी झील, तालाब, जलाशय, जलकुंड, कुआँ, प्रणाली या अन्य जल स्थान के या उनसे संचरित (communicating) किसी नाली या पाइप में जानबूझकर उपर्युक्त व्यापार या उत्पादन के दौरान में उद्भूत (product) किसी धोवन (washing) या अन्य पदार्थ को न प्रवाहित करायेगा और न ऐसा करने देगा;

(ख) उपर्युक्त व्यापार या उत्पादन से सम्बद्ध कोई ऐसा कार्य जानबूझ कर न करेगा जिससे उक्त झील, तालाब, जलाशय, जलकुंड, कुआँ या प्रणाली या अन्य जलस्थान का जल खराब, दूषित या गन्दा हो जाय।

403. निजी जल प्रणाली, इत्यादि की सफाई करने या उसे बन्द कर देने की आज्ञा देने का अधिकार—(1) मुख्य नगराधिकारी किसी निजी जल-प्रणाली (water course), सोतों (spring), तालाब, कुएँ या अन्य स्थान के, जिसका पानी पीने के काम में लाया जाता हो, स्वामी या उस पर नियन्त्रण रखने वाले व्यक्ति को नोटिस द्वारा यह आदेश दे सकता है कि वह उसे बन्दोबस्त करवा कर अच्छी हालत में रखे और समय-समय पर उसमें से तलछट, कूड़ा-करकट या सड़ी-गली (decaying) वनस्पति हटा कर उसकी सफाई करे तथा उसे दूषित होने से इस रीति से बचाये, जिसे [1][निगम] उचित समझे।

(2) जब किसी ऐसी जल-प्रणाली, सोतों, तालाब, कुएँ या अन्य स्थान का जल मुख्य नगराधिकारी के संतोषानुसार पीने के लिये अनुपयुक्त सिद्ध हो गया हो तो वह उसके स्वामी या उस पर नियंत्रण रखने वाले व्यक्ति को नोटिस द्वारा यह आदेश दे सकता है कि वह उस पानी का प्रयोग न करे और न दूसरों को उसका प्रयोग करने दे और यदि ऐसी नोटिस के पश्चात् कोई व्यक्ति उस पानी को पीने के काम में लाये तो मुख्य नगराधिकारी उसके स्वामी या उस पर नियन्त्रण रखने वाले व्यक्ति को नोटिस द्वारा उस कुएँ को स्थायी या अस्थायी रूप में बन्द करने की या ऐसी जल-प्रणाली, सोते, तालाब, कुएँ या अन्य स्थान को ऐसी रीति से घेर देने या उसके चारों ओर बाड़ा बना देने (fence) की आज्ञा दे सकता है, जिसे वह आदिष्ट करे, ताकि उसका पानी इस प्रकार प्रयुक्त न हो सके।

404. फैक्ट्रियों, स्कूलों तथा अन्य सार्वजनिक समागम के स्थान के निमित्त शौचालय—मुख्य नगराधिकारी ऐसे किसी भी व्यक्ति को जिसने बीस से अधिक श्रमिक या मजदूर नियोजित किये हों या जो किसी बाजार या स्कूल या प्रेक्षागृह या अन्य सार्वजनिक समागम-स्थान का स्वामी हो, उसका प्रबन्ध करता हो या उस पर नियन्त्रण रखता हो, नोटिस द्वारा यह आदेश दे सकता है कि वह इतने शौचालय और मूत्रालयों की व्यवस्था करे, जिन्हें वह उचित समझे, उन्हें ठीक ढंग से बनाये रखे और प्रतिदिन उनकी सफाई कराये;

किन्तु प्रतिबन्ध यह है कि [2][फैक्ट्रीज ऐक्ट, 1948] द्वारा विनियमित फैक्ट्री पर इस धारा की कोई भी बात लागू न होगी।

405. तालाब, इत्यादि से होने वाले अपदूषणों को हटाने का आदेश देने का अधिकार—मुख्य नगराधिकारी किसी भूमि या भवन के स्वामी या अध्यासी को नोटिस द्वारा यह आदेश दे सकता है कि वह

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उत्तर प्रदेश अधिनियम सं० 14, 1959 की धारा 7 द्वारा शब्द "इण्डियन फैक्ट्रीज ऐक्ट, 1911" के स्थान पर रखा गया

(2) उपधारा (1) के अधीन मुख्य नगराधिकारी द्वारा किए गये व्यय, व्यक्ति जिसने से वसूल हुये धन का संदाय करने के पश्चात् भवन के स्वामी द्वारा देय होंगे और व्यय चुकाने के पश्चात् मुख्य नगराधिकारी अपने पास बचे हुए शेष धन को भवन के स्वामी को वापस करेगा ।

(3) कोई भी व्यक्ति जो उपधारा (2) के अधीन मुख्य नगराधिकारी द्वारा किए गए निर्णय से क्षुब्ध हो, 1 महीने की अवधि के भीतर अपील कर सकता है ।

395. भवन गिराने की आज्ञा के विरुद्ध अपील—कोई व्यक्ति जो—

(1) धारा 391 की उपधारा (1) के अधीन दी गयी किसी आज्ञा से; अथवा

(2) धारा 392 की उपधारा (3) अथवा उपधारा (4) के अधीन दी गयी आज्ञा से; अथवा

(3) भवन गिराने के सम्बन्ध में धारा 393 के अधीन दी गयी आज्ञा, किन्तु जो उस धारा की उपधारा (5) के अधीन दी गयी आज्ञा न हो,

से क्षुब्ध हो तो वह आज्ञा की प्रतिलिपि तामील होने के दिनांक के पश्चात् 21 दिन के भीतर न्यायाधीश (Judge) को अपील कर सकता है और जब तक उस अपील का अंतिम रूप से निर्णय न हो जाय तब तक मुख्य नगराधिकारी उस आज्ञा को जिसके सम्बन्ध में अपील की गई है, कार्यान्वित करने के बारे में कोई कार्यवाही नहीं करेगा ।

पशुओं की लाशों का निस्तारण

396. पशुओं के शवों का निस्तारण—(1) मुख्य नगराधिकारी का कर्तव्य होगा कि वह नगर के भीतर मरे हुए सभी पशुओं के शवों को हटाने की व्यवस्था करे ।

(2) किसी भू-गृहादि जिसमें अथवा जिस पर कोई जानवर मरे अथवा जिसमें अथवा जिस पर किसी जानवर का डाल पाया जाएगा, का अध्यासी और वह व्यक्ति, जो किसी ऐसे पशु का अवधारक (having the charge) हो जो किसी सड़क पर अथवा किसी खुले स्थान पर मरता है, उस जानवर के मरने के पश्चात् तीन घंटे के भीतर अथवा यदि वह पशु रात में मरता है तो सूर्योदय के पश्चात् 3 घंटे के भीतर, उसके मरने की रिपोर्ट निकटतम [1][निगम] के स्वास्थ्य विभाग को करेगा ।

(3) [1][निगम] अधिकरण द्वारा हटाये गये प्राणिक शव को, चाहे वे किसी निजी भू-गृहादि से हटाया जाय या किसी सार्वजनिक सड़क या स्थान से, हटाने के निमित्त पशु के स्वामी को अथवा यदि स्वामी लापता हो तो उस भू-गृहादि के अध्यासी को, जिसमें अथवा जिस पर उक्त जानवर मरा हो या उस व्यक्ति को जिसके अवधारण में उक्त पशु मरा हो, ऐसा शुल्क देना होगा जो मुख्य नगराधिकारी निर्दिष्ट करे ।

397. स्वास्थ्य के लिए हानिकारक खेती-बाड़ी, खाद के उपयोग अथवा सिंचाई का निषेध—यदि [1][चिकित्सा, स्वास्थ्य एवं परिवार कल्याण, उत्तर प्रदेश के निदेशक या मुख्य चिकित्सा अधिकारी] या नगर स्वास्थ्य अधिकारी यह प्रमाणित करे कि किसी निर्दिष्ट रीति से फसलों की किसी प्रकार की खेती-बाड़ी अथवा किसी प्रकार के खाद का उपयोग या किसी भूमि की सिंचाई—

(क) जो नगर की सीमाओं के भीतर किसी स्थान में की जाती हो, हानिकारक है या उससे ऐसी प्रक्रियाएं उद्भूत होती हैं जो पास-पड़ोस में रहने वालों के स्वास्थ्य के लिए हानिकर है; अथवा

(ख) जो उक्त नगर की सीमाओं के भीतर अथवा बाहर स्थित किसी स्थान में की जाती है, से ऐसे नगर के जल सम्भरण (water supply) के दूषित हो जाने अथवा अन्यथा पीने के प्रयोजनों के लिए जल के अनुपयुक्त (unfit) हो जाने की सम्भावना है;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

भी मुख्य नगराधिकारी सार्वजनिक नोटिस द्वारा उस फसल की खेती-बाड़ी, उक्त खादों का उपयोग अथवा सिंचाई के उक्त साधनों के प्रयोग जो हानिकारक कहे जाते हों, का प्रतिषेध कर सकता है अथवा उनके सम्बन्ध में ऐसी शर्तें आरोपित कर सकता है जो उक्त हानि अथवा दूषण (contamination) को रोके:

किन्तु प्रतिबन्ध यह है कि यदि किसी ऐसी भूमि पर जिसके सम्बन्ध में नोटिस जारी किया जा चुका हो, प्रतिषिद्ध कार्य प्रतिषेध के दिनांक से निरन्तर 5 वर्ष पूर्व तक साधारणतः खेती-बाड़ी के दौरान में किया जाता रहा हो तो उस भूमि में स्वार्थ रखने वाले सभी व्यक्तियों को, जिन्हें उक्त प्रतिषेध द्वारा क्षति पहुँचेगी, [1][निगम] निधि में से प्रतिकर दिया जाएगा ।

398. हानिकर वनस्पतियों को साफ करने के लिए स्वामियों से अपेक्षा करने का अधिकार—मुख्य नगराधिकारी नोटिस द्वारा किसी भूमि के स्वामी या अध्यासी को किसी वनस्पति या झाड़ी, आदि (undergrowth) को साफ करने या हटाने के आदेश दे सकता है जो स्वास्थ्य के लिए हानिकर या पड़ोसियों के लिए कष्टदायक हो ।

सार्वजनिक स्नान, धुलाई, आदि का विनियमन

399. सार्वजनिक स्नान, आदि के स्थान मुख्य नगराधिकारी द्वारा निश्चित किये जायेंगे और ऐसे स्थानों के उपयोग का विनियमन—(1) मुख्य नगराधिकारी सार्वजनिक नोटिस द्वारा समय-समय पर—

(क) जनता के लिए स्नान करने, पशुओं को धोने अथवा कपड़े धोने या सुखाने के प्रयोजनार्थ किसी नदी के भागों को या अन्य उपयुक्त स्थानों को, जो [1][निगम] में स्थित हों, अलग कर देगा;

(ख) ऐसे समय निर्दिष्ट करेगा जब इन स्थानों का उपयोग किया जाएगा और यह भी निर्दिष्ट करेगा कि ये स्थान किसी द्वारा उपयोग में लाये जायेंगे अथवा पुरुषों द्वारा;

(ग) जनता द्वारा पूर्वोक्त प्रयोजनों के लिये किसी भी ऐसे स्थान का उपयोग प्रतिषिद्ध करेगा जो उन प्रयोजनों के लिए अलग न कर दिया गया हो;

(घ) उपर्युक्त किसी भी प्रयोजन के लिए जनता द्वारा नदी के किसी भी भाग के अथवा ऐसे स्थान के, जो [1][निगम] में स्थित न हो, उपयोग का प्रतिषेध करेगा;

(ङ) नदी के किसी भाग अथवा किसी अन्य स्थान को, जो [1][निगम] में स्थित हो तथा मुख्य नगराधिकारी द्वारा पूर्वोक्त किन्हीं प्रयोजनों के लिए अलग कर दिया गया हो, जनता द्वारा उपयोग विनियमित करेगा; और

(च) जनता द्वारा उपर्युक्त किसी भी प्रयोजन के लिए नदी के किसी भाग या अन्य किसी स्थान को, जो [1][निगम] में स्थित न हो तथा किसी निर्माण कार्य और किसी निर्माण-कार्य के जल को जो इस अधिनियम के अधीन किसी विशेष प्रयोजन के निमित्त विनिर्दिष्ट (assigned) तथा अलग कर दिया गया हो (set apart) प्रयोग विनियमित कर सकता है ।

(2) उपधारा (1) के खण्ड (क) के अधीन अलग किये गये किसी स्थान के किसी निर्दिष्ट (specified) वर्ग अथवा वर्गों के व्यक्तियों द्वारा या सामान्य जनता द्वारा प्रयोग के लिए मुख्य नगराधिकारी ऐसा शुल्क ले सकता है, जिसे कार्यकारिणी समिति निश्चित करे ।

400. आज्ञा के विपरीत स्नान करने का प्रतिषेध—सिवाय जैसा कि मुख्य नगराधिकारी द्वारा दी गयी किसी आज्ञा में अनुमति हो, कोई भी व्यक्ति—

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

भवन या उसके भाग के रहने के प्रयोजनार्थ उस समय तक उपयोग में लाने का प्रतिषेध कर सकता है जब तक वह निवास के योग्य न बना दिया जाए ।

स्पष्टीकरण–इस धारा में यथास्थिति "मनुष्यों के रहने के लिए अयोग्य" से तात्पर्य है स्वच्छता की पूर्ति के कारण अपर्याप्त पानी के लिए स्थान अथवा संचालित स्थान का अभाव, अँधेरा, भीड़भाड़, संमुचित तथा सीधे प्राण जाने का स्वच्छतावास (sanitary accommodation) की अन्य विषमताओं के अथवा उक्त औजार या मार्गों में जल-निस्सारण की अपर्याप्त व्यवस्था के कारण मनुष्यों के रहने के लिए अयोग्य ।

(2) जब उपधारा (1) में निर्दिष्ट कोई आज्ञा दे दी गयी हो तो भवन का स्वामी अथवा अभ्यासी उस भवन को मनुष्यों के रहने के लिए तब तक प्रयुक्त नहीं करेगा, और न करने देगा, जब तक मुख्य नगाधिकारी यह प्रमाणित न कर दे कि वह भवन रहने के योग्य हो गया है ।

(3) जब मुख्य नगाधिकारी ने उपधारा (1) के अधीन कोई आज्ञा दी है तो वह भवन के स्वामी अथवा अभ्यासी को लिखित रूप में ऐसे अनुदेश (instructions) देगा कि उक्त भवन अथवा भवन के भाग को मनुष्यों के रहने योग्य बनाने के लिमित कौन-कौन से सुधार अथवा परिवर्तन किये जाने अपेक्षित हैं ।

(4) मुख्य नगाधिकारी उपधारा (1) का उल्लंघन करके किसी भवन अथवा कमरे को प्रयुक्त करने वाले किसी व्यक्ति को पुलिस के किसी पदाधिकारी अथवा [1][निगम] के किसी कर्मचारी द्वारा उस भवन अथवा कमरे से निकलवा सकता है ।

(5) धारा 334 की उपधारा (4) और (6) के उपबन्ध, मुख्य नगाधिकारी द्वारा जारी किये गये इस आशय के प्रमाण-पत्र पर कि यथास्थिति भवन अथवा भवन का भाग मनुष्यों के रहने के योग्य हो गया है, इसी प्रकार लागू होंगे मानो ऐसा प्रमाण-पत्र उपर्युक्त धारा की उपधारा (1) के अधीन जारी किये गये नोटिस का आंशिक लेख (withdrawal) हो ।

392. अस्वास्थ्यकर भवनों को मरम्मत कराने का आदेश देने का अधिकार–(1) यदि मुख्य नगाधिकारी को यह प्रतीत हो कि रहने के लिए अभिप्रेत अथवा प्रयुक्त कोई भवन किसी प्रकार से मनुष्यों के रहने के योग्य नहीं है, तो वह लिखित नोटिस द्वारा उस भवन के स्वामी को यह आदेश दे सकता है कि वह ऐसे सुधार कराये कि उस भवन में ऐसे कार्य सम्पादित करने अथवा ऐसे परिवर्तन करने की आज्ञा क्यों न दी जाय कि वह मनुष्यों के रहने के योग्य हो जाय ।

(2) इस धारा के अधीन भवन के स्वामी पर नोटिस तामील कराने के साथ ही मुख्य नगाधिकारी उस नोटिस की एक प्रतिलिपि किसी ऐसे अन्य व्यक्ति पर भी तामील करा सकता है जो उस भवन में या उस भूमि में जिस पर वह भवन निर्मित किया गया हो, चाहे बन्धकी (mortgagee), पट्टेदार (lessee) अथवा अन्य किसी रूप में कोई स्वार्थ (interest) रखता हो ।

(3) यदि उपधारा (2) में निर्दिष्ट स्वामी अथवा अन्य व्यक्ति कोई आपत्ति प्रस्तुत न करे अथवा आपत्तियों पर सुनवाई करने के पश्चात् मुख्य नगाधिकारी का समाधान हो जाय कि उस भवन को मनुष्यों के रहने के योग्य बनाने के लिये उसमें निर्दिष्ट कार्यों का सम्पादन अथवा परिवर्तन करना आवश्यक है, तो वह लिखित नोटिस द्वारा भवन के स्वामी को यह आदेश देगा कि वह 21 दिन से अन्यून किसी ऐसी उचित अवधि के भीतर, जो नोटिस में निर्दिष्ट की जाय, उक्त कार्य का सम्पादन अथवा उक्त परिवर्तन करे ।

(4) यदि मुख्य नगाधिकारी को यह प्रतीत हो कि किसी आवास को मनुष्यों के रहने के अयोग्य दशा में बनाये रखने से किसी व्यक्ति अथवा सम्पत्ति को हो सकने वाले आसन्न संकट की रोक के प्रयोजनों के लिए तुरन्त कार्यवाही करना आवश्यक है, तो वह उपधारा (1) के अधीन नोटिस जारी करने का परित्याग कर सकता है, तथा उपधारा (3) में निर्दिष्ट नोटिस तत्काल जारी कर सकता है और उसकी एक प्रति उपधारा (2) में निर्दिष्ट किसी अन्य व्यक्ति पर तामील करा सकता है ।

---

1. उ० प्र० अधिनियम सं० 13 सन् 1994 द्वारा प्रतिस्थापित

393. अस्वास्थ्यकर भवनों के गिराने की आज्ञा देने का अधिकार–(1) यदि मुख्य नगाधिकारी को यह प्रतीत हो कि कोई भवन जो रहने के लिए अभिप्रेत हो अथवा एतदर्थ प्रयुक्त होता हो, मनुष्यों के रहने योग्य नहीं है, और उचित व्यय करने के बाद भी उसे रहने के योग्य नहीं बनाया जा सकता है तो वह भवन के अध्यासी और भवन के स्वामी पर एक नोटिस तामील करेगा जिसमें उस दिनांक को; जो नोटिस तामील होने के बाद 21 दिन से अन्यून होगा और उस स्थान की उल्लिखित की दिया जायगा जहाँ कार्यकारिणी समिति द्वारा भवन की दशा और निर्माण-कार्य के सम्पादन के विषय में प्रस्ताव (offer) अथवा भवन के भावी उपयोग के संबंध में विचार किया जायगा और प्रत्येक व्यक्ति को, जिसे उक्त नोटिस दिया गया होगा, मामले पर विचार होने के समय अपने विचार व्यक्त करने का अधिकार होगा ।

(2) यदि कोई व्यक्ति जिस पर उपधारा (1) के अधीन कोई नोटिस तामील किया गया हो, नोटिस तामील होने के दिनांक से 21 दिन के भीतर कार्य के सम्पादन के संबंध में कोई प्रस्ताव रखना चाहता हो, तो वह प्रस्ताव (offer) प्रस्तुत करने के आशय का एक लिखित नोटिस मुख्य नगाधिकारी पर तामील करेगा और ऐसी उचित अवधि के भीतर जो मुख्य नगाधिकारी निर्धारित करे, वह उन निर्माण-कार्यों की एक विवरण-सूची उसके समक्ष रखेगा जिन्हें वह सम्पन्न कराना चाहता है ।

(3) मुख्य नगाधिकारी कार्यकारिणी समिति के पूर्वानुमोदन से किसी भवन के स्वामी या उसमें स्वार्थ रखने वाले (interested) किसी अन्य व्यक्ति से इस प्रकार का वचन (undertaking) ले सकता है, कि या तो वह निर्दिष्ट अवधि के भीतर उसमें ऐसे निर्माण-कार्य करायेगा, जिससे वह भवन मुख्य नगाधिकारी की राय में मनुष्यों के रहने के योग्य हो जाय या वह भवन मनुष्यों के रहने के लिए तब तक उपयोग में नहीं लाया जायगा जब तक कि मुख्य नगाधिकारी का यह समाधान न हो जाय कि वह भवन रहने के योग्य हो गया और जब तक कि वह कार्यकारिणी समिति के पूर्वानुमोदन से उक्त भवन को रद्द न कर दे ।

(4) यदि मुख्य नगाधिकारी उपधारा (3) में उल्लिखित वचन स्वीकार नहीं करता, अथवा यदि किसी मामले में मुख्य नगाधिकारी ने उक्त वचन स्वीकार कर लिया हो किन्तु उस वचन से संबद्ध निर्माण-कार्य निर्दिष्ट अवधि के भीतर उसने ऐसे नहीं कराये हों अथवा यदि किसी समय भवन वचन की शर्तों के प्रतिकूल उपयोग में लाया गया हो तो मुख्य नगाधिकारी कार्यकारिणी समिति के पूर्वानुमोदन से भवन को गिराने के निमित्त आज्ञा दे सकता है जिसमें यह आदेश भी होगा कि भवन को आज्ञा में निर्दिष्ट अवधि के भीतर, जो नोटिस के प्रभावी (operative) होने के दिनांक से 28 दिन से कम न होगी, खाली कर दिया जायगा और उतनी अतिरिक्त (further) अवधि के भीतर गिरवा दिया जायगा, जिसे मुख्य नगाधिकारी उचित समझे । मुख्य नगाधिकारी उस आज्ञा की एक प्रतिलिपि प्रत्येक ऐसे व्यक्ति पर तामील करेगा जिस पर उपधारा (1) के अधीन नोटिस तामील किया गया था ।

(5) यदि मुख्य नगाधिकारी को यह प्रतीत हो कि किसी व्यक्ति या सम्पत्ति अथवा उपधारा (1) में निर्दिष्ट प्रकार के किसी भवन को आसन्न संकट से बचाने के लिए तुरन्त कार्यवाही करना आवश्यक है और उक्त उपधारा के अधीन नोटिस देने में विलम्ब होने से उस धारा के अधीन कार्यवाही करने का उद्देश्य विफल हो जायगा तो वह कार्यकारिणी समिति के पूर्वानुमोदन से पश्चाद्वर्ती उस रीति से जिसकी व्यवस्था उपधारा (4) में की गयी है, किन्तु आज्ञा का पालन करने की कम से कम अवधि घटा कर 7 दिन करते हुए, उक्त भवन को गिराने की आज्ञा दे सकता है ।

394. भवन गिराने की आज्ञा को कार्यान्वित करने की प्रक्रिया–(1) धारा 393 के अधीन भवन गिराने की आज्ञा प्रभावी (operative) होने पर उस भवन का स्वामी आज्ञा में एतदर्थ निर्दिष्ट अवधि में भवन को गिरवा देगा और यदि भवन निर्दिष्ट समय के भीतर न गिराया जाय तो मुख्य नगाधिकारी उसे गिरवाने और उसके मलबे (materials) को बेच देने की व्यवस्था कर सकता है।

अध्याय 15

सफाई-व्यवस्था

सड़क की सफाई तथा स्वच्छता

385. मुख्य नगराधिकारी द्वारा सड़क की सफाई और कूड़ा-करकट हटाने के संबंध में की जाने वाली व्यवस्था—समस्त सड़कों और भू-गृहादि की उनय सफाई एवं स्वच्छता (scavenging and cleansing) के प्रयोजनार्थ मुख्य नगराधिकारी निम्नलिखित की व्यवस्था करेगा:—

(1) शहर की सभी सड़कों की सफाई (Surface cleansing) और उन पर ढेर किये गये कूड़े-करकट को हटाना;

(2) निम्नलिखित को अस्थायी रूप से रखने के लिए उचित और सुविधाजनक स्थानों (situations) में, सार्वजनिक पात्रों (public receptacles), संग्रहागारों (depots) और जगहों (places) की व्यवस्था या निर्धारण—

(क) धूल, राख, कूड़ा-करकट तथा गन्दगी,

(ख) व्यापारिक कूड़ा-करकट,

(ग) मृत पशुओं के शव,

(घ) मलमूत्र और दूषित वस्तुएँ।

(3) समस्त पात्रों (receptacles) तथा संग्रहागारों (depots) के भीतर की वस्तुओं (contents), और धूल, राख, कूड़ा-करकट, गन्दगी, व्यापारिक कूड़ा-करकट, मृत पशुओं के शव और मल-मूत्रादि तथा दूषित वस्तुओं को स्थायी रूप से जमा करने के लिए, उसके द्वारा इस अधिनियम के उपबन्धों के अधीन व्यवस्थित या निर्धारित समस्त स्थानों पर जमा वस्तुओं का हटाना;

किन्तु प्रतिबन्ध यह है कि उपधारा (2) के खंड (क) से (घ) तक में उल्लिखित कूड़े-करकट आदि का अन्तिम रूप से निस्तारण [1][निगम] या राज्य सरकार के किन्हीं सामान्य विशेष निदेशों के अधीन होगा।

386. गैर-सरकारी अभिकरण द्वारा हटाये गये कूड़े-करकट आदि के निस्तारण का विनियमन—(1) मुख्य नगराधिकारी कार्यकारिणी-समिति की पूर्व स्वीकृति से सार्वजनिक नोटिस द्वारा जो नियमों में विहित रीति से दिया जायगा, ऐसे समय, ऐसे रीति और शर्तों आदि के सम्बन्ध में, जिनके अनुसार या जिनके अधीन धारा 385 की उपधारा (2) में निर्दिष्ट कूड़ा-करकट आदि सड़क या से हटाया, वहाँ जमा किया या अन्यथा निस्तारण किया जा सकता है, आदेश जारी कर सकता है।

(2) उपर्युक्त अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, उपधारा (1) के अधीन जारी किये गये किसी आदेश द्वारा इस बात की अपेक्षा की जा सकती है कि निजी तौर पर सफाई करते समय मेहतरों (scavengers) द्वारा जमा किया गया ऐसा सारा कूड़ा-करकट, जो धारा 385 की उपधारा (2) में उल्लिखित है, उक्त खंड के अधीन व्यवस्थित या निश्चित सार्वजनिक पात्रों, संग्रहागारों और स्थानों में जमा किया जायगा।

(3) जब उपधारा (1) के अधीन कोई आदेश जारी किया गया हो, तो कोई भी व्यक्ति धारा 385 की उपधारा (2) के निर्दिष्ट कूड़े-करकट, आदि को ऐसे आदेश का उल्लंघन करते हुए सड़क पर से न हटायेगा, न जमा करेगा और न अन्य किसी प्रकार से उसका निस्तारण ही करेगा।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

387. कूड़ा-करकट आदि [1][निगम] की सम्पत्ति होगी—धारा 385 के अधीन व्यवस्थित समस्त निश्चित सार्वजनिक पात्रों, संग्रहागारों और स्थानों में जमा सभी चीजें (matter) और उक्त धारा 386 के अनुसार [1][निगम] कर्मचारियों अथवा ठेकेदारों द्वारा इकट्ठी की गयी सभी चीजें [1][निगम] की सम्पत्ति होंगी।

388. मुख्य नगराधिकारी मल-मूत्रादि तथा दूषित वस्तुओं को जमा करने इत्यादि के सम्बन्ध में व्यवस्था कर सकता है—(1) मुख्य नगराधिकारी अपने इस आशय का एक सार्वजनिक नोटिस दे सकता है कि वह नगर के किसी ऐसे भाग में, जिसे वह निर्दिष्ट करे, संडासों(privies), मूत्रालयों तथा मलकूपों (cesspools) से सभी मल-मूत्र और दूषित वस्तुओं को किसी [1][निगम] अभिकरण द्वारा इकट्ठा कराने, हटाने और निस्तारण करने के निमित्त व्यवस्था करना चाहता है और ऐसा करने पर मुख्य नगराधिकारी का यह कर्तव्य होगा कि वह नगर के उक्त भाग में स्थित सभी भू-गृहादि से उक्त वस्तुओं के प्रतिदिन इकट्ठा करने, हटाने और निस्तारण की व्यवस्था करे।

(2) उपधारा (1) में निर्दिष्ट किसी भाग में और किन्हीं भू-गृहादि में वे चाहे जहां भी स्थित हों, वहाँ किसी [1][निगम] नाली से जुड़ा हुआ (connected) कोई नालदान (water closet) अथवा संडास हो किसी भी व्यक्ति के लिए जो मुख्य नगराधिकारी द्वारा अथवा उसकी ओर से नियोजित न किया गया हो, बिना मुख्य नगराधिकारी की लिखित अनुज्ञा के, यह वैध (lawful) न होगा कि वह मेहतरों के किन्हीं कर्तव्यों का निर्वहन करे।

389. कतिपय स्थानों पर विशेष सफाई का प्रबन्ध—(1) मुख्य नगराधिकारी किसी मन्दिर, मठ, मस्जिद, चर्च, अथवा धार्मिक उपासना या धर्मोपदेश अथवा मनोरंजन के किसी स्थान जहाँ विशेष अवसरों पर अधिक संख्या में जनता एकत्र होती है, अस्त-पास अथवा किसी ऐसे स्थान में जो मेलों, त्योहारों अथवा सार्वजनिक समारोहों अथवा आयोजनों के निमित्त होता हो, सफाई बनाये रखने के निमित्त ऐसे विशेष प्रबन्ध कर सकता है जिन्हें वह पर्याप्त समझे।

(2) मुख्य नगराधिकारी ऐसे व्यक्ति को, जिसके नियंत्रण में उपर्युक्त कोई स्थान हो, यह आदेश दे सकता है कि वह उपधारा (1) के अधीन किए गए विशेष कार्यों पर हुए व्यय का वह भाग (contribution) [1][निगम] को अदा करे, जिसे कार्यकारिणी-समिति समय-समय पर निश्चित करे, और ऐसा व्यक्ति उस स्थान से सम्बद्ध विधियों में से उक्त अंश अदा करने के लिए बाध्य होगा।

भू-गृहादि के निरीक्षण और सफाई सम्बन्धी विनियमन

390. सफाई के प्रयोजन से भू-गृहादि के निरीक्षण का अधिकार—(1) मुख्य नगराधिकारी किसी भी भवन अथवा दूसरे भू-गृहादि की सफाई की दशा जानने के प्रयोजन से उनका निरीक्षण कर सकता है।

(2) यदि सफाई बनाये रखने के लिए मुख्य नगराधिकारी को ऐसा करना आवश्यक प्रतीत हो तो वह लिखित नोटिस द्वारा किसी भवन के स्वामी या अध्यासी को उस भवन या उसके किसी भाग को भूरे द्वारा सफेदी कराने, वहाँ कीटाणुनाशक द्रव का छिड़काव कराने (disinfect) अथवा अन्य प्रकार से उसे साफ करने के आदेश दे सकता है।

391. मनुष्यों के रहने के लिए अयोग्य भवन अथवा भवनों के कमरे—(1) यदि मुख्य नगराधिकारी का यह मत हो कि कोई भवन या भवन का कोई भाग, जो निवास के लिए अधिप्रेत हो अथवा प्रयुक्त होता हो, मनुष्यों के रहने के लिए अयोग्य है तो वह कार्यकारिणी समिति के पूर्वानुमोदन से और जब तक उसकी राय में अध्यासी के लिए आसन्नकालिक खतरा (imminent danger) न हो, ऐसे भवन के स्वामी या अध्यासी को कारण बताने का लिखित रीति से अवसर देने के पश्चात् लिखित आज्ञा द्वारा उक्त

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(6) इस अधिनियम के अधीन किसी अपील पर हाईकोर्ट की आज्ञा, प्रार्थना-पत्र देने पर, नगर के लघुवाद न्यायालय (Court of Small Causes) द्वारा उसी प्रकार प्रवर्तित की जायगी मानो वह उसी न्यायालय की कोई डिक्री हो।

टिप्पणी

उच्च न्यायालय में द्वितीय अपील–अधिकारिता–तथ्य के निष्कर्ष में हस्तक्षेप–द्वितीय अपील तथा प्रति-आपत्ति (cross-objection) में अधिकरण द्वारा अभिलिखित तथ्य के निष्कर्षों में हस्तक्षेप नहीं किया जा सकता। द्वितीय अपील तथा प्रति आपत्ति का निस्तारण उसी रीति से किया जायगा जैसे कि व्यवहार प्रक्रिया संहिता की धारा 100 में विहित की गयी है [*कलेक्टर बारामती* बनाम *सुपेश*, 1980 ए० एस० जे० 73: 1980 यू० पी० एल० डब्लू० ई० सी० 29]।

ऐसी अपीलों तथा प्रति आपत्तियों पर व्यवहार प्रक्रिया संहिता की धारा 100 के प्रावधान लागू होंगे [*कलेक्टर बनाम दुर्गा*, 1979 ए० सी० जे० 403 (खंडपीठ)]।

