

THE DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 2011

A

BILL

further to amend the Delhi Municipal Corporation Act, 1957.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi

in the Sixty-second Year of the Republic of India as follows: -

1. Short title and commencement. – (1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 2011.

(2) It shall come into force on such date as the Administrator may, by notification in the official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. General. – In the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the "principal Act" -

(a) for the words "The Corporation" or "the Corporation", wherever they occur, the words "A Corporation" every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted;

(b) for the words "Central Government" wherever occurring in different sections, the word "Government" shall be substituted except in sections 2(43), 2(51), 3(6), 9(1)(g), 22 (8), 31, 54, 90(8), 96 (c), 106, 185, 195 (1), proviso to 195 (2), 485, 486, 487, 488 and 490, 490A,

(c) for the word "Delhi" wherever occurring in sections 3(6), 36, 39, 41, 43, 70, 109, 147 (1), 298, 301, 355 , 394 , 399 and 481, the words "the area of the Corporation" shall be substituted;

and there shall also be made in any sentence in which those words occur such changes as the rules of grammar require.

3. Amendment of section 2. – In the principal Act, in section 2, -

(a) for clause (6), the following clause shall be substituted, namely: -

“(6) “Commissioner” means the Commissioner of a Corporation;”;

(b) for clause (7), the following clause shall be substituted, namely: -

“(7) “Corporation” means a Corporation established under this Act;”;

(c) in clause (51), after the words “Central Government”, the words “and the Government” shall be inserted.

4. Substitution of new heading for the heading of Chapter II. – In the principal Act, for the heading of Chapter II, the following heading shall be substituted, namely: -

“ESTABLISHMENT OF CORPORATIONS”.

5. Substitution of new sub-heading for the sub-heading of Chapter II. – In the principal Act, for the sub-heading of Chapter II, the following sub-heading shall be substituted, namely: -

“Constitution of Corporations”.

6. Amendment of section 3. – In the principal Act, in section 3,-

(a) for sub-section (1), the following sub-sections shall be substituted, namely: -

“(1) The Government shall, by notification in the official Gazette, establish for the purposes of this Act, three Corporations charged with the municipal government of Delhi.

(1A) The name, area and limits of the three corporations established under sub-section (1) shall be as per the fourteenth schedule;

(b) for sub-section (2), the following sub-section shall be substituted, namely: -

“ (2) Every Corporation so established shall be a body corporate with name duly notified by the Government having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.”

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

“(5) The total number of seats of councilors and the number of seats reserved for the members of the Scheduled Castes in each Corporation, shall, at the time of establishment of such Corporation, be as determined by the Government by notification in the official Gazette”;

(d) In sub-section (6), -

(i) for the first proviso, the following proviso shall be substituted, namely: -

“Provided that the total number of seats in all the Corporations in Delhi shall in no case be more than two hundred and seventy two and the number of seats in each Corporation shall be determined by the Government at the time of establishment of such Corporations:”;

(ii) for the third proviso, the following proviso shall be substituted, namely: -

“Provided also that for the first election to the Corporations to be held immediately after the commencement of the Delhi Municipal Corporation (Amendment) Act, 2011, the population figures of every such Corporation as published in relation to 2001 census shall be deemed to be the population thereof as ascertained in that census.”;

(e) in sub-section (7), -

(i) for the words “Central Government”, the word “Government” shall be substituted.

(ii) for the words “one-third”, the words “one-half” shall be substituted.

(f) in sub-section (8), -

(iii) for the words “Central Government” wherever occurring, the word “Government” shall be substituted;

(iv) for the words “one-third”, the words “one-half” shall be substituted.

7. Substitution of new section for section 3A. - In the principal Act, for section 3A, the following section shall be substituted, namely: -

“3A. Division of the area of a Corporation into zones and wards. – (1) The area of every Corporation shall be divided into a number of zones and each zone into a number of wards as specified in the Fourteenth Schedule.

(2) The Government may, by notification in the official Gazette, alter the number or the name, and increase or diminish the area of any zone or ward specified in the Fourteenth Schedule.”

8. Amendment of section 5. – In the principal Act, in section 5,-

(a) in sub-section (1), -

(i) for the word "Delhi" occurring after the word "councilors," and before the word "shall", the words "the area of a Corporation" shall be substituted;

(ii) for the word "Delhi" occurring at the end thereof, the words "the area of that Corporation" shall be substituted;

(b) in sub-section (2), for the words "Central Government", the word "Government" shall be substituted.

