

UTTAR PRADESH BOARD FOR DEVELOPMENT OF MUNICIPAL FINANCIAL
RESOURCES (REGULATION OF PROCEDUARNED EXECUTION OF ITS FUNCTI



In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification No. 983/IX-9-2016-80ja/2011 dated August 17, 2016. No. 983/IX-9-2016-80 ja/2D11 Lucknow: Dated: August 17, 2016 In exercise of the powers under section 36 of the Uttar Pradesh Board for Development of Municipal Financial Resources Act, 2011 (U.P. Act no. 11 of 2011) the Governor is pleased to make the following rules: THE UTTAR PRADESH BOARD FOR DEVELOPMENT OF MUNICIPAL FINANCIAL RESOURCES (REGULATION OF PROCEDURE AND EXECUTION OF ITS FUNCTIONS) RULES, 2016

(1) These rules may be called the Uttar Pradesh Board for Development of Municipal Financial Resources (Regulation of Procedure and Execution of its Functions) Rules, 2016. (2) They shall apply to whole of the State of Uttar Pradesh. (3) They shall come into force with effect from the date of their publication in the Gazette.

35 Short title, extent and commencement

2 3 4 (1) In these rules, unless there is anything repugnant in the subject or context; (a) "Act" means the Uttar Pradesh Board for Development of Municipal Financial Resources Act, 2011; (b) "Municipal Financial Resources" means the amount received on account of municipal properties taxes, fees, charges, rent, compensation, penalty and any other amount chargeable under provisions of Municipal Acts; (c) "Secretary" means the Secretary of the Board appointed under sub-section (4) of Section-5 of Act; (2) Words and expressions not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act. (1) On the request of the Board, the Secretary shall be appointed on deputation from amongst the officers of the Indian Administrative Service or State Civil Service (Executive Branch) having experience of Municipal working and Municipal Finances and laws and not below the rank of Special, Secretary or an officer of the Uttar Pradesh Palika Centralized Administrative (Superior) service having the experience of not less than 25 years in Municipal Councils (Nagar Palika Parishad) and Municipal Corporations and must have excellent service record. (2) Board may appoint a retired officer as Secretary from amongst the officers mentioned in sub rule (1) having special knowledge and experience in Municipal Administration and Finances and Laws. (3) The Secretary so appointed under sub rule (1) or sub rule (2) shall hold office for the period of five years from the date he enters upon his office and shall not hold the office after he has attained the age of 65 years whichever is earlier. (4) In case of vacancy or in the absence of Secretary, in any circumstance, the ex-officio member or any other member or officer of the Board may act as secretary, as the Board may think fit. (1) The secretary may be removed from his office by the Board and may be directed to report in his department or on Municipality, on the grounds of proven misconduct or misbehaviour or on the grounds that he; (a) has become physically (b) has acquired such financial or other interest as is likely to affect his function as the secretary, or (c) has so abused his position as to render his continuance in the office prejudicial to the public interest, or (d) is or has been an active member of a political party or has held or holds a post therein, or 36 Definitions

Appointment of the Secretary Removal of the (e) is a member of parliament or any State Legislature or any Municipality or Local Authority or is a candidate for election thereto, or (D) has been guilty of misconduct in discharging his duties, flagrantly abuse his position, cause loss or damage of Board's property, misappropriated or misused the board's fund, acted against the interest of the board and contravened the provisions of the Act and rules or regulations made thereunder. (2) The Board shall constitute a panel of three enquiry officers including ex-officio member and it may call upon him to show cause within the time to be specified in the notice why he should not be removed from the office. The board after considering the enquiry report of the panel and the explanation filed by the secretary, shall take appropriate decision. The Board may for reasons to be recorded in writing remove the Secretary from his office or direct the officer, if appointment is made on deputation, to report in his department or in Municipality or in authority concerned as the case may be. (5) (1) The salary, allowance and other conditions of service of Chairperson and all members shall be fixed by order of the State Government. (2) The Chairperson or a member other than ex-officio member shall be entitled for such salary and allowances as was admissible to him/her on the post last held by him/her. He/she shall be allowed such other facilities as may be considered necessary by the Board for efficient discharge of their duties and responsibilities-with the prior approval of the State Government' 6 (1) The salary and allowance of the employees of the Board shall be such as may be admissible to the identical or equivalent rank employees of the State Government. (2) The Secretary and other employees if appointed on deputation shall receive salary and allowances as per terms and conditions of the State Government in regard to services on deputation. (3) The salary and allowances of the employee's appointed after retirement, shall

draw as pay last pay drawn by them at the time of retirement minus pension including commutation. (4)

The other terms and conditions of employment including dearness and Other allowances, transport, medical, travelling allowance, leave, pension and contribution to provident and Pension Funds and contribution of group insurance or other funds, if any, shall be in accordance with the service condition of employees in department or Municipality or Authority concerned and State Government rules and orders