इस धारा की उपधारा (4) को दृष्टिगत रखते हुए, व्यवहार प्रक्रिया संहिता के आदेश 41 के नियम 22 तथा नियम 33 लागू नहीं होंगे [*ओम प्रकाश गुप्त* बनाम *उ० प्र० राज्य*, ए० आई० आर० 1976 इलाo 371]।

382. वृक्षों तथा वन-भूमियों का परिरक्षण–(1) यदि विकास-समिति को प्रतीत हो कि सुख-सुविधा के हित में नगर की किसी वन-भूमि अथवा वृक्षों का परिरक्षण (Preservation) इष्टकर है, तो वह मुख्य नगराधिकारी को निम्नलिखित की आज्ञा देने के लिए प्राधिकृत कर सकती है–

(क) मुख्य नगराधिकारी की अनुज्ञा के बिना आज्ञा में निर्दिष्ट किसी वृक्ष अथवा वृक्ष समूहों को काट कर गिराने, उनकी ऊँचाई छाँटने (Topping), डाल काटने (Lopping) अथवा जानबूझ कर उन्हें नष्ट करने का प्रतिषेध;

(ख) वनभूमि के किसी ऐसे भाग में, जहाँ के वृक्ष, वन प्रबन्ध सम्बन्धी क्रियाओं के दौरान में मुख्य नगराधिकारी की अनुज्ञा से अथवा बिना उसकी अनुज्ञा के गिरा दिये गये हों, आज्ञा में उल्लिखित रीति के अनुसार फिर से पौधे लगवाना (replanting)।

(2) उपधारा (1) के अधीन मुख्य नगराधिकारी द्वारा दी गई आज्ञा से क्षुब्ध कोई व्यक्ति उस पर उक्त आज्ञा की तामील के दिनांक से 30 दिन के भीतर राज्य सरकार को अपील कर सकता है, तो राज्य सरकार ऐसी किसी आज्ञा की पुष्टि बिना किसी परिष्कार के अथवा ऐसे परिष्कारों के अधीन जिन्हें वह उचित समझे, कर सकती है अथवा उसे प्रतिसंहृत (Revoke) कर सकती है।

383. नगर के लिए महायोजना–(1) [1][निगम] इस सम्बन्ध में बनाये गये नियमों द्वारा विहित रीति से तथा शर्तों के अधीन रहते हुए नगर के लिए एक महायोजना तैयार करा सकती है तथा राज्य सरकार द्वारा ऐसा अपेक्षित होने पर वह ऐसा अवश्य करेगी।

स्पष्टीकरण–इस धारा में "महायोजना" से तात्पर्य है वह विस्तृत योजना, जिसमें निम्नलिखित की वर्तमान तथा प्रस्तावित स्थिति (Location) एवं उनका सामान्य विन्यास (general layout) दिखलाया गया हो–

(क) मुख्य सड़कें (arterial streets) तथा यातायात के रास्ते;

(ख) आवासिक खंड (Residential Sections);

(ग) व्यवसाय क्षेत्र (Business Areas);

(घ) औद्योगिक क्षेत्र;

(ङ) शिक्षा संस्थाएँ;

(च) सार्वजनिक उद्यान, खेल के मैदान तथा मनोरंजन की अन्य सुविधाएँ;

(छ) सार्वजनिक तथा अर्द्ध सार्वजनिक भवन;

(ज) भूमि के अन्य प्रयोग जो आवश्यक हों।

(2) महायोजना प्रत्येक 10 वर्ष के अन्त में पुनरीक्षित की जायगी तथा यदि [1][निगम] उचित समझे तो उससे पहले भी पुनरीक्षित की जा सकती है।

(3) इस अधिनियम में किसी भी बात के होते हुए भी विकास योजनाएं नयी सड़कों, गलियों, उद्यानों, फैक्ट्रियों तथा भवनों का विन्यास यथासंभव महायोजना के अनुरूप होगा:

किन्तु प्रतिबन्ध यह है कि इस धारा की कोई बात यू० पी० टाउन इम्प्रूवमेंट ऐक्ट, 1919 अथवा कानपुर आरबन एरिया डेवलपमेंट ऐक्ट, 1945 के अधीन पहले से ही स्वीकृत विकास-योजना पर लागू न होगी।

[2][**383–क. नगर के लिए विकास योजना तैयार करना**–(1) निगम नगर के लिए प्रत्येक वर्ष एक विकास योजना तैयार करेगा।

(2) उपधारा (1) में निर्दिष्ट योजना को नियमों द्वारा विहित रीति से निगम की विकास समिति द्वारा तैयार किया जायेगा।

(3) योजना को निगम के समक्ष रखा जायेगा जो उसे उपान्तरों सहित या बिना किसी उपान्तर के ऐसे रूप में अनुमोदित कर सकता है जैसा वह उचित समझे और मुख्य नगर अधिकारी इसे संविधान के अनुच्छेद 243-यध में उल्लिखित जिला योजना समिति को उस दिनांक तक जो नियमों द्वारा विहित किया जाय, प्रस्तुत करेगा।]

384. नियम बनाने का अधिकार–(1) राज्य सरकार इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए नियम बना सकती है।

(2) पूर्वोक्त अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना इन नियमों में निम्नलिखित की व्यवस्था की जा सकती है:–

(क) न्यायाधिकरणों के कार्यों का संचालन जो कोड आफ सिविल प्रोसीजर के प्रतिकूल न हो;

(ख) विकास योजनाओं के सम्बन्ध में सरकारी तथा वैयक्तिक (public and personal) नोटिसें देने की रीति;

(ग) विकास योजनाओं की प्रगति के सम्बन्ध में [1][निगम] द्वारा राज्य सरकार को प्रतिवेदन प्रस्तुत किया जाना;

(घ) नगर की महायोजना को तैयार करने तथा उसके पुनरीक्षण से सम्बद्ध सभी विषय; तथा

(ङ) भूमि प्रयोग सम्बन्धी परिवर्तनों का विनियमन।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 की धारा 62 द्वारा अन्तःस्थापित

[illegible] कि वह धारा 129-क के अधीन महापालिका के भू-प्रकाशों पर लागू है, में अधिदिष्ट फीसों का भी संग्रहण करेगा ।]

373. न्यायाधिकरण के सदस्यगण–(1) न्यायाधिकरण [2][एक सदस्य का होगा जिसे पीठासीन अधिकारी कहा जायगा] ।

[2][उक्त सदस्य] जिला जज से अन्यून पद का एक व्यवहार न्यायिक पदाधिकारी (Civil Judicial Officer) होगा ।

[3][* * *]

(3) [2][उक्त सदस्य] राज्य सरकार द्वारा नियुक्त किये जायेंगे ।

[2][(4) यदि किसी कारण से न्यायाधिकरण के पीठासीन अधिकारी का पद रिक्त हो जाय तो राज्य सरकार उस रिक्ति की पूर्ति के लिये इस धारा के अनुसार दूसरा व्यक्ति नियुक्त करेगी, और न्यायाधिकरण के समक्ष कार्यवाहियाँ उसी प्रक्रम से जिस पर रिक्ति की पूर्ति की जाय, जारी रखी जा सकती है ।

(5) उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के ठीक पूर्व (सभापति और दो असेसरों से मिलकर बने) न्यायाधिकरण के समक्ष विचाराधीन कोई कार्यवाही, ऐसे प्रारम्भ के पश्चात् न्यायाधिकरण के समक्ष, जिसमें उसके पीठासीन अधिकारी के रूप में उक्त सभापति हो, उस प्रक्रम से जिस न्यायाधिकरण से संगठन में इस प्रकार परिवर्तन किया जाय, जारी रखी जा सकती है ।]

374. पारिश्रमिक–न्यायाधिकरण के [2][पीठासीन अधिकारी] [4][निगम] द्वारा ऐसा निश्चित (fixed) पारिश्रमिक, यदि कोई हो, दिया जायगा जो राज्य सरकार विहित करे ।

375. न्यायाधिकरण के कर्मचारी–(1) [2][न्यायाधिकरण] समय-समय पर एक विवरण तैयार करेगा, जिसमें निम्नलिखित दिखलाये जायेंगे–

(क) न्यायाधिकरण के लिए आवश्यक कर्मचारियों की संख्या तथा उनकी कोटि (grade);

(ख) वेतन जो प्रत्येक कर्मचारी को दिया जायगा ।

(2) न्यायाधिकरण के कर्मचारियों की सेवा के निबन्धन तथा शर्तें [2][राज्य सरकार द्वारा] निर्धारित की जायेंगी ।

376. लैंड एक्वीजिशन ऐक्ट, 1894 का परिष्कार–लैन्ड एक्वीजिशन ऐक्ट, 1894 के अधीन [4][निगम] के निमित्त भूमि अर्जित करने के प्रयोजन के लिए, चाहे वह इस अधिनियम के इस अध्याय के अधीन है, अथवा अन्य किसी अध्याय के–

(क) उक्त ऐक्ट इस अधिनियम की अनुसूची में निर्दिष्ट परिष्कारों के अधीन रहेगा;

(ख) न्यायाधिकरण का निर्णय (award), लैन्ड एक्वीजिशन ऐक्ट, 1894 के अधीन न्यायालय का निर्णय माना जायगा ।

377. न्यायाधिकरण पर प्रयुक्त विधि–कोड आफ सिविल प्रोसिजर, 1908 तथा इंडियन एवीडेन्स ऐक्ट, 1872 के उपबन्ध, जहाँ तक वे इस अधिनियम के उपबन्धों से असंगत न हों, न्यायाधिकरण के समक्ष की जाने वाली सभी कार्यवाहियों पर प्रयुक्त होंगे ।

1. उ० प्र० अधिनियम सं० 30 सन् 1970 द्वारा रद्दकी गयी
2. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा प्रतिस्थापित किया गया
3. उ० प्र० अधिनियम सं० 54 सन् 1972 द्वारा प्रतिबन्धात्मक खण्ड निकाला गया
4. उ० प्र० अधिनियम सं० 12, सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

378.[1][* * *]

379. न्यायाधिकरण का निर्णय अंतिम होगा–धारा 381 के उपबन्धों के अधीन रहते हुए न्यायाधिकरण का निर्णय अंतिम होगा, इस पर किसी विधिक न्यायालय में आपत्ति नहीं की जायगी ।

380. न्यायाधिकरण की आज्ञा का प्रवर्तित किया जाना–धन की अदायगी के सम्बन्ध में न्यायाधिकरण की प्रत्येक आज्ञा प्रार्थना-पत्र दिये जाने पर नगर के लघुवाद न्यायालय (Court of Small Causes) द्वारा उसी प्रकार प्रवर्तित की जायगी, मानो कि वह उस न्यायालय की कोई डिक्री हो ।

381. अपीलें–(1) [2][न्यायाधिकरण] के किसी निर्णय की अपील हाईकोर्ट में की जा सकेगी, यदि–

(क) [2][न्यायाधिकरण] इस आशय का प्रमाण-पत्र दे कि उक्त मामला अपील किये जाने योग्य है; अथवा

(ख) हाईकोर्ट अपील के लिए विशेष अनुमति दे:

किन्तु प्रतिबन्ध यह है कि हाईकोर्ट ऐसी विशेष अनुमति तब तक न देगा, जब तक कि न्यायाधिकरण ने खंड (क) के अधीन प्रमाण-पत्र देना अस्वीकृत न कर दिया हो ।

(2) उपधारा (1) के अधीन अपील केवल निम्नलिखित एक या एकाधिक आधारों पर की जा सकेगी, अर्थात्–

(क) निर्णय किसी विधि अथवा विधि पर प्रभाव रखने वाली किसी प्रथा के प्रतिकूल है;

(ख) निर्णय में विधि अथवा विधि का प्रभाव रखने वाली किसी प्रथा से सम्बद्ध किसी सारवान विषय (material issue) का निर्धारण नहीं किया गया है;

(ग) कोई ऐसी सारवान भूल अथवा त्रुटि रह गयी है, जिसके कारण गुण-दोष के आधार पर (on merits), किसी मामले के निर्णय में तथ्य या विधि (point of fact or law) सम्बन्धी कोई भूल अथवा त्रुटि हो गयी है ।

(3) पूर्ववर्ती उपबन्धों में से किसी भी बात के होते हुए भी, इस धारा के अधीन कोई अपील नहीं की जा सकेगी, जब तक कि अपीलकर्त्ता ने वह धनराशि न जमा कर दी हो, उस आज्ञा के अधीन जमा करना उसका दायित्व हो, जिसके विरुद्ध अपील दायर की गयी है ।

(4) उपधारा (1) के उपबन्धों के अधीन रहते हुए, मूल डिक्रियों (decrees) की अपीलों के विषय में कोड आफ सिविल प्रोसीजर, 1908 के उपबन्ध, यथासंभव इस अधिनियम के अधीन अपीलों पर लागू होंगे ।

[2][(1) उपधारा (1) के खण्ड (क) के अधीन प्रमाण-पत्र दिये जाने के लिए प्रार्थना-पत्र न्यायाधिकरण के निर्णय के दिनांक से तीस दिन के भीतर दिया जा सकता है ।

(2) न्यायाधिकरण के निर्णय के विरुद्ध अपील उक्त प्रमाण-दिये जाने के दिनांक से साठ दिन के भीतर प्रस्तुत की जा सकती है ।

(3) उपधारा (1) के खण्ड (ख) के अधीन अपील के लिए विशेष अनुमति के निमित्त हाईकोर्ट को प्रार्थना-पत्र उक्त प्रमाण-पत्र अस्वीकार करने की आज्ञा के दिनांक से साठ दिन के भीतर दिया जा सकता है ।

(5-क) उपधारा (5) के अधीन अपील या प्रार्थना-पत्र के सम्बन्ध में परिसीमा अधिनियम, 1963 की धारा 5 और 12 के उपबन्ध, आवश्यक परिवर्तनों के साथ लागू होंगे ।]

1. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा निकाला गया
2. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा प्रतिस्थापित

366. भवन, इत्यादि के संबंध में निर्बंधन (restriction)—जब कि मलीन सुधार (slum clearance) योजना के विषय में धारा 357 के अधीन कोई नोटिस प्रकाशित हो जाये तो कोई व्यक्ति असंतोषकर (insanitary) तथा पुनर्निर्माण क्षेत्रों में संबंधित किसी भवन को निर्मित, परिवर्द्धित अथवा परिवर्तित नहीं करेगा या किसी भूमि का अन्यथा विकास नहीं करेगा, सिवाय उस कार्य योजना के क्षेत्र के लिये निर्दिष्ट पुनर्निर्माण नियोजन (rebuilding plan) के अनुसार तथा ऐसे निर्बंधनों (restrictions) एवं शर्तों के अधीन रहते हुये किये जायें जिन्हें लगाना मुख्य नगराधिकारी उचित समझे:

किन्तु प्रतिबन्ध यह है कि कोई स्वामी जो अपनी भूमि के प्रयोग पर इस प्रकार लगायी गई शर्तों तथा निर्बंधनों के कारण अथवा मुख्य नगराधिकारी द्वारा बाद में ऐसी किसी शर्त अथवा निर्बंधन को रद्द अथवा परिष्कृत करके अस्वीकार कर दिये जाने के कारण क्षुब्ध हो, तो वह तीस दिन के भीतर न्यायाधीश को अपील कर सकता है। न्यायाधीश इस विषय में, जैसा वह उचित समझेगा आज्ञा दे देगा तथा न्यायाधीश की आज्ञा अंतिम होगी।

367. भवनों को गिराने का आदेश—मुख्य नगराधिकारी विकास-योजना की स्वीकृति से, स्वीकृति की विज्ञप्ति की धारा 363 के अधीन प्रकाशित होने के पश्चात्, किसी भी समय, असंतोषकर क्षेत्र में संबंधित किसी भवन अथवा भवनों के अध्यासियों से अपेक्षा कर सकता है कि वे उन्हें गिराये जाने के प्रयोजन के लिये, नोटिस से तीन मास के भीतर खाली कर दें, तथा ऐसे भवन अथवा भवनों के स्वामी या स्वामियों से अपेक्षा कर सकता है कि उन्हें एक मास की अतिरिक्त अवधि के भीतर गिरा दें, तथा यदि उक्त अवधि की समाप्ति के पूर्व भवन गिरा नहीं दिया जाता तो मुख्य नगराधिकार स्वामी के जोखिम (risk) तथा व्यय पर उक्त भवन तथा भवनों को गिराने की कार्यवाही करेगा, उसके मलबे (material) की बेचेगा तथा उस स्थान को खाली करायेगा:

किन्तु प्रतिबन्ध यह है कि भवनों को खाली किये जाने तथा गिराये जाने का कार्य एक समय में किया जा सकता है।

[1][367-क. योजना का परित्याग—[2][निरस], राज्य सरकार के पूर्व अनुमोदन से किसी भी समय और ऐसी शर्तों के अनुसार, जो वह आरोपित करे, यू० पी० टाउन इम्प्रूवमेंट ऐक्ट, 1919 की धारा 42, कानपुर अरबन एरिया डेवलपमेंट ऐक्ट, 1945 की धारा 60 या इस अधिनियम की धारा 363 के अधीन विज्ञापित किसी योजना का परित्याग कर सकती है, और इस प्रकार परित्याग करने पर कोई भूमि जिसके सम्बन्ध में अधिनियम देने के प्रक्रम तक अर्जन पूरा न हुआ हो, और ऐसी भूमि का स्वामी तथा अध्यासी, इस अध्याय के अधीन किन्हीं दायित्वों के अधीन न रह जायेंगे।]

368. भूमि विसर्जित करने के अधिकार—इस अधिनियम के अधीन रहते हुए [2][निरस] इस अध्याय के अधीन अपने द्वारा अर्जित अथवा अपने में निहित किसी भूमि को बनाये रख सकती है, पट्टे पर दे सकती है, बेच सकती है, विनिमय कर सकती है अथवा उसे अन्यथा निस्तारित कर सकती है:

किन्तु प्रतिबन्ध यह है कि इस अध्याय के अधीन किसी योजना के निमित्त अर्जित भूमि को पट्टे पर देने, बेचने, विनिमय करने अथवा उसे अन्यथा निस्तारित करने में प्रथमतिका उस आपत्ति तक तथा उस रीति से, जो विहित की जाय, उन व्यक्तियों को दी जायगी जिनकी भूमि ऐसी योजना के निमित्त अर्जित की गई हो।

369. परिसर्वेक्षण करने के अधिकार—मुख्य नगराधिकारी जब कभी यह समझे कि इस अध्याय के प्रयोजनों को पूरा करने के लिये किसी भूमि का परिमापन आवश्यक है, उस भूमि का सर्वेक्षण कराया जा सकता है।

1. उ० प्र० अधिनियम सं० 21, 1964 की धारा 21 द्वारा बढ़ायी गयी
2. उ० प्र० अधिनियम सं० 12, 1994 द्वारा प्रतिस्थापित

370. प्रवेश के अधिकार—(1) मुख्य नगराधिकारी, धारा 362 के उपबन्धों के अधीन रहते हुए, अपने सहायकों तथा कर्मकों (workmen) के साथ अथवा उसके बिना ही किसी भूमि में अथवा पर—

(क) कोई परीक्षण, परीमापन, वैमाइश, मूल्यांकन अथवा जाँच करने;
(ख) सतह लेने (take levels);
(ग) भूमिगत मिट्टी (sub-soil) खोदने अथवा गेदने (bore);
(घ) चौहद्दियों (boundaries) तथा अभिप्रेत कार्य-रेखाएँ (line of works) निर्धारण करने (set-out);
(ङ) ऐसी सतहों (level), चौहद्दियों तथा रेखाओं को चिह्नों द्वारा तथा खाई खोद कर चिह्नित करने; या
(च) अन्य कोई कार्यवाही करने

के लिये जब कभी इस अध्याय अथवा इसके अधीन बनाये गये किसी नियम, उपविधि या स्वीकृत योजना के किसी प्रयोजन के लिए ऐसा करना आवश्यक हो, प्रवेश कर सकता है।

(2) यदि उपधारा (1) के अनुसरण में मुख्य नगराधिकारी के किसी भूमि में अथवा पर प्रवेश करने के कारण कोई क्षति पहुँचे तो [1][निरस] उसे पूरा करेगी।

(3) मुख्य नगराधिकारी निरीक्षण अथवा खानबीन (search) के प्रयोजन से प्रवेश कर सकता है, तथा वह कोई दरवाजा, फाटक (gate) अथवा अन्य कोई अवरोध (barrier) खोल अथवा खुलवा सकता है, यदि—

(क) वह यह समझे कि उसका खोला जाना उसके प्रवेश, निरीक्षण अथवा खानबीन के लिए आवश्यक है; और
(ख) उसका स्वामी अथवा अध्यासी अनुपस्थित हो, अथवा उपस्थित होने पर भी उक्त दरवाजा, फाटक अथवा अवरोध खोलने से इन्कार करे।

371. न्यायाधिकरण (tribunal) का संगठन—(1) राज्य सरकार एक न्यायाधिकरण संगठित करेगी जिसके अधिकार तथा कर्तव्य वे होंगे जो आगे निर्दिष्ट किये गये हैं।

(2) यथास्थिति यूनाइटेड प्राविंसेज टाउन इम्प्रूवमेंट ऐक्ट, 1919 की धारा 57 अथवा कानपुर अर्बन डेवलपमेंट ऐक्ट, 1945 के अधीन संगठित न्यायाधिकरण नियत दिन से विघटित हो जायगा।

(3) यथास्थिति यूनाइटेड प्राविंसेज टाउन इम्प्रूवमेंट ऐक्ट, 1919 अथवा कानपुर अर्बन एरिया डेवलपमेंट ऐक्ट, 1945 के अधीन संगठित न्यायाधिकरण के समक्ष विचाराधीन सभी वाद अथवा कार्यवाहियाँ की सुनवाई अथवा संचालन उपधारा (1) के अधीन संगठित न्यायाधिकरण उसी भाँति करेगा मानो कि वे उक्त न्यायाधिकरण के समक्ष ही प्रस्तुत की गई हों, तथा इस अधिनियम के उपबन्ध तथा तदनुसार निर्मित कोई नियम उक्त सभी वादों तथा कार्यवाहियों पर प्रयुक्त होंगे।

372. न्यायाधिकरण के कर्तव्य—(1) लैण्ड एक्वीजिशन ऐक्ट, 1894 के अधीन इस अधिनियम के प्रयोजनों के निमित्त [1][निरस] के लिए भूमि अर्जन सम्बन्धी समस्त विषयों के सम्बन्ध में न्यायाधिकरण न्यायालय के कृत्यों का निर्वहन करेगा:

किन्तु प्रतिबन्ध यह है कि न्यायाधिकरण तब तक ऐसे किसी दावे की सुनवाई नहीं करेगा जब तक कि दावा करने वाला व्यक्ति न्यायालय में प्रतिभूति के रूप में वाद-व्यय के लिए 7,000 रु० से अनधिक की ऐसी धनराशि, जिसे न्यायाधिकरण निश्चित् करे, और जो दावा करने वाले व्यक्ति के असफल होने पर उसके विरोधी पक्ष को दी जा सके, न जमा कर दे।

1. उ० प्र० अधिनियम सं० 12, 1994 द्वारा प्रतिस्थापित

361. योजना के सम्बन्ध में राज्य सरकार के अधिकार—(1) राज्य सरकार धारा 360 के अधीन प्रस्तुत किसी योजना को परिष्कारों सहित अथवा बिना किसी परिष्कार के स्वीकृत कर सकती है अथवा अस्वीकृत कर सकती है, अथवा उसे पुनर्विचार के लिए वापस भेज सकती है ।

(2) यदि उपधारा (1) के अधीन पुनर्विचार के लिए वापस की गई योजना [1][निगम] द्वारा परिष्कृत कर ली जाय तो उसे निम्नलिखित दशा में धारा 357 के अनुसार पुन: प्रकाशित किया जायगा—

(क) प्रत्येक ऐसी दशा में जिसमें परिष्कार के कारण योजना में समाविष्ट क्षेत्र की चौहद्दी (boundary) पर प्रभाव पड़ता हो, अथवा जिसमें पूर्व प्रस्तावित अर्जन से भिन्न किसी भूमि को अर्जित करने का प्रस्ताव किया गया हो; और

(ख) अन्य प्रत्येक दशा में जब तक कि परिष्कार राज्य सरकार की राय में इतने महत्व का न हो कि उसका पुन: प्रकाशन अपेक्षित हो ।

362. [1][निगम] द्वारा परिष्कृत की जाने वाली योजना के सम्बन्ध में प्रक्रिया—यदि धारा 360 के अधीन आपत्तियों तथा निवेदन-पत्रों (representations) पर विचार करने के पश्चात् मूल योजना में कोई ऐसा परिष्कार किया गया हो, जिससे धारा 361 की उपधारा (2) में वर्णित दशाएँ उत्पन्न हों, तो किसी योजना के सम्बन्ध में जिसे [1][निगम] स्वयं अपने अधिकार से स्वीकृत कर सकती है, धारा 357 के उपबन्ध आवश्यक परिवर्तनों सहित लागू होंगे ।

363. विकास योजनाओं की स्वीकृति की विज्ञप्ति—जब कभी [1][निगम] कोई योजना स्वयं अपने अधिकार से अथवा धारा 360 की उपधारा (1) के प्रतिबन्ध के अधीन राज्य सरकार की सहमति से स्वीकृत करे तो यह तथ्य सरकारी गजट में विज्ञप्ति के प्रकाशन द्वारा प्रख्यापित किया जायगा, और [1][निगम] के लिए यह आवश्यक होगा कि स्वयं अपने अधिकार से योजना स्वीकृत करने की दशा में, तुरन्त ही इसकी सूचना राज्य सरकार को भेज दे; और राज्य सरकार को सूचनार्थ धारा 360 की उपधारा (2) के अधीन अपेक्षित विवरण भी प्रस्तुत करे ।

टिप्पणी

भूमि का अर्जन—जब प्रतिकर के भुगतान की अवस्था विद्यमान रही हो और उस अवस्था तक धारा 363 के अन्तर्गत भूमि अर्जन की कार्यवाही, अधिसूचना की तारीख से दस वर्ष की समयावधि के अन्दर, समाप्त नहीं की जा सकी हो, तो भूमि का अर्जन धारा 365 (4) के अन्तर्गत स्वत: कालातीत (lapsed) हो जायगा [कपूर चन्द बनाम डेवलपमेन्ट अथार्टी, 1990 आर० डी० 312 : 1990 ए० एल० आर० 324] ।

364. स्वीकृति के पश्चात् विकास-योजना में परिवर्तन—राज्य सरकार द्वारा अथवा स्वयं अपने अधिकार से [1][निगम] द्वारा किसी योजना को स्वीकृत कर लिये जाने के पश्चात् किसी समय, किन्तु उसके पूर्ण हो जाने के पूर्व, [1][निगम] उसमें परिवर्तन कर सकती है:

किन्तु प्रतिबन्ध यह है कि—

(क) योजना से राज्य सरकार द्वारा स्वीकृत किये जाने की दशा में यदि किसी परिवर्तन के कारण योजना की कार्यान्विति के सम्बन्ध में अनुमानित लागत एक लाख रुपये से अधिक बढ़ जाने का तखमीना हो तो बिना राज्य सरकार की पूर्व स्वीकृति के उक्त परिवर्तन नहीं किया जायगा;

(ख) [1][निगम] द्वारा स्वयं अपने अधिकार से स्वीकृत की गई किसी योजना की दशा में उक्त परिवर्तन राज्य सरकार के सूचनार्थ भेजा जाएगा;

(ग) यदि किसी परिवर्तन के कारण किसी ऐसी भूमि के अनुबन्ध (agreement) द्वारा अर्जन से भिन्न अर्जन का प्रश्न अन्तर्वलित हो, तो इसके सम्बन्ध में इस अध्याय की पूर्ववर्ती धाराओं में विहित प्रक्रिया का हो, जहाँ तक वह लागू हो सकती हो, इस प्रकार अनुसरण किया जायगा मानो उक्त परिवर्तन एक अलग योजना ही हो ।

365. विकास-योजना के लिए अपेक्षित भूमि का अर्जन—(1) [1][इस अध्याय के अधीन] किसी योजना के स्वीकृत किये जाने पर मुख्य नगराधिकारी किसी भी व्यक्ति से किसी ऐसी भूमि को, जिसे विकास-योजना के सम्बन्ध में अर्जित करने के लिए वह प्राधिकृत हो, अथवा उस भूमि से सम्बद्ध किसी स्वत्व (interest) को खरीदने, पट्टे पर लेने अथवा विनिमय के लिए अनुबन्ध कर सकता है ।

(2) [2][इस अध्याय के अधीन] स्वीकृत किसी विकास-योजना के प्रयोजनार्थ [3][निगम] इस अध्याय द्वारा संशोधित लैन्ड एक्वीजिशन ऐक्ट, 1894 के उपबन्धों के अधीन भूमि अथवा भूमिगत कोई स्वत्व अर्जित कर सकती है ।

(3) मुख्य नगराधिकारी किसी विकास-योजना के प्रयोजनों के लिए धारा 273 की उपधारा (2) तथा धारा 190 के अधीन प्राप्त अधिकारों को काम में ला सकता है ।

(4) इस अध्याय के अधीन [4][किसी भावी सड़क-योजना या किसी नगर प्रसार-योजना से भिन्न] अधिकृत विकास-योजना के निमित्त भूमि तथा भूमि में स्वत्व का समस्त अर्जन धारा 363 के अधीन योजना के विज्ञापित किये जाने के दिनांक से पाँच वर्ष की अवधि के भीतर कम से कम निर्णय (award) देने के स्तर तक पूरा कर दिया जायगा और कोई भी भूमि जिसके सम्बन्ध में अर्जन इस प्रकार पूरा नहीं किया गया है तथा उसका स्वामी और अध्यासी इस अध्याय के अधीन किसी दायित्व के अधीन नहीं रह जायेंगे:

[5][किन्तु प्रतिबन्ध यह है कि—

(क) यूनाइटेड प्राविंसेज टाउन इम्प्रूवमेंट ऐक्ट, 1919 (यू० पी० ऐक्ट संख्या 8, 1919) की धारा 42 या कानपुर अरबन एरिया डेवेलपमेंट ऐक्ट (यू० पी० ऐक्ट संख्या 6, 1945) की धारा 60 के अधीन अधिसूचित (भावी सड़क-योजना या नगर प्रसार-योजना से भिन्न) किसी ऐसी विकास-योजना के सम्बन्ध में, जिसे धारा 577 के खंड (ग) के प्रभाव से इस प्रकार जारी रखा जा सकता है मानो वह इस अधिनियम के अधीन प्रारम्भ की गयी हो, इस उपधारा का ऐसा अर्थ लगाया जायगा मानो शब्द तथा अंक "धारा 363 के अधीन योजना के विज्ञापित किये जाने के दिनाँक से पाँच वर्ष की अवधि के भीतर" के स्थान पर शब्द तथा अंक "31 दिसम्बर, 1973 को या इसके पूर्व" रखे गये हों;

(ख) उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के पूर्व धारा 363 के अधीन अधिसूचित किसी विकास-योजना के सम्बन्ध में इस उपधारा का ऐसा अर्थ लगाया जायगा मानो शब्द "पाँच वर्ष" के स्थान पर शब्द "दस वर्ष" रखे गये हों :

अग्रेतर प्रतिबन्ध यह है कि राज्य सरकार, पाँच वर्ष या दस वर्ष की उक्त अवधि या, जैसी भी दशा हो, 31 दिसम्बर, 1973 को समाप्त होने वाली उक्त अवधि व्यतीत होने के पूर्व सामान्य आज्ञा द्वारा, उन कारणों से जो अभिलिखित किये जायेंगे, उक्त अवधि को एक वर्ष के लिए बढ़ा सकती है ।]

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 21, 1964 की धारा 20 (1) द्वारा शब्द "राज्य सरकार द्वारा" के स्थान पर रखा गया
2. उ० प्र० अधिनियम सं० 21, 1964 की धारा 20 (2) द्वारा शब्द "सरकार द्वारा" के स्थान पर रखा गया
3. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
4. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा अन्तःस्थापित
5. उ० प्र० अधिनियम सं० 24, 1972 द्वारा रखा गया

(क) पड़ोसी क्षेत्रों सहित सम्पूर्ण नगर की प्रकृति (nature) और दशाएँ (conditions);

(ख) विभिन्न दिशाएँ, जिनमें नगर का प्रसार होना संभव है; और

(ग) नगर के अन्य भागों के लिए विकास योजनाओं के अपेक्षित होने की संभावना।

356. विकास समिति द्वारा विचार किया जाना–(1) विकास समिति मुख्य नगराधिकारी द्वारा उसके समक्ष प्रस्तुत की गयी योजना पर विचार करेगी और उसे परिष्कार सहित अथवा बिना परिष्कार के स्वीकृत कर लेगी अथवा मुख्य नगराधिकारी से अपेक्षा करेगी कि वह उसमें परिवर्तन करके उसे समिति के विचारार्थ पुनः प्रस्तुत करे।

(2) विकास-समिति लिखित रूप से योजना पर स्वीकृति प्रदान करेगी और आदेश देगी कि योजना विज्ञापित की जाय।