9. Amendment of section 6. – In the principal Act, in section 6, for the opening phrase "The Corporation, with the previous approval of the Central Government," the following phrase shall be substituted, namely: -

"A Corporation, with the previous approval of the Government,".

10. Amendment of section 52. – In the principal Act, in section 52 in sub-section (2), for the opening phrase "The Central Government may, after consultation with the Government", the words "The Government may" shall be substituted.

11. Amendment of section 69. – In the principal Act, in section 69, the word "Delhi" shall be omitted.

12. Insertion of new section 90A - In the principal Act, after section 90, the following section shall be inserted, namely :

"90A. Certain officers and employees of the erstwhile corporation to become officers and employees of respective corporations –

(1) On the establishment of the Corporations under sub-section (1) of section 3—

(a) the officers and employees of the erstwhile Corporation at the ward and zonal level shall become officers and employees of the respective new Corporations

(b) the officers and employees of the erstwhile Corporation, other than those covered under clause (a), shall be divided amongst the new Corporations by the Director of Local Bodies in consultation with the Commissioner of the erstwhile Corporation

13. Amendment of section 99. – In the principal Act, in section 99, in sub-section (1), in the concluding phrase thereof, for the words and brackets “the Municipal Fund of Delhi (hereafter in this Act referred to as “the Municipal Fund”)", the following words and brackets shall be substituted, namely: -

“by the name of the area of the Corporation as specified by the Government under sub-section (1A) of section 3 (hereinafter in this Act referred to as “the Municipal Fund”)"”.

14. Substitution of section 100.- In the principal Act, for section 100, the following section shall be substituted, namely: -

“100. Municipal Fund to be kept in the State Bank of India. – All moneys payable to the credit of the Municipal Fund in the General Account shall be received by the Commissioner of each Corporation and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled “The General Account of the Municipal Fund of the Corporation.”

15. Amendment of section 203. - In the principal Act, in section 203, after sub-section (2), the following sub-sections shall be inserted, namely :-

“(3) The contracts already made in accordance with the provisions of the the bye-laws made thereunder prior to the commencement of the Delhi Municipal Corporation (Amendment) Act, 2011 shall be deemed to have been executed on behalf of the respective Corporations constituted under sub-section (1) of section 3 by the Commissioner until the expiry of the validity of the period of the contract,

16. Amendment of section 298. - In the principal Act, in section 298 for sub-section (1), the following sub-section shall be substituted, namely :-

“(1) All streets within the jurisdiction of each Corporation constituted under sub-section (1) of section 3 of the this Act which are or at any time become public streets, and the pavements, stones and other materials thereof shall vest in such Corporation :

“provided that no public street which immediately before the commencement of the Delhi Municipal Corporation (Amendment) Act, 2011 vested in the Union, shall, unless the Central Government with the consent of the concerned Corporation so directs, vest in such Corporation by virtue of this sub-section.”

17. Amendment of section 479. – In the principal Act, in section 479, -

(a) in sub-section (2), for the words "Every rule made under this Act, every notification issued under sub-section (2) of section 3A and sub-section (2) of section 52 and bye-laws made by the Central Government under section 349A" , the words "Every rule made under clause (8) of section 22 and section 31" shall be substituted.

(b) after sub-section(2), the following section shall be inserted, namely: -

"(3).- Every rule made under this Act, except rules made under section 22(8) and section 31 of this Act, every notification issued under sub-section (2) of section 3A and sub-section (2) of section 52 and bye-law made by the Government under section 349A shall be laid, as soon as may be after it is made or issued, before the Legislative Assembly of Delhi, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule, bye-laws or notification or the Legislative Assembly agrees that the rule or bye-laws or notification should not be made or issued, the rule or bye-laws or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law or notification."

18. Substitution of new section for section 481A. – In the principal Act, for section 481A, the following section shall be substituted, namely: -

"481A. Regulations and bye-laws to be laid before Legislative Assembly of Delhi. – The Government shall cause every regulation made under this Act and every bye-law made under section 481 to be laid, as soon as may be after it is made or issued, before the Legislative Assembly of Delhi, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the regulation or bye-law or the Legislative Assembly agrees that the regulation or bye-law should not be made or issued, the regulation or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation or bye-law."

