

Bill No. 92 of 2022

THE DELHI MUNICIPAL CORPORATION (AMENDMENT)
BILL, 2022

A

BILL

further to amend the Delhi Municipal Corporation Act, 1957.

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

1. (1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 2022. 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:

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.

General. **2.** In the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the principal Act),— 66 of 1957.

(a) for the words "A Corporation", "every Corporation", "each Corporation" or the word "Corporations", wherever they occur in the Act, the words "The Corporation" or "the Corporation", as the case may be, shall be substituted; 5

(b) in sub-section (3) of section 36, sub-section (1) of section 41, clause (y) of section 43, clauses (b) and (c) of section 70, sub-section (1) of section 109, sub-section (1) of section 147, clause (d) of section 301, section 355, sub-section (1) of section 394, clause (a) of sub-section (1) of section 399 and section 481, for the words "the area of the Corporation" wherever they occur, the word "Delhi" shall, 10
subject to such changes as the rules of grammar require, be substituted;

(c) in sections 1, 3A, 5, 6, 32A, 55, 56, 57, 193, 330A and 499, for the word "Government", wherever it occurs, the words "Central Government" shall be substituted.

Amendment of section 2. **3.** In the principal Act, in section 2,— 15

(a) in clause (6), for the words "a Corporation", the words "the Corporation" shall be substituted;

(b) in clause (7), for the words "a Corporation of Delhi", the words "the Municipal Corporation of Delhi" shall be substituted.

Substitution of heading and sub-heading of Chapter II. **4.** In Chapter II, for the heading and sub-heading, the following heading and 20
sub-heading shall be substituted, namely:—

"ESTABLISHMENT OF MUNICIPAL CORPORATION OF DELHI

Constitution of Municipal Corporation".

Amendment of section 3. **5.** In the principal Act, in section 3,— 25
(a) for sub-sections (1) and (1A), the following sub-section shall be substituted, namely:—

"(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be a Corporation charged with the Municipal Government of Delhi, to be known as the Municipal Corporation of Delhi."; 30

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

(c) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

"(5) The total number of seats of councillors and the number of seats 35
reserved for the members of the Scheduled Castes in the Corporation, shall, at the time of establishment of Corporation, be as determined by the Central Government by notification in the Official Gazette.

(6) Upon the completion of each census after the establishment of the Corporation, the number of seats shall be on the basis of the population of Delhi as ascertained at that census and shall be determined by the Central Government by notification in the Official Gazette and the number of seats to be reserved for the members of the Scheduled Castes shall, as nearly as may be, bear the same ratio to the total number of seats as the population of Scheduled Castes bears to the total population of Delhi: 40
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Provided that the total number of seats shall in no case be more than two hundred and fifty and the number of seats in the Corporation shall be determined

by the Central Government at the time of the establishment of the Corporation:

Provided further that the determination of seats as aforesaid shall not affect the then composition of the Corporation until the expiry of the duration of the Corporation:

- 5 Provided also that the seats reserved for the Scheduled Castes may be allotted by rotation to different wards in such manner as the Central Government may, by order published in the Official Gazette, direct."
6. In the principal Act, in section 42, after clause (wa), the following clause shall be inserted, namely:— Amendment of section 42.
- 10 "(wb) securing and establishment of e-governance system for citizens' services on an anytime-anywhere basis for better, speedy, accountable and transparent administration;"
7. In the principal Act, for section 90A, the following section shall be substituted, namely:— Substitution of new section for section 90A.
- 15 "90A.(1) On the date of establishment of the Corporation under sub-section (1) of section 3, the officers and employees of the erstwhile North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation shall, with immediate effect, become the officers and employees of the Corporation. Officers of erstwhile Corporations to become officers of Corporation.
- 20 (2) For the purposes of sub-section (1), the Government may make such rules as may be required."
8. In the principal Act, in section 203, for sub-section (3), the following sub-section shall be substituted, namely:— Amendment of section 203.
- 25 "(3) The contracts already made in accordance with the provisions of the bye-laws made under this Act prior to the commencement of the Delhi Municipal Corporation (Amendment) Act, 2022 shall be deemed to have been executed by the Commissioner on behalf of the Corporation constituted under sub-section (1) of section 3 and shall continue until the expiry of the validity period of such contracts."
9. In the principal Act, section 388 shall be omitted. Omission of section 388.
10. In the principal Act, in section 444, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment of section 444.
- 30 "(1A) The service of notices, summons and other documents referred to in sub-section (1) may be made by delivering or transmitting a copy thereof by registered post acknowledgment due, addressed to the defendant or his agent empowered to accept the service or by speed post or by such courier services as are approved by the High Court or by any other means of transmission of documents (including fax message or electronic mail service) as may be provided by rules made by the High Court."
- 35 11. In the principal Act, in section 479,— Amendment of section 479.
- 40 (a) in sub-section (2), after the word and figures "section 31", the words, brackets, figures and letter "and every notification issued under sub-section (2) of section 3A" shall be inserted;
- (b) in sub-section (3), the words, brackets, figures and letter "sub-section (2) of section 3A and" shall be omitted.
12. In the principal Act, section 484A shall be omitted. Omission of section 484A.