357. विकास योजना की नोटिस–(1) विकास-योजना का पांडुलेख (draft) विकास-समिति द्वारा अनुमोदित हो जाने के पश्चात् मुख्य नगराधिकारी एक नोटिस तैयार करेगा, जिसमें निम्नलिखित का उल्लेख होगा–

(क) यह तथ्य कि योजना तैयार की जा चुकी है;

(ख) योजना में समाविष्ट क्षेत्र की चौहद्दी;

(ग) स्थान, जहाँ योजना का विवरण, योजना में समाविष्ट क्षेत्र का नक्शा और उस भूमि का उल्लेख, जिसके अर्जित किये जाने का प्रस्ताव है, देखा जा सकता है।

(2) मुख्य नगराधिकारी उक्त नोटिस को लगातार तीन सप्ताह तक सरकारी गजट तथा [1][निगम] के बुलेटिन, यदि कोई हो, में प्रकाशित करायेगा तथा उसे एक या एकाधिक स्थानीय समाचार-पत्र या समाचार-पत्रों में, जिन्हें मुख्य नगराधिकारी ठीक समझे, प्रकाशित करायेगा और उसमें ऐसी अवधि का उल्लेख करेगा, जिसके भीतर इस सम्बन्ध में आपत्तियाँ ली जायेंगी। यदि नगर से संलग्न कोई कैन्टूनमेन्ट बोर्ड हो तो उक्त नोटिस की एक प्रति उसके सभापति (President) के पास भी भेज दी जायगी।

(3) मुख्य नगराधिकारी उपधारा (1) के खंड (ग) में उल्लिखित सभी लेखों की प्रतिलिपियाँ किसी भी प्रार्थी को, उसके लिये विहित शुल्क प्राप्त होने पर दिलायेगा।

358. भूमि के प्रस्तावित अर्जन की नोटिस–(1) किसी विकास-योजना के सम्बन्ध में धारा 357 के अधीन नोटिस के प्रकाशन के प्रथम दिन के पश्चात् से 30 दिनों तक की अवधि में मुख्य नगराधिकारी निम्नलिखित पर नोटिस तामील करायेगा–

(क) योजना को कार्यान्वित करने के निमित्त अर्जन के लिए प्रस्तावित किसी भूमि या भवन के वार्षिक मूल्य पर रखने या किसी कर को अदा करने का प्रथम दायित्व निर्धारण वाले प्रत्येक व्यक्ति पर, जिसका नाम [1][निगम] की सूची में दिखलाया गया हो; तथा

(ख) प्रत्येक भू-गृहादि, जिसे योजना को कार्यान्वित करने के लिए [1][निगम] ने अर्जित करने का प्रस्ताव किया हो और जो [1][निगम] की निर्धारण सूची में दर्ज हो, के अध्यासी पर (जिसका नाम देना आवश्यक नहीं है)।

(2) उक्त नोटिस द्वारा–

(क) यह बतलाया जायगा कि [1][निगम] किसी विकास-योजना को कार्यान्वित करने के प्रयोजन से उक्त भूमि अर्जित करना चाहती है; और

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(ख) किसी व्यक्ति से, यदि वह उक्त अर्जन से असहमत हो, नोटिस तामील होने के 60 दिन के भीतर लिखित रूप से अपनी असहमति का कारण बताने की अपेक्षा की जायगी।

359. [1][निगम] द्वारा योजना पर विचार–किसी विकास-योजना के सम्बन्ध में क्रमशः धारा 357 तथा 358 के अधीन विहित अवधियों के व्यतीत हो जाने के पश्चात् विकास-समिति तदन्तर्गत प्राप्त आपत्ति या निवेदन-पत्र (representation) पर विचार करेगी तथा उक्त आपत्तियाँ करने वाले व्यक्तियों अथवा ऐसे निवेदकों को जो सुनवाई चाहते हों, सुनवाई कर लेने तथा योजना में ऐसे परिष्कार, यदि कोई हों, करने के पश्चात् जिसे वह उचित समझे, उस योजना को उसके सम्बन्ध में प्राप्त हुई किसी आपत्ति या निवेदन-पत्र सहित, [1][निगम] को अपनी इस सिफारिश के साथ प्रस्तुत करेगी कि योजना स्वीकृत की जानी चाहिये अथवा उसका परित्याग कर देना चाहिये।

360 [1][निगम] द्वारा योजना की स्वीकृति अथवा परित्याग–(1) विकास समिति द्वारा योजना और उसके साथ धारा 357 तथा 358 के अधीन प्राप्त आपत्तियों या निवेदन-पत्र तथा धारा 359 के अधीन विकास-समिति की सिफारिश प्राप्त होने पर [1][निगम] उस पर विचार करना आरम्भ करेगी, और या तो उस योजना का परित्याग कर देगी अथवा उसे ऐसे परिष्कारों, यदि कोई हों, के साथ स्वीकृत कर लेगी जिसे वह आवश्यक समझे:

किन्तु प्रतिबन्ध यह है कि यदि योजना की अनुमानित लागत 10,00,000 रु० से अधिक हो तो, राज्य सरकार की स्वीकृति भी ली जायेगी।

(2) उपधारा (1) के प्रतिबन्ध के अधीन राज्य सरकार को प्रस्तुत की गयी प्रत्येक योजना में निम्नलिखित बातें होंगी–

(क) योजना का वर्णन और उसके सम्बन्ध में पूरा विवरण तथा उनकी रूपरेखा और योजना की कार्यान्विति में लगने वाली लागत के तख्मीने;

(ख) मूलतः निर्मित योजना में किये गये किन्हीं परिष्कारों के कारणों का विवरण,

(ग) धारा 357 के अधीन प्राप्त आपत्तियों का (यदि कोई हों) विवरण;

(घ) उन सभी व्यक्तियों के (यदि कोई हों) नामों की सूची, जिन्होंने धारा 358 की उपधारा (2) के खंड (ख) के अधीन अपनी भूमियों के प्रस्तावित अर्जन से असहमति प्रकट की हो और ऐसी असहमति के लिए दिये गये कारणों का विवरण; तथा

(ङ) ऐसी योजना का जिसमें लोगों को फिर से घरों में बसाने की व्यवस्था करना अपेक्षित हो, कार्यान्विति के फलस्वरूप जिन व्यक्तियों के विस्थापित हो जाने की संभावना हो, उन्हें फिर से घरों में बसाने (rehousing) के लिए [1][निगम] द्वारा किये गये अथवा प्रस्तावित प्रबन्धों का विवरण।

(3) उपधारा (1) के प्रतिबन्ध के अधीन राज्य सरकार की योजना प्रस्तुत करने के पश्चात् मुख्य नगराधिकारी इस बात की नोटिस धारा 357 में उपबंधित रीति के अनुसार सरकारी गजट में तथा [1][निगम] के बुलेटिन, यदि कोई हों, में लगातार दो सप्ताह तक प्रकाशित करायेगा।

(4) [1][निगम] द्वारा योजना अनुमोदित न किये जाने पर मुख्य नगराधिकारी तुरन्त ही धारा 357 में उपबंधित रीति के अनुसार एक नोटिस तैयार करके उसे प्रकाशित करायेगा, और उस नोटिस में यह उल्लेख करेगा कि [1][निगम] ने योजना को आगे न बढ़ाने का संकल्प कर लिया है तथा उक्त प्रकाशन के उपरान्त धारा 357 के अधीन प्रकाशित योजना से सम्बद्ध विज्ञप्ति निरसित समझी जायगी।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

[1][(1-क) उक्त संकल्प में योजना के निष्पादन के लिए समय-सीमा निर्दिष्ट की जायगी जिसे विकास-समिति, समय-समय पर, संकल्प द्वारा बढ़ा सकती है :

प्रतिबन्ध यह है कि उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के पूर्व अधिसूचित किसी योजना की दशा में, ऐसी समय-सीमा, यदि पहले ही निर्दिष्ट न की गयी हो, उक्त अधिनियम के प्रारम्भ होने के पश्चात् एक वर्ष के भीतर ही विकास समिति के एक नये संकल्प द्वारा निर्दिष्ट की जायगी :

अग्रेतर प्रतिबन्ध यह है कि ऐसी समय-सीमा, जिसके अन्तर्गत उसकी वृद्धि भी है, यदि कोई हो, धारा 363 के अधीन योजना अधिसूचित किये जाने के दिनांक से किसी भी दशा में बीस वर्ष से अधिक न होगी ।]

(2) ऐसी योजना में वे तरीके जिनके अनुसार विकसित किये जाने वाले क्षेत्र का विन्यास करने का प्रस्ताव है तथा प्रयोजन, जिनके लिए किसी क्षेत्र विशेष का उपयोग किया जाएगा, दिखलाये जायेंगे ।

(3) नगर प्रसार-योजना के प्रयोजनार्थ धारा 360 की उपधारा (2) के खंड (क) के उपबन्ध लागू नहीं होंगे, किन्तु [2][निगम] से ऐसे विवरण प्रस्तुत करने की अपेक्षा की जायगी, जो राज्य सरकार उचित समझे ।

(4) [3][धारा 363 के अधीन ऐसी योजना अधिसूचित किये जाने के पश्चात् किसी भी समय, किन्तु उसके निष्पादन की समय-सीमा के भीतर यदि कोई उक्त योजना में समाविष्ट क्षेत्र के भीतर किसी भवन अथवा दीवार का निर्माण, पुनर्निर्माण, परिवर्द्धन अथवा परिवर्तन करना चाहे तो उसे ऐसा करने की अनुज्ञा प्राप्त करने के लिए [2][निगम] को प्रार्थना-पत्र देना होगा ।

(5) यदि [2][निगम] किसी व्यक्ति को पूर्वोक्त क्षेत्र में स्थित उसकी भूमि पर किसी भवन अथवा दीवाल के निर्माण, पुनर्निर्माण, परिवर्द्धन अथवा परिवर्तन की अनुज्ञा देना अस्वीकार कर दे, और ऐसी अस्वीकृति से एक वर्ष के भीतर वह उक्त भूमि को अर्जित करने के लिए कार्यवाही न करे, तो वह उक्त अस्वीकृति के फलस्वरूप हुई उस व्यक्ति के किसी भी क्षति के लिए उसे उचित प्रतिकर देगा ।

351. योजना तैयार करना—(1) जब कभी पूर्ववर्ती किसी भी धारा के अधीन कोई विकास-योजना तैयार करने की अपेक्षा की जाय तो मुख्य नगराधिकारी का यह कर्तव्य होगा कि वह योजना का पाण्डुलेख (draft) तैयार करे, और उसे विकास-समिति के समक्ष विचारार्थ प्रस्तुत करे ।

(2) विकास-समिति के पूर्वानुमोदन से मुख्य नगराधिकारी बनायी जाने वाली विकास-योजना तैयार करने के प्रयोजन में समाविष्ट क्षेत्र अथवा क्षेत्र की सीमा के भीतर अथवा बाहर के क्षेत्रों का परिमापन (survery) करवा सकता है ।

352. विकास योजनाओं का संयोजन—(1) ऐसे कितने ही क्षेत्र जिनके सम्बन्ध में विकास-योजनाएँ तैयार की जा चुकी हैं अथवा प्रस्तावित हैं, किसी भी समय किसी एक संयोजित योजना (combined scheme) के अन्तर्गत लाये जा सकते हैं ।

353. वे विषय जिनकी व्यवस्था विकास-योजना द्वारा की जायगी—(1) योजना के स्वरूप के अनुसार किसी भी विकास योजना में नीचे लिखे किन्हीं अथवा सभी विषयों की व्यवस्था की जा सकती है—

(क) खरीद, विनिमय अथवा अन्य प्रकार से किसी सम्पत्ति का अर्जन, जो योजना को कार्यान्वित करने के लिए आवश्यक हो अथवा जिस पर योजना कार्यान्वित करने से प्रभाव पड़ता हो;

(ख) योजना में समाविष्ट किसी भूमि का पुनर्विन्यास;

(ग) योजना में समाविष्ट सम्पत्ति के स्वामियों के स्थानों (sites) का पुनर्वितरण;

1. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा अन्तःस्थापित
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा प्रतिस्थापित

(घ) मनुष्यों के रहने के लिए अयोग्य घोषित गृहों अथवा उनके भागों का बन्द किया जाना अथवा गिराया जाना;

(ङ) अवरोध उपस्थित करने वाले (obstructive) भवनों अथवा उनके भागों का गिराया जाना;

(च) भवनों का निर्माण तथा पुनर्निर्माण;

(छ) योजना में समाविष्ट किसी सम्पत्ति का विक्रय, किराये पर उठाया जाना अथवा उसका विनिमय;

(ज) सड़कों तथा पीछे की गलियों (back lanes) का निर्माण तथा परिवर्तन और पैदल चलने वालों के लिए पार्श्व पथों (side walks) की व्यवस्था;

(झ) इस प्रकार निर्मित अथवा परिवर्तित सड़कों का जलोत्सारण, जल-सम्भरण तथा रोशनी की व्यवस्था;

(ञ) योजना में समाविष्ट किसी क्षेत्र अथवा उससे संलग्न (adjoining) क्षेत्र के लाभ के लिये खुले स्थानों (open spaces) की व्यवस्था तथा वर्तमान खुले स्थानों तथा उन तक पहुँचने के मार्गों (approaches) का विस्तार;

(ट) योजना में समाविष्ट क्षेत्र के लिए अपेक्षित स्वस्थता सम्बन्धी प्रबन्ध जिसके अन्तर्गत संरक्षी संरक्षण (conservancy) तथा नदियों और जल-सम्भरण के अन्य स्रोतों तथा साधनों को हानि पहुँचाने अथवा दूषित किये जाने को रोकने तथा उससे बचाने भी है;

(ठ) निवासियों के किसी भी वर्ग के लिए स्थान (accommodation) की व्यवस्था;

(ड) योजना के प्रयोजनों के लिए अग्रिम धनराशि का दिया जाना;

(ढ) संचार (communication) की सुविधाओं की व्यवस्था;

(ण) बाजार, उद्यानों, वनारोपण के लिए भूमि का पुनरुद्धार या रक्षण, ईंधन, घास के सम्भरण (supply) और जनता की अन्य आवश्यकताओं के लिए व्यवस्था;

(त) योजना में समाविष्ट क्षेत्र में अधिक भीड़ को रोकने की व्यवस्था;

(थ) अन्य कोई विषय जिनके लिये राज्य सरकार की राय में किसी सम्बद्ध क्षेत्र के विकास अथवा योजना की सामान्य सक्षमता (general efficiency) के दृष्टिकोण से व्यवस्था करना इष्टकर हो ।

(2) [1][निगम] समय-समय पर संकल्प द्वारा निर्दिष्ट कर सकती है कि इस धारा के प्रयोजनार्थ किसे अधिक भीड़ समझा जायगा और ऐसे संकल्प में यह निर्दिष्ट कर सकती है कि उस भू-गृहादि में, जो केवल निवास-गृह के लिए ही प्रयोग किये जायें और उन भू-गृहादि में जो निवास-गृह तथा अन्य प्रयोजनों के लिए प्रयोग में लाये जायँ, प्रत्येक व्यक्ति के लिए आप के अनुसार निम्नतम स्थान कितना होगा ।

354. कतिपय विकास-योजनाओं में नगर के बाहर के क्षेत्रों को सम्मिलित करना—धारा 343 के खंड (क) या (ख) या (ङ) में उल्लिखित विकास योजना अपने अन्तर्गत नगर की सीमा के बाहर दो मील तक किसी ऐसे समस्त क्षेत्र अथवा उसके किसी भाग को सम्मिलित कर सकती है जिसे राज्य सरकार सरकारी गजट में विज्ञप्ति द्वारा निर्दिष्ट करे और ऐसा क्षेत्र इस अध्याय के प्रयोजनों के निमित्त नगर के भीतर स्थित क्षेत्र समझा जायगा ।

355. विकास योजनाएँ तैयार करते समय विचारणीय विषय—किसी क्षेत्र के सम्बन्ध में कोई विकास-योजना तैयार करते समय निम्नलिखित बातों का ध्यान रखा जायगा:—

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

347. सड़क योजना—(1) यदि विकास-समिति का मत हो कि—

(क) भवन के लिए स्थलों की व्यवस्था करने, अथवा

(ख) दोषपूर्ण संयोजन दोषरहित करने, या

(ग) यातायात की सुविधाओं एवं संचार के नये साधनों के सृजन अथवा वर्तमान साधनों में विकास करने, या

(घ) सफाई संरक्षण के लिए अधिक सुविधायें उपलब्ध कराने,

के प्रयोजनार्थ यह इष्टकर है कि नई सड़कों का विन्यास किया जाय, अथवा वर्तमान सड़कों में परिवर्तन किया जाय, तथा यह उद्देश्य अध्याय 12 के अन्तर्गत कार्यवाही करने से पूरा न हो सकता हो, तो विकास-समिति संकल्प द्वारा मुख्य नगराधिकारी को एक योजना तैयार करने का आदेश दे सकती है जो "सड़क योजना" कहायेगी।

(2) सड़क योजना में समाविष्ट क्षेत्र की सीमाओं के भीतर निम्नलिखित की व्यवस्था की जा सकती है—

(क) किसी भूमि का अर्जन जो योजना के कार्यान्वित किये जाने के लिए विकास समिति की राय में आवश्यक हो;

(ख) इस प्रकार अर्जित सभी या किसी भूमि का पुनर्विन्यास जिसके अन्तर्गत [1][निगम] अथवा अन्य किसी व्यक्ति द्वारा भवनों का निर्माण भी है, तथा सड़कों का विन्यास, निर्माण एवं परिवर्तन भी;

(ग) इस प्रकार निर्मित अथवा परिवर्तित सड़कों का जलोत्सारण (drainage), जल-सम्भरण अथवा उनके लिए रोशनी की व्यवस्था (lighting);

(घ) इस योजना के प्रयोजनों के लिए [1][निगम] में निहित अथवा उसके द्वारा अर्जित की जाने वाली किसी भूमि को ऊँचा करना, नीचा करना अथवा उसका पुनरुद्धार करना (reclamation);

(ङ) योजना समाविष्ट क्षेत्रों के अधिक अच्छे संयोजन के लिए खुले स्थानों की व्यवस्था;

(च) योजना के अन्तर्गत किसी खुले स्थान (open space) अथवा सड़क से संलग्न किसी भूमि का अर्जन।

348. भावी-सड़क योजना—(1) (क) यदि विकास समिति का यह मत हो कि धारा 347 में वर्णित प्रयोजनों में से किन्हीं के लिये यह इष्टकर है कि किसी वर्तमान सड़क के वर्तमान रेखाकरण (alignment) को परिवर्तित करके, उसे अन्यत्र चौड़ा करने की व्यवस्था की जाय, ताकि मुख्य नगराधिकारी द्वारा विहित किये जाने वाले ढंग से रेखाकरण (alignment) का विकास हो सके, किन्तु प्रस्तावित विकसित रेखाकरण के भीतर स्थित सभी या किसी सम्पत्ति का तुरन्त अर्जित किया जाना इष्टकर नहीं है, तो विकास समिति यदि उसका समाधान हो जाय कि [1][निगम] के पास पर्याप्त साधन हैं, संकल्प द्वारा मुख्य नगराधिकारी से अपेक्षा कर सकती है कि वह सड़क के प्रत्येक ओर रेखाकरण (alignment) को विहित करते हुए एक योजना तैयार करे, जो "भावी सड़क योजना" कहलायेगी।

[2][(कक) उक्त संकल्प में योजना के निष्पादन के लिए समय-सीमा निर्दिष्ट की जायगी, जिसे विकास-समिति समय-समय पर संकल्प द्वारा बढ़ा सकती है:

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित
2. उ० प्र० अधिनियम सं० 24 सन् 197. द्वारा अन्तःस्थापित

परन्तु यह है कि उत्तर प्रदेश नगर महापालिका (संशोधन) अधिनियम, 1972 के प्रारम्भ होने के पूर्व अधिसूचित किसी योजना की दशा में, ऐसी समय-सीमा, यदि पहले ही निर्दिष्ट न की गयी हो, तो उक्त अधिनियम के प्रारम्भ होने के पश्चात् एक वर्ष के भीतर ही विकास-समिति के एक नये संकल्प द्वारा निर्दिष्ट की जायगी :

अपितु प्रतिबन्ध यह है कि ऐसी समय-सीमा, जिसके अन्तर्गत उसकी वृद्धि भी है, यदि कोई हो, धारा 363 के अधीन योजना अधिसूचित किये जाने के दिनांक के किसी भी दशा में बीस वर्ष से अधिक न होगी।];

(ख) [1][धारा 363 के अधीन योजना अधिसूचित किये जाने के पश्चात् कोई भी व्यक्ति, उसके निष्पादन की समय-सीमा के भीतर] [2][निगम] की लिखित अनुज्ञा के अनुकूल किसी भवन या दीवाल में कोई ऐसा निर्माण, पुनर्निर्माण अथवा परिवर्द्धन या परिवर्तन नहीं करायेगा, जिससे कि वह सड़क के लिए विहित रेखाकरण (alignment) के बाहर तक निकल आये (project)।

(2) भावी सड़क-योजना में निम्नलिखित की व्यवस्था होगी—

(क) विहित सड़क रेखाकरण (alignment) के भीतर स्थित किसी सम्पूर्ण सम्पत्ति अथवा उसके किसी भाग का अर्जन;

(ख) ऐसी सभी या किसी सम्पत्ति का पुनर्विन्यास (relaying out) जिसके अन्तर्गत [2][निगम] अथवा अन्य किसी व्यक्ति द्वारा भवनों का निर्माण तथा पुनर्निर्माण भी है, तथा सड़क का तैयार किया जाना और उसमें परिवर्तन;

(ग) इस प्रकार तैयार की गयी तथा परिवर्तित सड़क का जलोत्सारण (drainage) तथा उसके लिए रोशनी की व्यवस्था।

[3][(3) भावी सड़क योजना के अन्तर्गत आने वाली किसी सम्पत्ति का स्वामी धारा 363 के अधीन योजना के अधिसूचित किये जाने के पश्चात् किसी भी समय किन्तु उसके लिए निष्पादन की समय-सीमा के भीतर अथवा तत्पश्चात् तीन वर्ष के भीतर [2][निगम] को नोटिस दे सकता है कि वह नोटिस के दिनांक के 6 महीने के भीतर ऐसी सम्पत्ति अर्जित कर ले। तदुपरान्त [2][निगम] तदनुसार सम्पत्ति अर्जित करेगी, और यदि वह ऐसा न कर सके तो ऐसे प्रतिकर का भुगतान करेगी जो धारा 372 में अधिदिष्ट न्यायाधिकरण द्वारा अधिनियम तथा नियमों के उपबन्धों के अनुसार अवधारित किया जाय।]

(4) उस सम्पत्ति के अतिरिक्त, जिसके सम्बन्ध में उपधारा (3) के अधीन [2][निगम] को नोटिस मिल चुकी हो, अन्य किसी सम्पत्ति को अर्जित करने के सम्बन्ध में कार्यवाही करने से पहिले [2][निगम] उसके स्वामी को उस सम्पत्ति को अर्जित करने के अपने अभिप्राय के सम्बन्ध में 6 महीने की नोटिस देगा।

349. गृह-स्थान योजना (Housing Accommodation Scheme)—यदि विकास-समिति का मत हो कि नगर के किसी वर्ग के निवासियों के लिए स्थान (accommodation) की व्यवस्था करना सार्वजनिक लाभ के लिए इष्टकर है, [3][तो वह संकल्प द्वारा मुख्य नगराधिकारी से अपेक्षा कर सकती है] कि वह पूर्वोक्त प्रयोजन के लिए एक योजना तैयार करे जो गृह-स्थान योजना कहलायेगी।

350. नगर प्रसार योजना—(1) यदि किसी विकास-समिति का यह मत है कि नगर के भावी प्रसार को नियंत्रित एवं व्यवस्थित करना सार्वजनिक लाभ के लिए है और इष्टकर है [1][तो वह संकल्प द्वारा मुख्य नगराधिकारी से एक योजना तैयार करने की अपेक्षा कर सकती है] जो नगर प्रसार योजना कहलायेगी।

1. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा शब्द "कोई भी व्यक्ति" को जोड़ा गया
2. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित
3. उ० प्र० अधिनियम सं० 24 सन् 1972 द्वारा प्रतिस्थापित

(क) भवनों के निर्माण के लिए अनुज्ञा देने की रीति;

(ख) संकटमय भवनों को मरम्मत करने, उन्हें गिराने, दृढ़ करने और हटाने की रीति तथा ऐसी मरम्मत करने, गिराये जाने, दृढ़ किये जाने या हटाये जाने के व्यय की वसूली;

(ग) निर्बन्धन, जिनके अधीन भवनों के प्रयोग में परिवर्तन किये जा सकते हैं;

(घ) नवनिर्मित भवनों का निरीक्षण;

(ङ) शर्तें, जिन पर भवन-निर्माण के लिए [1][निगम] निधि में से ऋण दिये जा सकते हैं, तथा ऐसे ऋणों के लिए आवेदन-पत्र देने का प्रपत्र ।

अध्याय 14

विकास योजनाएँ

343. विकास योजनाओं के प्रकार—नगर में विकास करने के प्रयोजनार्थ कोई विकास योजना नीचे लिखे प्रकार में से किसी भी प्रकार की हो सकती है, अथवा ऐसे दो या दो से अधिक प्रकारों अथवा उसकी विशेषताओं से युक्त हो सकती है, अर्थात्—

(क) सामान्य विकास योजना,

(ख) बस्ती सुधार (slum clearance) योजना;

(ग) गृह पुनर्निर्माण-योजना (rehousing scheme);

(घ) सड़क-योजना (street scheme),

(ङ) भावी सड़क-योजना (deferred street scheme),

(च) गृह-स्थान (housing accommodation) योजना, और

(छ) नगर प्रसार-योजना (city expansion scheme) ।

344. सामान्य विकास योजना—विकास-समिति को जब कभी यह प्रतीत हो कि—

(क) किसी क्षेत्र में कोई भवन, जो रहने के लिये प्रयोग में लाये जा रहे हों, अथवा प्रयोग में लाये जाने की संभावना हो, मनुष्यों के रहने के योग्य नहीं हैं, या

(ख) किसी क्षेत्र में स्थित भवनों अथवा पास-पड़ोस के भवनों के निवासियों के स्वास्थ्य के लिये ऐसे क्षेत्र में—

(1) सड़कों या भवनों के समूहों के सँकरे होने, बहुत पास-पास होने, अथवा उनकी दशा और प्रबन्ध खराब होने;

(2) प्रकाश, वायु संचीजन तथा उपयुक्त सुविधाओं का अभाव होने; अथवा

(3) अन्य कोई स्वच्छता सम्बन्धी त्रुटि के कारण संकट पैदा हो गया है;

तो विकास-समिति यह संकल्प पारित कर सकती है कि उक्त क्षेत्र अस्वास्थ्यकर क्षेत्र है तथा उस क्षेत्र की विकास-योजना तैयार की जाय ।

345. बस्ती सुधार योजना—(1) यदि विकास-समिति को यह प्रतीत हो कि कोई क्षेत्र पूर्वगत धारा के अर्थों में अस्वास्थ्यकर क्षेत्र है, और इस क्षेत्र में स्थित भवनों तथा जहाँ पर वे निर्मित हैं, उन स्थलों के तुलनात्मक मूल्य का ध्यान रखते हुए उस क्षेत्र अथवा उसके किसी अंश के सम्बन्ध में कार्यवाही करने का सर्वाधिक लाभदायक ढंग यह है कि अस्वास्थ्यकर क्षेत्र में वर्तमान भवनों को हटाकर उनके स्थान पर नये

1. उ० उ० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

भवनों का निर्माण किया जाय तो वह संकल्प द्वारा यह निर्देश कर सकती है कि इस धारा के अनुसार बस्ती-सुधार की एक योजना तैयार की जाय ।

(2) बस्ती सुधार योजना में निम्नलिखित व्यवस्था की जा सकती है—

(क) सड़कों, पीछे की गलियों (back lanes) तथा खुले स्थानों (open spaces) का रक्षण (reservation) तथा वर्तमान सड़कों, पीछे की गलियों और खुले स्थानों का उस अवधि तक विस्तार करना (enlargement) जो योजना के प्रयोजनों के लिये आवश्यक हो;

(ख) इस प्रकार रक्षित अथवा विस्तृत सड़कों, पीछे की गलियों अथवा खुले स्थानों के क्षेत्र के स्थलों का पुनर्विन्यास;

(ग) ऐसे किसी भी रक्षण या विस्तार के सम्बन्ध में प्रतिकर का भुगतान तथा इस प्रकार रक्षित या विस्तृत सड़कों, पीछे की गलियों तथा खुले स्थानों का निर्माण;

(घ) वर्तमान भवनों तथा उनके उपांगभूत भागों (appurtenances) का उनके स्वामियों द्वारा गिराया जाना, अथवा स्वामी द्वारा ऐसा न करने पर [1][निगम] द्वारा गिराया जाना तथा योजना के अनुसार उन स्थलों पर, जिनकी परिभाषा योजना में की गई है, स्वामियों द्वारा भवनों का निर्माण अथवा स्वामियों के ऐसा न करने पर [1][निगम] द्वारा भवनों का निर्माण;

(ङ) स्वामियों को सूद तथा विशेष निधि (sinking fund) से सम्बद्ध ऐसे निबन्धनों तथा शर्तों पर और अन्यथा जो इस योजना के अन्तर्गत विहित की जायँ, ऐसी अग्रिम धनराशि का दिया जाना जो योजनानुसार नये भवनों के निर्माणार्थ उन्हें सहायता देने के लिए आवश्यक हों;

(च) योजना में सम्मिलित किसी क्षेत्र में समाविष्ट किसी स्थल या भवन का [1][निगम] द्वारा अर्जन (acquisition) :

किन्तु प्रतिबन्ध यह है कि [1][निगम] किसी भी भवन को गिराने से अपवर्जित कर सकती है, यदि उसका समाधान हो जाय कि वह भवन मनुष्यों के रहने के अयोग्य नहीं है या संकटमय नहीं है, या स्वास्थ्य के लिये हानिकर नहीं है, अथवा उसमें सुधार करके उसे स्वास्थ्यकर तथा मनुष्यों के रहने के योग्य बनाया जा सकता है और उससे उस क्षेत्र से गन्दी बस्ती हटाने के कार्य में अथवा उस क्षेत्र के पुनर्विकास में बाधा नहीं पहुँचती ।

346. गृह पुनर्निर्माण योजना (rehousing scheme)—विकास समिति जब यह ऐसी विकास-योजना तैयार करने का निश्चय करती है जिसमें व्यक्तियों के विस्थापित होने की संभावना है, तो संकल्प द्वारा मुख्य नगराधिकारी से यह भी अपेक्षा करेगी कि वह ऐसे और उतने निवास-गृहों तथा दुकानों के निर्माण, संधारण और प्रबन्ध के लिए, जिनकी उसके विचार में ऐसे व्यक्तियों के लिये व्यवस्था की जानी चाहिए—

(क) जो इस अधिनियम के अधीन स्वीकृत किसी विकास-योजना के कार्यान्वित किये जाने के कारण विस्थापित हो जायँ, या

(ख) जिनके इस अधिनियम के अधीन कोई विकास योजना जिसे तैयार करने का विचार हो, अथवा जिसे राज्य सरकार के पास स्वीकृति के लिए भेजा गया हो, के कार्यान्वित किये जाने के कारण विस्थापित हो जाने की सम्भावना हो,

एक योजना, जिसे यहाँ गृह-पुनर्निर्माण योजना (rehousing scheme) कहा गया है, तैयार करें :

किन्तु प्रतिबन्ध यह है कि राज्य सरकार किसी विकास समिति को, ऐसे कारण से जो लेखबद्ध किये जायेंगे, इस धारा के अधीन दायित्व से मुक्त कर सकती है ।

1. उ० उ० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(ख) नोटिस में निर्दिष्ट किन्हीं स्थानों (localities) में केवल असंलग्न अथवा अर्द्धसंलग्न (detached or semi-detached) अथवा दोनों प्रकार के भवनों के निर्माण की अनुमति दी जायगी और ऐसे प्रत्येक भवन से संलग्न भूमि का क्षेत्रफल उस क्षेत्रफल से कम नहीं होगा, जो ऐसे नोटिस में निर्दिष्ट किया गया हो;

(ग) विशेष स्थानों में भवन के गातों (plots) का न्यूनतम आकार (size) एक निर्दिष्ट क्षेत्रफल का होगा;

(घ) नोटिस में निर्दिष्ट किन्हीं स्थानों में प्रत्येक एकाड़ भूमि पर निर्दिष्ट संख्या से अधिक भवनों के निर्माण की अनुज्ञा नहीं दी जायगी; अथवा

(ङ) ऐसे नोटिस में निर्दिष्ट किन्हीं सड़कों, सड़कों के भागों या स्थानों में–मुख्य नगराधिकारी की ऐसी विशेष अनुज्ञा के बिना, जो कार्यकारिणी समिति द्वारा एतदर्थ निर्मित सामान्य विनियमों के अनुसार दी गयी हो और केवल ऐसी ही अनुज्ञा के निबन्धनों के अधीन रहते हुए दुकान, गोदामों (warehouses), कारखानों, कुटियों अथवा भवनों को जो विशेष प्रयोग के लिए अभिप्रेत हों, न बनाने दिया जायगा ।