19. **Insertion of new section 484A.** – In the principal Act, in Chapter XXIV, after the heading thereof, and before section 485, the following section shall be inserted, namely: -

“484A. (1) Director of Local Bodies - The Government shall appoint a Director of Local Bodies to assist the Government and discharge functions including -

- (i) to coordinate the functions of the Corporations in respect of the common facilities and services that are under the control and management of the Corporation in whose area they are located ;
- (ii) to decide, in the interim, the utilization of various assets and discharge of liabilities by the Corporations ;
- (iii) to frame the recruitment rules for various posts ;
- (iv) to resolve the functional and administrative anomalies or difficulties arising, if any, after constitution of the three corporations in consultation with the Commissioner(s) thereof ;
- (v) to coordinate the collection and sharing of Toll Tax from Toll centres / gates that are under the control of respect of respective Corporations in which they are located on the basis of such principles as may be prescribed.

(2) The Director of Local Bodies shall exercise such powers of the Government in relation to the affairs of the Corporations (not being power under sections 487 to 490), as the Government may, by notification in the official Gazette and subject to the conditions and restrictions (including the condition of review by itself), specify in the notification.

(3) The terms and conditions of service and the tenure of office of the Director of Local Bodies shall be such as the Government may, by rules, prescribe.

(4) The Government shall make available to the Director of Local Bodies such staff as the Government considers necessary for the exercise of the powers conferred on him under sub-section (2)

20. **Insertion of new section 490B.** – In the principal Act, after section 490A, the following section shall be inserted, namely: -



“490B.- Delegation of power by the Government. – The Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable by any of its officers or by Commissioner or by any other authority.”

21 . Insertion of new section 514 B. - In the principal Act, after section 514 A , the following section shall be inserted,:

“ 514-B. Overriding effect of the provisions of the Delhi Development Act, 1957.- Notwithstanding anything contained in this Act, in case of any repugnancy between the provisions of this Act and the provisions of the Delhi Development Act, 1957, the provisions of the Delhi Development Act, 1957 shall prevail over the provisions of this Act.

22. Substitution of Fourteenth Schedule. – In the principal Act, for the Fourteenth Schedule, the following schedule shall be substituted, namely : -

THE FOURTEENTH SCHEDULE

(See section 3A)

THE NAME, AREAS AND LIMITS OF CORPORATIONS

S.No.	Name of the Corporations	Ward No.	Name of the ward	Name of the zone	
1.	North Delhi Municipal Corporation	1	Narela	Narela	
		2	Bankner		
		3	Alipur		
		4	Bakhtawar Pur		
		5	Bhalswa Jahangir Puri	Civil Lines	
		6	Mukund Pur		
		7	Burari		
		8	Jharoda		
		9	Malka Ganj		
		10	Timar Pur		
		11	Mukherjee Nagar		
		12	G.T.B. Nagar		
		13	Dhir Pur		
		14	Adarsh Nagar		
		15	Sarai Pipal Thala		
		16	Jahangir Puri-I		
		17	Samaypur Badli		
		18	Libas Pur		
		19	Bhalswa		
		20	Jahangir Puri-II		
		21	Rohini		
		22	Rithala		

	23	Budh Vihar	
	24	Vijay Vihar	
	25	Pooth kalan	
	26	Sahibabad Dault Pur	
	27	Begampur	
	28	Bawana	Narela
	29	Karala	
	30	Mundaka	
	31	Nangloi Jat West	Najafgarh
	32	Nilothi	Narela
	33	Pratap Nagar	
	34	Nithari	
	35	Kirai Suleman Nagar	
	36	Prem Nagar	
	37	Sultanpuri East	
	38	Mangol Puri North	
	39	Sultanpur Majra	
	40	Sultanpuri South	
	41	Guru Harikishan Nagar	
	42	Peeragarhi	
	43	Nangloi East	West
	44	Quammruddin Nagar	
	45	Rohini South	
	46	Mangolpuri East	Rohini
	47	Mangolpuri	
	48	Mangolpuri West	
	49	Rohini North	
	50	Rohini Central	
	51	Rohini East	
	52	Naharpur	Rohini
	53	Pitampura South	
	54	Pitampura North	
	55	Shalimar Bagh North	
	56	Shalimar Bath South	
	57	Paschim Vihar South	
	58	Paschim Vihar North	West
	59	Rani Bagh	
	60	Saraswati Vihar	
	61	Tri Nagar	
	62	Rampura	
	63	Kohat Enclave	
	64	Shakur Pur	
	65	Nimri Colony	
	66	Sawan Park	
	67	Wazirpur	
	68	Ashok Vihar	
	69	Kamla Nagar	
	70	Rana Partap Bagh	
	71	Sangam Park	Civil Lines
	72	Model Town	
	73	Shastri Nagar	S.P.Zone
	74	Inder Lok Colony	
	75	Kishan Ganj	
	76	Deputy Ganj	
	77	Kashmere Gate	
	78	Majnu Ka Tilla	Civil Lines
	79	Jama Masjid	
	80	Chandni Chowk	
	81	Minto Road	
	82	Kucha Pandit	
	83	Bazaar Sita Ram	
	84	Turkman Gate	
	85	Idgah Road	S. P. Zone
	86	Ballimaran	City
	87	Ram Nagar	S.P. Zone
	88	Qasabpura	
	89	Pahar Ganj	
	90	Model Basti	
	91	Karol Bagh	
	92	Dev Nagar	
	93	Baljit Nagar	Karol Bagh Zone