Substitution of new sections 514A and 514AA for section 514A.

13. In the principal Act, for section 514A, the following sections shall be substituted, namely:—

Appointment of Special Officer.

"514A. Notwithstanding anything contained in this Act, the Central Government may, if necessary, appoint a person to be called the Special Officer, to exercise the power and discharge the functions of the Corporation until the date on which the first meeting of the Corporation is held after the commencement of the Delhi Municipal Corporation (Amendment) Act, 2022.

Transitional provisions.

514AA. On and from the commencement of the Delhi Municipal Corporation (Amendment) Act, 2022,—

(a) the North Delhi Municipal Corporation, the South Delhi Municipal Corporation and the East Delhi Municipal Corporation (hereafter referred to as the erstwhile Corporations) shall be subsumed with, and become part of the Municipal Corporation of Delhi;

(b) any reference to the erstwhile Corporations in any contract or other instrument shall be deemed as a reference to the Municipal Corporation of Delhi;

(c) all properties, movable and immovable, of or belonging to the erstwhile Corporations shall vest in the Municipal Corporation of Delhi;

(d) all the rights and liabilities of the erstwhile Corporations shall be transferred to, and be the rights and liabilities of, the Municipal Corporation of Delhi;

(e) any pending proceedings, including any disciplinary, arbitration, appeal or other legal proceedings, of whatever nature, by or against the erstwhile Corporations shall be continued or enforced by or against the Municipal Corporation of Delhi;

(f) any rules, regulations and bye-laws made prior to such commencement, shall, in so far as they are consistent with the provisions of the Act, continue to be applicable till new rules, regulations and bye-laws are made."

Power to remove difficulties.

14. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The Delhi Municipal Corporation Act, 1957 was enacted to consolidate and amend the law relating to the Municipal Government of Delhi. A Corporation charged with the Municipal Government of Delhi was established under the said Act as the Municipal Corporation of Delhi. In 2011, the said Act was amended by the Legislative Assembly of the National Capital Territory of Delhi *vide* the Delhi Municipal Corporation (Amendment) Act, 2011 leading to trifurcation of the said Corporation into three separate Corporations.

2. The main objective of trifurcation of the erstwhile Municipal Corporation of Delhi was to create compact municipalities at various centres in Delhi in the interest of providing more efficient civic services to the public. However, trifurcation of the erstwhile Municipal Corporation of Delhi was uneven in terms of territorial divisions and revenue generating potential. As a result, there was huge gap in the resources available to the three corporations compared to their obligations.

3. Over a period, the gap has only widened, increasing the financial difficulties of the three Municipal Corporations in Delhi, leaving them incapacitated to make timely payment of salaries and retirement benefits to their employees. The delay in the payment of salaries and retirement benefits have resulted in frequent strikes by the municipal employees which have not only affected civic services, but also created concomitant problems of cleanliness and sanitisation. Such financial constraints on the part of the three municipal corporations result in inordinate delay in the fulfilment of their contractual and statutory obligations and create serious impediments in maintaining civic services in Delhi.

4. The experience of the last ten years shows that the main objective of trifurcation of creating compact municipalities in Delhi to provide more efficient civic services to the public has not been achieved. Instead, owing to inadequacies in resources and uncertainty in fund allocation and release, the three corporations have been facing huge financial hardships, making it difficult for them to maintain the civic services in Delhi at the desired levels. The level and quality of delivery of municipal services in the capital of India needs to be in consonance with its unique status and cannot be subjected to vagaries of financial hardship and functional uncertainties.