(2) ऐसे नोटिस के प्रकाशन के तीन महीने की अवधि के भीतर प्राप्त हुई सभी आपत्तियों पर कार्यकारिणी समिति विचार करेगी और तब नोटिस को, सब उन आपत्तियों के विचार के, जो उसे प्राप्त हुई हों और उन पर अपनी राय को [1][निगम] को भेज देगी ।

(3) उक्त तीन महीने की अवधि के पश्चात् प्राप्त आपत्तियों पर विचार नहीं किया जायगा।

(4) [1][निगम] उपधारा (2) में निर्दिष्ट सभी लेखों (documents) को, उनके प्राप्त होने के दो महीने की अवधि के भीतर उन पर अपनी राय सहित राज्य सरकार को भेज देगी ।

(5) उक्त घोषणा के सम्बन्ध में राज्य सरकार ऐसी आज्ञा दे सकती है, जो वह ठीक समझे :

किन्तु प्रतिबन्ध यह है कि उक्त घोषणा एतद्द्वारा (thereby) किसी ऐसी सड़क, सड़क के भाग अथवा स्थान पर लागू न की जायगी, जो उपधारा (1) के अधीन जारी किये गये नोटिस में निर्दिष्ट न हो ।

(6) घोषणा, जैसी कि वह राज्य सरकार द्वारा पुष्टीकृत अथवा परिष्कृत हुई हो, सरकारी गजट में प्रकाशित की जायगी और ऐसे प्रकाशन के दिनांक से प्रभावी होगी ।

(7) कोई भी व्यक्ति ऐसी किसी घोषणा का उल्लंघन करके कोई भवन निर्मित अथवा पुनर्निर्मित नहीं करेगा ।

336. धारा 335 के उपबन्धों का उल्लंघन किये जाने के मामलों में मुख्य नगराधिकारी का अधिकार–मुख्य नगराधिकारी को धारा 335 के उपबन्धों का उल्लंघन करने वाले व्यक्तियों के विरुद्ध ऐसी कार्यवाही करने का अधिकार प्राप्त होगा, जो उपविधियों या नियमों द्वारा विहित की जाय ।

337. परित्यक्त अथवा अनध्यासित भू-गृहादि–यदि मुख्य नगराधिकारी को यह प्रतीत हो कि कोई भवन या संरचना परित्यक्त कर दी गयी है (abandoned) या अनध्यासित (unoccupied) है और यह शांति भंग करने वाले (disorderly) व्यक्तियों का अड्डा बन गयी है, अथवा अपनी दशा के कारण पड़ोसियों की सुख-सुविधा के लिए आपत्ति जनक हो गयी है, तो मुख्य नगराधिकारी उक्त भवन या संरचना के स्वामी को, यदि उसका पता ज्ञात हो और वह [1][निगम] की सीमाओं के भीतर निवास करता हो, अथवा किसी ऐसे अन्य व्यक्ति को, जो उसका स्वामी माना जाता हो, या जिसके सम्बन्ध में यह विश्वास किया जाता हो कि वह उसका स्वामी होने का दावा करता है और यदि वह [1][निगम] की सीमाओं के भीतर निवास करता है, लिखित नोटिस देगा और उक्त भवन या संरचना के किसी प्रमुख भाग पर उस नोटिस की एक प्रतिलिपि भी चिपकायेगा, जिसमें उक्त भवन या संरचना में कोई अधिकार या स्वार्थ रखने वाले सभी व्यक्तियों के लिए यह आदेश होगा कि वे उक्त भवन या संरचना के संबंध में ऐसी आज्ञा प्राप्त करें, जो मुख्य नगराधिकारी की राय में उपर्युक्त रूप में अड्डा बनाये जाने अथवा पड़ोसियों की सुख-सुविधा के लिए आपत्ति जनक होने को रोकने के लिये आवश्यक हो ।

338. अगम्य स्थानों पर भवन के पुनर्निर्माण को प्रतिषिद्ध करने का अधिकार–(1) यदि कोई भवन, जो इस प्रकार स्थित हो कि वह आग बुझाने वाले इंजिन के लिए अगम्य हो अथवा आग बुझाने वाले इंजिन का अन्य भवनों तक जाना अवरुद्ध करता हो, आग लग जाने अथवा किसी अन्य प्रकार से गिर जाय या नष्ट हो जाय, तो मुख्य नगराधिकारी एक लिखित नोटिस द्वारा, जो उपर्युक्त गिरे हुए अथवा नष्ट हुए भवन के स्वामी को संबोधित किया गया हो, आदेश दे सकता है कि कोई ऐसा भवन न बनाया जाय जो आग बुझाने वाले इंजिन के लिए अगम्य हो या जो आग बुझाने वाले इंजिन का अन्य भवनों तक जाना अवरुद्ध करे ।

(2) उपधारा (1) के अधीन दिये गये नोटिस का उल्लंघन करके कोई व्यक्ति किसी भवन को निर्मित अथवा पुनर्निर्मित नहीं करेगा ।

339. कतिपय दशाओं में किसी भू-गृहादि से भवन-निर्माण सामग्री का हटाया जाना–यदि मुख्य नगराधिकारी को यह प्रतीत हो कि पत्थरों, बल्ले, भवन-निर्माण सामग्री अथवा भवन निर्माण सामग्री का मलबा किसी भू-गृहादि में अथवा पर, इतनी मात्रा अथवा परिमाण में इस प्रकार जमा अथवा एकत्र किया गया है कि वह चूहे या अन्य कीड़ों-मकोड़ों का आवास-स्थल अथवा प्रजनन-केन्द्र बन गया है, या अन्य प्रकार से उपर्युक्त भू-गृहादि के अध्यासियों या उसके पड़ोस में रहने वाले लोगों के लिए खतरे या अपदूषण का कारण हो गया है, तो मुख्य नगराधिकारी ऐसे भू-गृहादि के या उसमें जमा अथवा एकत्रित किये हुए मलबे के स्वामी से लिखित नोटिस द्वारा अपेक्षा कर सकता है कि वह उसे ऐसे उचित समय के भीतर, जो नोटिस में नियत हो, हटवा दे या बेच डाले या उसके सम्बन्ध में ऐसी आज्ञा प्राप्त करे जो मुख्य नगराधिकारी की राय में उपर्युक्त अपदूषण कम करने या उसकी पुनरावृत्ति को रोकने के लिए आवश्यक या इष्टकर हो ।

340. आवास के संबंध में विवरण-पत्र माँगने का मुख्य नगराधिकारी का अधिकार–(1) किसी भवन का स्वामी मुख्य नगराधिकारी से लिखित नोटिस प्राप्त होने के 7 दिन के भीतर ऐसे भवन या उसके अध्यासियों के सम्बन्ध में ऐसी सूचना देगा, जो [1][निगम] विहित करे ।

(2) किसी ऐसे भवन का, जो एक अलग निवास-स्थान के रूप में कब्जे में हो, अध्यासी वैसी ही नोटिस मिलने पर और उसी अवधि के भीतर उपर्युक्त भवन के सम्बन्ध में, जो कि उसके कब्जे में हो, ऐसी सूचना देगा, जो विहित की जाय ।

341. राज्य सरकार इस अध्याय के उपबन्धों को नगर की सीमा के बाहर लागू कर सकती है–राज्य सरकार, सरकारी गजट में प्रकाशित आज्ञा द्वारा ऐसी आज्ञा में निर्दिष्ट किये जाने वाले किसी क्षेत्र में, किन्तु जो नगर की सीमाओं के बाहर दो मील से अधिक दूरी पर न हो, इस अध्याय को किसी धारा अथवा तदन्तर्गत बनाये गये नियमों के उपबन्धों को ऐसे अनुकूलनों के अधीन, चाहे से परिष्कार, परिवर्द्धन या लोप के रूप में हों, जिन्हें वह आवश्यक और इष्टकर समझे, प्रयुक्त कर सकती है और तद्नुसार इस प्रकार प्रवृत्त उपबन्ध तथा नियम उस क्षेत्र में उसी प्रकार प्रभावी होंगे मानों वह क्षेत्र नगर के भीतर स्थित हो ।

342. नियम बनाने का अधिकार–(1) राज्य सरकार इस अध्याय के उपबन्धों को कार्यान्वित करने के लिए नियम बना सकती है ।

(2) पूर्वोक्त अधिकार की व्यापकता पर प्रतिकूल प्रभाव डाले बिना इन नियमों में निम्नलिखित की व्यवस्था की जा सकती है–

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(4) उपधारा (3) के अधीन मुख्य नगराधिकारी द्वारा किये गये व्यय उक्त प्रकार के स्वामी अथवा अध्यासी को वहन करने होंगे।

(5) (क) मुख्य नगराधिकारी कोई प्रार्थना-पत्र प्राप्त होने पर अथवा अन्यथा यदि मुख्य नगराधिकारी की यह राय हो कि उपधारा (1) में निर्दिष्ट किसी संरचना के स्वामी या अध्यासी के लिए उस संरचना को गिराने या उसकी मरम्मत करने का एकमात्र अथवा सुविधायुक्त साधन यही है कि उक्त संरचना से लगे हुए किसी अन्य व्यक्ति के किसी भी गृहादि में प्रवेश किया जाय तो मुख्य नगराधिकारी ऐसे व्यक्ति को आपत्ति प्रस्तुत करने का उचित अवसर देने के पश्चात् यदि कोई आपत्ति न प्रस्तुत की जाय अथवा यदि कोई ऐसी आपत्ति की जाय जो उसे अमान्य (invalid) अथवा अपर्याप्त प्रतीत हो, लिखित आज्ञा द्वारा उक्त स्वामी अथवा अध्यासी को उस संलग्न भू-गृहादि (adjoining premise) में प्रवेश करने का अधिकार दे सकता है।

(ख) उक्त प्रत्येक आज्ञा द्वारा जिस पर मुख्य नगराधिकारी के हस्ताक्षर होंगे उस व्यक्ति को जिसके पक्ष में वह दी जाय, या किसी ऐसे अधिकर्त्ता या व्यक्ति को जिसे उसने एतदर्थ नियोजित किया हो, भू-गृहादि (premises) के स्वामी को अपने अभिप्राय का उचित नोटिस देने के बाद इस बात का पर्याप्त प्राधिकार होगा कि वह उक्त भू-गृहादि में, सहायकों तथा श्रमिकों के साथ सूर्योदय तथा सूर्यास्त के बीच किसी भी समय प्रवेश करे और आवश्यक निर्माण-कार्यों का सम्पादन करे।

(ग) इस धारा के अधीन कोई निर्माण-कार्य सम्पादित करते समय संलग्न संपत्ति के स्वामी की सम्पत्ति को यथासंभव कम से कम क्षति पहुँचायी जायेगी तथा उस भू-गृहादि का स्वामी या अध्यासी, जिसके लाभ के लिए निर्माण-कार्य सम्पादित किया जा रहा हो–

(1) निर्माण-कार्य को कम से कम व्यावहारिक विलम्ब से सम्पादित करवायेगा,

(2) किसी ऐसे व्यक्ति को प्रतिकर देगा, जिसे उक्त निर्माण-कार्य के सम्पादन के फलस्वरूप क्षति पहुँची हो।

332. भवनों के संकटमय छिद्र–यदि मुख्य नगराधिकारी को किसी भी समय यह प्रतीत हो कि किसी भवन के किसी भाग में कोई ऐसा छिद्र (opening) है, जो मानव-जीवन के लिए संकटमय है, तो वह लिखित नोटिस द्वारा यह अपेक्षा कर सकता है कि ऐसा छिद्र उसके संतोषानुसार छड़ों (bars), झंझरीदार तवों (grills) अथवा ऐसी ही अन्य युक्तियों द्वारा घेर दिया जाय अथवा सुरक्षित कर दिया जाय।

अवैध रूप से किये गये निर्माण-कार्य

333. अवैध रूप से निर्माण-कार्य कराने का आदेश देने वाले व्यक्ति को हटाने के सम्बन्ध में मुख्य नगराधिकारी के अधिकार–(1) यदि मुख्य नगराधिकारी का समाधान हो जाय कि किसी भवन का निर्माण अथवा धारा 317 में निर्दिष्ट किसी निर्माण-कार्य का सम्पादन किसी भू-गृहादि में अवैध रूप से आरम्भ किया गया है, अथवा अवैध रूप से किया जा रहा है तो वह लिखित नोटिस द्वारा निर्माण अथवा सम्पादन को आदिष्ट अथवा कार्यान्वित करने वाले व्यक्ति से अपेक्षा कर सकता है कि वह उसे तुरन्त बन्द कर दे।

(2) यदि उक्त निर्माण अथवा सम्पादन तुरन्त बन्द न किया जाय तो मुख्य नगराधिकारी आदेश दे सकता है कि उस निर्माण अथवा संपादन को आदिष्ट अथवा कार्यान्वित करने वाले किसी व्यक्ति को पुलिस पदाधिकारी द्वारा उस भू-गृहादि से हटा दिया जाय और ऐसी कार्यवाही कर सकता है, जिसे वह उक्त व्यक्ति को, बिना अपनी अनुज्ञा के, उस भू-गृहादि में पुनः प्रवेश करने से रोकने के लिए उचित समझे।

(3) उपधारा (2) के अधीन की गयी किसी कार्यवाही का व्यय उस व्यक्ति द्वारा वहन किया जायगा।

भू-गृहादि को खाली कराने का अधिकार

334. कतिपय परिस्थितियों में किसी भवन को खाली कराने के लिए मुख्य नगराधिकारी का अधिकार–(1) किसी अन्य विधि के उपबन्धों में कोई विपरीत बात के होते हुए भी मुख्य नगराधिकारी लिखित नोटिस द्वारा, जिसमें ऐसा करने के कारण (grounds) निर्दिष्ट होंगे, किसी भवन अथवा उसके किसी भाग को तुरन्त अथवा ऐसे समय के भीतर, जो उक्त नोटिस में निर्दिष्ट किया जाय, खाली कराने की आज्ञा दे सकता है।

(क) यदि उस भवन या उसके भाग में धारा 329 का उल्लंघन करके अवैध रूप से कब्जा किया गया हो;

(ख) यदि उस भवन या उसके भाग के संबंध में नोटिस जारी किया गया हो, जिसमें किसी वर्तमान जीने, दीर्घा (lobby), मार्ग अथवा उतरने के स्थान (landing) को परिवर्तित करने या पुनर्निर्मित करने की अपेक्षा की गयी हो और उस नोटिस में निर्दिष्ट निर्माण-कार्य आरम्भ अथवा समाप्त न किये गये हों;

(ग) यदि भवन अथवा उसका भाग धारा 331 के अर्थ में खंडहर अथवा संकटमय स्थिति में हो।

(2) उक्त भू-गृहादि के किसी भाग में पूर्वोक्त लिखित नोटिस के लगाये जाने से यह समझा जायगा कि ऐसे भवन अथवा उसके भाग के अध्यासियों को पर्याप्त सूचना दे दी गई है।

(3) उपधारा (1) के अधीन नोटिस जारी होने के बाद ऐसे भवन अथवा उसके भाग का अध्यासी प्रत्येक व्यक्ति, जिससे नोटिस का संबंध हो, ऐसे भवन या उसके भाग को नोटिस के आदेश के अनुसार खाली करेगा, और जब तक नोटिस वापिस नहीं लिया जाता तब तक कोई व्यक्ति उस भवन अथवा उसके भाग में प्रवेश नहीं करेगा, किन्तु वह किसी ऐसे निर्माण-कार्य को कार्यान्वित करने के लिए उसमें प्रवेश कर सकता है, जिसे उसको विधितः कार्यान्वित करना हो।

(4) मुख्य नगराधिकारी आदेश दे सकता है कि किसी व्यक्ति को, जो उपधारा (3) का उल्लंघन करे, किसी पुलिस पदाधिकारी द्वारा उक्त, भवन अथवा उस भवन के भाग से हटा दिया जाय।

(5) मुख्य नगराधिकारी किसी ऐसे व्यक्ति के आवेदन-पत्र पर, जिसने उपधारा (1) के अधीन दिये गये नोटिस के अनुसार किसी भू-गृहादि को खाली किया हो, ऐसे नोटिस की वापसी पर उसे उक्त भू-गृहादि में फिर से रहेगा जब तक उसकी राय में संरचना में किसी परिवर्तन अथवा उसे गिरा दिये जाने के कारण, वस्तुतः अध्यासन के उन्हीं निबन्धनों पर फिर से रहना अव्यावहारिक न हो।

(6) मुख्य नगराधिकारी, किसी ऐसे व्यक्ति को, जो उपधारा (5) के अधीन की गई किसी कार्यवाही में उसे बाधा पहुँचाता हो, पुलिस पदाधिकारी द्वारा, उक्त भू-गृहादि से हटा दिये जाने का आदेश दे सकता है और ऐसी शक्ति का प्रयोग भी कर सकता है जो उपर्युक्त भू-गृहादि में प्रवेश करने के लिए यथोचित रूप से आवश्यक हो।

विशेष सड़कों या स्थानों में कुछ श्रेणियों के भवनों का विनियमन

335. विशेष सड़कों या स्थानों में कतिपय श्रेणी के भवनों के भावी निर्माण को विनियमित करने का अधिकार–(1) मुख्य नगराधिकारी निम्नलिखित को घोषित करने के अपने अभिप्राय का किसी ऐसी वैध आपत्ति के अधीन रहते हुए, जो तीन मास के भीतर की जा सकती है, सार्वजनिक नोटिस दे सकता है–

(क) कि ऐसी नोटिस में निर्दिष्ट किसी सड़क या सड़क के भाग में नोटिस के पश्चात् निर्मित या पुनर्निर्मित सभी भवनों या किन्हीं श्रेणियों के भवनों के सामने के भाग की ऊँचाई (elevation) या निर्माण जहाँ तक कि उनकी वास्तु विषयक विशिष्टताओं (architectural features) का संबंध है, वैसा ही होगा जैसा [1][निगम] उस स्थान (locality) के लिए उपयुक्त समझे;

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(2) यदि उक्त मुख्य नगराधिकारी के समाधानप्रद इस बात का पर्याप्त कारण न दे सके कि ऐसा भवन या निर्माण-कार्य क्यों न हटा दिया जाय, परिवर्तित किया जाय अथवा गिरा दिया जाय तो मुख्य नगराधिकारी भवन अथवा निर्माण-कार्य को हटा सकता है, परिवर्तित कर सकता है, अथवा गिरा सकता है और ऐसा करने का व्यय उक्त व्यक्ति द्वारा वहन किया जायगा ।

टिप्पणियाँ

अनुमति के बिना निर्माण-अधिकारी की अधिनियम के अधीन शक्तियाँ—धारा 333 के अधीन मुख्य नगर अधिकारी नोटिस द्वारा बिना अनुमति के निर्माण करने वाले व्यक्ति से यह अपेक्षा कर सकेगा कि वह आगे निर्माण-कार्य रोक दे। [*खुसरो एस० गाँधी बनाम न० म० पा०*, इलाहाबाद, 1982 यू० पी० एल० बी० ई० सी० 57] ।

नोटिस में उल्लंघन की गई विधि के उपबन्धों का उल्लेख होना जरूरी नहीं । [*ज्ञमन दास बनाम न० म० पा०*, 1981 यू० पी० एल० बी० ई० सी० 331] ।

नोटिस के बिना निर्माण का ध्वस्त किया जाना अनुमन्य नहीं होगा। [*खुसरो एस० गाँधी बनाम न० म० पा०*, इलाहाबाद, 1982 यू० पी० एल० ई० सी० 57] ।

यदि बिना अनुमति के बनायी जाय तो किसी दीवार का उठाना भी धारा 327 के विस्तार क्षेत्र के अन्तर्गत आता है। [*गोपी नाथ बनाम न० म० पा०*, कानपुर, 1981 यू० पी० एल० बी० ई० सी० 457] ।

328. प्रार्थी के सारवान भ्रांत कथन (material misreprsentation) के आधार पर मुख्य नगराधिकारी की अनुज्ञा निरस्त करने का अधिकार—इस अधिनियम के अधीन किसी भवन-निर्माण या निर्माण प्रारम्भ करने की अनुज्ञा प्रदान करने के पश्चात् यदि किसी भी समय मुख्य नगराधिकारी का समाधान हो जाय कि ऐसी अनुज्ञा धारा 316 या 317 के अधीन दिये गये नोटिस या दी गयी सूचना में वर्णित किसी सारवान भ्रान्त कथन या प्रतारक प्रकथन या दी गयी किसी अतिरिक्त सूचना, यदि कोई हो, के फलस्वरूप दी गयी थी, तो वह उस अनुज्ञा को निरस्त कर सकता है और उसके अधीन किया गया कार्य बिना उसकी अनुज्ञा के किया गया समझा जायगा ।

329. समाप्ति के प्रमाण-पत्र, कब्जा करने अथवा प्रयोग की अनुज्ञा—(1) प्रत्येक व्यक्ति भवन निर्माण अथवा धारा 317 में निर्दिष्ट किसी निर्माण-कार्य की समाप्ति के एक महीने के भीतर, मुख्य नगराधिकारी को उसके कार्यालय में ऐसी समाप्ति के संबंध में एक नोटिस देगा या भेजेगा, अथवा दिलवायेगा या भिजवायेगा और उसके साथ उपविधियों में विहित प्रपत्र पर एक प्रमाण-पत्र भी होगा, जिस पर विहित रीति से उसके हस्ताक्षर होंगे और साथ ही मुख्य नगराधिकारी को ऐसे भवन अथवा निर्माण-कार्य के निरीक्षण के निमित्त सभी प्रकार की सुविधाएँ प्रदान करेगा तथा भवन में कब्जा करने की अनुज्ञा के लिए आवेदन-पत्र भी देगा ।

(2) कोई व्यक्ति उक्त किसी भवन पर न तो कब्जा करेगा और न कब्जा करने की अनुज्ञा देगा, या उस भवन का अथवा उसके किसी भाग का, जिस पर किसी निर्माण-कार्य का प्रभाव पड़ता हो, न प्रयोग करेगा और न प्रयोग करने की अनुज्ञा देगा, जब तक—

(क) एतदर्थ मुख्य नगराधिकारी की अनुज्ञा प्राप्त न हो गयी हो, अथवा

(ख) मुख्य नगराधिकारी ने समाप्ति की नोटिस प्राप्त होने के 21 दिन तक अपनी उपर्युक्त अनुज्ञा अस्वीकृत करने की सूचना न भेजी हो :

किन्तु प्रतिबन्ध यह है कि उपधारा (1) के अधीन भवन के किसी भाग के लिए भी आवेदन-पत्र दिया जा सकता है और अभ्यर्पित करने के लिए मुख्य नगराधिकारी की अनुज्ञा भी दी जा सकती है, जब मुख्य नगराधिकारी का समाधान हो जाय कि वह भाग निवास योग्य हो गया है ।

संकटमय संरचनाएँ

330. भवनों की निपातकालीन जाँच—(1) प्रत्येक भवन के स्वामी का यह कर्तव्य होगा कि वह भवन के प्रत्येक भाग और उससे संलग्न प्रत्येक वस्तु को मरम्मत करके उसे इस प्रकार संधारित करे कि वह संकटमय होने से बचा रहे ।

(2) मुख्य नगराधिकारी लिखित नोटिस द्वारा किसी भी भवन के स्वामी को यह आदेश दे सकता है कि वह उपविधियों में विहित कालान्तरों (intervals) पर तथा रीति के अनुसार भवन का निरीक्षण करवाये ।

(3) उपधारा (2) के अधीन भवन के निरीक्षण के दो महीने के भीतर स्वामी ऐसी मरम्मत करना आरम्भ कर देगा, जो निरीक्षण के परिणामस्वरूप इस अधिनियम, नियमों और उपविधियों के सभी उपबन्धों के ऐसी मरम्मत के संबंध में अनुपालन करने के पश्चात् धारा 331 के अर्थ में संरचना की स्थिति को कायम रखने के अभिप्राय से अत्यावश्यक बताये गये हों, और ऐसी मरम्मतों की समाप्ति के बाद, मुख्य नगराधिकारी को निरीक्षण करने वाले व्यक्ति द्वारा दिया हुआ इस आशय का एक प्रमाण-पत्र प्रस्तुत करेगा कि उसने (स्वामी ने) मरम्मत संबंधी कार्य संतोषजनक रूप में कर दिये हैं ।

(4) उपधारा (2) के अधीन किये गये प्रत्येक निरीक्षण की रिपोर्ट उस व्यक्ति द्वारा, जिसने भवन का निरीक्षण किया हो, तुरन्त मुख्य नगराधिकारी को प्रस्तुत की जायगी और यदि स्वामी उपधारा (3) के आदेशों का अनुपालन न करे तो मुख्य नगराधिकारी इस धारा के अधीन या इस अधिनियम के अन्य उपबन्धों के अधीन उस भवन के संबंध में ऐसी कार्यवाही कर सकता है, जो वह उचित समझे ।

(5) उपधारा (4) के अधीन मुख्य नगराधिकारी द्वारा किये गये व्यय स्वामी को वहन करने पड़ेंगे।

331. ऐसी संरचनाओं, इत्यादि का हटाया जाना जो खंडहर है अथवा गिरने वाले हों—(1) यदि मुख्य नगराधिकारी को किसी भी समय यह प्रतीत हो कि कोई संरचना, [जिसके अन्तर्गत कोई भवन, दीवाल, खड़ंजा (pavement), मुंडेर (parapet), कार्ज, सीढ़ियाँ, जंगले (railing), दरवाजे अथवा खिड़की के चौखटे (window frame), संधारक (shutters) अथवा छत या अन्य संरचना और कोई चीज जो किसी भवन, दीवाल, मुंडेर (parapet) अथवा अन्य संरचना से लगी हुई हो, उससे बाहर निकली हो या उस पर आश्रित हो], खण्डहर (in ruine) है, अथवा गिरने वाली है अथवा किसी भी प्रकार उस व्यक्ति के लिए खतरनाक है, जो उसमें अथवा उसके पड़ोस की किसी अन्य संरचना (structure) या स्थल में रहता है, वहाँ आता-जाता है, या उसके पास से गुजरता है, तो मुख्य नगराधिकारी लिखित नोटिस द्वारा, उस संरचना के स्वामी अथवा अध्यासी से उस संरचना या चीज को गिराने या उसे दृढ़ करने, हटाने अथवा उसकी मरम्मत करने या ऐसी ही एक या एकाधिक कार्य करने और उससे पैदा होने वाले संकट के समस्त कारणों को दूर करने की अपेक्षा कर सकता है ।

(2) यदि मुख्य नगराधिकारी उचित समझे तो वह उपर्युक्त नोटिस द्वारा उक्त भवन के स्वामी अथवा अध्यासी से यह भी अपेक्षा कर सकता है कि वह या तो तुरन्त, या उपर्युक्त संरचना या चीज को गिराने, दृढ़ करने अथवा उसकी मरम्मत करने से पहले बटोहियों और अन्य व्यक्तियों की रक्षा के लिए और उचित और पर्याप्त बाड़ अथवा घेरा लगावे, ऐसे सुविधाजनक मंच तथा जंगले (handrail) यदि उनके लिए पर्याप्त स्थान हो और उन्हें मुख्य नगराधिकारी वांछनीय समझे, के सहित जो ऐसी बाड़ अथवा घेरा के बाहर आने-जाने वालों के लिए पगडंडी (footway) के रूप में प्रयुक्त हो सके ।

(3) यदि मुख्य नगराधिकारी को यह प्रतीत हो कि किसी संरचना से, जो खण्डहर (ruinous) है, अथवा गिरने वाला है, शीघ्र ही कोई संकट पैदा हो सकता है, तो वह उपर्युक्त नोटिस देने से पूर्व अथवा नोटिस की अवधि समाप्त होने से पूर्व उस संरचना पर घेरा डाल सकता है (fence off), उसे गिरा सकता है (take down), उसे दृढ़ कर सकता है अथवा उसकी मरम्मत करा सकता है या ऐसे उपाय कर सकता है या ऐसा निर्माण-कार्य संपादित करा सकता है, जो उस संकट को रोकथाम कर दे ।

(घ) प्रस्तावित भवन या निर्माण-कार्य का प्रयोग धारा 343 के अधीन निर्दिष्ट भाषा की सहायिका के अनुकूल नहीं है ।

(2) जब कभी मुख्य नगराधिकारी अथवा कार्यकारिणी समिति भवन निर्माण करने अथवा धारा 317 में निर्दिष्ट निर्माण-कार्य को सम्पादित करने की अनुज्ञा न दे, तो ऐसे अस्वीकरण के कारण आज्ञा में स्पष्ट रूप से उल्लिखित होंगे ।

322. भवन निर्माण की अनुज्ञा को लिखित कराने के लिए विशेष अधिकार—धारा 321 में किसी बात के होते हुए भी यदि स्थल के नक्शे में प्रदर्शित कोई सड़क कोई अभिप्रेत किसी सड़क हो तो मुख्य नगराधिकारी अपने विवेकानुसार भवन निर्माण की अनुज्ञा देने से इंकार कर सकता है, जब तक कि सड़क का बनाना प्रारम्भ अथवा समाप्त न हो जाय ।

323. कुछ दशाओं में मनोरंजन के किसी स्थान के निर्माण के निमित्त स्वीकृति प्रदान करने के विशेष अधिकार पर निर्बंधन—इस अधिनियम में अथवा उसके अधीन बनाये गये किसी नियम या उपविधि में किसी बात के होते हुए भी, सार्वजनिक मनोरंजन के किसी भवन के निर्माण या उसमें कोई परिवर्द्धन करने की स्वीकृति मुख्य नगराधिकारी या कार्यकारिणी समिति द्वारा बिना राज्य सरकार के पूर्वानुमोदन के न दी जायगी यदि ऐसे भवन का निर्माण स्थान अथवा प्रस्तावित निर्माण स्थान—

(क) निम्नलिखित से एक फर्लांग (furlong) के अर्द्धव्यास (radius) के भीतर हो—

(1) कोई आवासित संस्था (residential institution), जो किसी अभिप्राप्त शिक्षा संस्था जैसे कालेज, हाईस्कूल या लड़कियों के स्कूल से संलग्न (attached) हो, या

(2) कोई सार्वजनिक आरोग्यशाला, जिसमें अस्पताल में भर्ती होकर चिकित्सा कराने वाले रोगियों के लिए एक बड़ा कक्ष (ward) हो, अथवा

(3) कोई अनाथालय, जिसमें एक सौ या उससे अधिक व्यक्ति रहते हों;

(ख) किसी घनी आबादी के ऐसे आवासिक क्षेत्र में हो जो या तो केवल आवास के प्रयोजन के लिये हो अथवा व्यापारिक प्रयोजनों से भिन्न (as distinguished from) आवासिक प्रयोजनों के लिए रक्षित हो या सामान्यतया प्रयुक्त होता हो; या

(ग) किसी ऐसे क्षेत्र में हो, जो किसी विधायन (enactment) के अन्तर्गत किसी गृह निर्माण अथवा नियोजन की योजना द्वारा या अन्य प्रकार से आवासिक प्रयोजनों के लिये रक्षित हो ।

किन्तु प्रतिबन्ध यह है कि बातलिखों के प्रदर्शनार्थ प्रयुक्त किये जाने के लिये अभिप्रेत किसी भवन के निर्माण की अनुज्ञा उस समय तक नहीं दी जायगी जब तक कि कार्यकारिणी समिति का यह समाधान न हो जाय कि नक्शों और उसके विशेष ब्यौरों के संबंध में सिनेमेटोग्राफ ऐक्ट, 1918* के अधीन बनाये गये नियमों के अनुसार स्वीकृति प्राप्त कर ली गयी है ।

कार्य का आरम्भ

324. भवन का निर्माण अथवा निर्माण-कार्य का संपादन कैसे कार्यान्वित किया जायगा—प्रत्येक व्यक्ति, जो कोई नया भवन निर्माण करना चाहता हो अथवा धारा 317 में निर्दिष्ट कोई निर्माण कार्य संपादित करना चाहता हो, भवन का निर्माण अथवा निर्माण-कार्य का संपादन ऐसी रीति से ऐसी देख-रेख में (supervision), ऐसी अवधि प्राप्त अभिकरण द्वारा और ऐसी शर्तों तथा निर्बन्धों के अधीन करेगा, जो एतदर्थ उपविधियों द्वारा उपबंधित किये जायँ ।

* अब सिनेमेटोग्राफ ऐक्ट, 1952

325. भवनों के निर्माण, उनमें परिवर्तन, आदि के दौरान में मुख्य नगराधिकारी द्वारा उसका निरीक्षण—मुख्य नगराधिकारी अथवा [(निगम) का एतदर्थ प्राधिकृत कोई नगराधिकारी या कर्मचारी भवन के निर्माण अथवा धारा 317 में निर्दिष्ट किसी निर्माण-कार्य के सम्पादन के दौरान में या उसके समाप्त होने के तीन मास के भीतर किसी भी समय कोई निरीक्षण कर सकता है और यदि उसके पास ऐसी शंका करने का समुचित कारण है कि किसी ऐसे भवन के निर्माण या किसी ऐसे निर्माण कार्य के संपादन में इस अधिनियम के या उसके अधीन बनाये गये किसी नियम या उपविधि के किन्हीं उपबंधों के प्रतिकूल कुछ किया गया है तो वह ऐसे भवन के निर्माण करने वाले अथवा निर्माण-कार्य का निष्पादन करने वाले व्यक्ति को 15 दिन का पूर्व लिखित नोटिस देने के उपरान्त भवन के ऐसे भाग को, यदि कोई हो, जो ऐसी शंका की यथोचित रूप से पुष्टि अथवा निराकरण करने वाले तथ्यों की खोज करने में बाधक हो, कट सकता है, खोल सकता है या गिरा सकता है :

