The New Delhi Municipal Council Act, 1994

Act 44 of 1994

Keyword(s):
Administrator, Casual Vacancy, Entertainment, Factory, Municipal Water Work, Vehicle, Water course, Water Work, Workshop

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THE NEW DELHI MUNICIPAL COUNCIL ACT, 1994

THE NEW DELHI MUNICIPAL COUNCIL ACT, 1994

[ACT NO. 44 OF 1994]
Assented on 14th July, 1994

An Act to provide for the establishment of the New Delhi Municipal Council and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows :-

CHAPTER - I
PRELIMINARY

Short title, extent and commencement

1.

(1) This Act may be called the New Delhi Municipal Council Act, 1994.

(2) It extends to New Delhi.

(3) It shall be deemed to have come into force on the 25th day of May, 1994.

Definitions

2. In this Act, unless the context otherwise requires :-

(1) "Administrator" means the Administrator of the National Capital Territory of Delhi;

(2) "Appellate Tribunal" means an Appellate Tribunal constituted under section 253;

(3) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Council and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;

(4) "building" means a house, out-house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks wood mud, metal or other material-but does not include any portable shelter;

(5) "bye-law" means a bye-law made under this Act, by notification in the Official Gazette;

(6) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of member of the Council;

(7) "Chairperson" means the Chairperson of the Council;

(8) "Corporation" means the Municipal Corporation of Delhi established under the Delhi Municipal Corporation Act, 1957 (66 of 1957);

(9) "Council" means the New Delhi Municipal Council established under this Act;

(10)"dangerous disease" means-

(a) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebrospinal meningitis and diphtheria; and

(b) any other epidemic, endemic or infectious disease which the Chairperson may, by notification in the Official Gazette, declare to be a dangerous disease for the purposes of this Act;

(11)"Delhi" means the entire area of the National Capital Territory of Delhi except New Delhi and Delhi Cantonment defined in clause (11) of section 2 of the Delhi Municipal Corporation Act. 1957 (66 of 1957);

(12)"drain" includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

(13)"entertainment" includes any exhibition, performance, amusement, game or sport to which persons are ordinarily admitted on payment;

(14)"factory" means a factory as defined in the Factories Act, 1948 (63 of 1948);

(15)"filth" includes offensive matter and sewage;

(16)"goods" includes animals;

(17)" Government" means the Government of the National Capital Territory of Delhi;

(18)" house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by municipal employee or other person employed in the cleansing thereof or in the removal of such matter therefrom;

(19)"hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloths or thatch and includes any structure of whatever material made which the Council may declare to be a hut for the purposes of this Act;

(20)"inhabitant", in relation to the municipal area of New Delhi includes any person ordinarily residing or carrying on business or owning or occupying immovable property therein and in case of a dispute means any person or persons declared by the Chairperson to be an inhabitant;

(21)"land" includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(22)"licensed engineer" and "licensed plumber" mean respectively a person licensed under the provision of this Act as an engineer and a plumber;

(23)"market" includes any place where persons assemble for the sale of, or for the purpose of exposing for, sale, meat, fish, fruits, vegetables, animals intended for human consumption or any other articles of human consumption whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the person frequenting the market by, the owner of the place or by any other person;

(24)"member", in relation to the Council, means a member of the Council and includes the Chairperson;

(25)"municipal market" means a market vested in or managed by the Council;

(26)"municipal water works" means water works vested in the Council;

(27)"New Delhi" means the area within the boundaries described in the First Schedule;

(28)"nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injuries to health or property;

(29)"occupier" includes -

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(30)"offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances other than sewage;

(31)"Official Gazette" means the Official Gazette of the National Capital Territory Delhi;

(32)"owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant and also includes-

(a) the custodian of evacuee property in respect of evacuee property vested in him under the Administration of Evacuee Property Act, 1950 (31 of 1950); and

(b) the estate officer to the Government of India; the Secretary of the Delhi Development Authority, constituted under the Delhi Development Act, 1957 (11 of 1957), the General manager of a railway and the head of a Government department, in respect of properties under their respective control;

(33)"premises " means any land or building or part of a building and includes-

(a) the garden, ground and out-houses, if any, appertaining to a building or part of a building, and
(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof.

(34)"prescribed" means prescribed by rules made under this Act;

(35)"private market" means a market which is not a municipal market;

(36)"Private Street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners;

(37)"public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(38)"public securities" means any securities of the Central Government or a State Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act or any debentures issued by the Bombay, Calcutta, Delhi, or Madras Municipal Corporations;

(39)"public street " means any street which vests in the Council as a public street or the soil below the surface of which vests in the Council or which under the provisions of this Act becomes, or is declared to be, a public street;

(40)"railway administration" has the meaning assigned to it in the Railways Act, 1989(24 of 1989);

(41)"rate payer" means a person liable to pay any rate, tax, cess or licence fee under this Act;

(42)"rateable value" means the value of any land or building fixed in accordance with the provisions of this Act and the bye-law made thereunder for the purpose of assessment to property taxes;

(43)"regulation" means a regulation made by the Council under this Act by notification in the Official Gazette;

(44)"reside", -

(a) a person shall be deemed to be reside in any dwelling-house which or some portion of which he sometimes, although not uninterruptedly, uses as a sleeping apartment, and
(b) a person shall not be deemed to cease to "reside" in any such dwelling-house merely because he is absent from it or has elsewhere another dwelling-house in which he resides, if there is the liberty of returning to it any time and no abandonment of the intention of returning to it;

(45)"rubbish" includes ashes, broken bricks, broken glass, dust, malba, mortar and refuse of any kind which is not filth;

(46)"rule" means a rule made by the Central Government under this Act by notification in the Official Gazette;

(47)"Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed to be Scheduled Castes under article 341 of the Constitution;

(48)"service passage" or "lane" or "bye-lane" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or electricity cable (underground or over-head) and any electrical and other allied installations or any other civic services by municipal employees or other person employed in the service thereof;

(49)"sewage" means night-soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bath-rooms stables, cattle sheds and other like places and includes trade effluents and discharges from factories of all kinds;

(50)"shed" means a slight or temporary structure for shade or shelter;

(51)"street" includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;

(52)"trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not included domestic sewage;

(53)"trade premises" means, any premises used or intended to be used for carrying on any trade or industry.

(54)"trade refuse" means the refuse of any trade or industry;

(55)"Vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-rickshaw, auto-rickshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;

(56)"water course" includes any river, stream or channel whether natural or artificial;

(57)"water works" includes all lakes, tanks, streams, any river, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, mains, pipes, culverts, hydrants, stand-pipes, and conduits and all lands, buildings, machinery bridges and things, used for, or intended for the purpose of, supplying water;

(58)"workshop" means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried on;

(59)"year " means a year commencing on the 1st day of April.