5. The Delhi Municipal Corporation (Amendment) Bill, 2022 seeks to—

(i) unify the three municipal corporations into a single, integrated and well equipped entity;

(ii) ensure a robust mechanism for synergised and strategic planning and optimal utilisation of resources;

(iii) bring about greater transparency, improved governance and more efficient delivery of civic service for the people of Delhi.

6. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 22nd March, 2022.

AMIT SHAH.

ANNEXURE

EXTRACTS FROM THE DELHI MUNICIPAL CORPORATION

ACT, 1957

(66 OF 1957)

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Term of office of the Mayor and Deputy Mayor and facilities and privileges of the Mayor.	36. (1)	*	*	*	*
	(3) The Mayor shall have full access to all the records of the Corporation and may obtain reports from the Commissioner on any matter connected with the municipal government of the area of the Corporation;				
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CHAPTER III

FUNCTIONS OF A CORPORATION

General powers of a Corporation.	41. (1)	Subject to the provisions of this Act and the rules, regulations and bye-laws made thereunder the municipal government of the area of the Corporation shall vest in a Corporation.			
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Discretionary functions of a Corporation.	43.	Subject to any general or special order of the Government, from time to time, a Corporation, may provide either wholly or in part for all or any of the following matters, namely:—			
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(y) the improvement of the area of the Corporation in accordance with improvement schemes approved by a Corporation;

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Power of Corporation to require the Commissioner, etc., to produce documents and furnish returns, reports, etc.	70. (1)	A Corporation may at any time require the Commissioner—			
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(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter pertaining to the administration of this Act or the municipal government of the area of the Corporation;

(c) to furnish a report by himself or to obtain from the head of any department subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the area of the Corporation.

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Budget estimates

Adoption of budget estimates.	109. (1)	Every Corporation shall, on or before the 31st day of March of every year, adopt for the ensuing year the budget estimate which shall be an estimate of the income and expenditure of a Corporation to be received and incurred on account of the municipal government of the area of the Corporation.			
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Duty on transfer of property

147. (1) Save as otherwise provided in this Act, a Corporation shall levy a duty on transfers of immovable property situated within the limits of the area of the Corporation in accordance with the provisions hereafter in this section contained.

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Duty on transfer of property and method of assessment thereto.

301. The Commissioner may at any time with the previous sanction of the Corporation,—

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Power to make new public streets.

(d) lay down and determine the position and direction of a street or streets in any part of the area of the Corporation notwithstanding that no proposal for the erection of any building in the vicinity has been received.

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355. (1) It shall be lawful for the Commissioner to take or cause to be taken measures for the daily collection, removal and disposal of all filth and polluted and obnoxious matters from latrines, urinals and cesspools not connected by a drain with a municipal drain from all premises situate in any portion of the area of the Corporation.

Collection and removal of filth and polluted matter through municipal agency.

(2) In such portion of the area of the Corporation and in any premises wherever situate in which there is a latrine, or urinal connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of scavengers.

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CHAPTER XVIII

VITAL STATISTICS

394. (1) The Municipal Health Officer shall be the Chief Registrar of births and deaths for Delhi and shall keep in such form as may be prescribed by bye-laws a register of all births and deaths occurring in the area of the Corporation.

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Appointment of Chief Registrar and registrars.

Dogs

399. (1) A Corporation may, by bye-laws made in this behalf,—

(a) require the registration, by the registration authority appointed by the Commissioner in this behalf of all dogs kept within the area of the Corporation;

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Registration and control of dogs.

481. (1) Subject to the provisions of this Act a Corporation may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters, namely:—

Power to make bye-laws.

A. Bye-laws relating to taxation

(1) the maintenance of tax books and registers by the Commissioner and the particulars which such books and registers should contain;

(2) the inspection of and the obtaining of copies and extracts from such books and registers and fees, if any, to be charged for the same;

(3) the publication of rates of taxes as determined by a Corporation from time to time;

(4) the requisition by the Commissioner of information and returns from persons liable to pay taxes;

(5) the notice to be given to the Commissioner by any person who becomes the owner or possessor of a vehicle or animal in respect of which any tax is payable under this Act;

(6) the wearing of badge by the driver of any such vehicle and the display of number plate on such vehicle;

(7) the submission of returns by persons liable to pay any tax under this Act;

(8) the collection by the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908, of the additional stamp duty payable to a Corporation under this Act, the periodical payment of such duty to a Corporation and the maintenance by such registrar or sub registrar of separate accounts in relation thereto; 16 of 1908.