किन्तु प्रतिबन्ध यह है कि जिस व्यक्ति के भवन अथवा निर्माण-कार्य को खोला गया हो, या काटा गया हो, उस व्यक्ति को मुख्य नगराधिकारी उस क्षति के लिये जो ऐसे भवन या संरचना को ऐसे कार्य से पहुँचा हो, प्रतिकर देगा, यदि यह पाया जाने कि भवन के निर्माण अथवा उक्त निर्माण-कार्य के संपादन में उस व्यक्ति द्वारा इस अधिनियम के प्रतिकूल कोई कार्य नहीं किया गया है ।

326. भवनों तथा निर्माण-कार्यों से सम्बद्ध उपबन्धों का प्रवर्तित किया जाना—यदि मुख्य नगराधिकारी को उपर्युक्त भवन के निर्माण अथवा निर्माण-कार्य के संपादन के दौरान में किसी भी समय या उसके समाप्त हो जाने के तीन मास के भीतर किसी भी समय, चाहे अपने निरीक्षण के फलस्वरूप या अन्यथा, किसी ऐसे विषय का पता चले जिसके संबंध में ऐसे भवन के निर्माण या ऐसे निर्माण-कार्य के संपादन से इस अधिनियम के अथवा उसके अधीन बनाये गये किसी नियम या उपविधि के किसी उपबन्ध का उल्लंघन हुआ है, तो वह स्वामी को जो उस निर्माण अथवा संपादन कर रहा है, या कर चुका है, ऐसे उपबन्ध, नियम या उपविधि के प्रतिकूल किये गये किसी कार्य को संशोधित करने अथवा ऐसे कार्य करने के लिये आदेश दे सकता है, जिसका किया जाना ऐसे विधि, उपबन्ध, नियम या उपविधि के अनुसार अपेक्षित हो, किन्तु जो किया न गया हो ।

327. अधिनियम, नियमों अथवा उपविधियों के प्रतिकूल प्रारम्भ किये गये भवन अथवा निर्माण-कार्य के सम्बन्ध में की जाने वाली कार्यवाही—यदि किसी भवन निर्माण का आरम्भ या धारा 317 में अभिप्रेत निर्माण-कार्य का संपादन नियमों अथवा उपविधियों के उपबन्धों के प्रतिकूल किया गया हो तो मुख्य नगराधिकारी जब तक कि वह ऐसे भवन अथवा निर्माण-कार्य के संबंध में धारा 328 के अधीन कार्यवाही करना आवश्यक न समझे—

(क) लिखित नोटिस द्वारा उस व्यक्ति से, जो ऐसा भवन निर्माण अथवा ऐसे निर्माण-कार्य का संपादन कर रहा हो, अथवा कर चुका हो, यह अपेक्षा करेगा कि वह ऐसे दिनांक को या उससे पूर्व जो उक्त नोटिस में निर्दिष्ट किया जायगा, अपने अथवा अपने द्वारा एतदर्थ यथाशक्य प्राधिकृत किसी अभिकर्ता द्वारा हस्ताक्षरित (subscribed) एक लिखित प्रकथन (statement) में, जो मुख्य नगराधिकारी को संबोधित किया गया हो, इस बात को पर्याप्त कारण बताये कि उक्त भवन अथवा निर्माण-कार्य को क्यों न हटा दिया जाय (removed), परिवर्तित कर दिया जाय, गिरा दिया जाय; अथवा

(ख) उपर्युक्त व्यक्ति से, ऐसे दिन को, ऐसी सभा और ऐसे स्थान पर, जो उक्त नोटिस में निर्दिष्ट होगा, व्यक्तिगत रूप से अथवा अपने द्वारा तदर्थ यथावत् प्राधिकृत अभिकर्ता द्वारा उपस्थित होने और इस बात का पर्याप्त कारण बताने की अपेक्षा करेगा कि ऐसा भवन-निर्माण कार्य क्यों न हटा दिया जाय, परिवर्तित कर दिया जाय, अथवा गिरा दिया जाय ।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(3) सड़क से लगे हुए और उसकी निर्धारित पंक्ति के भीतर स्थित भवन के किसी भाग की मरम्मत करना, उसे हटाना, उसका निर्माण करना, पुनर्निर्माण करना अथवा उसमें परिवर्द्धन करना;

(ङ) भवन में किसी प्रकार का कार्य संपादित करना जिसमें निम्नलिखित अन्तर्वलित हों–

(1) छत का निर्माण अथवा पुनर्निर्माण;

(2) छत को चौरस छत (terrace) के रूप में परिवर्तित करना;

(3) चौरस छत को छत के रूप में परिवर्तित करना; अथवा

(4) "लिन्टल लैवल" का निर्धारण;

(च) भवन में किसी भी प्रकार की मरम्मत करना, जिसमें कमरों के फर्श का निर्माण अन्तर्वलित हो (भूमि वाले फर्श को छोड़कर);

(छ) बाह्य दीवाल के किसी दरवाजे अथवा खिड़की को स्थायी रूप से बन्द करना; अथवा

(ज) मुख्य जीने का हटाया जाना अथवा उसका पुनर्निर्माण या उसकी स्थिति में परिवर्तन करना हो,

वह मुख्य नगराधिकारी को एक लिखित नोटिस ऐसे प्रपत्र में तथा ऐसी सूचना के साथ देगा, जो तदर्थ बनायी गयी उपविधियों के अनुसार अपेक्षित हो और उसके साथ ऐसे लेखन तथा नक्शे भेजेगा जो विहित किये जायँ।

टिप्पणी

निर्माण की–अनुमति अनिवार्य है–किसी भी व्यक्ति के लिए जो कोई मरम्मत, फेर-बदल, निर्माण या पुनर्निर्माण करना चाहता है, यह जरूरी होगा कि वह इस धारा के अधीन यथापेक्षित नोटिस दे। वह बिना अनुमति के भवन में कोई वृद्धि नहीं कर सकता। [झम्मन टाम कौरव ए० मे० पा०, कानपुर, 1981 यू० पी० एल० बी० ई० सी० 331]।

318. योजनाओं, आदि का अस्वीकार करना, यदि वे विहित रीति से न बनायी गयी हों या जब प्राधी मुख्य नगराधिकारी द्वारा माँगे गये ब्योरे प्रस्तुत न करे–को नक्शा, खंड, विवरण, संरचनात्मक चित्र अथवा संरचनात्मक परिगणन और अन्य कोई नोटिस, जो उसके निमित्त विहित की गयी शर्तों की पूर्ति न करे या जिसके सम्बन्ध में अतिरिक्त विवरण तथा स्पष्टी मुख्य नगराधिकारी को ऐसी अवधि के भीतर, जो उसके द्वारा नियत की जाय, प्रस्तुत न किये जायँ, इस अधिनियम के प्रयोजनों के लिए पर्याप्त तथा वैध नहीं समझा जायगा।

319. अवधि, जिसके भीतर मुख्य नगराधिकारी कार्य संपादन करने के निमित्त अनुज्ञा देगा अथवा न देगा–धारा 316 या 317 के अधीन दिये गये किसी आवेदन-पत्र अथवा नियमों अथवा उपविधियों के अधीन अपेक्षित किसी सूचना या लेखन या अतिरिक्त सूचना या लेखों के प्राप्त होने के 30 दिन के भीतर मुख्य नगराधिकारी लिखित आज्ञा द्वारा या तो ऐसी अनुज्ञा दे देगा या धारा 321 अथवा धारा 322 में दिये हुए एक या एकाधिक कारणों से उसे अस्वीकार कर देगा।

320. कार्यकारिणी समिति को अभिदेश, यदि मुख्य नगराधिकारी अनुमोदन अथवा अनुज्ञा को स्वीकार करने या अस्वीकार करने में विलम्ब करे–(1) यदि यथास्थिति धारा 318 अथवा 319 में दी हुई अवधि के भीतर मुख्य नगराधिकारी ने भवन के निर्माण करने अथवा धारा 317 में निर्दिष्ट निर्माण-कार्य को संपादित करने के निमित्त, जिसके लिये प्रार्थना-पत्र दिया गया हो, न तो अपनी अनुज्ञा दी हो और न अनुज्ञा देना अस्वीकार ही किया हो तो प्रार्थी के लिखित प्रार्थना-पत्र पर कार्यकारिणी समिति लिखित आज्ञा द्वारा यह निर्धारित करने के लिये बाध्य होगी कि ऐसा अनुमोदन अथवा अनुज्ञा दी जानी चाहिये अथवा नहीं।

(2) यदि कार्यकारिणी समिति उक्त लिखित प्रार्थना के प्राप्त होने के एक मास के भीतर यह निर्धारित नहीं करती कि इस प्रकार की अनुज्ञा दी जानी चाहिये अथवा नहीं, तो ऐसी अनुज्ञा दी गई समझी जायगी और प्रार्थी कार्य को सम्पादित करना आरम्भ कर देगा, किन्तु इस प्रकार नहीं कि उससे इस अधिनियम के अथवा इस अधिनियम के अधीन बनाये गये किन्हीं नियमों या उपविधियों का उल्लंघन हो।

टिप्पणी

मुख्य नगर अधिकारी में विनिहित शक्तियों के प्रयोग में किया गया कसूर–प्रभाव–इस अधिनियम के उपबन्धों के अधीन मुख्य नगराधिकारी के साथ किए गये प्रत्येक कसूर पर ही हमेशा धारा 319 तथा 320 के उपबन्ध लागू होंगे।

अपेक्षित खंड (deemed clause) के अधीन कोई भी व्यक्ति कार्य का निष्पादन कर सकेगा, किन्तु वह इस अधिनियम के अधीन किसी विधि, नियम अथवा उपविधि का उल्लंघन नहीं कर सकता। यदि नगर निगम किसी व्यक्ति को कार की शर्तों के अनुसार निर्माण करने के लिए समर्थ करने के लिए नक्शे को स्वीकृति प्रदान करने में विफल रहे, तो उस व्यक्ति की ओर से कोई चूक नहीं हो सकती। [ए० मे० , कानपुर बनाम पंजाब एसोसिएशन, 1980 यू० पी० एल० बी० ई० सी० 311]।

321. आधार, जिन पर भवन के स्थान के निमित्त अनुमोदन अथवा भवन का निर्माण या पुनर्निर्माण करने की अनुज्ञा अस्वीकृत की जा सकती है–(1) वे कारण केवल जिनके आधार पर कोई भवन निर्मित करने या धारा 317 में निर्दिष्ट निर्माण-कार्य संपादित करने की अनुज्ञा अस्वीकृत की जा सकती है, निम्नलिखित हैं, अर्थात्–

(क) निर्माण कार्य या निर्माण-कार्य के लिये स्थल (site) का उपयोग या स्थान के नक्शे (siteplan), भूमि के नक्शे (ground-plan), उच्चस्थल (elevations), खंड (sections) या विशेष विवरण (specifications) किसी विधि के किसी विहित (specified), उपबन्ध का या किसी विधि के अधीन दी गयी विशिष्ट आज्ञा, बनाये गये नियम, की गयी घोषणा या निर्मित उपविधि का उल्लंघन करते हों;

(ख) उक्त अनुज्ञा के निमित्त दिये गये प्रार्थना-पत्र में वे विवरण नहीं हैं अथवा उस रीति से तैयार नहीं किया गया है, जो नियमों या उपविधियों द्वारा अपेक्षित हैं, या उस पर हस्ताक्षर नहीं किये गये हैं, जैसा कि नियमों अथवा उपविधियों द्वारा अपेक्षित है;

(ग) कोई सूचना अथवा लेखन जो नियमों के अधीन मुख्य नगराधिकारी द्वारा अपेक्षित हो, यथावत् प्रस्तुत नहीं किये गये हैं;

(घ) प्रस्तावित भवन से सरकार अथवा [1][निगम] की भूमि का अतिक्रमण होगा;

(ङ) ऐसे भवन का स्थल किसी सड़क अथवा प्रस्तावित सड़क (projected street) से लगा हुआ नहीं है और ऐसे भवन में पहुँचने के लिए उस सड़क से कोई ऐसा मार्ग या पगडंडी (pathway) नहीं है, जो उस स्थल तक जाती हो और जो किसी भी स्थान पर 12 फुट से कम चौड़ी न हो;

(च) प्रस्तावित भवन का स्थल धारा 323 में निर्दिष्ट प्रकार का है;

(छ) निर्माण-कार्य के लिये स्थल उस क्षेत्र का एक भाग है, जिसके विन्यास (lay-out) का नक्शा धारा 287 के अधीन व्यवस्थानुसार स्वीकृत नहीं हुआ है;

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(घ) किसी सड़क पर [1][निगम] की किसी संपत्ति को न ले जाएगा, न ले जाएगा, न फेंकेगा और न क्षति पहुँचाएगा और कोई व्यक्ति किसी वस्तु को ले जाएगा न भुलाएगा और न किसी वस्तु से सम्बद्ध किसी वस्तु को क्षति पहुँचाएगा ।

(2) यदि कोई व्यक्ति उपेक्षा से या दुर्घटनावश या अन्यथा किसी सार्वजनिक सड़क या [1][निगम] बाजार, उद्यान या सार्वजनिक स्थान या [1][निगम] में निहित भवन पर लगायी गई किसी वस्तु को तोड़ेगा या किसी सड़क पर [1][निगम] की किसी सम्पत्ति को तोड़ेगा या उसे क्षति पहुँचायेगा, तो उसे इस प्रकार की गई क्षति की मरम्मत कराने के व्यय को वहन करना होगा ।

313. राज्य सरकार इस अध्याय के उपबन्धों को नगर की सीमा के बाहर प्रवृत्त कर सकती है—राज्य सरकार सरकारी गजट में प्रकाशित आज्ञा द्वारा किसी ऐसे क्षेत्र में, जो उक्त आज्ञा में निर्दिष्ट किया जाएगा, किन्तु जो नगर की सीमाओं से दो मील से अधिक दूर न होगा, इस अध्याय की किसी धारा और तदनुसार बनाये गये नियमों के उपबन्धों को ऐसे अनुकूलनों के अधीन चाहे वे परिहार, परिवर्तन या लोप के रूप में हों, जिन्हें राज्य सरकार आवश्यक और इष्टकर समझे, प्रवृत्त कर सकती है और तदुपरान्त उपर्युक्त रूप में प्रवृत्त उपबन्ध और नियम उसी प्रकार प्रभावशील होंगे मानो कि वह नगर के भीतर हों ।

314. नियम बनाने का अधिकार—(1) इस अध्याय के उपबन्धों को कार्यान्वित करने के प्रयोजनों के लिए राज्य सरकार नियम बना सकती है ।

(2) उपर्युक्त अधिकारों की व्यापकता को बाधित न करते हुए ऐसे नियमों में निम्नलिखित की व्यवस्था की जा सकती है—

(क) रीति, जिससे धारा 273 के अधीन [1][निगम] किसी सार्वजनिक सड़क को बन्द करने की स्वीकृति देगा और ऐसी सड़क के स्थान का निस्तारण;

(ख) रीति, जिससे धारा 279 के अधीन किसी वर्तमान पंक्ति के स्थान पर सड़क की नयी पंक्ति निहित करने के लिए कार्यकारिणी समिति की स्वीकृति दी जाएगी;

(ग) रीति, जिससे कोई व्यक्ति धारा 287 के अधीन भूमि को भवन के प्रयोजनों के लिए बेचने या पट्टे पर देने (let) आदि या किसी नयी सड़क के निन्यास करने के अपने अभिप्राय का, नोटिस देगा और वह प्रक्रिया, जिसे मुख्य नगराधिकारी ऐसी नोटिस पर कार्यवाही करने में, जिसके अन्तर्गत अतिरिक्त सूचना और प्रस्थापित नक्शा (plan) मौजूद भी है, अपनायेगा;

(घ) धारा 301 के अधीन मुख्य नगराधिकारी द्वारा जनता की सुरक्षा और सुविधा के लिए उस समय की जाने वाली कार्यवाही जब सड़कों पर या उनके पास किसी निर्माण-कार्य का संपादन हो रहा हो ।

अध्याय 13

निर्माण के विनियम

भवनों के निर्माण, आदि से संबद्ध नोटिस

315. परिभाषा—इस अध्याय में पद "भवन निर्माण करना" के अन्तर्गत निम्नलिखित होंगे—

(क) इस व्यवस्था के अधीन रहते हुए, जो नियमों द्वारा विहित की जाय, किसी वर्तमान भवन के किसी सारभूत (substantial) भाग का पुनर्निर्माण;

(ख) किसी ऐसे भवन या भवन के भाग को, जो प्रारम्भ में मनुष्यों के रहने के अभिप्राय से न बनवाया गया हो, और जो पहले से मनुष्यों के रहने के लिए प्रयुक्त हो रहा हो, निवास गृह (dwelling house) में परिवर्तित करना;

(ग) किसी भवन के किसी एक निवास स्थान (tenement) या दो अथवा उससे अधिक निवास-स्थानों को संरचनात्मक परिवर्तन (structural alteration) द्वारा अधिक या कम निवास-पूर्तों में परिवर्तित करना, जिससे उसके जल-निस्तारण या सफाई की व्यवस्था अथवा उसकी मजबूती पर प्रभाव पड़े;

(घ) किसी ऐसे भवन को, संरचनात्मक परिवर्तन द्वारा किसी धार्मिक उपासना के स्थान अथवा पवित्र (sacred) स्थान के रूप में बदलना, जो प्रारम्भ (originally) में ऐसे प्रयोजन के लिये अभिप्रेत न रहा हो अथवा निर्मित न किया गया हो;

(ङ) दीवालों अथवा भवनों के बीच के किसी खुले स्थान को आच्छादित करना अथवा उसमें छत डालना (covering or roofing) जहाँ तक उस ढाँचे का सम्बन्ध है, जो ऐसे खुले स्थान को आच्छादित करने अथवा उसमें छत डालने से तैयार होता हो;

(च) किसी ऐसे भवन को छोटी दूकान (stall), दूकान (shop), भंडार (warehouse) अथवा मालगोदाम (godown) के रूप में परिवर्तित करना, जो प्रारम्भ में इस प्रकार के प्रयोग के लिये न बनवाया गया हो;

(छ) किसी ऐसी सड़क अथवा भूमि से संलग्न किसी दीवाल में, जो दीवाल के स्वामी में निहित न हो, ऐसा दरवाजा बनाना जो ऐसी सड़क अथवा भूमि पर खुलता हो;

(ज) कोई अन्य कार्य, जिसके सम्बन्ध में एतदर्थ बनायी गयी किसी उपविधि द्वारा यह घोषित किया जाय कि वह किसी भवन का निर्माण समझा जाय ।

316. भवन-निर्माण की नोटिस—प्रत्येक ऐसा व्यक्ति, जो भवन निर्माण करना चाहता हो, मुख्य नगराधिकारी को अपने ऐसा करने के अभिप्राय का लिखित नोटिस ऐसे प्रपत्र (form) में तथा ऐसी रीति से देगा और उसमें ऐसी बातें अन्तर्लिखित होंगी जो उपविधियों द्वारा विहित किये जायँ ।

317. भवन में मरम्मत, परिवर्तन, इत्यादि के सम्बन्ध में नोटिस—प्रत्येक व्यक्ति, जिसका अभिप्राय—

(क) किसी भवन में परिवर्तन करना;

(ख) किसी ऐसे भवन में जो ढाँचे का बना भवन (frame building) न हो, कोई परिवर्तन या मरम्मत करना, जिसमें उस भवन की किसी बाह्य दीवाल या छत (parting wall) अथवा किसी ऐसी दीवाल का, जिसके ऊपर उसकी छत हो उस आपाति तक हटाया जाना या पुनर्निर्माण अन्तर्ग्रस्त है, जो कुर्सी की सतह के ऊपर ऐसी दीवाल के आधे से अधिक हो, जो आधा बहिर्स्पर्शी (superficial) फुटों में नापा जायगा;

(ग) किसी ढाँचे पर बने भवन में कोई परिवर्तन या मरम्मत करना, जिसमें उसकी पूर्वोक्त प्रकार के किसी दीवाल के आधे से अधिक खम्भों या धरनियों (post or beams) का हटाया जाना या उसका पुनर्निर्माण अन्तर्ग्रस्त है या जिसमें उसकी पूर्वोक्त प्रकार की किसी दीवाल का उस आपाति तक हटाया जाना या पुनर्निर्माण अन्तर्ग्रस्त है जो कुर्सी की सतह के ऊपर ऐसी दीवाल के आधे से अधिक हो, जो आधा बहिर्स्पर्शी फुटों में नापा जायगा;

(घ) भवन में किसी प्रकार का परिवर्तन (alteration) करना, जिसमें निम्नलिखित बातें अन्तर्ग्रस्त हों—

(1) ऐसे भवन के किसी कमरे को उपखण्डों में विभाजित करना, जिससे वह अलग-अलग दो या अधिक कमरों में परिवर्तित हो जाय;

(2) ऐसे भवन में किसी मार्ग या स्थान (passage or space) को कमरा या कमरों के रूप में परिवर्तित करना;

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(घ) किसी रेलवे स्टेशन के भीतर या रेल प्रशासन की किसी दीवाल या अन्य सम्पत्ति के ऊपर प्रदर्शित किया जाता हो, सिवाय ऐसी दीवाल या सम्पत्ति की सतह (surface) के उस भाग के जो किसी सड़क के सामने हो।

खतरनाक स्थान या ऐसे स्थान, जहाँ कोई ऐसा निर्माण-कार्य किया जा रहा हो, जिससे जनता की सुरक्षा या सुविधा पर प्रभाव पड़ता हो

307. सड़क से सटे हुए किसी भवन पर निर्माण-कार्य के समय बाड़ों का लगाया जाना—(1) कोई व्यक्ति, जो किसी भवन या दीवाल को बनाने, गिराने या फिर से बनाने या किसी भवन या दीवाल के किसी भाग में परिवर्तन करने या उसको मरम्मत करने का विचार करता हो, ऐसी किसी भी दशा में, जिसमें उससे सटी हुई किसी सड़क की गाड़ीदी अवरुद्ध या कम सुविधाजनक हो जाय, ऐसा करना तब तक प्रारम्भ नहीं करेगा जब तक कि वह पहले सुविधाजनक सन्धान और कटेहरा सहित, यदि उसके लिए पर्याप्त स्थान हो, और मुख्य नगराधिकारी उसे सांकेतिक समझें, दृश्यित और पर्याप्त बाड़ (hoarding) में मेड़ न लगवा ले, जो ऐसे बाड़ या मेड़ के बाहर यातियों के लिए पगडंडी का काम देगा।

(2) कोई बाड़ या मेड़ मुख्य नगराधिकारी के लिखित पूर्व अनुज्ञा के बिना उस प्रकार से न लगायी जायगी, और प्रत्येक ऐसा लगाया गया बाड़ या मेड़, जो ऐसी अनुज्ञा से पूर्वोक्त सन्धान और कटेहरा सहित लगायी गयी हो, निर्माण-कार्य सम्बन्धित करने वाले व्यक्ति द्वारा मुख्य नगराधिकारी के सन्तोषानुसार उस समय तक के लिये, जो सार्वजनिक सुरक्षा और सुविधा के लिए आवश्यक हो, खड़ी रहने दी जायगी और ऐसी सभी दशाओं में, जिनमें वह दुर्घटनाएँ बचाने के लिये आवश्यक हों, उस व्यक्ति उस बाड़ या दीवार पर रात में प्रकाश की अच्छी व्यवस्था करेगा।

(3) मुख्य नगराधिकारी लिखित नोटिस द्वारा पूर्वोक्त व्यक्ति को इस प्रकार लगाये गये किसी बाड़ या मेड़ को हटाने का आदेश दे सकता है।

308. मुख्य नगराधिकारी खतरनाक या ऐसे स्थानों को, जहाँ कोई ऐसा निर्माण-कार्य किया जा रहा है, जिससे सुरक्षा और सुविधा पर प्रभाव पड़ता हो, मरम्मत या उन्हें घेरने (enclosing) की कार्यवाही करेगा—(1) यदि कोई स्थान मुख्य नगराधिकारी की राय में किसी सड़क के यातियों या उसके पास-पड़ोस के लिए पर्याप्त सुरक्षा, संरक्षण (protection) या घेरे के न होने के कारण या उस पर कोई निर्माण-कार्य सम्पादित किये जाने के कारण, संकटग्रस्त हो या यदि कोई ऐसा निर्माण-कार्य मुख्य नगराधिकारी की राय में उन व्यक्तियों की सुरक्षा या सुविधा पर प्रभाव डालता हो, तो वह लिखित नोटिस द्वारा उसके स्वामी या अभिकर्ता को उक्त स्थान की मरम्मत करने, उसका संरक्षण करने या उसे घेरने या अन्य ऐसी कार्यवाही करने का, जो मुख्य नगराधिकारी को आवश्यक प्रतीत हो, आदेश दे सकता है, ताकि उससे उत्पन्न होने वाले संकट का निवारण हो सके या उक्त व्यक्तियों की सुरक्षा या सुविधा सुनिश्चित हो जाय।

(2) मुख्य नगराधिकारी ऐसा कोई नोटिस देने से पूर्व या ऐसे नोटिस की अवधि समाप्त होने से पूर्व उक्त स्थान से होने वाले संकट के निवारणार्थ या उस निर्माण-कार्य पर सुरक्षा या सुविधा को सुनिश्चित करने के लिए ऐसी अस्थायी कार्यवाही कर सकता है, जिसे वह ठीक समझे और ऐसी अस्थायी कार्यवाही करने में मुख्य नगराधिकारी द्वारा किया गया व्यय उस स्थान के, जिसके सम्बन्ध में नोटिस दिया गया हो, स्वामी या अभिकर्ता को वहन करना पड़ेगा।

309. गिराने के कार्य के समय संरक्षण की कार्यवाहियाँ—(1) कोई व्यक्ति जो किसी भवन या उसके किसी भाग को गिराने का विचार करता हो, ऐसा करना तब तक प्रारम्भ नहीं करेगा जब तक कि वह उस बाड़ या मेड़ के अतिरिक्त, जिसकी धारा 307 के अधीन, व्यवस्था करना उसके लिए अपेक्षित हो, उस भवन के चारों ओर उसकी पूरी ऊँचाई तक आवरण (screen) की व्यवस्था न कर ले ताकि आस-पास की वायु को धूल से दूषित होने से अथवा पत्थर, ईंटों, लकड़ी और अन्य सामान के गिरने से होने वाली क्षति (injury) या हानि को अथाग रख सके।

(2) यदि कोई निर्माण-कार्य उपधारा (1) का उल्लंघन करके प्रारम्भ किया जाय, तो मुख्य नगराधिकारी उसे तुरन्त बन्द करा सकता है और ऐसे व्यक्ति को, जो उसे करा रहा हो, पुलिस पदाधिकारी द्वारा भू-पृष्ठादि से हटवा सकता है।

सड़कों पर रोशनी की व्यवस्था करना

310. सार्वजनिक सड़कों पर रोशनी की व्यवस्था की जायगी—(1) मुख्य नगराधिकारी—

(क) सार्वजनिक सड़कों [1][निगम] उद्यानों और खुले स्थानों तथा [1][निगम] बाजारों और [1][निगम] में स्थित सभी भवनों पर, उपयुक्त रीति से रोशनी के लिए उपाय करेगा;

(ख) बत्तियों, बत्तियों के खम्भों और उनसे सम्बद्ध अन्य ऐसी वस्तुओं को उतनी संख्या में प्राप्त करेगा, लगायेगा और संधारित करेगा, जो उक्त प्रयोजन के लिए आवश्यक हों; और

(ग) उक्त बत्तियों को तेल, गैस, बिजली या अन्य ऐसी रोशनी से जलायेगा, जिसे [1][निगम] समय-समय पर निर्धारित करे।

(2) मुख्य नगराधिकारी ठीकेदार के किसी ठाने का उल्लंघन हुए बिना उक्त बत्तियों को जलाने के लिए किसी अथवा संपत्ति के नीचे, ऊपर, साथ-साथ या आर-पार बिजली के तार रख सकता और संधारित कर सकता है और बत्तियों या बिजली के तार को ले जाने, स्थापित करने और सहारा देने के लिए खम्भे, कन्तियाँ, ब्रेकेटें, रोक, अवलम्ब, ब्रैकेट्स और अन्य युक्ति किसी अचल सम्पत्ति में या पर रख सकता है और धारित कर सकता है :

किन्तु प्रतिबन्ध यह है कि ऐसे तार, खम्भे, बत्तियाँ, ब्रेकेटें, रोक, अवलम्ब, ब्रैकेट्स और अन्य युक्ति इस प्रकार रखे जायेंगे कि उनके कारण किसी व्यक्ति को न्यूनतम व्यावहारिक असुविधा या अनुचित न पैदा हो।

सड़कों पर पानी का छिड़काव

311. सड़कों पर पानी के छिड़काव के लिए उपाय—मुख्य नगराधिकारी—

(क) सार्वजनिक सड़कों पर ऐसे समय और मौसमों में और ऐसी रीति से, जिसे वह ठीक समझे, पानी के छिड़काव के लिये उपाय कर सकता है।

(ख) ऐसे साहनी, पशुओं और स्थिर-पंखी (aquarium) को, जिसे वह उक्त प्रयोजन के लिये ठीक समझे, प्राप्त और संधारित कर सकता है।

विविध

312. सड़कों की बत्तियों या अन्य [निगम] संपत्ति को हटाने, आदि का प्रतिषेध—

(1) कोई व्यक्ति बिना वैध (lawful) प्राधिकार के—

(क) किसी बत्ती, बत्ती के खंभे या बत्तियों की जाली (lamp siron) को, जो किसी सार्वजनिक सड़क पर या [1][निगम] उद्यान, खुले स्थान या बाजार या [1][निगम] में स्थित भवन में लगाई गयी हो;

(ख) किसी बिजली के तार को, जो उक्त किसी बत्ती को जलाने के लिये हो;

(ग) किसी खंभे, भालों, ब्रकेटर, रोक, अवलम्ब, ब्रैकेट या अन्य युक्ति को, जो ऐसे किसी बिजली के तार या बत्ती को ले जाने, स्थिरमित करने या सहारा देने के लिए हो;

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

खड़ी, कराही, चबूतरे या अन्य वस्तुओं को, जो किसी सड़क पर उपधारा (1) में निर्दिष्ट अनुज्ञा या प्राधिकार के बिना एकत्र की गई हो या लगायी गयी हो या जो ऐसी अनुज्ञा या प्राधिकार से एकत्रित की गई हो या लगायी गई हो, परन्तु उपधारा (2) के अधीन दिये गये नोटिस में निर्दिष्ट अवधि के भीतर हटायी न गई हो, हटवा सकता है।

303. उन व्यक्तियों द्वारा जल-सुरक्षा के पूर्वोपायों (precautions) का किया जाना, जिन्हें धारा 302 के अधीन अनुज्ञा दी जाय—(1) ऐसा प्रत्येक व्यक्ति, जिसे धारा 302 के अधीन अनुमति दी जाय अपने व्यय से उस स्थान को, जहाँ भूमि या खड़ंजा खोदा गया हो या जहाँ उसने भवन-सामग्री एकत्र की हो या कोई पाड़, निर्माण या अन्य वस्तु लगायी हो, उचित रूप से मेंड़ द्वारा घिरवायेगा और उसकी रक्षा करवायेगा और ऐसी सभी दशाओं में, जिनमें उसका दुर्घटना बचाना आवश्यक हो, रात में उस स्थान पर प्रकाश की अच्छी व्यवस्था करायेगा।

(2) प्रत्येक व्यक्ति, जिसे धारा 302 के अधीन किसी सड़क की भूमि या खड़ंजा खोदने या तोड़ने की अनुज्ञा दी गई हो या जो अन्य वैध प्राधिकार के अधीन किसी सड़क की भूमि या खड़ंजा खोदे या तोड़े, यथाशक्य पूर्ण वेग से उस निर्माण-कार्य को पूरा करेगा, जिसके लिये कि वह खोदा या तोड़ा जायगा और भूमि को भरेगा और उस खोदी या तोड़ी गई सड़क या खड़ंजे को अधिलम्ब मुख्य नगराधिकारी के सन्तोषानुसार फिर पूर्वावस्था में करके ठीक करेगा :

किन्तु प्रतिबन्ध यह है कि यदि उक्त व्यक्ति पूर्वोक्त प्रकार से सड़क या खड़ंजे को ठीक करवा सकता है और ऐसा करने में मुख्य नगराधिकारी द्वारा किया गया व्यय उक्त व्यक्ति को वहन करना पड़ेगा।

(3) मुख्य नगराधिकारी लिखित नोटिस द्वारा किसी ऐसे व्यक्ति को, जिसे धारा 302 के अधीन किसी सड़क की भूमि या खड़ंजा खोदने या तोड़ने की अनुमति दी गयी हो या जो किसी अन्य वैध प्राधिकार के अधीन किसी निर्माण-कार्य का सम्पादन करने के लिये किसी सड़क की भूमि या खड़ंजा खोदे या तोड़े यह आज्ञा दे सकता है कि वह उसके सन्तोषानुसार उस सड़क से होकर भू-गृहादि को जाने वाले मार्ग को सुरक्षित रखने के निमित्त यातायात (traffic) के लिये मार्ग या उसके परावर्तन (passage of diversion) की और किसी बाली, जल-सम्भरण या प्रकाश के ऐसे साधनों को, जो उक्त निर्माण-कार्य के सम्पादन के कारण बाधित होते हों, व्यवस्था करे।