THE NEW DELHI MUNICIPAL COUNCIL ACT, 1994

CHAPTER - II
THE COUNCIL

CONSTRUCTION OF THE COUNCIL

Establishment of the Council

3.

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

(2) The Council shall be a body corporate with the name aforesaid 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 be the said name sue and be sued.

Composition of the Council

4.

(1) The Council shall consist of the following members, namely:-

(a) a Chairperson, from amongst the officers, of the Central Government or the Government, of or above the rank of Joint Secretary to the Government of India to be appointed by the Central Government in consultation with the Chief Minister of Delhi;

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

(c) five members from amongst the officers of the Central Government or the Government or their undertakings, to be nominated by the Central Government; and

(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, medial 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.

(4) The Central Government shall nominate, in consultation with the Chief Minister of Delhi, a Vice-Chairperson, from amongst the members specified in clause (b) and (d) of sub-section (1).

Duration of the Council

5.

(1) The Council, unless sooner dissolved under section 398 or any other law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) The Council:-

(a) where it is dissolved before the expiry of its duration under clause (1), shall be reconstituted within a period of six months of such dissolution; and

(b) where it is dissolved after the expiry of its duration, shall be reconstituted before such expiry.

NOTES ON CLAUSES

These clauses relate to establishment, composition and duration of the Council

Disqualification for membership of Council

6.

(1) No person, other than a member of the Legislative Assembly of the National Capital Territory of Delhi, shall be disqualified for being nominated as a member of the Council on the ground that he holds an office of profit for purposes of election to the legislature of the National Capital Territory of Delhi under any law for the time being in force.

(2) If a person sits or votes as a member of the Council when he knows that he is not qualified or that he is disqualified for such membership, he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees to be recovered as an arrear of tax under this Act.

MEMBERS

Oath or affirmation

7.

(1) Every member before taking his seat shall make and subscribe at a meeting of the Council an oath or affirmation according to the following form, namely:-

"I.A.B., having been nominated as a member of council 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 faithfully discharge the duty upon which I am about to enter".

(2) If a person sits or votes as a member before he has complied with the requirements of sub-section (1) he shall be liable in respect of each day on which he sits or votes as the case may be, to a penalty of three hundred rupees to be recovered as arrears of tax under this Act.

Vacation of seat

8.

(1) If a member resigns his seat by writing under his hand addressed to the Chairperson and delivered to him, his seat shall thereupon become vacant

(2) If during three successive months, a member is without permission of the Council, absent from all the meetings thereof, Council may recommend to the Central Government that the seat of such member may be declared vacant.

NOTES ON CLAUSES

These clauses relate to disqualification for membership of Council, oath or affirmation and vacation of seat.

COMMITTEES OF THE COUNCIL

Setting-up of committees

9.

(1) The Council may constitute as many committees as it thinks fit for the exercise of any power or discharge of any function which the Council may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the council may refer to them.

(2) Any such committee shall consist of members of the council only :

Provided that a committee may, with the sanction of the council, co-opt not more than two persons who are not members of the Council, but who in the opinion of the Council possesses special qualifications for serving on such committee.

(3) Each committee constituted under this section shall be presided by the Chairperson of the Council.

(4) Any matter relating to a committee constituted under this section, not expressly provided in this Act may be provided by regulations made in this behalf.

THE NEW DELHI MUNICIPAL COUNCIL ACT, 1994

CHAPTER - III

FUNCTIONS OF THE COUNCIL

General powers of the Council.

10.

(1)Subject to the provisions of this Act and the rules, regulations and bye-law made thereunder the municipal government of New Delhi shall vest in the Council.

(2)Without prejudice to the generality of the provisions of sub-section (1), it shall be the duty of the Council to consider all periodical statements of the receipts and disbursements and all progress reports and pass such resolutions thereon as it thins fit.

(3)The Council may at any time require the Chairperson -

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Chairperson or which is recorded or filed in his office or in the office of any municipal officer or other municipal employee subordinate to him;

(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 New Delhi.

(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 New Delhi.

(4)Every such requisition shall be complied with by the Chairperson without any unreasonable delay; and it shall be incumbent on every municipal officer and other municipal employee to obey any order made by Chairperson in pursuance of any such requisition:

provided that the Chairperson shall not be bound to comply with any such requisition if with the previous approval of the Administrator he makes a statement that such compliance would be prejudicial to public interest or to the interests of the Council.

Obligatory functions of the Council.

11.

Subject to the provisions of this Act and any other law for the time being in force, it shall be incumbent on the Council to make adequate provisions by any means or measures which it may lawfully use or take, for each of the following matters, namely-

(a) the construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences;

(b) the construction and maintenance of work and means for providing supply of water for public and private purposes;

(c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters;

(d) the construction or purchase, maintenance, extension, management for -

(i) supply and distribution of electricity to the public;

(ii) providing a sufficient supply of pure and wholesome water;

(e) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(f) the regulation of places for the disposal of the dead and the provision and maintenance of places for the said purpose;

(g) the registration of births and deaths;

(h) public vaccination and inoculation;

(i) measures for preventing and checking the spread of dangerous diseases;

(j) the establishment and maintenance of dispensaries and maternity and child welfare centers and the carrying out of other measures necessary for public medical relief;

(k) the construction, and maintenance of municipal markets and regulation of all markets;

(l) the regulation and abatement of offensive or dangerous trade or practices;

(m) the securing or removal of dangerous buildings and places;

(n) the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like;

(o) the lighting, watering and cleansing of public streets and other public places;

(p) the removal of obstructions and projections in or upon streets bridges and other public places;

(q) the naming and numbering of streets and premises;

(r) the establishment, maintenance of, and aid to, schools for primary educations subject to such grants as may be determined by the Central Government from time to time;

(s) the maintenance of municipal offices;

(t) the laying out or the maintenance of public parks, gardens or recreation grounds.

(u) the maintenance of monuments and memorials vested in any local authority in New Delhi immediately before the commencement of this Act or which may be vested in the Council after such commencement;

(v) the maintenance and development of the value of all properties vested in or entrusted to the management of the Council;

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

(x) the maintenance including the expansion and upgradition of facilities of the hospitals existing on the date of the commencement of this Act;

(y) sanction or refuse erection or re-erection of buildings; and

(z) the fulfillment of any other obligation imposed by or under this Act or any other law for the time being in force.

Discretionary functions of the Council.

12.

Subject to any general or special order of the Government, or the Central Government from time to time, the Council may provide either wholly or in part for all or any of the following matters, namely :-

(a) the furtherance of education including cultural and physical education, by measures other than the establishment and maintenance of, and aid to, schools for primary education.