(9) any other matter relating to the levy, assessment, collection, refund or remission of taxes under this Act.

E. Bye-laws relating to streets

(1) the closure of streets when any work is in progress and alternative passage during the progress of such work;

(2) the erections of a temporary nature during festivals;

(3) the setting up of hoards on buildings adjacent to streets during their construction or repair;

(4) the precautions to be taken when permission is granted to any private individual for opening or breaking up any public street and the fees to be paid for the restoration of a street in its original condition;

(5) the permission, regulation or prohibition of use or occupation of any street or place by itinerant vendors or hawkers or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall and the fees chargeable for such occupation;

(6) any other matter in connection with the construction, repair, maintenance, naming, numbering and lighting of streets for which provision is necessary or should be made.

G. Bye-laws relating to sanitation and public health

(1) the position of latrines and urinals;

(2) the provision of air spaces between latrines and buildings or places used for various purposes;

(3) the white-washing of buildings;

(4) the provision of living accommodation for sweepers in buildings newly erected requiring ten or more latrines;

(5) the regulation or prohibition of the stabling or herding of animals or any class of animals so as to prevent danger to public health;

(6) the seizure of ownerless animals straying within the limits of the area of the Corporation and the regulation and control of pounds;

(7) the fixing and regulation of the use of public bathing and washing places;

(8) the prevention of the spread of dangerous diseases;

(9) the segregation in or the removal or exclusion from any part of the area of the Corporation or the destruction of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;

(10) the supervision, regulation, conservation and protection from injury, contamination or trespass, of sources and means of public water supply and of appliances for the distribution of water;

(11) the enforcement of compulsory vaccination and inoculation;

(12) the proper disposal of corpses, the regulation and management of burning and burial places and other places for the disposal of corpses and the fees chargeable for the use of such places where the same are provided or maintained at the expense of the Municipal Fund.

H. Bye-laws relating to vital statistics

(1) the prescribing of qualifications of persons to be appointed as registrars under Chapter XVIII;

(2) the registration of births, deaths and marriages and the taking of a census.

I. Bye-laws relating to public safety and suppression of nuisances

The regulation or prohibition for the purpose of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance and for the regulation or prohibition of which no provision is made elsewhere by this Act.

J. Bye-laws relating to markets, slaughter houses, trades and occupations

(1) the days on, and the hours during which any market or slaughter house may be kept open for use;

(2) the regulation of the design, ventilation and drainage of markets and slaughter houses and the materials to be used in the construction thereof;

(3) the keeping of markets and slaughter houses and the lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth, rubbish and other polluted and obnoxious matter therefrom and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;

(4) the manner in which animals shall be admitted in a slaughter house;

(5) the manner in which animals may be slaughtered;

(6) the provision of passages of sufficient width between the stalls in market buildings and market places for the convenient use of the public and the prevention of encroachment of such passages;

(7) the setting apart of separate areas for different classes of articles in market buildings and market places;

(8) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;

(9) the destruction of carcasses which from any disease or any other cause are found after slaughter to be unfit for human consumption;

(10) the regulation of the entry of animals into slaughter house and the bringing out of the carcasses of such animals after slaughter and the fee to be paid for use of slaughter houses;

(11) the proper custody and care of animals for the keeping of which licences are granted under section 417;

(12) the regulation of the import of animals and flesh within the area of the Corporation;

(13) the rendering necessary of licences for the use of premises within the area of the Corporation as stables or cow-houses or as an accommodation for sheep, goat or buffalo, and the fees payable for such licences and the conditions subject to which such licences may be granted, refused, suspended or revoked;

(14) the regulation of *sarais*, hotels, *dak bungalows*, lodging houses, boarding houses, buildings, let-in-tenements, residential clubs, restaurants, eating houses, cafes, refreshment rooms and places of public recreation, entertainment or resort;

(15) the control and supervision of places where dangerous or offensive trades are carried on so to secure cleanliness therein or to minimise injurious, offensive or dangerous effects arising or likely to arise therefrom;

(16) the regulation of the posting of bills and advertisements and of the position, size, shade or style of the name boards, sign-boards and sign-posts;

(17) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(18) the procedure regarding the grant of permit to establish a factory, workshop or trade premises;

(19) the regulation of smoke in factories workshops and trade premises;

(20) the regulation of sanitary conditions in factories, workshops and trade premises;

(21) the regulation of the use in any factory, workshop or trade premises of whistle, trumpet, siren or horn worked by steam, compressed air, electricity or other mechanical means;

(22) the prevention of nuisance in any market building, market place, slaughter house or any factory, workshop or trade premises.