		94	West Patel Nagar	Karol Bagh Zone
		95	East Patel Nagar	
		96	New Ranjit Nagar	
		97	Kirti Nagar	West
		98	Mansarovar Garden	
		99	Moti Nagar	
		100	Karam Pura	Karol Bagh Zone
		149	Rajinder Nagar	
		150	Pusa	
		151	Inderpuri	Karol Bagh Zone
		152	Naraina	
2.	South Delhi Municipal Corporation	101	Raja Garden	
		102	Raghubir Nagar	
		103	Punjabi Bagh	
		104	Madipur	
		105	Rajouri Garden	
		106	Tagore Garden	
		107	Vishnu Garden	
		108	Khyala	
		109	Janak Puri North	
		110	Nangal Raya	
		111	Hari Nagar	West
		112	Subash Nagar	
		113	Mahavir Nagar	
		114	Tilak Nagar	
		115	Major Bhupinder Singh Nagar	
		116	Vikasuri East	
		117	Janakpuri West	
		118	Janakpuri South	Najafgarh
		119	Milap Nagar	
		120	Sitapuri	West
		121	Kanwar Singh Nagar	
		122	Hastsal	West
		123	Vikasuri	
		124	Vikas Nagar	
		125	Mohan Garden	
		126	Nawada	
		127	Uttam Nagar	
		128	Bindapur	
		129	Dabri	Najafgarh
		130	Manglapuri	
		131	Sagarpur	
		132	Sagarpur West	
		133	Chhawla	
		134	Nangli Sakravati	
		135	Kakraula	
		136	Matiala	
		137	Roshanpura	
		138	Najafgarh	
		139	Dichaon Kalan	Najafgarh
		140	Khera	
		141	Biwasan	
		142	Raj Nagar	
		143	Kapashera	
		144	Mahipalpur	
		145	Palam	
		146	Sadh Nagar	
		147	Mahavir Enclave	
		148	Madhu Vihar	
		153	Darya Ganj	City
		154	Nizamuddin	
		155	Lajpat Nagar	Central
		156	Bhogal	
		157	Kasturba Nagar	
		158	Kotla Mubarakpur	
		159	Andrews Ganj	
		160	Amar Colony	
		161	Malviya Nagar	
		162	Village Hauz Rani	
		163	Safdarpuri Enclave	

		166	Munirka	South
		167	R.K.Puram	
		168	Nanak Pura	
		169	Lado Sarai	
		170	Mehrauli	
		171	Vasant Kunj	Najafgarh
		172	Kishangarh	
		173	Said ul Ajaib	South
		174	Chhatarpur	
		175	Aya Nagar	
		176	Bhati	
		177	Sangam Vihar	
		178	Deoli	
		179	Tigri	
		180	Dakshin Puri Extn.	
		181	Khanpur	
		182	Ambedkar Nagar	
		183	Madangir	Central
		184	Pushp Vihar	
		185	Tuglakabad Extn.	
		186	Sangam Vihar West	
		187	Sangam Vihar Central	South
		188	Sangam Vihar East	
		189	Chiragh Delhi	Central
		190	Chittaranjan Park	South
		191	Shahput Jat	Central
		192	Greater Kailash-I	Central
		193	Srinivas Puri	
		194	East of Kailash	
		195	Govind Puri	
		196	Kalkaji	
		197	Tughlakabad	
		198	Pul Pehlad	
		199	Teh Khand	
		200	Harkeshnagar	
		201	Jailpur	
		202	Meetha Pur	
		203	Badarpur	
		204	Molarband	
		205	Zakir Nagar	
		206	Okhla	
		207	Madanpur Khadar	
3.	East Delhi Municipal Corporation	208	Sarita Vihar	Shahdara South
		209	Mayor Vihar Ph-I	
		210	Dallupura	
		211	Trilok Puri	
		212	New Ashok Nagar	
		213	Kalyan Puri	
		214	Khichripur	
		215	Kondli	
		216	Gharoli	
		217	Vinod Nagar	
		218	Mandawali	Shahdara South
		219	Mayur Vihar Ph-II	
		220	Patparganj	
		221	Kishan Kunj	
		222	Laxmi Nagar	
		223	Shakarpur	
		224	Pandav Nagar	
		225	Anand Vihar	
		226	Vishwash Nagar	
		227	I.P.Extension	
		228	Preet Vihar	
		229	Krishna Nagar	
		230	Geeta Colony	
		231	Ghondli	
		232	Anarkali	
		233	Dhara Pura	
		234	Gandhi Nagar	
		235	Azad Nagar	
		236	Ranbir Dura	