(b) the establishment and maintenance of, and aid to, libraries, museums, art galleries, botanical or zoological collections;

(c) the establishment and maintenance of, and aid to, stadia, gymnasia, akharas and places for sports and games;

(d) the planting and care of trees on roadsides and elsewhere;

(e) the surveys of buildings and lands;

(f) the registration of marriages;

(g) the taking of a census of population;

(h) the provision of housing accommodation for the inhabitants of any area or for any class of inhabitants;

(i) the providing of music or other entertainments in public places or places of public resort and the establishment of theatres and cinemas;

(j) the organization and management of fairs and exhibitions;

(k) the acquisition of movable or immovable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes;

(l) the construction and maintenance of -

(i) rest-houses,

(ii) poor-houses,

(iii) infirmaries,

(iv) children's home,

(v) houses for the deaf and dumb and for disabled and handicapped children,

(vi) shelters for destitute and disabled persons,

(vii) asylums for persons of unsound mind;

(m) the construction and maintenance of cattle pounds;

(n) the building or purchase and maintenance of dwelling-houses for municipal officers and other municipal employees;

(o) any measures for the welfare of the municipal officers and other municipal employees or any class of them including the sanctioning of loans to such officers and employees or any class of them for construction of houses and purchase of vehicles;

(p) the organization or management of chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;

(q) the provision for relief to destitute and disabled persons;

(r) the establishment and maintenance of veterinary hospitals;

(s) the organisation, construction, maintenance and management of swimming pools, public wash houses, bathing places and other instituitions designed for the improvement of public health;
(t) the organisation and management of farms and dairies within or without New Delhi for the supply, distribution and processing of milk and milk products for the benefit of the residents of New Delhi;
(u) the organisation and management of cottage industries, handicraft centres and sales emporia;
(v) the construction and maintenance of warehouses and godowns;

(w) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers;
(x) the provision for unfiltered water supply;

(y) the improvement of New Delhi in accordance with improvement schemes approved by the Council;
(z) any measure not hereinbefore specifically mentioned, likely to promote public safety, health, convenience or general welfare.

CHAPTER - IV

THE CHAIRPERSON

Appointment, etc., of the Chairperson.

13.

(1) The Central Government shall, by notification in the Official Gazette, appoint a suitable person as the Chairperson of the Council in accordance with clause (a) of sub-section (1) of section 4.

(2) The Chairperson so appointed shall hold office for a term of five years in the first instance:

Provided that his appointment may be renewed from time to time for a term not exceeding one year at a time:

Provided further that where the Chairperson holds a lien on any service under the Central Government or the Government, the Central Government mat at any time after reasonable notice to the Council replace his services at the disposal of the concerned Government.

(3) The Central Government may remove the Chairperson from office at any time if it appears to that Government that he is incapable of performing the duties of his office or has been guilty of neglect or misconduct in the discharge of such duties, which renders his removal expedient.

(4) The Chairperson shall not undertake any work unconnected with his office without the sanction of the Central Government and of the Council.

Leave of absence of Chairperson.

14.

(1) Leave may be granted to the Chairperson by the Administrator.

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

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

15.

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

Salary and allowances of the Chairperson and members.

16.

(1) The Chairperson shall be paid out of the New Delhi Municipal Fund constituted under section 44 such monthly salary and such monthly allowances, if any, as may from time to time be fixed by the Central 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 Chairperson shall not be varied to his disadvantage after his appointment.

(2) The members shall be entitled to receive allowances for attendance at meeting of Council and of any of its committees at such rates as may be determined by rules made in this behalf.

Service regulations of member.

17.

If a member is an officer in the service of the Government, or the Central Government, the Council shall make such contribution towards his leave allowances, pension and provident fund a may be required by the conditions of his service under the Government or the Central Government to be paid by him or for him, as the case may be.

Functions of the Chairperson.

18.

Save as otherwise provided in this Act the entire executive power for the purpose of carrying out the provisions of this Act and of any other Act, for the time being in force which confers, any power or imposes any duty on the Council, shall vest in the Chairperson who shall also-

(a) exercise all the powers and perform all the duties specifically conferred or imposed upon him by the Act or by any other law for the time being in force;

(b) prescribed the duties of and exercise supervision and control over the acts and proceedings of, all municipal officers and other municipal employees and subject to any regulation that may be made in this behalf, dispose of all questions relating to the service of the said officers and other employees and their pay, privileges, allowances and other conditions of service;

(c) on the occurrence or threatened occurrence of any sudden accident or any unforeseen event or natural calamity involving or likely to involve extensive damage to any property of the council, or danger to human life, take such immediate action as he considers necessary and make a report forthwith to the Council and the Administrator of the action he has taken and the reasons for the same as also of the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget-grant; and

(d) subject to any regulation that may be made in this behalf, be the disciplinary authority in relation to all municipal officers and other municipal employees.

Chairperson not to be interested in any contract, etc. with the Council.

19.

(1) A person shall be disqualified for being appointed as the Chairperson who has directly or indirectly, by himself or by a partner or any other person, any share or interest in any contract made with, or any work being done for, the Council other than as such Chairperson.

(2) If the Chairperson acquires directly or indirectly, by himself or by his partner, or any other person, any share or interest in any such contract or work as is referred to in sub-section (1), he shall unless the Central Government in any particular case otherwise decides, be liable to be removed from his office by the order of the authority competent to remove him under the provisions of this Act:

Provided that before an order of removal is made the Chairperson shall be given a reasonable opportunity of showing cause against the action proposed to be taken regard to him.

NOTES ON CLAUSES

These clauses relate to appointment, leave, salary and allowances of Chairperson and members, service regulations and functions of Chairperson.

Exercise of powers to be subject to sanction.

20.

Save as otherwise provided in this Act, the exercise of any power or the performance of any duty conferred on imposed upon the Council by or under this Act which will involve expenditure, shall be subject to the following conditions, namely :

(a) that such expenditure, insofar as it is to be incurred in the year in which such power is exercised or duly performed, shall be provided for under a current budget-grant; and
(b) that if the exercise of such powers or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, such expenditure shall not be incurred without the sanction of the Council.

CHAPTER - V

PROCEDURE

TRANSACTION OF BUSINESS BY THE COUNCIL

Meetings.

21.

(1) The Council shall ordinarily hold at least one meeting in every month for the transaction of business.
(2) The Chairperson and in his absence the Vice-Chairperson may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the total number of members, convene a special meeting of the Council.
3) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

First meeting of the Council.

22.

(1) The first meeting of the council shall be held as early as possible and shall be convened by the Administrator.

Notice of meetings and business.

23.

A list of the business to be transacted at every meeting except at an adjourned meeting shall be sent to the address of each member at least seventy-two hours before the time fixed for such meeting; and no business shall, except where the Chairperson otherwise directs, be brought before, or transacted at, in any meeting other than the business of which a notice has been so given:

Provided that any member may send or deliver to the Secretary notice of any resolution going beyond the matters mentioned in the notice given of such meeting so as to reach him at least forty-eight hours before the date fixed for the meeting and the Secretary shall, with all possible despatch, take steps to circulate such resolution to every member in such manner as he may think fit.

Quorum.

24.