K. Bye-laws relating to improvement

(1) the form and content of an improvement scheme or a rehousing scheme;

(2) the procedure to be followed in connection with the framing, submission, approval and sanction of such schemes;

(3) the local inquiries and other hearings that may be held before a scheme is framed, approved or sanctioned;

(4) the alteration of an improvement scheme or a rehousing scheme after approval and sanction.

L. Bye-laws relating to miscellaneous matters

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(2) the circumstances and the manner in which owners of land or building in the area of the Corporation temporarily absent therefrom or not resident therein may be required to appoint as their agents for all or any of the purposes of this Act or of any bye-laws made thereunder, persons residing within or near the area of the Corporation;

(3) the maintenance of schools and the furtherance of education generally;

(4) the regulation and control of municipal hospitals and dispensaries;

(5) the rendering necessary of licences—

(a) for the proprietors or drivers of hackney-carriages, cycle-rickshaws, *thelas* and *rehries* kept or plying for hire or used for hawking articles;

(b) for persons working as job-porters for the conveyance of goods;

(6) the classification of cinema theatres for the purposes of the Fourth Schedule;

(7) any other matter which is to be or may be prescribed by bye-laws made under this Act or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of a Corporation necessary for the efficient municipal government of the area of the Corporation.

(2) Any bye-law which may be made under sub-section (1) may be made by the Government within one year of the establishment of a Corporation; and any bye-law so made may be altered or rescinded by a Corporation in the exercise of its powers under sub-section (1).

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CHAPTER I

PRELIMINARY

66 of 1957.

1. (1) This Act may be called the Delhi Municipal Corporation Act, 1957.

Short title, extent and commencement.

(2) Except as otherwise provided in this Act, it extends only to Delhi.

(3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date as the Government may, by notification in the Official Gazette, appoints:

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.

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3A. (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.

Division of the area of a Corporation into zones and wards.

(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.

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Election of Councillors

5. (1) For the purposes of election of councillors, the area of a Corporation shall be divided into single-member wards in such manner that the population of each of the wards shall, so far as practicable, be the same throughout the area of that Corporation.

Delimitation of wards.

(2) The Government shall, by order in the Official Gazette, determine,—

- (a) the number of wards;
- (b) the extent of each ward;
- (c) the wards in which seats shall be reserved for the Scheduled Castes;
- (d) the wards in which seats shall be reserved for women; and
- (e) the manner in which seats shall be rotated under sub-sections (6) and (8) of section 3.

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6. A Corporation, with the previous approval of the Government may, from time to time by order in the Official Gazette, alter or amend any order made under section 5.

Power to alter or amend delimitation orders.

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32A. (1) Every councillor shall, not later than thirty days after making and subscribing the oath or affirmation under sub-section (1) of section 32 and before the last day of the same month in each succeeding year, file with the Mayor a declaration in such form as may be prescribed by rules by the Government, of all the assets owned by him and members of his family and such declaration shall form part of the records of a Corporation.

Declaration of assets.

Explanation.—For the purposes of this sub-section, "family" means the spouse and dependant children of the councillor.

- (2) A person shall be disqualified for being a councillor—
 (a) if he fails to file a declaration referred to in sub-section (1); or
 (b) if he files a declaration under that sub-section which is either false or which he knows or believes to be false.

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Salary and allowances of the Commissioner.

55. The Commissioner shall be paid out of the Municipal Fund such monthly salary and such monthly allowances, if any, as may from time to time be fixed by the Government and may be given such facilities (if any) in relation to residential accommodation, conveyance and the like as may from time to time be fixed by that Government:

Provided that the salary of the Commissioner shall not be varied to his disadvantage after his appointment.

Leave of absence of Commissioner.

56. (1) Leave may be granted to the Commissioner by the Standing Committee.

(2) Whenever such leave is granted to the Commissioner the Government shall appoint another person to officiate as Commissioner in his place.

Appointment of officiating Commissioner in case of death, resignation or removal of Commissioner.

57. If any vacancy occurs in the office of the Commissioner on account of death, resignation or removal, the Government may appoint another person to officiate as Commissioner in his place for a term not exceeding two months, pending the appointment of a Commissioner under section 54.