304. भवन, जो सड़कों के कोनों पर हों—(1) मुख्य नगराधिकारी कार्यकारिणी समिति के अनुमोदन से लिखित आज्ञा द्वारा किसी ऐसे भवन के, जिसका निर्माण हो चुका हो या जिसका निर्माण होने वाला हो या जिसका पुनर्निर्माण या मरम्मत होनी हो और जो दो या अधिक सड़कों के संगम पर स्थित हो, कोने को ऐसी ऊँचाई पर और ऐसी रीति से, जिसे वह निर्दिष्ट करे, गोल किये जाने या ढालू किये जाने (rounded and splayed) का आदेश दे सकता है और उक्त आज्ञा में चहारदीवारी (compound wall) या मेंड़ (fence) या आड़ (hedge) या किसी भी प्रकार की अन्य संरचना (structure) के संबंध में या उस भवन से सम्बद्ध भू-गृहादि पर कोई पेड़ लगाने या उसे रहने देने के संबंध में ऐसी शर्तें भी लगा सकता है, जिन्हें वह आवश्यक समझे।

(2) उपधारा (1) के अधीन दी गई आज्ञा के कारण होने वाली किसी हानि या क्षति के लिये मुख्य नगराधिकारी द्वारा प्रतिकर दिया जायगा।

(3) ऐसी प्रतिकर निर्धारित करने में उस स्वरूप का ध्यान रखा जायगा, जो उस भू-गृहादि को सड़कों के सुधार से प्राप्त हो।

आकाश-चिह्न और विज्ञापन

305. आकाश-चिह्न के संबंध में नियम—(1) कोई व्यक्ति मुख्य नगराधिकारी की लिखित अनुज्ञा के बिना उस प्रकार का कोई आकाश-चिह्न, जो नियमों के अनुसार विहित किया गया हो, चाहे वह नियत दिन को विद्यमान हो या न हो, न खड़ा करेगा, न लगायेगा और न रहने देगा। ऐसी लिखित अनुज्ञा उक्त प्रत्येक अनुज्ञा या नवीकरण के दिनांक से किसी भी अवधि के लिये, जो दो वर्ष से अधिक न हो, दी या नवीकृत की जायगी, पर इस शर्त के अधीन कि ऐसी अनुज्ञा शून्य समझी जायगी, यदि—

(क) मुख्य नगराधिकारी के आदेशों के अधीन उस आकाश-चिह्न को सुरक्षित बनाने के प्रयोजन के सिवाय इसमें अन्य कोई परिवर्तन किया जाय,

(ख) आकाश-चिह्न या उसके किसी भाग में कोई परिवर्तन किया जाय,

(ग) आकाश-चिह्न या उसका कोई भाग दुर्घटना से नष्ट हो जाने से या किसी अन्य कारण से गिर जाय,

(घ) उस भवन या ढाँचे में, जिस पर या जिसके ऊपर आकाश-चिह्न खड़ा किया गया हो, लगाया गया हो, या रहने दिया गया हो, कोई परिवर्तन या परिवर्तन किया जाय, जिसमें आकाश-चिह्न या उसके किसी भाग का विस्थापन (disturbance) अन्तर्ग्रस्त हो;

(ङ) वह भवन या ढाँचा, जिस पर या जिसके ऊपर आकाश-चिह्न खड़ा किया गया हो, लगाया गया हो, रहने दिया गया हो, खाली हो जाय अथवा गिरा दिया जाय या नष्ट हो जाय।

(2) यदि उस अनुज्ञा के अनुकूल, जिसकी व्यवस्था इसके पूर्व की जा चुकी है, कोई आकाश-चिह्न नियत दिन के पश्चात् किसी भूमि, भवन या ढाँचे पर या उसके ऊपर खड़ा किया जाय, लगाया या रहने दिया जाय, तो उस भूमि, भवन या ढाँचे के स्वामी या अध्यासी व्यक्ति (person in occupation) के संबंध में यह समझा जायगा कि उसने इस धारा का उल्लंघन करके ऐसे आकाश-चिह्न को खड़ा किया, लगाया या रहने दिया है, जब तक कि वह यह सिद्ध न करे कि उक्त उल्लंघन किसी ऐसे व्यक्ति द्वारा किया गया है जो उसके नियोजन या नियन्त्रण में नहीं था अथवा उसके अज्ञानाधिनय के बिना हुआ है।

(3) यदि कोई आकाश-चिह्न इस धारा के उपबन्धों के प्रतिकूल किसी अवधि के लिए उसके खड़े किये जाने, लगाये या रहने दिये जाने के लिये दी गई आज्ञा समाप्त या शून्य हो जाने के पश्चात् खड़ा किया जाय, लगाया जाय या रहने दिया जाय, तो मुख्य नगराधिकारी, लिखित नोटिस द्वारा उस भूमि, भवन या ढाँचे के स्वामी या अध्यासी को, जिस पर या जिसके ऊपर आकाश-चिह्न खड़ा किया, गया या रहने दिया गया हो, ऐसे आकाश-चिह्न को उतारने और हटा देने का आदेश दे सकता है।

306. विज्ञापनों का विनियमन और नियंत्रण—(1) मुख्य नगराधिकारी लिखित नोटिस द्वारा किसी भूमि, भवन, दीवाल, बाड़ (hoarding) या संरचना के स्वामी या उसमें अध्यासीन व्यक्तियों को उस अवधि के भीतर जो नोटिस में निर्दिष्ट की गई हो, उस भूमि, भवन, दीवाल, भोजनालय या ढाँचे या के किसी विज्ञापन के उतारने या हटा देने का आदेश दे सकता है।

(2) यदि विज्ञापन उस अवधि के भीतर उतारा या हटाया न जाय तो मुख्य नगराधिकारी उसे उतरवा या हटवा सकता है, और उसके उतारने या हटाने में उचित रूप से किया गया व्यय ऐसे स्वामी या व्यक्ति द्वारा वहन किया जायगा।

(3) इस धारा के उपबन्ध किसी ऐसे विज्ञापन पर लागू नहीं होंगे, जो—

(क) किसी भवन की खिड़की के भीतर प्रदर्शित किया जाता हो;

(ख) ऐसे व्यापार या कारबार (trade or business) से सम्बंध रखता हो जो उस भूमि या भवन के भीतर किया जाता हो या जो उस भूमि या भवन या उसके किसी सामान (effects) के किसी विक्रय या उसे किराये पर उठाने से संबंध रखता हो या जो उसमें आयोजित किये जाने वाले किसी विक्रय, मनोरंजन या अधिवेशन (meeting) से संबंध रखता हो;

(ग) किसी रेल प्रशासन के कारबार से संबंध रखता हो;

टिप्पणियाँ

अन्य निर्माण–किसी सार्वजनिक मार्ग पर ऊपर लटका रहने वाला छज्जा इस धारा के अन्तर्गत नहीं आता। [*लोधाराम* बनाम *नगर मजिस्ट्रेट, कानपुर*, 1981 यू० पी० एल० बी० ई० सी० 116]।

निर्माण का हटाया जाना–अधिकारिता–किसी मार्ग के ऊपर किसी निर्माण को इस अधिनियम के अधीन बिना नोटिस के हटाने की अधिकारिता नगर निगम को प्राप्त है। [*मुहम्मद अमीन* बनाम *नगर मजिस्ट्रेट*, 1982 यू० पी० एल० बी० ई० सी० 717]।

297. झाड़ियों और पेड़ों को छाँटने के लिए आदेश देने का अधिकार–मुख्य नगराधिकारी नोटिस द्वारा किसी भूमि के स्वामी या अध्यासी को, या उस पर उगे हुई और सड़क के पास की झाड़ियों को, या उस पर उगे हुए पेड़ों की ऐसी शाखाओं को जो सड़क के ऊपर लटकती हों और उसे अवरुद्ध करती हों या जिससे संकट उत्पन्न होता हो, काटने या छाँटने का आदेश दे सकता है।

298. दुर्घटनात्मक अवरोधों को हटाने का अधिकार–जब कोई निजी मकान, दीवाल, या अन्य निर्माण या उनसे संबद्ध कोई अन्य वस्तु या कोई पेड़ गिर पड़े और अन्य सार्वजनिक नाली को अवरुद्ध करे या सड़क को घेर ले, तो मुख्य नगराधिकारी ऐसे अवरोध या घेरे को उसके स्वामी के व्यय से हटा सकता है और उस व्यय को अध्याय 21 में दी गई रीति से वसूल कर सकता है या नोटिस द्वारा स्वामी को आदेश दे सकता है कि वह नोटिस में निर्दिष्ट समय के भीतर उसे हटा दे।

टिप्पणी

बाधा–भूमि के धरातल के नीचे किया गया कोई निर्माण भी बाधा हो सकेगा। वह "या अन्य निर्माण" के अर्थ के अन्तर्गत आयेगा, और उसको हटाया जा सकेगा। [*लोधाराम* बनाम *नगर मजिस्ट्रेट, कानपुर*, 1981 यू० पी० एल० बी० ई० सी० 116]।

299. नियत दिन के पहले निर्मित या संस्थापित किसी ढाँचे या संलग्नक को हटाने के आदेश देने का अधिकार–(1) मुख्य नगराधिकारी लिखित नोटिस द्वारा किसी ऐसे भू-गृहादि के स्वामी या अध्यासी को, जिससे सटे हुए या जिसके सामने या जिससे कोई संबद्ध कोई ऐसी दीवाल, मेड़, कठघरा, खंभा, सीढ़ी, छप्पर या अन्य ढाँचा या संलग्नक, नियत दिन के पूर्व निर्मित या संस्थापित किया गया हो, जिसका निर्मित या संस्थापित किया जाना इस अधिनियम के अधीन अवैध हो, आदेश दे सकता है कि वह उक्त दीवाल, मेड़, कठघरे, खंभे, सीढ़ी, दूकान या अन्य ढाँचे या वस्तु को हटा दे।

(2) यदि भू-गृहादि का स्वामी या अध्यासी सिद्ध करे कि ऐसा बाहर निकला हुआ भाग, अतिक्रमण (encroachment) या अवरोध ऐसी अवधि से अस्तित्व में है जो सीमावधि के अधीन उसे रूढ़ि प्राप्त आगम (prescriptive title) देने के लिए पर्याप्त है (या यदि ऐसी अवधि 30 वर्ष से कम हो तो 30 वर्ष तक) या वह यह सिद्ध करे कि वह एतदर्थ सम्यक्तः अधिकृत किसी [1][निगम] प्राधिकारी की सहमति से बनाया गया है, और यह सिद्ध करे कि वह अवधि, यदि कोई हो, जिसके लिए सहमति मान्य (valid) हो, समाप्त नहीं हुई है, तो [1][निगम] इसे प्रत्येक व्यक्ति को, जिसे उसके हटाये या बदले जाने से क्षति पहुँचे, उचित प्रतिकर देगा।

टिप्पणी

नियुक्त दिन, अर्थात 1-2-1960 के पश्चात् किया गया निर्माण : धारा लागू नहीं होगी–निर्माण नियुक्त दिन के पर्याप्त पश्चात् अर्थात् 16-5-1963 को किया गया। यह धारा केवल तब लागू होती है जबकि निर्माण नियुक्त दिनांक अर्थात् 6-2-1960 के पूर्व किया

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

गया हो। [*शिवसागर सुकल* बनाम *नगर मजिस्ट्रेट, इलाहाबाद*, 1984 यू० पी० एल० बी० ई० सी० 283]।

300. मुख्य नगराधिकारी त्योहारों के अवसर पर सड़कों पर छप्पर, आदि खड़े करने की अनुमति दे सकता है–जिला मजिस्ट्रेट या ऐसे अन्य पदाधिकारी को, जिसे जिला मजिस्ट्रेट समय-समय पर एतदर्थ नाम-निर्देशित करें, सहमति से मुख्य नगराधिकारी उत्सवों और त्योहारों के अवसरों पर सड़कों पर छप्पर और ऐसा ही कोई अन्य ढाँचा अस्थायी रूप से निर्मित करने की लिखित अनुमति दे सकता है।

सड़कों पर या उनके निकट निर्माण-कार्यों के सम्पादन के सम्बन्ध में उपबन्ध

301. सड़कों पर या उनके निकट निर्माण कार्यों का संपादन–जब कभी किसी सड़क पर या उसके निकट [1][निगम] की ओर से किसी निर्माण-कार्य का सम्पादन हो रहा हो तो मुख्य नगराधिकारी सुरक्षा और सुविधा के सम्बन्ध में ऐसी कार्यवाही करेगा, जिसे उसके लिये नियमों के अधीन करना अपेक्षित हो। जब पूर्वोक्त कोई निर्माण-कार्य या कोई ऐसा निर्माण-कार्य, जो विहित: सड़क पर संपादित किया जा सके, किया जा रहा हो तो मुख्यनगराधिकारी नियमों में दी गयी रीति से सड़क को गमनागमन के लिए पूर्णतया या अंशत: या किसी ऐसे गमनागमन के लिए, जिसे वह आवश्यक समझे, बन्द कर सकता है।

302. बिना अनुमति के सड़क न खोदी जाय, न तोड़ी जाय और न उस पर भवन सामग्री एकत्र की जाय–(1) मुख्य नगराधिकारी या किसी [1][निगम] के पदाधिकारी या नौकर से भिन्न कोई व्यक्ति मुख्य नगराधिकारी की लिखित अनुज्ञा या अन्य वैध प्राधिकार के बिना–

(क) किसी भूमि या खड़ंजे या किसी दीवाल, मेंड़, खंभे, जंजीर या किसी अन्य सामग्री या वस्तु को, जो [1][निगम] में निहित किसी सड़क का भाग हो या किसी खुली जगह में हो, न खोदे, न तोड़े, न अपने स्थान से हटाये (displace), न उसमें कोई परिवर्तन करे और न उसे कोई क्षति पहुँचाये;

(ख) [1][निगम] में निहित किसी सड़क या खुली जगह पर कोई भवन-सामग्री एकत्र न करे;

(ग) [1][निगम] में निहित किसी सड़क या किसी खुली जगह पर किसी भी निर्माण-कार्य के प्रयोजन के लिये कोई पाड़ (scaffold) या अन्य स्थायी निर्माण (erection) या गारा बनाने (making mortar) या ईंट, चूना, कूड़ा-करकट या अन्य सामग्री एकत्रित करने के लिए बाड़े के रूप में कोई खंभे, छड़ (bar) कठघरे, पट्टल (board) या अन्य वस्तुएँ न लगाये।

(2) उपधारा (1) के खंड (ख) या (ग) के अधीन दी गयी कोई अनुज्ञा मुख्य नगराधिकारी के विवेकानुसार उसके द्वारा उस व्यक्ति को, जिसे अनुज्ञा दी गई हो, अनुज्ञा को समाप्त करने के सम्बन्ध में कम से कम 24 घंटे का लिखित नोटिस देने पर समाप्त की जा सकेगी।

(3) मुख्य नगराधिकारी बिना नोटिस दिये–

(क) ऐसी भूमि या खड़ंजे या किसी दीवाल, मेंड़, खंभे, छड़ या अन्य सामग्री या वस्तु को, जो सड़क का भाग हो, उसी दशा में करवा सकता है, जैसी कि वह उपधारा (1) के अधीन मुख्य नगराधिकारी की अनुज्ञा लिये बिना किसी प्रकार से खोदे जाने, तोड़े जाने, अपने स्थान से हटाये जाने या परिवर्तित किये जाने के पूर्व थी;

(ख) उन दशाओं को छोड़कर, जिनमें उपधारा (1) के खंड (ख) के अधीन किसी सड़क पर भवन-सामग्री एकत्र करने की अनुज्ञा के लिये प्रार्थना-पत्र दिया गया हो और प्रार्थना-पत्र देने के दिनांक से सात दिन के भीतर प्रार्थी को कोई उत्तर न भेजा गया हो, किसी भवन-सामग्री या किसी पाड़ (scoffold) या किसी अस्थायी निर्माण या बाड़े के रूप में किन्हीं खंभों,

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

293. मुख्य नगराधिकारी ऐसे निबन्धनों पर, जिन्हें वह प्रत्येक मामले में उचित समझेगा, सड़क से सटे हुए किसी भवन के स्वामी या अध्यासी को–

(क) उस सड़क या उसके किसी भाग पर बरसाती कमानी (arcade); या

(ख) किसी सड़क या उसके भाग के ऊपर या उसके आर-पार (over or across), बरामदा, छज्जा, मेहराब, योगमार्ग (connecting passage), बरसाती (sun shade), ऋतुसूचक ढाँचा (weather frame), छत्र (canopy), तिरपाल (awning), या अन्य ऐसा ही ढाँचा या वस्तु, जो किसी मंजिल (storey) से बाहर निकली हो, बनाने की लिखित अनुमति दे सकता है :

किन्तु प्रतिबन्ध यह है कि मुख्य नगराधिकारी द्वारा किसी ऐसी सार्वजनिक सड़कों पर बरसाती कमानी (arcade) बनाने की अनुमति नहीं दी जायगी, जिस पर उसे बनाने की स्वीकृति सम्यन्यायाय [1][निगम] द्वारा न दी गई हो अथवा जब किनारों के बीच की चौड़ाई 60 फीट से कम हो।

(2) इस धारा के अधीन दी गयी अनुमति के निबन्धनों के अधीन और उसके अनुसार निर्मित किये गये या रखे गये किसी बरसाती कमानी, बरामदे, छज्जे, मेहराब, योगमार्ग, बरसाती, ऋतुसूचक ढाँचा, छत्र, तिरपाल या अन्य ढाँचा या वस्तु पर धारा 292 के उपबन्ध लागू नहीं समझे जायेंगे।

(3) मुख्य नगराधिकारी किसी भी समय लिखित नोटिस द्वारा किसी भवन के स्वामी या अध्यासी को उपधारा (1) के उपबन्धों के अनुसार बनाये गये बरामदे, छज्जे, बरसाती, ऋतुसूचक ढाँचे में ऐसी ही किसी वस्तु के हटाने का आदेश दे सकता है, और वह स्वामी या अध्यासी तदनुसार कार्यवाही करने के लिए बाध्य होगा किन्तु उसे इस प्रकार हटाने के कारण हुई हानि तथा उस पर किये गये व्यय के लिए प्रतिकर पाने का अधिकार होगा।

294. सबसे नीचे की मंजिल के दरवाजे, आदि सड़कों पर बाहर की ओर नहीं खुलने चाहिए– (1) कोई दरवाजा, फाटक, परदा (bar) या सबसे नीचे के मंजिल की खिड़की मुख्य नगराधिकारी से बिना अनुज्ञप्ति (licence) लिये हुए इस प्रकार लटकायी या रखी न जायगी कि वह किसी सड़क पर बाहर की ओर खुले।

(2) मुख्य नगराधिकारी किसी भी लिखित नोटिस द्वारा किसी ऐसे घर-गृहादि के, जिसके सबसे नीचे की मंजिल का कोई दरवाजा, फाटक, परदा या खिड़की, किसी सड़क पर बाहर की ओर, या ऐसी भूमि पर, जो सड़क के सुधार के लिए आवश्यक हो, उस रीति से खुलती हो कि उससे मुख्य नगराधिकारी की राय में उस सड़क के ऊपर जनता के सुरक्षित और सुविधाजनक गमनागमन अवरुद्ध होते हों, स्वामी को आदेश दे सकता है कि वह उस दरवाजे, फाटक, परदे या खिड़की को इस प्रकार बदलवाये कि वह बाहर की ओर न खुले।

295. सड़कों के संबंध में अन्य प्रतिषेध–(1) कोई व्यक्ति धारा 293 या 300 के अधीन मुख्य नगराधिकारी की अनुज्ञा के अनुकूल किसी सड़क में या उसके ऊपर या किसी सड़क की किसी खुली नाली (channel), नाली, कुएँ या तालाब पर या उसके ऊपर कोई दीवाल, मेंड़, (fence), कठघरा (rail), खम्भा, सीढ़ी, छप्पर या अन्य ढाँचा, चाहे वह स्थिर हो या चल (fixed or movable) और चाहे स्थायी या अस्थायी प्रकार का हो या कोई संलग्नक (fixture) न इस प्रकार निर्मित करेगा और न लगायेगा कि उस सड़क, खुली नाली, कुएँ या तालाब के लिए कोई अवरोध हो या उसका अतिक्रमण हो या वह उस पर आगे निकला हो, उसके ऊपर बाहर निकला हो या उसके किसी भाग को घेरे हुए हो :

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

किन्तु प्रतिबन्ध यह है कि इस धारा की कोई बात ऐसी किसी निर्माण (structure) या वस्तु पर लागू नहीं समझी जायगी जिस पर धारा 292 की उपधारा (1) का खंड (ग) लागू होता हो।

(2) कोई व्यक्ति, बिना मुख्य नगराधिकारी की लिखित अनुमति के–

(क) किसी सड़क पर या किसी सड़क की खुली नाली (channel), पनाली (drain) या कुएँ पर या किसी सार्वजनिक स्थान पर, कोई दुकान (stall), कुरसी, बेंच, बक्स, सीढ़ी, सामान का गट्ठर (bale) या कोई भी अन्य वस्तु इस प्रकार न रखेगा या जमा करेगा कि उससे उस पर अवरोध हो या उसका अतिक्रम (encroachment) हो;

(ख) किसी सड़क के ऊपर, या किसी सड़क की किसी खुली नाली, पनाली, कुएँ या तालाब के ऊपर किसी भवन की कुरसी (plinth) की रेखा (line) के आगे कोई तख्ता या कुरसी (chair) सड़क के धरातल से 12 फीट से कम की ऊँचाई पर बाहर नहीं निकलेगा;

(ग) किसी सड़क से लगी हुई दीवाल या भवन के भाग से फूलोंस ऊँचाई से कम ऊँचाई पर कोई भी वस्तु न लगा सकता है और न लटका सकता है (attached to or suspend from) :

किन्तु प्रतिबन्ध यह है कि खंड (क) की कोई बात भवन सामग्री (building material) पर लागू नहीं होगी।

(3) कोई व्यक्ति किसी सार्वजनिक सड़क पर किसी पशु को न बाँधेगा और न अपने परिवार या घर के किसी सदस्य को बाँधने देगा और न बाँधने की अनुमति देगा। पूर्वोक्त रूप में बाँधा गया कोई पशु मुख्यनगराधिकारी या [1][निगम] के पदाधिकारी या नौकर द्वारा हटाया जा सकता है और वह उसके सम्बन्ध में वही कार्यवाही करेगा जो छूटे हुये (stray) पशुओं के संबंध में की जाती है।

296. मुख्य नगराधिकारी किसी ऐसी वस्तु को जो इस अधिनियम का उल्लंघन करके निर्मित की जाय, जमा की जाय या फेरी से बेची जाय या बिक्री के लिए प्रदर्शित की जाय, बिना नोटिस के हटा सकता है–मुख्य नगराधिकारी, बिना नोटिस दिये निम्नलिखित को हटा सकता है–

(क) कोई ऐसी दीवाल, मेंड़ (fence), कठघरा (rail), खंभा, सीढ़ी, छप्पर (booth) या अन्य ढाँचा, चाहे वह स्थिर हो या चल और चाहे वह स्थायी प्रकार का हो या अस्थायी, या कोई ऐसा स्थापक (fixture) जो किसी सड़क में या उसके ऊपर या किसी खुली नाली, पनाली, कुएँ या तालाब पर या उसके ऊपर इस अधिनियम के उपबन्धों के प्रतिकूल नियत दिन के पश्चात् निर्मित या संस्थापित किया जाय;

(ख) कोई दुकान (stall) कुरसी, बेंच, बक्स, सीढ़ी, सामान का गट्ठर, तख्ता या आलमारी, या अन्य कोई भी वस्तु, जो इस अधिनियम का उल्लंघन करके किसी स्थान पर रखी गई हो, किसी स्थान में जमा की गई हो, किसी स्थान से बाहर निकाली हो, किसी स्थान से संलग्न हो या किसी स्थान पर लटका दी, निकाल दी गई हो;

(ग) कोई भी वस्तु, जो किसी सार्वजनिक स्थान पर या किसी सार्वजनिक सड़क में, इस अधिनियम का उल्लंघन करके फेरी से बेची जाय या बिक्री के लिए प्रदर्शित की जाय और कोई वाहन, बंडल (package), बक्स या ऐसी कोई अन्य वस्तु जिसमें या जिन पर ऐसी वस्तु रखी हो।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(4) धारा 286 के उपबन्धों के उल्लंघन की दशा में मुख्य नगराधिकारी उपधारा (3) में वर्णित कार्यवाही करने के बदले कोई सड़क या सड़कों, मार्ग या मार्गों को बन्द सकता है, जो धारा 286 में निर्दिष्ट स्थल या स्थलों तक पहुँचे और किसी वर्तमान सरकारी या निजी सड़क से मिल जाय तथा ऐसा करने में किये गये व्यय की धनराशि स्थल अथवा स्थलों के स्वामी या स्वामियों से ऐसे अनुपात तथा ऐसी रीति से वसूल करेगा जो निर्धारित की जाय।

289. निजी सड़कों तथा पहुँचने के साधनों का समतल किया जाना और उनकी जल-निस्सारण व्यवस्था–(1) यदि कोई निजी सड़क या किसी भवन तक पहुँचने का कोई अन्य साधन मुख्य नगराधिकारी के सन्तोषानुसार समतल, पक्कर, चौरस, पत्थर का (flagged) या खड़ंजों (paved) का या नालों या नालियों तथा मोरियों (sewaged, drained channelled) सहित न बनाया गया हो, या जिसमें रोशनी या छाया के लिए वृक्षों की व्यवस्था न की गयी हो, तो वह कार्यकारिणी समिति की स्वीकृति से लिखित नोटिस द्वारा उन भू-गृहादि के, जो उक्त सड़क या पहुँच के अन्य साधनों के सामने पड़ते हों या उनसे सटे हों या उनसे लगे हुये हों (abutting) या जिन तक पहुँचने का मार्ग ऐसी सड़क या पहुँच के अन्य साधनों से होकर बनाया गया हो या जिन्हें इस धारा के अधीन संपादित निर्माण-कार्यों से लाभ पहुँचेगा, स्वामी या अनेक स्वामियों को पूर्वोक्त अपेक्षाओं में से किसी एक या एकाधिक को ऐसी रीति से पूरा करने का आदेश दे सकता है जो वह आदिष्ट करे।

(2) यदि नोटिस में निर्दिष्ट समय के भीतर और निर्दिष्ट रीति से उपर्युक्त अपेक्षा या अपेक्षाओं को पूरा न किया जाय तो मुख्य नगराधिकारी यदि उचित समझे, उसे पूरा कर सकता है और उसका व्यय चूक करने वाले स्वामी या स्वामियों से अध्याय 21 के अधीन वसूल किया जायगा।

(3) यदि वसूली चूक करने वाले दो या दो से अधिक स्वामियों से की जानी हो तो वह इस आधार पर कि उनके भू-गृहादि का कितना भाग सामने पड़ता है और ऐसे अनुपात में की जायगी जो कार्यकारिणी समिति द्वारा निश्चित किया जाय।

290. निजी सड़कों को सरकारी सड़क घोषित करने का अधिकार–(1) जब कोई निजी सड़क मुख्य नगराधिकारी के संतोषानुसार समतल, पक्की, चौरस, पत्थर की या खड़ंजों की या नालों, नालियों तथा मोरियों सहित बनायी गयी हो और ठीक कर दी गई हो, तो वह यदि रोशनी के खंभे (lamp posts) और उस सड़क पर रोशनी के लिए अन्य आवश्यक स्थिर-यंत्रों (apparatus) की व्यवस्था उसके संतोषानुसार की गयी हो, उस सड़क को सरकारी सड़क घोषित कर सकता है और उस सड़क के स्वामियों या स्वामी की प्रार्थना पर यह घोषित करेगा कि उक्त निजी सड़क, सरकारी सड़क है। यह घोषणा ऐसी सड़क के किसी भाग पर लिखित नोटिस लगाकर की जायगी और तत्पश्चात् वह निजी सड़क सार्वजनिक सड़क हो जायगी और उसी रूप में [निरसित] मैं निहित हो जायगी :

किन्तु प्रतिबन्ध यह है कि यदि ऐसा नोटिस लगाने के पश्चात् एक मास के भीतर उस सड़क का या उसके पूर्वतर भाग का स्वामी मुख्य नगराधिकारी को लिखित नोटिस देकर इस संबंध में आपत्ति करे तो वह सड़क सार्वजनिक सड़क नहीं होगी।

(2) मुख्य नगराधिकारी किसी ऐसी सड़क के जो सार्वजनिक सड़क न हो और उपधारा (1) के अधीन न आती हो, किसी भाग पर लिखित रूप में सार्वजनिक नोटिस लगाकर उसे सार्वजनिक सड़क घोषित करने के अपने आशय की सूचना दे सकता है। ऐसे नोटिस के इस प्रकार लगाये जाने के पश्चात् दो मास के भीतर उस सड़क के स्वामी उक्त नोटिस के विरुद्ध [निरसित] के कार्यालय में आपत्तियाँ प्रस्तुत कर सकते हैं। कार्यकारिणी-समिति प्रस्तुत की गयी आपत्तियों पर विचार करेगी और यदि वह उन्हें अस्वीकृत कर दे तो मुख्य नगराधिकारी उस सड़क या उस भाग पर अतिरिक्त नोटिस लगाकर उसे सार्वजनिक सड़क घोषित करेगा।

---

1 उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

291. किसी सड़क के अंशतः सार्वजनिक और अंशतः निजी होने की दशा में धारा 289 और धारा 290 का लागू होना–यदि किसी सड़क का केवल कुछ भाग ही सार्वजनिक सड़क हो तो उस सड़क का शेष भाग धारा 289 और धारा 290 के सामरत प्रयोजनों के लिए निजी सड़क समझा जा सकता है।

बाहर निकले हुए भाग और अवरोधक

292. सड़कों, आदि पर बाहर निकले हुए भागों का प्रतिषेध–(1) धारा 293 में की गई व्यवस्था के अनुकूल, कोई व्यक्ति किसी भू-गृहादि से सटाकर (against) या उसके सामने कोई ऐसी संरचना या स्थापक (structure or fixture) न निर्मित करेगा, न लगायेगा, न बढ़ायेगा, और न रखेगा, जो–

(क) किसी सड़क के ऊपर लटकता हो, जिसका कोना उसके आगे बढ़ा हुआ हो या उसके ऊपर निकला हो (Jut or project into) या जो किसी भी प्रकार से उसका अतिक्रमण करता हो या जो किसी भी प्रकार से सड़क पर जनता के सुरक्षित या सुविधाजनक गमनागमन को अवरुद्ध करता हो; या

(ख) किसी सड़क की किसी नाली या खुली नाली के आगे बढ़ा हुआ हो या उसके ऊपर हो, या उनका अतिक्रमण करता हो जिससे ऐसी नाली या खुली नाली के प्रयोग या उसके ठीक से काम करने में किसी प्रकार की बाधा पड़ती हो या उसके निरीक्षण या सफाई कार्य को अवबाधित (impede) करता हो।

(2) मुख्य नगराधिकारी किसी भू-गृहादि के स्वामी या अध्यासी (occupier) से लिखित नोटिस द्वारा ऐसे किसी ढाँचे या संलग्नक को, जो उक्त भू-गृहादि से सट कर या उसके सामने इस धारा का या निधन दिन के ठीक पहले दिन नगर में प्रवर्तित किसी विधि का उल्लंघन करके निर्मित किया गया हो, लगाया गया हो, बढ़ाया गया हो या रखा गया हो, हटाने या उसके संबंध में अन्य ऐसी कार्यवाही करने की, जिसका वह आदेश दे, अपेक्षा कर सकता है।

(3) यदि उक्त भू-गृहादि का अध्यासी उस नोटिस के अनुसार किसी ढाँचे या संलग्नक को हटाये या बदले तो उसे जब तक कि उक्त ढाँचा या संलग्नक स्वयं उसके द्वारा निर्मित किया गया, लगाया गया या रखा गया न हो उक्त नोटिस के पालन करने में सभी उचित व्ययों को भू-गृहादि के स्वामी के खाते में डालने का अधिकार होगा।

(4) यदि कोई ऐसा ढाँचा या संलग्नक, जिसका उल्लेख उपधारा (1) में किया गया है किसी भू-गृहादि से सटाकर या सामने 1 अप्रैल, 1901 के पहले किसी समय निर्मित किया गया हो, लगाया गया हो, बढ़ाया गया हो, या रखा गया हो तो मुख्य नगराधिकारी उक्त भू-गृहादि के स्वामी या अध्यासी को लिखित रूप से नोटिस दे सकता है :

किन्तु प्रतिबन्ध यह है कि यदि किसी ऐसे मामले में ढाँचा या संलग्नक वैध रूप से (lawfully) निर्मित किया गया हो, लगाया गया हो, बढ़ाया गया हो या रखा गया हो, तो मुख्य नगराधिकारी द्वारा ऐसे प्रत्येक व्यक्ति को प्रतिकर दिया जायगा जिसे उसके हटाने या बदलने से हानि या क्षति पहुँचे।