(1) The quorum necessary for the transaction of business at a meeting of the Council shall be prescribed by the Central Government.

(2) If at any time during a meeting of the Council, there is no quorum, it shall be the duty of the Chairperson or the person presiding over such meeting either to adjourn the meeting or to suspend the meeting until there is a quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before the original meeting if there had been a quorum present thereat, shall be brought before, and may be transacted at an adjourned meeting, whether there is a quorum present or not.

Presiding Officer.

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.

(2) The Chairperson or the person presiding over a meeting shall have and exercise a second or a casting vote in all cases of equality of votes.

Method of deciding questions.

26.

(1) Save as otherwise provided in this Act, all matters required to be decided by the Council shall be decided by the majority of the votes of the members present and voting.

(2) The voting shall be by show of hands but the Council may, subject to such regulations as may be made by it, resolve that any question or class of question shall be decided by ballot.

Members not to vote on matter in which they are interested.

27.

No member shall vote at a meeting of the Council or of any Committee thereof on any question relating to his own conduct or vote or take part in any discussion on any matter (other than a matter affecting generally the residents of New Delhi, which affect his pecuniary interest or any property) in respect of which he is directly or indirectly interested, or any property of or for which he is a manager or agent.

Right to attend meetings of council and its committees, etc., and right of members and to ask questions in relation to the municipal government of New Delhi.

28.

(1) Any municipal officer authorized by the Chairperson in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the council or any of its Committees, but none of the persons specified herein shall by virtue of this subsection be entitled to vote in any such meeting.

(2) A member may, subject to the provisions of sub-section (3), ask the Chairperson questions on any matter relating to the municipal government of New Delhi or the administration of this Act in any meeting of the council.

(3) The right to ask a question shall be governed by the following conditions, namely: -

a) not less than seven clear day's notice in writing specifying the question shall be given to the Secretary;
b) no question shall -
   i) bring in any name or statement not strictly necessary to make the question intelligible.
   ii) contain argument, ironical expressions, imputations, epithets or defamatory statements,
   iii) ask for an expression of opinion or the solution of a hypothetical proposition,
   iv) ask as to the character or conduct of any person except in his official or public capacity,
   v) relate to a matter which is not primarily the concern of the Council,
   vi) make or imply a charge of a personal character,
   vii) raise questions of policy too large to be dealt with within the limits of an answer to a question,
   viii) repeat in substance questions already answered or to which an answer has been refused,
   ix) ask for information on trivial matters,
   x) ordinarily ask for information on matters of past history,
   xi) ask for information set forth in accessible documents or in ordinary works of reference,
   xii) raise matters under the control of bodies or persons not primarily responsible to the Council.
   xiii) ask for any information on matter which is under adjudication by a court of law.

(4) The Chairperson shall not be bound to answer a question if it asks for information which has been communicated to him in confidence or if in the opinion of the Chairperson it cannot be answered without prejudice to public interest or the interest of the Council.

(5) The Council may make regulations for the transaction of business at its meetings: Provided that the time, place and procedure for the first meeting after the constitution of the council under Section 4 shall be determined by the Administrator.

Keeping of minutes and proceedings.

29.

Minutes in which shall be recorded the names of the members present at, and the proceedings of each meeting of the council, and every other committee constituted under sub-section (1) of section 9 shall be drawn up and recorded in a book to be kept for that purpose, and shall be laid before the next ensuing meeting of the Council, or of such committee, as the case may be, and signed at such meeting by the presiding officer thereof.

Circulation of minutes and inspection of minutes and reports of proceedings.

30.

(1) Minutes of the proceedings of each meeting of the Council shall be circulated to all the members and shall at reasonable times be a available at the municipal office for inspection by any other person on payment of a fee of two rupees.
(2) Full reports, if any, of such proceedings shall similarly be available for inspection, by any member without charge and by any other person on payment of a fee of two rupees.

Forwarding minutes and reports of proceedings to Administrator.

31.

(1) The Secretary shall forward to the Administrator a copy of the minutes of the proceedings of each meeting of the Council, within ten days from the date on which the minutes of the proceedings of such meeting were singed under section 29.

(2) the Administrator may also in any case ask for a copy of any paper or all the papers which were laid before the Council or any committee thereof and the Secretary shall forward to the Administrator a copy of such paper or papers.

(3) The Secretary shall also forward to the Administrator as soon as may be after the date referred to in sub-section (1) a full report of the proceedings of each meeting of the Council, if any such report be prepared.

VALIDATION

Validation of proceedings, etc.

32.

(1) No act done or proceedings taken under this Act shall be questioned on the ground merely of -

a) the seat of any member remaining unfilled from any cause whatsoever;

b) the existence of any vacancy in, or any defect in the constitution of, the Council or in any committee thereof;

c) any member having voted or taken part in any proceedings in contravention of section 27;

d) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Council or of any committee thereof, the minutes of the proceedings of which have been duly drawn up and signed shall be deemed to have been duly convened and to be free from all defects and irregularities.

CHAPTER - VI

MUNICIPAL OFFICERS AND OTHER MUNICIPAL EMPLOYEES

Appointment of certain officers.

33.

(1) The Council shall appoint suitable persons to be the Secretary and Chief Auditor of the Council, and such other officer or officers as the Council may deem fit on such monthly salaries and such allowances, if any, as may be fixed by the Council:
Provided that the Chief Auditor shall not be eligible for any other office under the Council after he has ceased to hold this office.

(2) The appointment of the Secretary and the Chief Auditor shall be made with the previous approval of the Administrator.

Schedule of permanent posts and creation of temporary posts.

34.

(1)The Chairperson shall from time to time prepare and lay before the Council a Schedule of category 'A' and category 'B' posts other than the posts of Secretary and Chief Auditor specified in section 33, setting forth the designations and grades of municipal officers and other municipal employees who should be maintained permanently in the service of the Council indicating therein the salaries, fees and allowances which are proposed to be paid to such officers and other employees.

(2)The Council shall approve and sanction the Schedule either without modifications or with such modifications as it thinks fit or may amend it either on its own motion or otherwise.

(3)The Chairperson may create any category 'B', or category 'C' or category 'D' post and for a period not exceeding six months any category 'A' post:

Provided that no such category 'A' post shall be beyond the said period without the previous approval of the Council**.**

(4) In this section and in section 36.

(i) "category 'A' post" means any post, which having regard to its scale of pay or emoluments. Would, if such post had been in the Central Government, be classified as a group 'A' post under the Central Government in accordance with the orders issued by that Government from time to time;

(ii) "category 'B' post" means any post which having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a group 'B' post under the Central Government in accordance with the orders issued by that Government from time to time;

(iii)"category 'C' post" means any post which having regard to its scale of pay or emoluments, would, if such post, had been in the Central Government, be classified as a group 'C' post under the Central Government in accordance with the orders issued by the Government from time to time;

(iv)"category 'D' posts" means any post, other than a category 'A' or category 'B' or category 'C' post.