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Power of Corporation to consolidate loans.

193. (1) Notwithstanding anything to the contrary contained in this Chapter, a Corporation may consolidate all or any of its loans and for that purpose may invite tenders for a new loan (to be called "the Delhi Municipal consolidated loan, 19--") and invite holders of the municipal debentures to exchange their debentures for scrips of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Government.

(3) The period for the exchanging of any such consolidated loan shall not, without the sanction of the Government, extend beyond the farthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) A Corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 190, having regard to the amount transferred to such sinking fund under section 191.

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CHAPTER XVI

BUILDING REGULATIONS

General superintendence, etc., of the Government.

330A. Notwithstanding anything contained in any other provision of this Act, the Commissioner shall exercise his powers and discharge his functions under this Chapter, under the general superintendence, direction and control of the Government.

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Liability of Commissioner, etc., for loss, waste or misapplication of Municipal Fund or property.

499. (1) Every councillor and every person referred to in clause (b) of sub-section (3) of section 3, the Commissioner, and every municipal officer and other municipal employee shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in a Corporation, of such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by a Corporation with the previous sanction of the Government or by the Government.

(2) Every such suit shall be instituted within three years after the date on which the cause of action arose.

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2. In this Act, unless the context otherwise requires,— Definitions.

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(6) "Commissioner" means the Commissioner of a Corporation;

(7) "Corporation" means a Corporation of Delhi established under this Act;

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CHAPTER II

ESTABLISHMENT OF CORPORATIONS

Constitution of Corporations

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3. (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. Establishment of Corporations.

(1A) The Name, area and limits of the three corporations established under sub-section (1) shall be as per the Fourteenth Schedule.

(2) Every Corporation so established shall be a body corporate with the 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.

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(5) The total number of seats of councillors 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.

(6) Upon the completion of each census after the establishment of a Corporation the number of seats shall be on the basis of the population of the area of the Corporation as ascertained at that census and shall be determined by the Central Government by notification in the Official Gazette and the number of seats to be reserved for the members of the Scheduled Castes shall, as nearly as may be, bear the same ratio to the total number of seats as the population of Scheduled Castes bears to the total population of Delhi:

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:

Provided further that the determination of seats as aforesaid shall not affect the then composition of a Corporation until the expiry of the duration of a Corporation:

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:

2 of 2011.

Provided also that the seats reserved for the Scheduled Castes may be allotted by rotation to different wards in such manner as the Central Government may, by order published in the Official Gazette, direct.

42. Subject to the provisions of this Act and any other law for the time being in force, it shall be incumbent on a Corporation to make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:— Obligatory functions of a Corporation

* * * * *

(wa) the preparation of plans for economic development and social justice; and

* * * * *

Certain officers and employees of the erstwhile Corporation to become officers and employees of respective Corporations

90A. (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.

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Mode of executing contracts

203. (1)* * * *

(3) The contracts already made in accordance with the provisions of 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.

12 of 2011.

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Conditions of service of sweepers employed for doing house scavenging.

388. No sweeper, being employed for doing house scavenging of any building shall discontinue to do such house scavenging without reasonable cause or without having fourteen days' notice to his employer.

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CHAPTER XXIII

RULES, REGULATIONS AND BYE-LAWS

Supplemental provisions respecting rules.

479. (1)* * * *

(2) Every rule made under clause (8) of section 22 and section 31 shall be laid as soon as may be after it is made or issued before each House of Parliament, 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, both Houses agree in making any modification in the rule, bye-law or notification or both Houses agree that the rule, bye-law or notification should not be made or issued, the rule, bye-law 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 the rule, bye-law or notification.

(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.

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CHAPTER XXIV

CONTROL

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

Director of Local Bodies.

(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 utilisation 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 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 relation to the affairs of the Corporations (not being power under sections 487, 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 Local Bodies shall be such as the Government may, by rules prescribed.

(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).

* * * * *

514A. Notwithstanding anything contained in this Act, the Government may, if necessary, appoint a person to be called the Special Officer, to exercise the powers and discharge the functions of a Corporation until the day on which the first meeting of a Corporation is held after the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993.

Transitory Provision.

67 of 1993.

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LOK SABHA

A
BILL
further to amend the Delhi Municipal Corporation Act, 1957

(Shri Amit Shah, Minister of Home Affairs)