

Bill No. 84 of 2010

THE NEW DELHI MUNICIPAL COUNCIL (AMENDMENT)
BILL, 2010

A

BILL

further to amend the New Delhi Municipal Council Act, 1994.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the New Delhi Municipal Council (Amendment) Act, 2010. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

44 of 1994. 2. In the New Delhi Municipal Council Act, 1994 (hereinafter referred to as the principal Act), in section 4,— Amendment of section 4.

(a) in sub-section (1),—

10 (i) in clause (b), for the words "three members", the words "two members" shall be substituted;

(ii) in clause (d), for the words "two members", the words "four members" shall be substituted;

(iii) after clause (d), the following clause shall be inserted, namely:—

"(e) the Member of Parliament, representing constituency which comprises wholly or partly the New Delhi area.";

(b) sub-section (2) shall be omitted;

(c) for sub-section (3), the following sub-section shall be substituted, 5
namely:—

"(3) out of the thirteen members referred to in sub-section (1), there shall be, at least,—

(a) three members who are women;

(b) two members belonging to the Scheduled Castes, out of which 10
one member shall be from the members nominated under clause (d) of sub-section (1)."

Amendment
of section 25.

3. In section 25 of the principal Act, in sub-section (1),—

(a) for the words "shall preside at every meeting", the words "shall, in a case not falling under the first proviso or the second proviso or the third proviso 15
or the fourth proviso, preside at every meeting" shall be substituted;

(b) the following provisos shall be inserted, namely:—

“Provided that in case one of the members is a member of the Legislative Assembly of Delhi, being the Chief Minister of Delhi, representing the constituency which comprises wholly or partly the New Delhi area, and such member of the Legislative Assembly of Delhi attends the meeting as a 20
member of the Council under clause (b) of sub-section (1) of section 4, such member shall preside over the meeting of the Council:

Provided further that in a case not falling under the first proviso, then, if one of the members is a Member of Parliament, being a Minister for the Union, representing the constituency which comprises wholly or partly the 25
New Delhi area, and such Member of Parliament attends the meeting as a member of the Council under clause (e) of sub-section (1) of section 4, such member shall preside over the meeting of the Council:

Provided also that in the cases not falling under the first proviso or the second proviso, then, if one of the members is a Member of the Legislative Assembly of Delhi, being a Minister in the Government of National Capital Territory of Delhi, representing the constituency which comprises wholly or partly the New Delhi area, and such member of the Legislative Assembly of Delhi attends the meeting as a member of the Council under clause (b) of 30
sub-section (1) of section 4, such member shall preside over the meeting of the Council:

Provided also that in the cases not falling under the first proviso or the second proviso or the third proviso, then, if one of the members is a Member of Parliament not being a Minister for the Union, representing the 40
constituency which comprises wholly or partly the New Delhi area, and such Member of Parliament attends the meeting as a member of the Council under clause (e) of sub-section (1) of section 4, such member shall preside over the meeting of the Council."

STATEMENT OF OBJECTS AND REASONS

The New Delhi Municipal Council Act, 1994 has been enacted to provide for the establishment of the New Delhi Municipal Council and for matters connected therewith or incidental thereto. It provides, *inter alia*, that there shall be three Members of the Legislative Assembly of Delhi, whose constituency fall fully or partly in the New Delhi area, as Members in the New Delhi Municipal Council. After delimitation of Assembly Constituencies in the National Capital Territory of Delhi, only two such Assembly Constituencies fall within the New Delhi area and consequently only two Members of Legislative Assembly may become the members in the New Delhi Municipal Council.

2. Presently, the Member of Parliament representing the New Delhi area in the Lok Sabha is a Special Invitee to the meetings of the New Delhi Municipal Council without voting rights. The Estimates Committee of Fourteenth Lok Sabha in its Eleventh and Thirteenth Reports recommended, *inter alia*, that the Member of Parliament should be given voting rights.

3. In view of the aforesaid, it is proposed to amend the New Delhi Municipal Council Act, 1994 to provide, *inter alia*, that,—

(a) the Member of Parliament representing the New Delhi area in the Lok Sabha shall be made a member of the New Delhi Municipal Council with voting rights;

(b) the number of members of the Legislative Assembly, who are members of the Council, be reduced from three to two;

(c) the number of Members representing certain fields be increased from two to four;

(d) out of thirteen members there shall be at least three members who are women and two members belonging to the Scheduled Castes in the Council, out of which one shall be from the nominated Members representing certain fields.

4. In view of proposed inclusion of the Member of Parliament, referred to in subparagraph (a) of the preceding paragraph, in the New Delhi Municipal Council and two Members of Legislative Assembly being the members of the New Delhi Municipal Council, it is further proposed to amend the aforesaid Act to revise the procedure for presiding over the meetings of the Council.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 20th July, 2010.

P. CHIDAMBARAM.

FINANCIAL MEMORANDUM

A member of the New Delhi Municipal Council is entitled to receive allowance at the rate of five hundred rupees for each day on which he or she attends the meetings of the Council or any Committee thereof subject to a maximum of three thousand rupees per month. The members, other than elected representatives, are also eligible to receive certain facilities, like vehicle, accommodation, stationery, medical, etc. The payment in this regard is to be made out of the New Delhi Municipal Fund and no expenditure is required from the Consolidated Fund of India.

2. The Bill does not envisage any other expenditure of recurring or non-recurring nature.

ANNEXURE

EXTRACTS FROM THE NEW DELHI MUNICIPAL CORPORATION ACT, 1994

(44 OF 1994)

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4. (1) The Council shall consist of the following members, namely:—

Composition
of the
Council.

* * * * *

(b) three members of Legislative Assembly of Delhi representing constituencies which comprise wholly or partly the New Delhi area;

* * * * *

(d) two members to be nominated by the Central Government in consultation with the Chief Minister of Delhi to represent from amongst lawyers, doctors, chartered accountants, engineers, business and financial consultants, intellectuals, traders, labourers, social workers including social scientists, artists, media persons, sports persons and any other class of persons as may be specified by the Central Government in this behalf.

(2) The Member of Parliament, representing constituency which comprises wholly or partly the New Delhi area, shall be a special invitee for the meetings of the Council but without a right to vote.

(3) Out of the eleven members referred to in sub-section (1), there shall be at least three members who are women and one member belonging to the Scheduled Castes.

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25. (1) The Chairperson or in his absence, the Vice-Chairperson, or in the absence of both, such other member present as is decided by the Council shall preside at every meeting of the Council.

Presiding
officer.

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LOK SABHA

A
Bill

further to amend the New Delhi Municipal Council Act, 1994.

(Shri P. Chidambaram, Minister of Home Affairs)