Restriction on employment of permanent officers and other employees.

35.

No permanent officer or other employee shall be entertained in any department of the municipal administration unless he has been appointed under sub-section (1) of section 33 or his office and emoluments are included in the Schedule for the time being in force prepared and sanctioned under section 34 or is appointed against a permanent post under section 36.

Power to make appointments.

36.

(1) Subject to the provisions of section 33, the power of appointing municipal officers and other municipal employees, whether temporary or permanent: -

(a) to category 'A', category 'B' and category 'C' posts, shall vest in the Chairperson; and

(b) to category 'D' posts shall vest in the Secretary.

(2) The claims of the members of the Scheduled Castes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments of municipal officers and other municipal employees.

Officers and other employees not to undertake any extraneous work.

37.

No municipal officer or other municipal employees shall undertake any work unconnected with his duties under this Act except with the permission of the Chairperson.

Officers and other employees not to be interested in any contract, etc., with the Council.

38.

(1)A person shall be disqualified for being appointed as a municipal officer or employee if he has, directly or indirectly, by himself or by a partner or any other person any share of interest in any contract made with, or any work being done for, the council other than as such officer or employee.

(2)If any such officer or other employee acquires, directly or indirectly, by himself or by a partner or any other person, any share or interest in any such contract or work as is referred to in sub-section (1), he shall unless the authority appointing him in any particular case otherwise decides, be liable to be removed from his office by an order of such authority:

Provided that before an order of removal is made, such officer or other employee shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

Punishment for municipal officers and other employees.

39.

(I) Every municipal officer or other municipal employee shall be liable to have his increments or promotion withheld or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed by regulation:
Provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired, removed or dismissed by an authority subordinate to that by which he was appointed:
Provided further that the Council may by regulations provide that municipal employees belonging to such classes or categories as may be specified in the regulations shall be liable also to be fined by such authority as may be specified therein.

(2)No such officer or other employee shall be punished under sub-section

(1) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply**-**

(a)Where an officer or other employee is removed or dismissed on the ground of conduct which had led to his conviction on a criminal charge; or

(b)Where the authority empowered to remove or dismiss such officer or other employee is satisfied that for some reason, to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause.

(3)If any question arises whether it is not reasonably practicable to give any officer or other employee an opportunity of showing cause under sub-section

(2)the decision thereon of the authority empowered to remove or dismiss such officer or other employee shall be final.

(4)An officer or other employee upon whom a punishment has been inflicted under this section may appeal to such officer or authority as may be prescribed by regulations:
Provided that in the case of an officer or other employee appointed by the Chairperson, an appeal shall lie is to the Administrator.

Consultation with the Union Public Service Commission.

40.

No appointment to any category 'A' post within the meaning of clause (i) of subsection (4) of section 34 shall be made except after consultation with the Commission:

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment: -

(a)) to any acting or temporary post for a period not exceeding one year; or

(b) to such ministerial posts as may from time to time be specified by the Council in consultation with the Commission when such posts are to be filled by promotion; or

(c) to a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or a State Government in a group A post; or

(d) to a permanent or temporary post, if the officer or other employee to be appointed is not likely to hold that post for more than one year; or if such officer or other employee is likely to hold the post for more than one year but not more than three years and the Commission advises that the appointment may be made without consulting the Commission; or

(e) to such other posts, as may from time to time, be specified by the Central Government in consultation with the Commission.

Power of Commission to make regulations and reference to the Central Government in case of difference between the Commission and the Council.

41.

(1) The Commission may make regulations for the following matters, namely: -

(a) the procedure to be followed by the Commission in advertising posts, inviting applications scrutinizing the same and selecting candidates for interview;

(b) the procedure to be followed by the Commission for selecting candidates for appointment and by the Council for consultation with the Commission;

(c) any other matter which is incidental to, or necessary for, the purpose of consultation with the Commission.

(2) In the case of any difference of opinion between the Commission and the Council on any matter, the Council shall refer the matter to the Central Government and the decision of that Government thereon shall be final.

Recruitment to category B and category C posts.

42.

(1) The direct recruitment to category B and category C posts may be made by the Government through such agencies as may be prescribed for it.

Power of Council to make regulations.

43.

(1) The Council may make regulations to provide for any one or more of the following maters, namely: -

(a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

(b) the powers, duties and functions of Secretary;

(c) the qualifications of candidates for appointment to posts specified in section 33 and to posts dealt with in the Schedule of posts referred to in sub-section (1) of section 34 and the manner of selection for appointments to such posts;

(d) the procedure to be followed in imposing any penalty under sub-section (1) of section 39, suspension pending departmental inquires before the imposition of such penalty and the authority by whom such suspension may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;

(e) any other matter which is incidental to, or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Council and any other matter for which in the opinion of the council provisions should be made by regulations.

(2) No regulation under clause (c) of sub-section (1) shall be made except after consultation with the Commission.

CHAPTER - VII

REVENUE AND EXPENDITURE

THE NEW DELHI MUNICIPAL FUND

Constitution of the New Delhi Municipal Fund

44.

(1) Save as otherwise provided in this Act -

(a) all funds which immediately before the establishment of the Council vested in the New Delhi Municipal Committee;

(b) all money received by or on behalf of the Council under the provisions of this Act or of any other law for the time being in force, or under any contract;

(c) all proceeds of the disposal of property by, or on behalf of, the Council;

(d) all rents accruing from any property of the Council;

(e) all money raised by any tax, rate or cess levied for the purposes of this Act;

(f) all fees collected and all fines levied under this Act or under any rule, regulation or bye-law made thereunder;

(g) all money received by or on behalf of the Council from the Government of Central Government or any individual or association of individuals by way of grant or gift or deposit;

(h) all interests and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Council, including loans advanced under this Act; and

(i) all money received by or on behalf of the Council from any other source whatsoever, shall form one Fund to be entitled "the Municipal Fund of New Delhi" (hereafter in this Act referred to as "the New Delhi Municipal Fund").

(2) The New Delhi Municipal Fund shall be held by the Council in trust for the purposes of this Act subject to the provisions herein contained and a General Account relating to all money received by or on behalf of the Council shall be maintained.

New Delhi Municipal Fund to be kept in the State Bank of India.

45.

All money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson 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 New Delhi Municipal Fund".

Operation of the accounts.

46.

(1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India out of the New Delhi Municipal Fund except on a cheque signed by both-
   (a) the Financial Adviser or an officer subordinate to him authorised by the Chairperson in this behalf; and
   (b) the Chairperson or the Secretary or an officer subordinate to the Chairperson authorized by him in this behalf.

(2) Payment of any sum due by the Council in excess of five hundred rupees shall be made by means of a cheque signed in accordance with sub-section (1) and not in any other way.

(3) Payments not covered by sub-section (2) may be made in cash.