		238	Jhilmil	
		239	Vivek Vihar	
		240	Dilshad Colony	
		241	Dilshad Garden	
		242	New Seema Puri	
		243	Nand Nagri	
		244	Sunder Nagri	
		245	Durga Puri	
		246	Ashok Nagar	
		247	Ram Nagar	
		248	Welcome Colony	
		249	Chauhan Bangar	
		250	Zaffrabad	
		251	New Usmanpur	
		252	Mauj Pur	
		253	Bhajanpura	
		254	Brahampuri	
		255	Ghonda	
		256	Yamuna Vihar	
		257	Subbash Mohalla	
		258	Kardampuri	
		259	Janta Colony	
		260	Babarpur	
		261	Jiwanpur	
		262	Gokalpur	
		263	Saboli	
		264	Harsh Vihar	
		265	Shiv Vihar	
		266	Karawal Nagar East	
		267	Nehru Vihar	
		268	Mustafabad	
		269	Khajoori Khas	
		270	Tukhim Pur	
		271	Karawal Nagar West	
		272	Sonia Vihar	

Shahdara North

Shahdara North

STATEMENT OF OBJECTS AND REASONS

Serious concerns had been expressed for quite some time about the constant deteriorating state of basic civic services in Delhi and the ever increasing woes of the Delhites on that account. As long back as in 1989, the Balakrishnan Committee constituted by the Ministry of Home Affairs, Government of India, on reorganization of Delhi set-up, recommended that the monolithic Municipal Corporation of Delhi (MCD) may be abolished and replaced by a number of compact municipalities at various centers in Delhi in the interest of providing to the public more efficient civic services. Looking at the monolithic structure of the MCD having jurisdiction over 94.22 percent of the area and 95.90 percent of the population (2001) of the NCT of Delhi with comparative remoteness of its power centre from the people, it is meant to serve, the Virendera Prakash Committee set-up by the Government of National Capital Territory of Delhi also recommended in its report in February, 2001, to split MCD into four Corporations and two Councils. Recently, Group of Ministers (GOM) also made Recommendations for splitting the Corporation into five.

The need for splitting the MCD is being felt all the more now with the phenomenal growth of population which may reach two crore in the next 8-10 years.

The min objective behind the Delhi Municipal Corporation (Amendment) Bill, 2011 is to make enabling provisions in law for restructuring of the MCD through creation of three Corporations in the National Capital Territory of Delhi.

The Bill also provides for stream-lining of the functional domain of the Corporation with delegation of powers vesting in the Central Government to the Government of NCT of Delhi.

Hence, this Bill.



(RAJ KUMAR CHAUHAN)
MINISTER OF URBAN DEVELOPMENT

FINANCIAL MEMORANDUM

The Delhi Municipal Corporation (Amendment) Bill, 2011 does not involve at the moment any additional financial assistance to the Corporation from the Central Government through substantive expenditure from the Consolidated Fund of the National Capital Territory of Delhi.

In so far as the Delhi Municipal Corporation of Delhi is concerned, its restructuring is proposed to be so done that there is no need for additional building, other infrastructure and staff. Posts of Commissioners will have to be created for two new corporations besides, certain statutory posts as required under section 89 of the DMC Act like Municipal Engineer, Municipal Health Officer, Education Officer, Municipal Chief Accountant, Municipal Secretary and Chief Auditor while would have to be created in regard to two new corporations and the said posts could be filled-up in accordance with the provisions of the Recruitment rules for these posts. To this extent, there would be an additional financial liability which will be met through internal resources and no financial assistance will be sought from the MHA / Government of India. The existing infrastructure and staff shall be divided amongst the Corporations.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 17, 18 of the Delhi Municipal Corporation (Amendment) Bill, 2011 empower the Government to make rules and bye-laws and approve the regulations and bye-laws made by the Corporation.

The matters in respect of which rules may be made and regulations and bye-laws approved are matters of administrative details and procedure and, as such, the delegation of legislation power is normal.