टिप्पणी

नोटिस के बिना छज्जे के हटाये जाने का प्रभाव–कोई भी निर्माण जो किसी भी प्रकार किसी मार्ग के ऊपर लटक रहा हो या ढक लेता हो और जो किसी भी प्रकार सर्वसाधारण को मार्ग से सुरक्षित रूप से गुजरने में बाधक हो, निकला हुआ भाग (projection) होता है, उसको बिना नोटिस के हटाया नहीं जा सकता। [लोधराम बनाम नं० म० पा०, कानपुर, 1981 यू० पी० एल० बी० ई० सी० 116 : 1980 (6) ए० एस० आर० 635 : 1980 ए० डब्ल्यू० सी० 52: 1980 ए० एल० जे० 1087]।

हों, ऐसी सड़क या सड़कों या मार्ग या मार्गों का विन्यास करेगा और उन्हें बनायेगा जो उस स्थान या स्थानों तक पहुँचते हों और किसी वर्तमान सरकारी या निजी सड़क से मिलते हों ।

287. भवनों और निजी सड़कों के लिए भूमि का विन्यास कराने के लिए नोटिस–(1) यदि किसी व्यक्ति का विचार–

(क) किसी भूमि को किसी क्रेता (purchaser) या पट्टागृहीता (lessee) को इस प्रसंविदा (covenant) या करार के अधीन बेचने या पट्टे पर देने का हो कि वह उस पर भवन बनायेगा,

(ख) भूमि को (चाहे उस पर कोई भी निर्माण न हो, या अंशतः निर्माण हो) भवन के लिए गाटों (plots) में बाँटने का हो; या

(ग) किसी भूमि या उसके किसी भाग को भवन के प्रयोजनों के लिए प्रयोग में लाने की अनुज्ञा देने का हो; या

(घ) किसी निजी सड़क को बनाने या उसका विन्यास करने का हो, चाहे जनता को उस सड़क पर से आने-जाने या वहाँ तक पहुँचने की अनुज्ञा देने का विचार हो या न हो, तो वह नियमों और उपविधियों में उल्लिखित रीति से अपने विचार का लिखित नोटिस मुख्य नगराधिकारी को देगा ।

(2) मुख्य नगराधिकारी उपधारा (1) के अधीन दिये गये नोटिस पर उस रीति से कार्यवाही करेगा, जो नियमों और उपविधियों में विहित हों और ऐसे सामान्य आदेशों के अधीन जो कार्यकारिणी समिति एतदर्थ समय-समय पर दें, भवनों के लिए भूमि का विन्यास, प्रत्येक भवन के गाटे की लम्बाई-चौड़ाई (dimensions) और क्षेत्रफल, प्रत्येक निजी सड़क का तल (level), दिशा (direction), चौड़ाई और जल-निस्सारण के साधन, ऐसी सड़कों के किनारे लगाये और पोषित किये जाने वाले पेड़ों की किस्म और संख्या, ऐसी भूमि पर या ऐसे सड़क के दोनों किनारों पर बनाये जाने वाले सभी भवनों की ऊँचाई, जल निस्सारण के साधन और उनका संवीजन (ventilation) और उनमें पहुँचने के मार्ग निर्धारित करेगा :

किन्तु प्रतिबन्ध यह है कि यदि मुख्य नगराधिकारी उपधारा (1) के अधीन प्राप्त नोटिस अथवा नियमों के अधीन माँगे गये नक्शे, खंड, ब्यौरे, योजनायें या अतिरिक्त सूचनायें, यदि कोई हों, प्राप्त होने के पश्चात् सात दिन तक उस व्यक्ति को जिसने नोटिस दिया, विषयों में से किसी के सम्बन्ध में अपनी असहमति सूचित करने में उपेक्षा या चूक करता है, तो ऐसा व्यक्ति लिखित संसूचना द्वारा उपेक्षा या चूक की ओर मुख्य नगराधिकारी का ध्यान आकर्षित कर सकता है और यदि वह उपेक्षा या चूक मुख्य नगराधिकारी द्वारा लिखित सूचना की प्राप्ति के दिनांक से तीन दिन की अतिरिक्त अवधि तक जारी रहती है तो समझा जायगा कि उक्त व्यक्ति की प्रस्थापनाएँ मुख्य नगराधिकारी द्वारा अनुमोदित कर ली गई हैं :

और प्रतिबन्ध यह भी है कि यहाँ अन्तर्विष्ट किसी बात का अर्थ यह नहीं लगाया जायगा कि उससे किसी व्यक्ति को अधिनियम अथवा किन्हीं उपविधियों के उपबन्धों का उल्लंघन करने का अधिकार मिल जाता है ।

(3) यदि मुख्य नगराधिकारी उक्त निर्माण-कार्यों के संबंध में कुछ शर्तों के अधीन या बिना किसी शर्त के अपना अनुमोदन (approval) लिखित रूप में किसी व्यक्ति को सूचित कर दे या यदि उक्त निर्माण-कार्य पूर्वोक्त रूप में मुख्य नगराधिकारी द्वारा अनुमोदित समझा जाय तो उक्त व्यक्ति उपधारा (1) मुख्य नगराधिकारी को नोटिस मिलने के दिनांक से एक वर्ष के भीतर किसी समय नोटिस में या पूर्वोक्त किसी लेख (document) में दिये गये आशय (intention) के अनुसार और मुख्य नगराधिकारी द्वारा विहित शर्तों के अनुसार यदि कोई हों, उक्त निर्माण-कार्य के संबंध में कार्यवाही कर सकता है, किन्तु इस प्रकार नहीं कि उससे इस अधिनियम के किसी उपबन्ध या किसी नियम या उपविधि का उल्लंघन हो जाय ।

288. नोटिस की समाप्ति तक भवन निर्माण के लिए भूमि का विन्यास और निजी सड़क का विन्यास नहीं किया जायगा–(1) कोई व्यक्ति उस समय किसी भूमि को, जहाँ उसका विन्यास न हुआ हो या अंशतः हुआ हो, भवन निर्माण के लिए न बेचेगा, न पट्टे पर देगा, न प्रयोग करेगा या न उसके प्रयोग की अनुमति देगा, न ऐसी किसी भूमि को भवन के गाटों में बाँटेगा, न किसी निजी सड़क को बनायेगा, न उसका विन्यास करेगा–

(क) जब तक कि धारा 286 के उपबन्धों का पालन न किया गया हो;

(ख) जब तक कि उस व्यक्ति ने धारा 287 में की गयी व्यवस्था के अनुसार अपने आशय का पहले ही लिखित नोटिस न दे दिया हो और जब तक कि ऐसा नोटिस दिये जाने के पश्चात् 60 दिन समाप्त न हो गये हों और जब तक उक्त कार्य उन आदेशों के (यदि कोई हों), जो धारा 287 की उपधारा (2) के अधीन निश्चित और अवधारित किये गये हों, अनुकूल न हों;

(ग) जब कि धारा 287 की उपधारा (3) में निर्दिष्ट एक वर्ष की अवधि समाप्त हो गयी हो :

किन्तु प्रतिबन्ध यह है कि यदि कोई व्यक्ति, जिसे धारा 287 की उपधारा (3) के अधीन किसी निर्माण-कार्य के संबंध में कार्य करने का अधिकार हो उसमें निर्दिष्ट एक वर्ष की अवधि के भीतर ऐसा न कर सके, तो किसी भी समय उस निर्माण-कार्य को संपादित करने के अपने आशय का नये सिरे से नोटिस दे सकता है और ऐसा नोटिस धारा 287 की उपधारा (1) के अधीन नये सिरे से दिया गया नोटिस समझा जायगा ।

(घ) जब तक कि वह व्यक्ति मुख्य नगराधिकारी को उस दिनांक का लिखित नोटिस न दे जिस पर वह कोई ऐसे निर्माण कार्य के संबंध में कार्यवाही करना चाहता है, जिसे करने का उसे अधिकार है और नोटिस में उल्लिखित दिनांक से सात दिन के भीतर उस निर्माण-कार्य को आरम्भ न कर दे ।

(2) यदि इस धारा का उल्लंघन करके कोई कार्य किया जाय या उसे करने की अनुज्ञा दी जाय, तो मुख्य नगराधिकारी लिखित नोटिस द्वारा ऐसे कार्य करने वाले या करने की अनुज्ञा देने वाले किसी व्यक्ति को आदेश दे सकता है कि वह–

(क) उस दिन को या उससे पहले, जो उस नोटिस में निर्दिष्ट किया जायगा, ऐसे लिखित कथन द्वारा, जिस पर उसने एतदर्थ हस्ताक्षर किये हों और जो मुख्य नगराधिकारी को संबोधित हो, इस बात का कारण बताये कि इस धारा का उल्लंघन करके जो विन्यास, गाटा, सड़क या भवन बनाया गया है, उसे मुख्य नगराधिकारी के मनोधानुसार क्यों न बदल दिया जाय, या यदि ऐसा करना उसकी राय में अव्यवहारिक हो तो वह सड़क या भवन क्यों न गिरा या हटा दिया जाय, या भूमि उसी स्थिति में क्यों न कर दी जाय, जैसी कि वह अनधिकृत निर्माण कार्य से संपादित किये जाने के पहले थी; या

(ख) स्वयं या किसी ऐसे अधिकर्ता द्वारा जिसे उसने एतदर्थ यथावत् प्राधिकृत किया हो, ऐसे दिन, समय और स्थान पर जो उस नोटिस में निर्दिष्ट किया जायगा, उपस्थित हो और पूर्वोक्त रूप से कारण बताये ।

(3) यदि वह व्यक्ति मुख्य नगराधिकारी के मनोधानुसार यह कारण न बता सके कि वह सड़क या भवन उक्त रूप में क्यों न बदल दिया जाय, गिरा दिया जाय या हटा दिया जाय या वह भूमि उक्त पूर्व स्थिति में क्यों न कर दी जाय, तो मुख्य नगराधिकारी बदलवाने, गिराने, हटाने या भूमि को उक्त स्थिति में करने का कार्य करा सकता है और उसका व्यय उक्त व्यक्ति द्वारा अदा किया जायगा ।

3472

(5) इस धारा की कोई बात राज्य में निहित भवनों पर लागू नहीं समझी जायगी।

282. सड़क की पंक्ति के भीतर की खुली भूमि या ऐसी भूमि को अर्जित करना जिस पर प्लेटफार्म, आदि हों—यदि कोई भूमि, जो [1][निगम] में निहित न हो, आड़े वह खुली हुई हो या घिरी हुई (open or close), किसी सार्वजनिक सड़क की नियमित पंक्ति के भीतर हो और उस पर कोई भवन न हो या यदि कोई मंच, बरामदा, सीढ़ी, घेरे की दीवाल, आड़ (hedge) या मेड़ (fence) या किसी भवन के बाहर की कोई अन्य संरचना (structure) जो सार्वजनिक सड़क से लगी हुई हो, या किसी मंच, बरामदा, सीढ़ी, घेरे की दीवाल, आड़, मेड़ या उक्त अन्य संरचनाओं का कोई भाग उस सड़क की नियमित पंक्ति के भीतर हो, तो मुख्य नगराधिकारी उक्त भूमि या भवन के स्वामी को कम से कम पूरे चौदह दिन का अपने ऐसा करने के आशय का लिखित नोटिस देने के पश्चात् तथा इस बीच में प्रस्तुत किन्हीं आपत्ति-पत्रों की सुनवाई करने के पश्चात् [1][निगम] की ओर से उक्त भूमि और उसके आड़े की दीवालें (enclosing wall), आड़ या मेड़, यदि कोई हो, या उक्त प्लेटफार्म, बरामदा, सीढ़ी या अन्य ढाँचे पर, जैसा कि ऊपर कहा गया है, या उक्त प्लेटफार्म, बरामदे, सीढ़ी या अन्य ऐसे ढाँचे के भवन पर, जैसा कि ऊपर कहा गया है, जो सड़क की नियमित पंक्ति के भीतर हों, अधिकार कर सकता है, और यदि आवश्यक हो तो उसे ध्वस्त भी करवा सकता है और इस प्रकार से अर्जित की गई भूमि तत्पश्चात् सार्वजनिक सड़क का एक भाग समझी जायगी :

किन्तु प्रतिबन्ध यह है कि यदि भूमि या भवन राज्य सरकार या केन्द्रीय सरकार में निहित हो, तो संबद्ध सरकार की पूर्व स्वीकृति के बिना पूर्वोक्त प्रकार से उसे अधिकार में नहीं लिया जायगा और यदि भूमि या भवन किसी ऐसे [1][निगम] में निहित हो, जो तत्समय प्रचलित किसी विधि के अनुसार संगठित किया गया हो (constituted) तो राज्य सरकार की पूर्व स्वीकृति के बिना पूर्वोक्त प्रकार से उसे अधिकार में नहीं लिया जायगा।

283. भवन और भूमि के उन भागों को, जो सड़क की किसी नियमित पंक्ति के भीतर हों, अर्जित करने के पश्चात् उनके शेष भागों को अर्जित करना—(1) यदि कोई भवन या भूमि अंशतः सार्वजनिक सड़क की नियमित पंक्ति के भीतर हो और यदि मुख्य नगराधिकारी का समाधान हो जाय कि उक्त पंक्ति के भीतर पड़ने वाले भाग को अलग कर देने के बाद शेष भूमि किसी लाभप्रद प्रयोग के लिये उपयुक्त और ठीक न होगी तो वह स्वामी की प्रार्थना पर उक्त पंक्ति के भीतर पड़ने वाली भूमि के अतिरिक्त उस भूमि को भी अर्जित कर सकता है और ऐसी अतिरिक्त (surplus) भूमि [1][निगम] में निहित सार्वजनिक सड़क का एक भाग समझी जायगी।

(2) तत्पश्चात् ऐसी अतिरिक्त (surplus) भूमि धारा 284 के अधीन भवनों को आगे बढ़ाने (setting forward) के प्रयोजनार्थ काम में लायी जा सकती है।

284. भवनों को सड़क की पंक्ति तक आगे बढ़ाना—(1) यदि कोई भवन, जो सार्वजनिक सड़क से लगा हुआ हो (abuts), उस सड़क की नियमित पंक्ति के पृष्ठ भाग में हो तो जब कभी—

(क) उस भवन को फिर से बनाने का; या

(ख) उस भवन में ऐसी रीति से परिवर्तन या मरम्मत कराने का जिसमें उस भवन का या उसके उस भाग का जो उस सड़क से लगा हुआ हो (abuts), भूमि की सतह से ऊपर उस भवन या भाग के आधे भाग तक (जो आधा भाग छत फिर्तों में गाना जायगा) हटाया जाना या पुनर्निर्माण अनापेक्षित हो, प्रस्ताव किया जाय, मुख्य नगराधिकारी किसी आज्ञा में, जिसे वह उस भवन के पुनर्निर्माण, परिवर्तन करने या मरम्मत करने के संबंध में जारी करे, यह अनुज्ञा दे सकता है या कार्यकारिणी समिति के अनुमोदन से आदेश दे सकता है कि उस भवन को सड़क की नियमित पंक्ति तक आगे बढ़ा दिया जाय।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(2) इस धारा के प्रयोजन के लिये कोई दीवाल, जो किसी भू-गृहादि को सार्वजनिक सड़क से अलग करती हो, भवन समझी जायगी और यदि उक्त पंक्ति के सम-सम कोई दीवाल ऐसे सामग्री से और ऐसे माप (dimensions) की बना दी जाय, जिसे मुख्य नगराधिकारी अनुमोदित करे, तो ऐसा करना उस अनुज्ञा या अपेक्षा का पर्याप्त अनुपालन समझा जायगा, जो किसी भवन को सड़क की नियमित पंक्ति तक बढ़ाने के लिये दी गई हो।

285. प्रतिकर दिया जायगा और उन्नति के परिव्यय (betterment charges) लगाये जायेंगे—(1) धारा 280, 281, 282 या 283 के अधीन किसी सार्वजनिक सड़क के लिये अपेक्षित किसी भूमि या भवन के स्वामी को, मुख्य नगराधिकारी द्वारा उसके भवन या भूमि को इस प्रकार अर्जित कर लेने के परिणामस्वरूप उसे जो हानि हो और मुख्य नगराधिकारी द्वारा दी गई आज्ञा के परिणामस्वरूप ऐसे स्वामी द्वारा जो व्यय किया गया हो, उसका प्रतिकर दिया जायगा :

किन्तु प्रतिबन्ध यह है कि—

(1) ऐसी अवशिष्ट (remainder) संपत्ति : जिसका इस प्रकार अर्जित किया गया भवन या भूमि एक भाग थी, मूल्य में इस संपत्ति को सड़क की नियमित पंक्ति तक पीछे हटाने में, जो वृद्धि या कमी होने की संभावना हो, उस पर उक्त प्रतिकर की धनराशि निर्धारित करने में विचार किया जायगा और उसका संधान किया जायगा (allowed for);

(2) यदि मूल्य में ऐसी वृद्धि उस क्षति की धनराशि से अधिक हो, जो उक्त स्वामी को हुई हो या जो उसने व्यय की हो, तो मुख्य नगराधिकारी ऐसे स्वामी से ऐसी वृद्धि की आधी धनराशि उन्नति के परिव्यय (betterment charges) के रूप में वसूल कर सकता है।

(2) यदि धारा 284 के अधीन किसी भवन को आगे बढ़ाने के लिए मुख्य नगराधिकारी द्वारा दी गयी आज्ञा के परिणामस्वरूप उस भवन के स्वामी को कोई क्षति या हानि हो, तो उसे मुख्य नगराधिकारी द्वारा ऐसी क्षति या हानि के लिए, भवन को आगे बढ़ाने से उसके मूल्य में किसी संभावित वृद्धि का विचार करने के पश्चात् प्रतिकर दिया जायगा।

(3) यदि अतिरिक्त भूमि जो किसी ऐसे व्यक्ति के भू-गृहादि में सम्मिलित की जायगी जिसे धारा 284 के अधीन किसी भवन को आगे बढ़ाने का आदेश या अनुमति दी गई हो, [1][निगम] की हो, तो भवन को आगे बढ़ाने के लिए मुख्य नगराधिकारी की आज्ञा या अनुज्ञा उस भूमि के उक्त स्वामी के लिए पर्याप्त हस्तान्तरण (conveyance) होगी और ऐसी अतिरिक्त भूमि मूल्य और हस्तान्तरण (conveyance) के अन्य निबन्धन और शर्तें (terms and conditions) उक्त आज्ञा या अनुज्ञा में निर्धारित कर दी जायेंगी।

(4) यदि मुख्य नगराधिकारी द्वारा किसी भवन को आगे बढ़ाने की अपेक्षा करने पर, भवन का स्वामी [1][निगम] को दिये जाने के लिए निश्चित किये गये मूल्य या हस्तान्तरण के अन्य निबन्धनों या शर्तों के संबंध में असन्तुष्ट हो, तो मुख्य नगराधिकारी, उक्त स्वामी को उक्त निबन्धन और शर्तें भेजने के पश्चात् 15 दिन के भीतर किसी भी समय स्वामी के प्रार्थना-पत्र भेजने पर, मामले के निर्धारण के लिए न्यायाधीश के पास भेज सकता है।

निजी सड़कों के संबंध में उपबन्ध

286. भवन के रूप में भूमि का निस्तारण करते समय सड़क बनाने के लिए स्वामी का आभार—यदि किसी भूमि का स्वामी उस भूमि या उसके किसी भाग या भागों को भवनों के निर्माण के लिए स्थलों (sites) के रूप में उपयोग करे, या उन्हें बेचे, या पट्टे पर दे या अन्यथा उनका निस्तारण करे, तो वह ऐसी दशाओं को छोड़कर जब ऐसा स्थल या ऐसे स्थल किसी वर्तमान सरकारी या निजी सड़क से मिले हुए

1. उ० प्र० अधिनियम सं० 12, 1994 द्वारा प्रतिस्थापित

ऐसा पक्ष भवन पूरा किया जायगा तथा उसी प्रकार के अन्य विषयों के सम्बन्ध में ऐसी शर्तें समाविष्ट की जा सकती हैं, जिन्हें मुख्य नगराधिकारी उपयुक्त समझे।

279. सड़क की पंक्तियों (street lines) को विहित करने का अधिकार—(1) मुख्य नगराधिकारी किसी सार्वजनिक सड़क के एक या दोनों ओर पंक्ति (line) विहित कर सकता है :

किन्तु प्रतिबन्ध यह है कि किसी सार्वजनिक सड़क को प्रत्येक नियमित पंक्ति (line), जो नगर के किसी भाग में तत्समय प्रचलित (in force) किसी विधि के अधीन नियत दिन के ठीक पहले के दिन पर प्रवर्तित (operative) हो, के सम्बन्ध में यह समझा जायगा कि वह इस अधिनियम के अधीन विहित की गई पंक्ति है। जब तक कि इस धारा के अधीन मुख्य नगराधिकारी नई पंक्ति विहित न करे :

किन्तु प्रतिबन्ध यह भी है कि जब कभी किसी वर्तमान पंक्ति या उसके किसी भाग के स्थान पर कोई पंक्ति विहित करने का प्रस्ताव किया जाय तो कार्यकारिणी समिति का पूर्वानुमोदन प्राप्त कर लिया जायेगा।

(2) तत्समय विहित पंक्ति सड़क की नियमित पंक्ति कहलायेगी।

(3) मुख्य नगराधिकारी एक पंजी (register) रखेगा, जिसमें नक्शे (plans) संलग्न रहेंगे, और उसमें ऐसी सभी सार्वजनिक सड़कें दिखाई जायेंगी जिनके सम्बन्ध में सड़क की एक नियमित पंक्ति विहित की गई हो और उस पंजी में ऐसे विवरण रहेंगे जो मुख्य नगराधिकारी को आवश्यक प्रतीत हों और कोई भी व्यक्ति ऐसा शुल्क देने पर, जिसे कार्यकारिणी समिति समय-समय पर विहित करे, उस पंजी का निरीक्षण कर सकेगा।

(4) (क) उपधारा (5) के उपबन्धों के अधीन रहते हुए कोई भी व्यक्ति सिवाय मुख्य नगराधिकारी की लिखित अनुज्ञा तथा उन शर्तों के अनुकूलन, जो उसके सम्बन्ध में लगाई गई हों, सड़क की नियमित पंक्ति के भीतर की भूमि पर किसी भवन के किसी भाग का निर्माण या पुनर्निर्माण नहीं करेगा और मुख्य नगराधिकारी प्रत्येक ऐसे मामले में जिसमें वह उक्त अनुज्ञा दे कार्यकारिणी समिति को अपने कारणों का प्रतिवेदन (report) भी लिखित रूप में भेजेगा।

(ख) मुख्य नगराधिकारी की लिखित अनुज्ञा प्राप्त किये बिना कोई व्यक्ति सड़क की नियमित पंक्ति के भीतर कोई सीमा-भित्ति (boundary wall) या सीमा-भित्ति के किसी भाग का निर्माण या पुनर्निर्माण नहीं करेगा :

किन्तु प्रतिबन्ध यह है कि यदि किसी व्यक्ति से सीमा-भित्ति या उसके किसी भाग के निर्माण या पुनर्निर्माण के लिये अनुज्ञा प्राप्त करने का प्रार्थना-पत्र प्राप्त होने के पश्चात् 60 दिन के भीतर मुख्य नगराधिकारी धारा 282 के अधीन सड़क की नियमित पंक्ति के भीतर भूमि अर्जित न कर सके तो उक्त व्यक्ति इस अधिनियम के किन्हीं अन्य उपबन्धों तथा नियमों और उपविधियों के अधीन रहते हुए उस सीमा-भित्ति या उसके किसी भाग का यथास्थिति निर्माण या पुनर्निर्माण कर सकता है।

(5) (क) यदि मुख्य नगराधिकारी उपधारा (4) के खंड (क) के अधीन सड़क की नियमित पंक्ति के भीतर स्थित भूमि पर किसी भवन के निर्माण या पुनर्निर्माण के लिये अनुज्ञा दे देता है तो वह भवन के स्वामी को इस आशय का एक करार (agreement) निष्पादित करने का आदेश दे सकता है कि वह और उसके आगम उत्तराधिकारी (successor-in-title) इस बात के लिये बाध्य (binding) होंगे कि यदि मुख्य नगराधिकारी तत्पश्चात् किसी भी समय उससे या उसके किसी आगम उत्तराधिकारी से उक्त अनुज्ञा के अनुसार किये गये किसी निर्माण-कार्य को या उसके किसी भाग को लिखित नोटिस द्वारा हटाने की माँग करे तो वे उसके लिये किसी प्रतिकर का दावा न करेंगे और यदि वे उक्त निर्माण या उसका कोई भाग न हटायें जिसके कारण उसे मुख्य नगराधिकारी को हटाना पड़े तो वे उसे हटाये जाने के व्यय का भुगतान करेंगे।

(ख) मुख्य नगराधिकारी ऐसी अनुज्ञा देने के पूर्व स्वामी को [1][निगम] कार्यालय में ऐसी धनराशि जमा करने का आदेश दे सकता है जो उसकी राय में हटाये जाने के व्यय को और ऐसे प्रतिकर को, यदि कोई हो, जो उस भवन के आगम उत्तराधिकारी या हस्तान्तरणग्रहीता (transferee) को देय हो, पूरा करने के लिये पर्याप्त हो।

280. भवनों को सड़क की नियमित पंक्ति तक पीछे हटाना—(1) यदि कोई भवन या उसका कोई भाग जो सार्वजनिक सड़क से मिलता हो, सड़क की नियमित पंक्ति के भीतर हो, तो मुख्य नगराधिकारी जब कभी यह प्रस्तावित किया जाय कि—

(क) उस भवन को फिर से बनाया जाय या उसे उस सीमा तक नीचा किया जाय कि उसका आधे से अधिक भाग भूमि की सतह (ground level) के ऊपर रह जाये तो आधा भाग चबूतरों में नापा जायगा; या

(ख) ऐसे भवन के, जो सड़क की नियमित पंक्ति के भीतर हो, किसी भाग को हटा दिया जाय, फिर से निर्मित किया जाय या उसमें कोई परिवर्द्धन किया जाय, या उसके ढाँचे में परिवर्तन किया जाय;

उस भवन को नियमित पंक्ति तक पीछे हटाये जाने का आदेश दे सकता है।

(2) जब कोई भवन या उसका कोई भाग, जो सड़क की नियमित पंक्ति के भीतर हो, गिर पड़े या जल जाय, या इस अधिनियम के उपबन्धों के अधीन या अन्यथा गिरा दिया जाय, तो मुख्य नगराधिकारी [1][निगम] की ओर से सड़क की नियमित पंक्ति के भीतर की उस भूमि पर तुरन्त कब्जा कर सकता है जिस पर पहले से उक्त भवन खड़ा हो और यदि आवश्यक हो तो उसे साफ भी करा सकता है;

(3) इस धारा [1][निगम] के अधीन अर्जित भूमि तत्पश्चात् सार्वजनिक सड़क का भाग समझी जायगी और इस रूप में [1][निगम] में निहित हो जायगी।

281. भवनों को सड़क की नियमित पंक्ति तक पीछे हटाने की आज्ञा देने के सम्बन्ध में मुख्य नगराधिकारी का अतिरिक्त अधिकार—(1) यदि कोई भवन या उसका कोई भाग किसी सार्वजनिक सड़क की नियमित पंक्ति के भीतर हो और यदि मुख्य नगराधिकारी की राय में, भवन को सड़क की नियमित पंक्ति तक पीछे हटाना आवश्यक हो, तो वह, यदि धारा 280 के उपबन्ध लागू न होते हों, लिखित नोटिस द्वारा उस भवन के स्वामी को ऐसी अवधि के भीतर जो निर्दिष्ट की जाय, यह कारण बताने का आदेश दे सकता है कि वह भवन या उसका कोई भाग, जो सड़क की नियमित पंक्ति के भीतर हो, क्यों न गिरा दिया जाय और उक्त पंक्ति के भीतर की भूमि मुख्य नगराधिकारी द्वारा अर्जित क्यों न कर ली जाय।

(2) यदि उपधारा (1) के अधीन दिये गये नोटिस के अनुसार स्वामी ऐसे पर्याप्त कारण न बता सके, जिनसे मुख्य नगराधिकारी का समाधान हो सके, तो मुख्य नगराधिकारी कार्यकारिणी समिति के अनुमोदन से, स्वामी को लिखित नोटिस द्वारा ऐसे भवन या उसके भाग को, जो सड़क की नियमित पंक्ति के भीतर हो, ऐसी अवधि के भीतर गिराने का आदेश दे सकता है, जो नोटिस में निर्दिष्ट की जाय।

(3) यदि उपधारा (2) के अधीन दिये गये नोटिस में निर्दिष्ट अवधि के भीतर, भवन का स्वामी ऐसे भवन या उसके किसी भाग को, जो उक्त पंक्ति के भीतर आता हो, न गिरा सके, तो मुख्य नगराधिकारी उसे गिरवा सकता है और ऐसा करने में हुए सभी व्ययों को स्वामी से वसूल कर सकता है।

(4) मुख्य नगराधिकारी [1][निगम] की ओर से सड़क की उक्त पंक्ति के भीतर स्थित भूमि के उस भाग पर भी अधिकार कर लेगा जिस पर पहले से उक्त भवन खड़ा हो और वह भूमि तत्पश्चात् सार्वजनिक सड़क का एक भाग समझी जायगी और इस रूप में [1][निगम] में निहित हो जायगी।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

274. नयी सार्वजनिक सड़कें बनाने का अधिकार–मुख्य नगरपालिकाधिकारी जब यह [1][निगम] द्वारा सामर्थ्य प्राधिकृत किया गया हो, किसी भी समय–

(क) नयी सार्वजनिक सड़क का विन्यास कर सकता है और उसे बना सकता है;

(ख) किसी व्यक्ति से उसकी भूमि से होकर सार्वजनिक प्रयोग के लिये या तो पूर्णतः उस व्यक्ति के व्यय से या अंशतः उस व्यक्ति के व्यय से और अंशतः [1][निगम] के व्यय से सड़क बनाने का करार कर सकता है और यह भी करार कर सकता है कि ऐसी सड़क पूरी हो जाने पर सार्वजनिक सड़क हो जायगी और [1][निगम] में निहित हो जायगी;

(ग) नयी सार्वजनिक सड़क बनाने और उसके विन्यास के लिए सहायक सुरंगें, पुल, एवटें (causeways) और अन्य निर्माण कार्य (works) कर सकता है;

(घ) [1][निगम] में निहित किसी वर्तमान सड़क या उसके किसी भाग को बदल सकता है या उसे मोड़ सकता है (divert or turn)।

275. नयी सार्वजनिक सड़कों की न्यूनतम चौड़ाई–(1) [1][निगम], समय-समय पर सार्वजनिक सड़कों को विभिन्न श्रेणियों के लिए यातायात, जिसके उन सड़कों पर होने की संभावना है, के प्रकार (nature), स्थान (locality), जहाँ वे स्थित हैं, ऊँचाई, जहाँ तक सड़कों से लगे भवन बनाये जा सकते हैं तथा इसी प्रकार की अन्य बातों (considerations) के अनुसार न्यूनतम चौड़ाई निर्दिष्ट करेगा।

(2) धारा 274 के अधीन बनाई गई किसी नयी सड़क की चौड़ाई उस चौड़ाई से कम न होगी, जो उपधारा (1) के अधीन उस श्रेणी के लिए निर्दिष्ट की गई हो, उसके अन्तर्गत वह आती हो और कोई सीढ़ियाँ तथा धारा 293 के अधीन मुख्य नगरपालिकाधिकारी की लिखित अनुमति के बिना अन्य बाहर निकले हुए भाग (projection) ऐसी सड़क के ऊपर बाहर न निकले रहेंगे, या सड़क तक आगे न बढ़े रहेंगे।

(3) मुख्य नगरपालिकाधिकारी कार्यकारिणी समिति के अनुमोदन से लिखित नोटिस द्वारा किसी भू-गृहादि के स्वामी अथवा अभिकर्ता से यह अपेक्षा कर सकता है कि वह उपधारा (1) के अधीन नियत किसी सड़क की कम से कम चौड़ाई के भीतर स्थित बाहर निकले हुए भाग को हटाने या उसके संबंध में ऐसी कार्यवाही करे, जिसका वह निदेश दे।

किन्तु प्रतिबन्ध यह है कि जहाँ बाहर निकला हुआ भाग विधितः खड़ा किया गया था या बनाया गया था, तो उस दशा में मुख्य नगरपालिकाधिकारी द्वारा प्रत्येक ऐसे व्यक्ति को, जिसे उसके हटाने या परिवर्तित करने से हानि या क्षति पहुँचे, प्रतिकर दिया जायगा।

276. किसी उपमार्ग, पुल, आदि को अपना लेने (to adopt) निर्मित करने या परिवर्तित कराने का अधिकार–मुख्य नगरपालिकाधिकारी [1][निगम] द्वारा एतदर्थ प्राधिकृत किये जाने पर किसी व्यक्ति के साथ–