Payments not to be made unless covered by a budget-grant.

47.

No payment of any sum out of the New Delhi Municipal Fund shall be made unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under the provisions of this Act: Provided that this section shall not apply to payments made in the following classes of cases, namely: -

(a) refund of taxes and other money which are authorized under this Act;

(b) repayment of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the New Delhi Municipal Fund by mistake: -

(c) sums payable in any of the following circumstances-
   (i) under orders of the Central Government on failure of the Council to take any action as required by that Government: or
   (ii) under any other enactment for the time being in force; or
   (iii) under the decree or order of a civil or criminal court passed against the Council; or
   (iv) under a compromise of any claim, suit or other legal proceedings; or
   (v) on account of cost incurred in taking immediate action by the Chairperson under clause (c) of section 18 to avert a sudden threat of danger to the property of the Council or to human life;

(d) Temporary payments for works urgently required by the Central Government in the public interest;

(e) Sums payable as compensation under this Act or under any rules, regulations or bye-laws made thereunder;

(f) Expenses incurred under section 287 by the Chairperson on special measures taken on the outbreak of dangerous diseases.

Duty of persons signing cheques.

48.

Before any person signs a cheque in accordance with section 46, he shall satisfy himself that the sum for which the cheque is drawn is either-

(a)required fro a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or

(b)required for any payment referred to or specified in section 47.

Procedure When money not covered by a budget-grant is expended.

49.

Whenever any sum is expended under clause (c), (e) or (f) of the provision to section 47, the Chairperson shall forthwith communicate the circumstances to the Council, which may take such action under the provisions of this Act as shall, in the circumstances appear possible and expedient for covering the amount of the additional expenditure.

Application of New Delhi Municipal Fund.

50.

(1) The money from time to time credited to the New Delhi Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the provisions of this Act,and of the rules, regulations and bye-laws made thereunder, or of which payment is duly directed, sanctioned or required by or under any of the provisions of this Act.

(2) Such money shall likewise be applied in payment of all sums payable out of the New Delhi Municipal Fund under any other enactment for the time being in force.

Temporary payments from the New Delhi Municipal Fund for works urgently required for the public service.

51.

(1) On the written requisition of a Secretary to the Central Government, the Chairperson may at any time undertake the execution of any work certified by such Secretary to be urgently required in public interest, and for this purpose may temporarily make payments from the New Delhi Municipal Fund so far as the same can be met without unduly interfering with the regular work of the Council.

(2) The cost of work so executed and of the Establishment engaged in executing the same shall be paid by the Central Government and credited to the New Delhi Municipal Fund.

(3) On the receipt of any requisition under sub-section (1) the Chairperson shall forthwith forward a copy thereof to the Council together with a report of the steps taken by him in pursuance of the same.

Investment of surplus money.

52.

(1)Surplus money standing at the credit of General Account of the New Delhi Municipal Fund which cannot immediately be applied for the purposes specified in secting 50 shall be deposited in the State Bank of India or in such scheduled bank or banks as the Council may select or be invested in public securities.

(2)The loss, if any, arising from such deposit or investment shall be debited to the General Account of the New Delhi Municipal Fund.

NOTES ON CLAUSES

These clauses relate to revenue and expenditure, constitution of the New Delhi Municipal Fund.

Constitution of Finance Commission.

53.

(1)After the commencement of this Act the Finance Commission referred to in sub-section (1) of section 107 A of the Delhi Municipal Corporation Act, 1957 (66 of 1957), shall review the financial position of the Council and make recommendations to the Administrator as to, -

(a) the principles which should govern, -

(i) The distribution between the National Capital Territory of Delhi and the Council of the net proceeds of the taxes, duties,tolls and fees leviable by the National Capital Territory of Delhi which may be divided between them,

(ii) The determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Council,

(iii)the grants-in-aid to the Council from the consolidated Fund of the National Capital Territory of Delhi;

(b) the measures needed to improve the financial position of the council;

(c) any other matter referred to the Finance Commission by the Administrator in the interest of sound finance of the Council.

(2)The Administrator shall cause every recommendation made by the Commission under this section together within an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly of the National Capital Territory of Delhi.

NOTES ON CLAUSES

This clause relates to constitution of Finance Commission.

The Finance Commission as constituted for Delhi Municipal Corporation shall review the financial position of the Council and make recommendations to the Administrator to distribution of net proceeds of taxes, etc., determination of the taxes to be appropriated by the Council, the grant-in-aid to the Council from the Consolidated Fund of the National Capital Territory of Delhi.

SPECIAL FUNDS

Constitution of special funds.

54.

(1) The Council shall constitute such special fund or funds as may prescribed by regulations and such other funds necessary for the purposes of this Act as may be so prescribed.

(2) The constitution and disposal of such funds shall be effected in the manner laid down by regulations.

NOTES ON CLAUSES

This clause relates to constitution of special fund.

BUDGET ESTIMATES

Adoption of budget estimates.

55.

(1)The Council 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 the Council to be received and incurred on account of the municipal government of New Delhi.

(2)On or before the 15th day of February of each year the Council shall determine the rates at which various municipal taxes, rates and cesses shall be levied in the next following year and save as otherwise provided in this Act the rates so fixed shall not be subsequently altered for the year for which they have been fixed.

(3)Budget estimates shall be prepared in such form as may be approved by the Council and presented and adopted in such manner and shall provide for all such matters as are prescribed by regulations made in this behalf.

Power of Council to alter budget estimates.

56.

(1) On the recommendation of the Chairperson in respect of the budget estimate, the Council may from time to time, during the year, -

(i) increase the amount of budget-grant under any head;

(ii) make additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year;

(iii) transfer the amount or portion of the amount of the budget-grant under any head to any other head; or

(iv) reduce the amount of the budget-grant under any head:

Provided that due regard shall be had to all the requirements of this Act and in making any increase or any additional budget-grant, and estimated cash balance at the close of the year shall not be reduced below the sum of one lakh rupees or such higher sum as the Council may determine in respect of the budget estimate.

(2) Every increase in a budget-grant and every additional budget-grant made in any year under sub-section (1) shall be deemed to be included in the budget estimates finally adopted for that year.

(3) The Council may from time to time during the year-

(a) reduce the amount of a budget-grant; or

(b) sanction the transfer of any amount within a budget-grant.

(4) The Chairperson may from time to time during the year sanction the transfer of any amount not exceeding ten thousand rupees within a minor head if such transfer does not involve a recurring liability:
Provided that every such transfer if it exceeds ten thousand rupees shall be reported forth with by the Chairperson to the Council and the Chairperson shall give effect to any order that may be passed by the Council in relation thereto.

Power of Council to re-adjust income and expenditure during the year.

57.

(1)If at any time during the year it appears to the Council that, notwithstanding any reduction of budget-grant that has been made under section 56 the income of the New Delhi Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year and to leave at the close of the year the cash balance specified in or determined under the proviso to sub-section (1) of section 56, than, it shall be incumbent on the Council to sanction forthwith any measures which it may consider necessary for adjusting the year's income to the expenditure.