(5) The Board may sanction more facilities or allowances, honorarium etc. to Terms and conditions Of secretary, salaries and allowances of the Chairperson and the Member Salary and allowances of the Secretary and employees 7 8 the employees of the Board as per need and performance of the job given to them as the Board thinks fit with the prior approval of the State Government. (1) The Secretary shall, subject to the control of the Chairperson of the Board, discharge the duties and responsibilities as are applicable to the head of the office under the State Government and shall exercise such other powers and perform such duties as the Board may specify in this behalf. (2) The Secretary shall be the custodian of the

all properties, records and in formations of the Board (3) The Secretary shall have complete updated record Of specimen signature, photographs, residential and postal addresses, email address, phone numbers and Other relevant information the Chairperson, Members, Employees and Officer of the Board and shall put up before the Board time to time (4) The correspondence on behalf of the Board shall be under the signature of the Secretary, (5) All notices and processes required or sought to be issued to or to be served on the Board shall be received by the Secretary: (6) performing functions under section 22 of the Act by the Board all notices, summons and other related correspondence shall be done by the Secretary.

(7) The draft of Regulation and other related matter shall be prepared and put up before the Board by the Secretary as per directions of the Chairperson as per provisions of the regulations made under section 37 of the Act. (8) The Secretary shall perform such duties as may be delegated to him under rule [Section 19. (1)

The Chairperson or a Member of the Board before resuming his office shall take oath or affirmation of his allegiance to the Constitution in the following form before the Governor or any person nominated by him:- I, having been appointed as Chairperson/Member of Uttar Pradesh Board for Development of Municipal Financial Resources do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution Of India as by law established, (that I will uphold the sovereignty and integrity of India) that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill will and that I will uphold the Constitution and the laws'.

(2) Any person who is appointed as the Chairperson or a member of the Board fails to make within three months from the date on which the appointment is done, the oath or affirmation laid down in and required to be taken under 38 Powers and duties of the Secretary Oath of Allegiance and Article 9 sub-rule (1) shall cease to hold his office and his seat shall be deemed to have become vacant. (3) Any person required to take oath or affirmation under sub-rule (1) shall not take his seat at the meeting of the Board or do any act as the Chairperson or a Member, as the case may be unless he has made an oath or affirmation as laid down in sub-rule (1). (1) Staff may be appointed by the Board on deputation from employees of State Government departments or from Municipality, other Local authority or other Government organizations: (2) If the experienced and qualified employees are not available on deputation the Board may make direct recruitment of the employees; (3) Appointment of the Officers and the employees of the Board shall be made on the recommendations of selection committee to be constituted by the Board. The Selection Committee shall consist of the Director Local Body as ex-officio member and such Other member as the Board may consider necessary. 10 (1) A candidate for direct recruitment to any post under these rules must possess the requisite qualification identical to equivalent posts under State Government and in case there is no equivalent post, qualification shall be as the Board may determine; (2)

The age of a candidate for direct recruitment shall not be less than 21 years and more than 40 years. 11 Reservation on the posts under these rules shall be made in accordance with the orders of the State Government. In this respect provisions of the Uttar Pradesh Public Services (Reservation for Scheduled Casts, Schedule Tribes and Other Backward Classes) Act 1994 as in force at the time of recruitment shall be applicable. 12 The statement of land or building under section 13 of the Act shall be filed in Form * A * appended to these rules. The

Form maybe amended by the Board as required. 13 (1) An offence under the Act may be compounded by the Secretary On behalf of the Board, if it is found that a person who has committed or is reasonably suspected of having committed an offence under the Act. A sum of money not exceeding thousand) will be deposited by offender by way of composition fee in such manner as may be directed by the secretary. (2)

The Secretary shall receive all money such as compounding fee, other fee, charges and grants on behalf of the Board. 39 Manner Of Appointment to the post Created by the board Eligibility Reservation

Obligation to file statement and to disclose liability Composition Of offence 14 (1) The Board after completing the valuation of the land and buildings of any Municipality whole or part thereof shall publish in two daily news papers having circulation in such area, wide mentioning the place and time When the inspection of such valuation list may be made for inviting objections in Form-B appended to these rules.

(2) Objections may be sent in writing addressed to the Secretary of the Board 15 within a period of 30 days from the date of publication of valuation of land and buildings lastly published in the news paper.