(क) किसी वर्तमान या प्रस्तावित (projected) उपमार्ग (sub-way), पुल, उतार (viaduct) या मेहराब और उन तक पहुँचने वाले मार्ग को अपनाने और संधारित करने का करार कर सकता है और तदनुसार ऐसे उपमार्ग, पुल, उतार या मेहराब और उन तक पहुँचने वाले मार्गों को सार्वजनिक सड़कों के मार्गों के रूप में या [1][निगम] में निहित सम्पत्ति के रूप में अपना सकता है और संधारित कर सकता है; या

(ख) किसी ऐसे उपमार्ग, पुल, उतार या मेहराब के निर्माण या परिवर्तन के लिये या उनके शिलान्यास (foundations) और मजबूती (support) के लिये या उन तक पहुँचने वाले मार्गों के लिये अपेक्षित किसी पार्श्ववर्ती (adjoining) भूमि को या तो पूर्णतः उस व्यक्ति के व्यय से या अंशतः उसके व्यय से और अंशतः [1][निगम] के व्यय से क्रय करने या अर्जित करने के लिए इत्तिला कर सकता है।

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

277. कुछ प्रकार के यातायात (traffic) के लिए सार्वजनिक सड़कों का प्रयोग प्रतिषिद्ध करने का अधिकार–(1) मुख्य नगरपालिकाधिकारी के लिये [1][निगम] की स्वीकृति होने पर यह वैध (lawful) होगा कि वह–

(क) किसी सार्वजनिक सड़क विशेष पर, जो [1][निगम] में निहित हो, उसके या उसके किसी भाग के दोनों सिरों पर खड़े गाड़ी या वाहनों के यातायात (vehicular traffic) का प्रतिषेध करे, जिससे जनता को विपत्ति, आकरीय अथवा असुविधा (danger, obstruction or inconvenience) का निवारण हो सके;

(ख) सभी सार्वजनिक सड़कों या विशेष सार्वजनिक सड़कों के सम्बन्ध में, विषय, समय अथवा या प्रचलन के ढंग (mode of traction or locomotion) यान-परिवहन की सुरक्षा के लिये, उपकरणों (appliances) के प्रयोग, बत्तियों (lights) और सहायकों की संख्या और अन्य सामान्य पूर्वोक्तियों (precautions) और विशेष परिस्थितियों के भुगतान के सम्बन्ध में ऐसी शर्तों के अधीन, जो प्रत्येक मामले में सामान्य रूप से या विशेष रूप से मुख्य नगरपालिकाधिकारी द्वारा विहित की जायँ, किसी ऐसी वाहन के आने-जाने का प्रतिषेध कर, जिसका रूप, बनावट, भार या आकार ऐसा हो या जिस पर ऐसी भारी या बेडौल (unwieldy) वस्तुएँ लदी हों कि उससे सड़क-पथों (roadways) या उन पर बने किसी भवन आदि को क्षति पहुँचना संभव समझा जाय या ऐसी सड़क या सड़कों पर, उनके ऊपर चलने वाले अन्य वाहनों या पैदल चलने वालों को खतरा या अवरोध (risk or obstruction) पहुँचना सम्भव समझा जाय।

(2) ऐसे प्रतिषेधों के जो उपधारा (1) के अधीन आरोपित किये जायँ, नोटिस सम्बद्ध सार्वजनिक सड़कों या उनके भागों के दोनों सिरों पर या उनके समीप प्रमुख स्थलों पर चिपका दिये जायेंगे, जब तक कि वे प्रतिषेध सामान्यतया सभी सार्वजनिक सड़कों पर लागू न हों।

278. सार्वजनिक सड़कों के सुधार के लिए भू-गृहादि को अर्जित करने का अधिकार–(1) इस अधिनियम के उपबन्ध तथा नियमों के अधीन रहते हुये मुख्य नगरपालिकाधिकारी–

(क) किसी सार्वजनिक सड़क, पुल या उपमार्ग को खोलने, चौड़ा करने, बढ़ाने, बदलने या उसमें अन्यथा सुधार करने के प्रयोजन के लिये या किसी नई सार्वजनिक सड़क, पुल या उपमार्ग के बनाने के लिए अपेक्षित किसी भूमि और उस पर स्थित भवनों, यदि कोई हों, को अर्जित कर सकता है;

(ख) उक्त भूमि और उस पर स्थित भवन, यदि कोई हों, के अतिरिक्त, ऐसी सभी भूमि को भी उस पर स्थित भवनों, यदि कोई हों, के सहित, जिसे ऐसी सड़क को नियमित सीमा (regular line) अथवा अभिप्रेत (intended) नियमित सीमा के बाहर अर्जित करना, उसे सार्वजनिक हित में इष्टकर प्रतीत हो, अर्जित कर सकता है;

(ग) खंड (ख) के अधीन अर्जित किसी भूमि या भवन को बेच पट्टे पर दे सकता है, बेच सकता है या अन्यथा निकालित (dispose of) कर सकता है।

(2) वाहनों के अड्डों के लिये स्थान की व्यवस्था करने, उसके विस्तार करने या उसमें सुधार करने के लिये भूमि के अर्जन के सम्बन्ध में यह समझा जायगा कि वह किसी सार्वजनिक सड़क की व्यवस्था करने, उसका विस्तार करने या उसमें सुधार करने के प्रयोजनार्थ किया गया भूमि का अर्जन है।

(3) उपधारा (1) के खंड (ग) के अधीन किसी भूमि या भवन के हस्तान्तरण-पत्र (conveyance) में वर्तमान भवन को हटाने, निर्मित किये जाने वाले नये भवन के विवरण (description), अथवा जिसमें

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा शब्द "महापालिका" के स्थान पर प्रतिस्थापित

किसी ऐसे व्यक्ति को, जो ऐसे भू-गृहादि में नहीं रहता, जिसके संबंध में जलकर दिया जाता है, उस भू-गृहादि से जहाँ जल सम्भरित किया जाता है, जल ले जाने की अनुमति नहीं देगा ।

(3) कोई भी व्यक्ति जो किसी ऐसे भू-गृहादि में नहीं रहता, जिसके सम्बन्ध में जल-कर दिया जाता हो, किसी ऐसे भू-गृहादि से, जिसे [1][निगम] द्वारा निजी काम के लिए जल सम्भरित किया गया हो, तब तक जल नहीं ले जाएगा जब तक कि वह यदि जलसम्भरण का शुल्क मात्र के अनुसार दिया जाता हो, एतदर्थ उस व्यक्ति की अनुमति न ले ले, जिसे उक्त प्रकार से जल सम्भरित किया गया हो ।

271. विषय बनाने का अधिकार–(1) राज्य सरकार इस अध्याय के उपबन्धों को कार्यान्वित करने के प्रयोजन के लिए नियम बना सकती है ।

(2) पूर्वोक्त अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना इस प्रकार के नियमों में निम्नलिखित की व्यवस्था की जा सकती है–

(1) [1][निगम] की सीमाओं के भीतर किसी निजी जलमार्ग (private water course) आदि का संधारण, सफाई, कुशल संचालन (efficient running) तथा उसका बन्द किया जाना;

(2) किसी ऐसे कुएँ, तालाब या अन्य स्थानों से जहाँ से पीने के लिए जल लिया जा सकता हो, निरीक्षण तथा कीटाणुरहित (disinfecting) करने के निमित्त उपयुक्त कार्यवाहियों की व्यवस्था तथा ऐसी कार्यवाहियाँ जो उनसे पानी निकालने को रोकने के लिए आवश्यक समझी जायँ;

(3) [1][निगम] की सीमाओं के भीतर भूमि या भवन के किसी स्वामी या अध्यासी को अनुबन्ध (agreement) द्वारा पानी का सम्भरण तथा एतदर्थ शर्तें और दरें;

(4) जल-सम्भरण के प्रयोजन;

(5) अन्य समस्त प्रयोजनों की अपेक्षा घरेलू प्रयोजनों के लिए जल-सम्भरण को प्राथमिकता (precedence) देना;

(6) पानी के भीतर तथा बाहरी नाड़ियों (connection pipes) का लगना (installation);

(7) मीटरों, नाड़ियों (pipes), बन्धों (standpipe), पंपों, पानी निकालने के बन्धों (hydrants) का आकार तथा प्रकार (size and nature) और वह रीति, जिससे वे सुचारु रूप से जल-सम्भरण करने के निमित्त लगाये जायेंगे, बनाये जायेंगे, नियोजित किये जायेंगे अथवा संधारित किये जायेंगे;

(8) प्रणाल (mains) या पाइप, जिनमें आग बुझाने (fire plug) लगाये जाने वाले हों और वे स्थान जहाँ इन आग बुझाने की युक्तियाँ लगा की जायँ;

(9) [1][निगम] द्वारा सम्भरित किये जाने वाले जल का किसी अर्ह (qualified) विश्लेषक द्वारा आवधिक विश्लेषण (analysis);

(10) [1][निगम] की सीमाओं के भीतर या बाहर स्थित जल-सम्भरण के स्रोतों (sources) तथा सम्पत्तियों और जल वितरण के उपकरणों (appliances) का संरक्षण (conservation) और उन्हें हानि पहुँचाने अथवा दूषित होने (contamination) से बचाना;

(11) वह रीति जिससे जल-कालों से जल के संबंध (connections) लगाये जायेंगे या संधारित किये जायेंगे और वह अभिकरण (agency) जो उक्त निर्माण अथवा संधारण के लिए प्रयुक्त किया जाएगा या किया जा सकता है ;

(12) जल सम्भरण व्यवस्था के सम्बन्ध में सभी मामलों का विनियम जिसमें ऐसी ओवरफ्लो (turning on) या बन्द करना (turning off) और पानी का होने से बचाव भी सम्मिलित है; और

(13) [1][निगम] की सीमाओं के बाहर जल-सम्भरण की व्यवस्था करना और ऐसे सम्भरण से संबद्ध जल-करों तथा परिव्ययों (charges) की वसूली और करों को न देने (evasion of taxes) से संबद्ध मामलों की रोकथाम ।

अध्याय 12

सड़कें

सड़कों का निर्माण, संधारण और सुधार

272. सार्वजनिक सड़कों का [1][निगम] में निहित होना–(1) समय-समय पर राज्य सरकार द्वारा किये गये किसी विशेष वचन के अधीन रहते हुए, नगर की सभी सड़कें, जो सार्वजनिक सड़कें हों या हो जायँ, सिवाय उन सड़कों के जो नियत दिन पर राज्य सरकार या केन्द्रीय सरकार में निहित हो गई हों या जो उक्त दिन के पश्चात् [1][निगम] से भिन्न किसी प्राधिकारी द्वारा निर्मित और संधारित की जायँ, उनकी मिट्टी, नीचे की मिट्टी (sub-soil) तथा किनारे की नालियों, पगडंडियों, खड़ंजों (side drains, footways, pavement), पत्थरों और उनके अन्य सामान के सहित [1][निगम] में निहित हो जायेंगी और मुख्य नगराधिकारी के नियंत्रण में रहेंगी ।

(2) राज्य सरकार [1][निगम] से परामर्श करने के पश्चात् विज्ञप्ति द्वारा उक्त किसी सड़क को, उसकी मिट्टी, नीचे की मिट्टी तथा किनारे की नालियों, पगडंडियों, खड़ंजों, पत्थरों तथा उनके अन्य सामान सहित [1][निगम] के नियंत्रण से वापस ले सकती है ।

273. सार्वजनिक सड़कों के सम्बन्ध में मुख्य नगराधिकारी का अधिकार–(1) मुख्य नगराधिकारी समय-समय पर सभी सार्वजनिक सड़कों को, जो [1][निगम] में निहित हों, समतल करायेगा, पक्की या खड़ंजे की करायेगा, उनमें नालियाँ बनवायेगा, उन्हें परिवर्तित करायेगा और उनकी मरम्मत करायेगा (levelled, metalled or paved, channelled, altered and repaired), जैसा कि उस समय अपेक्षित हो और समय-समय पर किसी सड़क को चौड़ी अथवा विस्तृत करा सकता है या अन्य प्रकार से भी उसमें सुधार करा सकता है या उसकी मिट्टी को ऊँची-नीची या परिवर्तित करा सकता है। वह पैदल चलने वालों की सुरक्षा के लिये कहीं या सर्वत्र भी लगवा सकता है और उसकी मरम्मत करा सकता है ;

किन्तु प्रतिबन्ध यह है कि मुख्य नगराधिकारी किसी सार्वजनिक सड़क को चौड़ी करने, विस्तृत करने या उसमें अन्य सुधार करने या ऐसा कार्य जिसकी कुल लागत पाँच हजार रुपये से या इससे भी बड़ी ऐसी धनराशि से अधिक हो, जिसे [1][निगम] समय-समय पर निश्चित करे, तब तक नहीं करायेगा, जब तक कि ऐसा किया जाना [1][निगम] द्वारा प्राधिकृत न किया गया हो ।

(2) [1][निगम] की स्वीकृति से, जो तद्धर्म प्रवर्तित नियमों और उपविधियों के अनुसार दी गई हो, मुख्य नगराधिकारी [1][निगम] में निहित किसी सम्पूर्ण सार्वजनिक सड़क को या उसके किसी भाग को मोड़ सकता है, उसका मार्ग बदल सकता है अथवा उसका सार्वजनिक उपयोग रोक सकता है या उसे स्थायी रूप से बन्द कर सकता है और उसके इस प्रकार बन्द किये जाने पर राज्य सरकार और [1][निगम] की पूर्व स्वीकृति से उस सड़क के या उसके उस भाग को, जो बन्द कर दिया गया हो, स्थान (site) का इस प्रकार निपटारा कर सकता है (dispose of) जैसा वह [1][निगम] में निहित कोई भूमि हो ।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

(5) राज्य सरकार कार्यकारिणी समिति की रिपोर्ट विचारार्थ सहित, यदि कोई हो, प्राप्त होने पर उस पर विचार करेगी और [1][निगम] उक्त प्रयोजन के लिए निधि प्राप्त होने पर राज्य सरकार के निर्णय को कार्यान्वित करने के लिये बाध्य होगा ।

265. [1][निगम] द्वारा आग बम्बों (Fire hydrants) की व्यवस्था—आग लग जाने पर उसके बचाव के लिए जल-सम्भरण के निमित्त तथा सम्पूर्ण प्रासंगिक (incidental) कार्यों के लिए मुख्य नगाधिकारी ऐसे समस्त स्थानों पर, जिन्हें आवश्यक समझा जाएगा, आग बम्बों (fire hydrants) की व्यवस्था, संधारण तथा मरम्मत करेगा ।

266. जल-प्रणाल (water mains), आदि को ले जाने का अधिकार—(1) नगर के भीतर या उसके बाहर जल प्रवाह (water main), पाइप और प्रणाली (ducts) ले जाने, उन्हें नयी करने और उनकी मरम्मत करने के प्रयोजनों के लिए मुख्य नगाधिकारी को वही अधिकार प्राप्त होंगे, और वह उन्हीं प्रतिबन्धों के अधीन रहेगा, जो उसे नगर के भीतर खातियों से जाने, उन्हें नयी करने और उनकी मरम्मत करने के सम्बन्ध में पहले दिये हुए उपबन्धों के अधीन प्राप्त हैं और जिनके वह अधीन है ।

(2) यह धारा निजी (private) जल-प्रवाह, पाइप तथा प्रणाली (ducts) के ले जाने, उन्हें नयी करने और उनकी मरम्मत करने के सम्बन्ध में उसी प्रकार लागू होगी जैसी वह [1][निगम] जल प्रवाह, पाइप और प्रणाली (ducts) के ले जाने, उन्हें नयी करने और उनकी मरम्मत करने के सम्बन्ध में लागू होती है ।

267. [1][निगम] के जलकलों पर प्रभाव डालने वाले कुछ कार्यों का प्रतिषेध—(1) मुख्य नगाधिकारी की पूर्व लिखित स्वीकृति के बिना कोई व्यक्ति किसी भवन, दीवाल या किसी प्रकार के ढाँचे (structure) का निर्माण अथवा पुनर्निर्माण (erect or re-erect) न करेगा अथवा किसी [1][निगम] जल-प्रवाह के ऊपर कोई सड़क अथवा छोटी रेलवे का निर्माण न करेगा ।

(2) [1][निगम] की अनुज्ञा प्राप्त किये बिना कोई भी व्यक्ति—

(क) उस क्षेत्र के किसी ऐसे भाग में किसी भी प्रयोजन के लिए किसी भवन का निर्माण न करेगा, जो किसी झील, तालाब, कुआँ, जलाशय या नदी के निकट, जहाँ से [1][निगम] के जलकलों के लिए पानी लिया जाता हो, मुख्य नगाधिकारी द्वारा सीमांकित कर दिया जाएगा;

(ख) उपर्युक्त क्षेत्र के सीमांकन निर्माण-कार्यों (demarcation work) को न हटायेगा, न परिवर्तित करेगा, न उन्हें हानि या क्षति पहुँचाएगा और न उनमें किसी प्रकार से हस्तक्षेप करेगा;

(ग) किसी ऐसे भवन को, जो उपर्युक्त क्षेत्र में पहले से स्थित हो, न तो विस्तार करेगा, न उसमें परिवर्तन करेगा और न उसे किसी ऐसे प्रयोजन के लिए प्रयुक्त करेगा जो उस प्रयोजन के लिए भिन्न हो, जिसके लिए वह अन्तिम बार प्रयुक्त होता रहा हो; या

(घ) उपर्युक्त क्षेत्र में किसी भी प्रकार से वायु-निर्वात (manufacture), व्यापार या वृत्ति का कोई कार्य नहीं करेगा और न कोई ऐसा कार्य करेगा, जिससे ऐसे किसी झील, तालाब, कुएँ, जलाशय या नदी या उसके किसी भाग को हानि पहुँचे या जिससे ऐसी झील, तालाब, कुओं, जलाशय या नदी का पानी कलुषित (fouled) या कम स्वास्थ्यप्रद हो जाए (rendered less wholesome) ।

(3) उस दशा को छोड़ कर जिसकी आगे व्यवस्था की गई है, कोई भी व्यक्ति—

(क) किसी [1][निगम] जल-कल में अथवा उस पर न तो कोई ऐसा जल निस्यंदेय (percolate) अथवा बहायेगा (drain) और न ऐसा होने देने अथवा उसमें या उस पर, न कोई ऐसी चीज ही डालेगा अथवा कोई ऐसा कार्य ही करायेगा, जिससे उसका पानी किसी प्रकार कलुषित (fouled) अथवा दूषित (polluted) हो जाए, अथवा उसके गुण में कोई परिवर्तन आ जाए;

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित ।

(ख) [1][निगम] की किसी ऐसी भूमि को, जो उस जल-कल से मिली हुई हो या उसके किसी भाग के रूप में हो, खोदकर या उस पर कोई वस्तु जमा (deposit) करके उसके स्वरूप में कोई परिवर्तन न करेगा;

(ग) उस जल-कल के पानी में किसी पशु का प्रवेश न करायेगा और न करने देगा;

(घ) उस जल-कल के पानी में या उसके ऊपर न तो कोई वस्तु फेंकेगा और न रखेगा; या

(ङ) उस जल-कल में या उसके निकट स्नान नहीं करेगा; या

(च) उस जल-कल में या उसके निकट किसी पशु या वस्तु को न तो धोयेगा और न धुलायेगा ।

268. धारा 267 का उल्लंघन करके किये जाने वाले कार्यों के विरुद्ध कार्यवाही तथा जल-सम्भरण के किसी स्रोत (source) के निकट शौचालयों, आदि का हटाया जाना—(1) यदि धारा 267 की उपधारा (1) के उपबन्धों का उल्लंघन करके कोई भवन, दीवाल या ढाँचा (Structure) निर्मित या पुनर्निर्मित किया जाय अथवा यदि धारा 267 की उपधारा (2) के खंड (क) का उल्लंघन करके कोई भवन निर्मित किया जाय तो मुख्य नगाधिकारी कार्यकारिणी समिति के अनुमोदन से, उसे हटवा सकता है अथवा उसके सम्बन्ध में अन्य ऐसी कार्यवाही कर सकता है, जिसे वह उचित समझे और ऐसा करने में जो व्यय होगा, वह दोषी व्यक्ति (person offending) द्वारा वहन किया जायगा ।

(2) यदि कोई व्यक्ति धारा 267 की उपधारा (2) के खंड (ख), (ग) और (घ) के उपबन्धों का बार-बार उल्लंघन करे तो मुख्य नगाधिकारी कार्यकारिणी समिति के अनुमोदन से पूर्वोक्त खंडों के उपबन्धों का और आगे उल्लंघन रोकने के लिए कार्यवाही कर सकता है जिसमें ऐसा न्यूसेन्स जल-प्रयोग भी, जो आवश्यक हो, सम्मिलित है ।

(3) मुख्य नगाधिकारी नोटिस द्वारा किसी स्थानों पर अध्यासी (occupier) को, जिसकी भूमि पर कोई चरसी, शौचालय (privy), शौचालय, गूलालय, मलकूप (cesspool) अथवा कूड़ा-करकट या मैला रखने का कोई पात्र, किसी सोते (spring), कुएँ, तालाब, जलाशय, नदी या किसी अन्य स्रोत (source) से, जहाँ से सार्वजनिक प्रयोजन के लिए पानी लाया जाता हो या लिया जाता हो, 50 फीट के अन्दर हो, उस नोटिस के तामील होने से एक सप्ताह के भीतर उसे हटाने अथवा बन्द करने के आदेश दे सकता है और यदि निर्दिष्ट अवधि के भीतर उक्त व्यक्ति आदेशानुसार कार्य नहीं करता तो मुख्य नगाधिकारी उसे हटवा अथवा बन्द करवा देगा और ऐसा करने में जो व्यय होगा, वह दोषी व्यक्ति द्वारा वहन किया जायगा ।

269. जल-कर लगाने वाली [1][निगम] का आभार (obligation)—यदि किन्हीं भवनों या भूमि पर जल-कर (water-tax) लगाया जाता है तो मुख्य नगाधिकारी का यह कर्तव्य होगा कि वह ऐसे भवनों या भूमि के स्वामियों या अध्यासियों के लिए जल-सम्भरण की व्यवस्था ऐसी उस रीति से, ऐसे समय में और इतनी मात्रा में करे, जो नियमों द्वारा विहित की जाय ।

किन्तु प्रतिबन्ध यह है कि यदि किसी दुर्घटना (accident), असाधारण सूखा पड़ने के कारण अथवा अन्य किन्हीं अनिवार्य कारणों से [1][निगम] जल का सम्भरण नहीं कर पाता तो वह इसलिये किसी प्रकार की नकली (fictitious), देय या क्षति का उत्तरदायी नहीं होगी ।

270. जल के सकपट (fraudulent) तथा अनधिकृत प्रयोग का प्रतिषेध—(1) कोई भी व्यक्ति उसे [1][निगम] द्वारा सम्प्रदत्त किसी प्रकार के जल का सकपट (fraudulently) विनियोग नहीं करेगा ।

(2) कोई व्यक्ति, जिसे [1][निगम] द्वारा निजी काम के लिए जल सम्प्रदत्त किया गया हो, सिवाय ऐसी स्थिति के जब जल के सम्भरण के लिए मापन (measurement) के अनुसार शुल्क (charge) लिया जाए,

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा लाया गया ।

(ख) मुख्य नगराधिकारी के धारा 239 के अधीन नोटिस से शुब्ध हो; या

(ग) मुख्य नगराधिकारी के धारा 242 की उपधारा (1) के खंड (क) के अधीन नोटिस से या खंड (ख) के अधीन किसी आदेश या नोटिस से शुब्ध हो; या

(घ) धारा 252 की उपधारा (3) के अधीन मुख्य नगराधिकारी के इस आशय के नोटिस से शुब्ध हो कि उसका विचार किसी नाबदान या संडास को बन्द करने अथवा बदलने या गिरा देने का है; या

(ङ) धारा 257 के अधीन ऐसे नोटिस से शुब्ध हो, जिसमें स्वामी को किसी घुलाई स्थल के दोषों को दूर करने का आदेश दिया गया हो।

तो वह विहित अवधि के भीतर और विहित रीति से न्यायाधीश (Judge) के समक्ष अपील कर सकता है।

262. नियम बनाने के अधिकार–(1) राज्य सरकार इस अध्याय के उपबन्धों को कार्यान्वित करने के प्रयोजनों के लिए नियम बना सकती है,

(2) पूर्वगामी अधिकारों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना ऐसे नियमों में निम्नलिखित की व्यवस्था की जा सकती है–

(क) धारा 229 की उपधारा (3) के अधीन दिये गये किसी नोटिस के सम्बन्ध में आपत्तियाँ प्रस्तुत करना और उनका निस्तारण (disposal);

(ख) वे शर्तें और निबन्धन (condition on and restriction) जिनका नालियों के सम्बन्ध में पालन किया जायगा;

(ग) नालियों का निर्माण, सुधार, परिवर्तन या बन्द कर दिया जाना (discontinuance);

(घ) [1][निगम] की नालियों से अन्य नालियाँ जोड़ने (connection) की शर्तें;

(ङ) शर्तें जिन पर व्यापारिक भू-गृहादि के अध्यासी किसी व्यापारिक व्यर्थ द्रव पदार्थ (trade effluent) को [1][निगम] की नालियों में उत्सर्जित कर सकते हैं;

(च) वह रीति जिससे व्यापारिक व्यर्थ द्रव पदार्थों के नमूनों का विश्लेषण किया जाय;

(छ) शर्तें जिनकी धारा 249 के अधीन संयोजन-दंडों या पाइपों को खड़ा करने या लगाने में पालन किया जाय, जायगा;

(ज) नाबदानों, संडासों, मूत्रालयों, स्नान करने या धुलाई के स्थलों का निर्माण, स्थिति और संधारण (maintenance);

(झ) वह रीति जिससे मुख्य नगराधिकारी धारा 255 और 256 के अधीन अपने अधिकारों का प्रयोग करेगा;

(ञ) धारा 255 और 256 के अधीन निरीक्षण या परीक्षण करने के व्ययों का भुगतान;

(ट) धारा 261 के अधीन अपील प्रस्तुत करने और उसके निस्तारण की रीति और अवधि, जिसके भीतर अपील प्रस्तुत की जा सकती है।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

अध्याय 11

जल-सम्भरण (Water Supply)

[1][निगम] के जलकल (Water work) का निर्माण तथा संधारण

263. जलकलों के निर्माण, संचालन अथवा बन्द करने के संबंध में [1][निगम] के अधिकार–नगर में सार्वजनिक तथा निजी प्रयोजनों के लिए अच्छे तथा पर्याप्त जल के सम्भरण की व्यवस्था करने के हेतु मुख्य नगराधिकारी इस अधिनियम के प्रतिबन्धों के अधीन रहते हुए, नगर के भीतर या बाहर जलकलों का निर्माण, संधारण, मरम्मत, परिवर्तन, विकास और विस्तार कर सकता है अथवा ऐसे किसी जलकल को बन्द कर सकता है और उसके स्थान पर इसी प्रकार के अन्य कल स्थापित कर सकता है तथा पूर्वोक्त प्रयोजनों के लिए ऐसे सम्पूर्ण कार्य कर सकता है जो प्रासंगिक (incidental) अथवा आवश्यक हों, जिसमें विशेष रूप से–

(1) किसी सड़क अथवा स्थान के बीच, आर-पार, ऊपर या नीचे तथा किसी भवन अथवा भूमि के स्वामी या अध्यासी को लिखित रूप से समुचित नोटिस देने के बाद उस भवन अथवा भूमि में, उससे होकर तथा उसके ऊपर या नीचे उक्त क्रतों (works) का ले जाना;

(2) [1][निगम] की सीमाओं के भीतर या बाहर किसी प्रकार के जल कल को अथवा जल संबंध करने, उसे ले जाने या स्थानान्तरित करने (to store, to take or convey) के अधिकारों को क्रय करना या पट्टे पर लेना सम्मिलित है।

264. जलकलों का निरीक्षण–(1) राज्य सरकार धारा 263 में निर्दिष्ट किसी जलकल या जल-संबंध (water connection) के निरीक्षण के लिए किसी व्यक्ति को नियुक्त कर सकती है और ऐसे व्यक्ति को इस प्रकार के किसी जल-संबंध अथवा जलकल से सम्बद्ध भूमि में प्रवेश या उसका निरीक्षण करने का अधिकार होगा।

(2) मुख्य नगराधिकारी अथवा उपधारा (1) के अधीन नियुक्त कोई व्यक्ति, किसी जलकल या जल-संबंध में, उस पर या उसके संबंध में निरीक्षण, मरम्मत या किसी निर्माण-कार्य के संचालन के प्रयोजन से समस्त उचित समयों में–

(क) नगर के भीतर या बाहर किसी ऐसी भूमि में, चाहे किसी में भी निहित क्यों न हो, प्रवेश कर सकता है अथवा उससे होकर गुजर सकता है जो इस प्रकार के जलकल या जल-संबंध (water-connection) से मिली हुई हो या उसके निकट हो;

(ख) उक्त किसी भूमि पर और उससे होकर समस्त आवश्यक व्यक्तियों, सामग्रियों (materials), औजारों तथा उपकरणों (tools and implements) को ले जाने की व्यवस्था कर सकता है।

(3) इस धारा द्वारा प्रदत्त किसी अधिकार का प्रयोग करने में कम से कम क्षति पहुँचायी जायगी। उक्त अधिकारों में से किसी के प्रयोग करने में यदि कोई क्षति पहुँचे तो उसकी पूर्ति [1][निगम] की निधियों में से की जायगी।

(4) यदि उपधारा (1) के अधीन निरीक्षण के प्रयोजनों के लिए राज्य सरकार द्वारा कोई व्यक्ति नियुक्त किया गया हो, वह यथाशक्यशीघ्र मुख्य नगराधिकारी को अपनी रिपोर्ट प्रस्तुत करेगा और मुख्य नगराधिकारी अविलम्ब उसे कार्यकारिणी समिति के समक्ष रखेगा। तत्पश्चात् कार्यकारिणी समिति उसे अपनी टिप्पणियों सहित राज्य सरकार के पास भेज देगी।

---

1. उ० प्र० अधिनियम सं० 12 सन् 1994 द्वारा प्रतिस्थापित

जिला ..... सत्यनिष्ठापूर्वक घोषणा करता/करती हूँ कि—

(1) मैंने उपर्युक्त निर्वाचन के लिए अपना नामांकन-पत्र प्रस्तुत किया है ;

(2) मैंने अपने नाम निर्देशन/नामांकन-पत्र के साथ तहसीलदार/उप जिला अधिकारी तहसील ..... जनपद ..... द्वारा जारी जाति प्रमाण-पत्र प्रस्तुत किया है;

(3) उक्त जाति प्रमाण-पत्र में मेरी जाति ..... दर्शायी गई है जो उत्तर प्रदेश में अनुसूचित जनजाति/अनुसूचित जाति/पिछड़ी जाति है;

(4) उक्त प्रमाण-पत्र में दर्शायी गई मेरी जाति वही है और उसी जाति में मैंने जन्म लिया है;

(5) उक्त जाति प्रमाण-पत्र की शुद्धता के लिये मैं व्यक्तिगत रूप से उत्तरदायी हूँ।

टिप्पणी—जो लागू न हो उसे काट दें।

घोषणाकर्ता का हस्ताक्षर/निशान अंगूठा

मेरे समक्ष हस्ताक्षर किया गया/निशान अंगूठा लगाया गया

(सत्यापित करने वाले अधिकारी का हस्ताक्षर व मुहर)

प्ररूप "दो"

समस्त निर्वाचन अधिकारी .....

(क) नगर पंचायत..... (1) सदस्य-कक्ष संख्या .....
(2) अध्यक्ष

(ख) नगरपालिका परिषद..... (1) सदस्य-कक्ष संख्या .....
(2) अध्यक्ष

(ग) नगर निगम ..... (1) सभासद-कक्ष संख्या .....
(2) उप नगर प्रमुख
(3) नगर प्रमुख

शपथ-पत्र

मैं ..... पुत्र/पुत्री/पत्नी ..... आयु लगभग .....
वर्ष ..... निवासी ..... मोहल्ला ..... थाना .....
जिला ..... सत्यनिष्ठापूर्वक प्रतिज्ञान करता/करती हूँ कि—

(1) मैंने उपर्युक्त निर्वाचन के लिए अपना नामांकन-पत्र प्रस्तुत किया है;

(2) मैंने अपने नाम निर्देशन/नामांकन-पत्र के साथ तहसीलदार/उप जिला अधिकारी तहसील ..... जनपद ..... द्वारा जारी जाति प्रमाण-पत्र प्रस्तुत किया है;

(3) उक्त जाति प्रमाण-पत्र में मेरी जाति ..... दर्शायी गई है जो उत्तर प्रदेश में अनुसूचित जनजाति/अनुसूचित जाति/पिछड़ी जाति है;

(4) उक्त प्रमाण-पत्र में दर्शायी गई मेरी जाति वही है और उसी जाति में मैंने जन्म लिया है;

(5) उक्त जाति प्रमाण-पत्र की शुद्धता के लिये मैं व्यक्तिगत रूप से उत्तरदायी हूँ।

टिप्पणी—जो लागू न हो उसे काट दें।

स्थान .....
दिनांक .....

(शपथी का हस्ताक्षर/निशान अंगूठा)

मेरे समक्ष सत्यनिष्ठापूर्वक प्रतिज्ञान किया गया।

(हस्ताक्षर और मुहर उस अधिकारी की जिसके समक्ष प्रतिज्ञान किया गया)

212


551.jpg


553.jpg