(2)For the purposes of sub-section (1), the Council may either diminish the sanctioned expenditure of the year so far as it may be possible so to do with regard to all the requirements of this Act, or have recourse to supplementary taxation under section 97 or to an increase of the rates of cessess, fees, fares, and other charges leviable under this Act, or to adopt all or any of these methods.

(3)If the whole or any part of any budget-grant included in the budget estimates for a year remains unexpended at the close of that year, and the amount thereof has not been taken into account in the opening balance entered in the budget estimates of any of the next two account in the opening balance entered in the budget estimates of any of the next two following years, the Chairperson may sanction the expenditure of such budget-grant or the unexpended portion thereof during the next two following years for the completion of the purpose or object for which the budget-grant was originally made and not for any other purpose or object.

ACCOUNTS AND AUDIT SCRUTINY AND AUDIT OF ACCOUNTS

Accounts to be kept.

58.

These shall be kept in such manner and in such form as may be prescribed by regulations the General Account of all receipts and expenditure of the Council.

NOTES ON CLAUSES

These clauses relate to budget estimates and the power of the Council to readjust income and expenditure during the year; and keeping of accounts of all receipts and expenditure of the Council.

Audit.

59.

(1) The Chief Auditor shall conduct a monthly examination and audit of the accounts of the Council and shall report thereon to the Chairperson, who shall publish monthly an abstract of the receipts and expenditure of the month last proceeding signed by him and by the Chief Auditor.

(2) The Chairperson may also, from time to time and for such period, as he may think fit, conduct independently any examination and audit of the accounts of the Council.

(3) For the purpose of examination and audit of the accounts of the Council, the Chief Auditor shall have access to all the accounts of he Council and to all records and correspondence relating thereto.

(4) The Chief Auditor shall audit the accounts of the Council with the assistance of the officers and other employees subordinate to him.

(5) In the discharge of his functions under this section the Chief Auditor shall, -

(a) audit the accounts of expenditure from the revenue of the Council, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether money shown therein as have been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it:

(b) audit the accounts of debts, deposits, sinking funds, advances, suspense and remittance transactions of the Council and report upon those accounts and upon the results of verification of the balance relating thereto.

(6) The Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Council including the trading, manufacturing and profit and loss accounts, and the balance-sheets where such accounts are maintained under the orders of the Council and shall certify and report upon these accounts.

(7) The Chief Auditor shall in consultation with the Chairperson and subject to any directions given by the Council determine the form and manner in which his reports on the accounts of the Council shall be prepared and shall have authority to call upon any officer of the Council to provide any information necessary for the preparation of these reports.

(8) The Chief Auditor may make such queries and observations in relation to any of the accounts of the Council which he is required to audit and call for such vouchers, statements, returns and explanation in relation to such accounts as he may think fit.

(9) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with necessary vouchers, documents or explanations to the Chief Auditor.

(10) The power of the Chief Auditor with regard to the disapproval of, and procedure with regard to the settlement of objections to expenditure from the revenues of the Council shall be such as may be prescribed by the Chairperson in consultation with Chief Auditor, and with the approval of the Council.

(11) If the Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which those accounts originate he may require that those accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

(12) The Chief Auditor shall have the power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential, he shall be responsible for preventing disclosure of their contents.

(13)The Chief Auditor shall have authority to frame standing orders and to give directions on all matters relating to audit, and particularly, in respect of the method and the extent of audit to be applied and the raising and pursuing the objections.

(14)Expenditure sanctioned by the Chief Auditor shall be audited by an officer to be nominated by the Council.

(15)The Chief Auditor shall report to the Chairperson any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of money due to the Council or in the accounts of the Council.

(16)The Chairperson shall cause to be laid before the Council every report made by the Chief Auditor to the Chairperson and every statement of the views of the Chief Auditor on any matter affecting the exercise and performance of the powers and duties assigned to him under this Act and the council may take such action in regard to any of the matters as aforesaid as the Council may deem necessary.

(17)As soon as may be after the commencement of each year, the Chief Auditor shall deliver to the Council a report of the entire accounts of the Council for the previous year.

(18)The Chairperson shall cause the said report to be printed and shall forward as soon as may be printed copy thereof to each member of the Council.

(19)The Chairperson shall also forward without delay to the Government so many copies of the said report, as may be required by the Government with a brief statement of the action taken or proposed to be taken if any:

Provided that the Government may at any time appoint auditor for the purpose of making a special audit of the General Account of the New Delhi Municipal Fund and reporting thereon to the Government and the costs of such audit, as determined by the Government, shall be chargeable to the New Delhi Municipal Fund. The auditor so appointed may exercise any power which the Chief Auditor may exercise.

LEVY OF TAXES

Taxes to be imposed by the Council under this Act.

60.

(1)The Council shall for the purposes of this Act, levy the following taxes, namely: -

(a) property tax;

(b) a tax on vehicles and animals;

(c) a theatre-tax;

(d) a tax on advertisements other than advertisements published in the newspapers;

(e) a duty on the transfer of property; and

(f) a tax on buildings payable along with the application for sanction of the building plan.

(2)In addition to the taxes specified in sub-section (1) the Council may, for the purposes of this Act; levy any of the following taxes, namely:-

(a) an education cess;

(b) a tax on professions, trades, callings, and employments;

(c) a tax on the consumption, sale or supply of electricity;

(d) a betterment tax on the increase in urban land values caused by the execution of any development or improvement work;

(e) tolls.

(3)The taxes specified in sub-section (1) and sub-section (2) shall be levied, assessed and collected in accordance with the provisions of this Act and the bye-laws made thereunder.

PROPERTY-TAX

Rates of property tax.

61.

(1) Save as otherwise provided in this Act, the property tax shall be levied on lands and buildings in New Delhi and shall consist of not less than ten and not more than thirty per cent of the rateable value of lands and buildings:
provided that the Council may, when fixing the rate at which the property tax shall be levied during any year, determine that the rate leviable in respect of lands and buildings or portions of lands and buildings in which any particular class of trade or business is carried on shall be higher than the rate determined in respect of other lands and buildings or portions of other lands and buildings by an amount not exceeding one-half of the rate so fixed:
Provided further that the tax may be levied on graduated scale, if the Council so determines.
Explanation. - Where any portion of a land or building is liable to a higher rate of the tax such portion shall be deemed to be a separate property for the purpose of municipal taxation.

(2) The Council may exempt from the tax lands and buildings of which the rateable value does not exceed one thousand rupees.

Premises in respect of which property tax is to be levied.

62.