Officers or employees of the Board authorized by the Chairperson on behalf of the Board, may for purposes of the Act, in particular for ascertaining the value of the land and building enter into or upon a premises in such manner as per provision of the Municipal Act. 16 (1) The Board may also take cognizance of property tax disputes suo motto or on complaint/information received regarding property tax assessment after due inquiry. (2) The application filed by occupier or owner of land or building shall be accompanied with deposit of Municipal dues regarding property in question under existing Municipal laws. (3) The Board shall not consider any application for review the valuation of such property under section 21 of the Act, if the matter of valuation of property or assessment is pending before the competent authority under Municipal Act. (4) NO application under above sub- rules shall be considered for acceptance of hearing if the dues of Municipality regarding property in question is not deposited in the office of the Municipality before presenting the application. (5) The Board may charge the fee along with postal and other expenses of proceedings before accepting the application for consideration under clause (g) of section 10 and section 21 of the Act and above sub rules. (6) The amount of fee, postal and other expenses of the proceeding, which may include the physical inspection of property in question, shall be fixed by the Board by Chairperson from time to time and case to case. (7) The Board shall not decide any such dispute without giving proper opportunity to all concerned parties to present their case. [7 (1) Under

Section 17 of the Act, the State Government shall from time to time by notification specify the Municipality or Municipalities or their part for general valuation or specific valuation of land and buildings to be made by the Board in accordance with the provisions of Municipal Acts On payment of such remuneration as it may determine and may also charge fee from Publication of proposed Valuation list and receipt of objections Power of entry and Inspection into land and building Determination of Valuation and Review of valuation of land and building Charging fees Municipalities towards expenditure of the Board Municipalities towards the expenditure of the Board on activities related to general or specific valuation. (2) The Board may fix charges for rendering the activity under sub rule (1) and may fix and charge fee for rendering every advice or any service required by the municipality under section 10 of the Act. 18 (1) Except petty payments up to rupees two thousand all disbursements on behalf of the Board shall be made only by crossed cheque with the signatures of Accounts officer or the senior most officer of accounts and the Secretary or Chairperson himself or he may authorize any other officer or Member to issue cheque under his signature. (2) The Secretary may have permanent advance within maximum limit of rupees ten thousand for the petty cash expenditure of the office if any, by the sanction of the Chairperson. (3) No advance shall be given to Secretary, if the previous advance is not adjusted and approved by Chairperson. 19 (1) The Board shall prepare an annual work plan and budget for the ensuing financial year in due time and submit the same to the State Government and if required to the Government of India for information. (2) The Board shall as soon as may be after the first day of April in each year, shall prepare a detailed work plan of the Board for the previous financial year together With a statement showing the accounts of the receipts and expenditure credited and debited to the Board during the said year and copies thereof shall be forwarded to the State Government for publication in the Gazette. The report shall be in such prescribed Form and contain such information as the Board may decide from time to time. A copy of the work plan will be sent to Director Local Bodies Uttar Pradesh. Mode Of payment Preparation of budget and Annual work plan By order, SHREEPRAKASH SINGH, Sachiv 41 (i) (i) FORM A (See rule 12) Statement of Land or Building Name of owner- Father; 1411s and 'K Name- Name of Occupier

Father/flat's; Name- Nant Ward 'Name NoAame Mark 2. 4. 6. 8. 9. IO. Location of the Land or Building- Detail of land Or building - (unit square feet) (i) Area of land Covered 01' IIIIC building (ii) (iii) Carpet area of the building (iv) Area of open land (outside the hut (ding) Building is located- On road having a width of more than 24 (li) On road having a width of 12 24 mtrs (l ii) an road having a width less than 1 meters- Nature of the construction of Building- (i) Pacca Building with RCC or RB roof. 01) Semi Pacca building (i i i) Kacheha Building Land is located- (i) On road having a width of 24 meters. (ii) On road having a width of 12 meters to 24 meters. (iii) On road having a width of more than 12 meters. Date of the

Building plan (Map) approval Year of the construction of building- Year of the purchase of land/Constructed House- Nature of use (a) residential (Self rent) (b) Non residential (Self Occupied/tenant rent) VERIFICATION I do hereby declare that the particulars furnished in this form are correct and complete to the best of my knowledge and belief. (Signature of the witness) Address Telephone NO, (if any)- Mobile No.- E-mail address- Date. _ (Signature of the owner/occupier) Address Telephone no. (if any) Mobile no. E-mail address- Date... 42 FORM B (See rule-14) Publication of proposed valuation list No. . Date. The valuation of the land or buildings situated within the territorial area of the . . .Municipal Corporation/Nagar Nigam/Nagar Palika Parishad(Nagar Panchayat for the purposes of the assessment of property tax (general tax, water tax, drainage tax, conservancy tax) has been completed by the Uttar Pradesh Board for Development of Municipal Financial Resources. Such valuation list and amount of property Tax/other Taxes thereon may be inspected by all concerned at the office of the . . . -Municipal Corporation/Nagar Nigam/Nagar Palika Parishad/Nagar Panchayat or office of the Uttar Pradesh Board for Development of Municipal Resources, Lucknow during office hours of any working day with a view to inviting objections and suggestions in respect thereof. Objections and suggestions, if any, with respect to the proposed list should be sent in writing addressed to the Chairperson of the Board, Lucknow along with evidences. Only such objections will be considered as are received within 30 days from the date of its publication. Chairperson, The Uttar Pradesh Board for Development of Municipal Resources, Lucknow,