(1) Save as otherwise provided in this Act, the property tax shall be levied in respect of all lands and buildings in New Delhi except-

(a) lands and buildings or portions of lands and buildings exclusively occupied and used for public worship or by a society or body for a charitable purpose:

Provided that such society or body is supported wholly or in part by voluntary contributions, applies its profits, if any, or other income in promoting its objects and does not pay any dividend or bonus to its members.
Explanation. - "Charitable purpose" includes relief of the poor, education and medical relief but does not include a purpose which relates exclusively to religious teaching.

(b) lands and buildings vested in the Council, in respect of which the said tax, if levied, would under the provisions of this Act be leviable primarily on the Council;

(c) agricultural lands and buildings (other than dwelling houses).

(2) Lands and buildings or portions thereof shall not be deemed to be exclusively occupied and used for public worship or for a charitable purpose within the meaning of clause (a) of sub-section (1) if any trade or business is carried on in such lands and buildings or portions thereof or if in respect of such lands and buildings or portions thereof, any rent is derived.

(3) Where any portion of any land or building is exempt from the property tax by reason of its being exclusively occupied and used for public worship or for a charitable purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

Determination of rateable value of lands and buildings assessable to property tax.

63.

(1) The rateable value of any lands or buildings assessable to any property taxes shall be the annual rent at which such land or building might reasonably be expected to let from year to year less a sum equal to ten per cent of the said annual rent which shall be *in lieu* of all allowances for cost of repairs and insurance, and other expenses, if any, necessary to maintain the land or building in a state to command that rent:
Provided that in respect of any land or building the standard rent of which has been fixed under the Delhi Rent Control Act, 1958 (59 of 1958) the rateable value thereof shall not exceed the annual amount of the standard rent so fixed.

(2) The rateable value of any land which is not built upon but is capable of being built upon and of any land on which a building is in process or erection shall be fixed at five per cent of estimated capital value of such land.

(3) All plant and machinery contained or situate in or upon any land or building and belonging to any of the classes specified from time to time by public notice by the Chairperson with the approval of the Council, shall be deemed to form part of such land or building for the purpose of determining the rateable value thereof under sub-section (1) but save as aforesaid no account shall be taken of the value of any plant or machinery contained or situated in or upon any such land or building.

Charge for supply of water.

64.

(1) A charge shall be leived for the water supplied to any land or building by measurement at such rate as shall from time to time be prescribed by the Council in this behalf.

(2) The Council may prescribe such conditions as it may think fit regarding the use of the water and regarding the charges to be paid for water consumed whilst a meter is out of order or under repair;
Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any bye-law made thereunder.

(3) Any sum payable by a person, who is charged for water supplied, and not paid when it becomes due shall be recoverable as an arrear of tax under this Act.

(4) In prescribing charges for water supplied by measurement under sub-section (1), it shall be lawful for the Council to prescribe different rates in respect of different classes of lands and buildings.

Taxation of Union properties.

65.

(1) Notwithstanding anything contained in the foregoing provisions of this Chapter, lands and buildings being properties of the Union shall be exempt from the property tax specified in section 61:
Provided that nothing in this sub-section shall prevent the Council from levying property tax on such lands and buildings to which immediately before the 26th January, 1950, they were liable or treated as liable, so long as that tax continues to be levied by the Council on other lands and buildings.

(2) Where the possession of any land or building, being property of the Union, has been delivered in pursuance of section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) to a displaced persons, or any association of displaced person, whether incorporated or not, or to any other person [hereafter in this sub-section and the proviso to sub-section (1) of section 66 referred to as the transferee], the property tax specified in section 61 shall be leviable and shall be deemed to have been leviable in respect of such land or building with effect from the 7th day of April, 1958 or the date on which possession thereof has been delivered to the transferee, whichever is later, and such property tax shall, notwithstanding anything contained in any other provision of this Act, be recoverable with effect from that day or date, as the case may be.

Incidence of property tax.

66.

(1) The property tax shall be primarily leviable as follows: -

(a) if the land or building is let, upon the lessor;

(b) if the land or building is sub-let, upon the superior lessor;

(c) if the land or building is unlet, upon the person in whom the right to let the same vests:

Provided that the property tax in respect of land or building, being property of the Union, possession of which has been delivered in pursuance of section 20 of the Displaced

Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) shall be primarily leviable upon the transferee.

(2) If any land has been let for a term exceeding one year to a tenant and such tenant has built upon the land, the property tax assessed in respect of that land and building erected thereon shall be primarily leviable upon the said tenant, whether the land and building are in the occupation of such tenant or a sub-tenant of such tenant.

Explanation. - The term "tenant" includes any person deriving title to the land or the building erected upon such land from the tenant whether by operation of law or by transfer intervivos.

(3) The liability of the several owners of any buildings which is, or purports to be, severally owned in parts or flats or rooms, for payment of property tax or any instalment thereof payable during the period of such ownership shall be joint and several.

Apportionment of liability for property tax when the premises are let or sub-let.

67.

(1)If any land or building assessed to property tax is let, and its rateable value exceeds the amount of rent payable in respect thereof to the person upon whom under the provision of section 66 the said tax is leviable, that person shall be entitled to receive from his tenant the difference between the amount of the property tax levied upon him and the amount which would be leviable upon him if the said tax was calculated on the amount of rent payable to him.

(2)If the land or building is sub-let and its rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under the sub-tenant, the tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property tax which would be liable in respect of the said land or building if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3)Any person entitled to receive any sum under this section shall have, for the recovery thereof, he same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Recovery of property tax from occupiers.

68.

(1)On the failure to recover any sum due on account of property tax in respect of any land or building from the person primarily liable therefore under section 66, the Chairperson shall recover from every occupier of such land or building by attachment, in accordance with section 108 of the rent payable by such occupier,a portion of the total sum due which bears,as nearly as may be ,the same proportion to that sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of the land or building.

(2)An occupier from whom any sum is recovered under sub-section (1) shall be entitled to be reimbursed by the person primarily liable for the payment, and may in addition to having recourse to other remedies that may be open to him, deduct the amount so recovered from the amount of any rent from time to time becoming due from him to such person.

Property tax a first charge on premises on which it is assessed.

69.

Property tax due under this Act in respect of any land or building shall, subject to the prior payment of the land revenue, if any, due to the Council or Government or Central Government thereon, be a first charge-

(a) in the case of any land or building held immediately from the Council or Government or Central Government, upon the interest in such land or building of the person liable for such tax and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to such person; and
(b) in the case of any other land or building, upon such land or building and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to the person liable for such tax.

Explanation -The term "property tax" in this section shall be deemed to include the costs on recovery of property tax and the penalty, if any, payable as specified in the bye-laws.

Assessment list.

70.

(1) Save as otherwise provided in this Act, the Council shall cause an assessment list of all lands and buildings in New Delhi to be prepared in such form and manner and containing such particulars with respect to each land and building as may be prescribed by bye-laws.
(2) When the assessment list has been prepared the Chairperson shall give public notice thereof and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any land or building included in the list and any authorized agent of such person, shall be at liberty to inspect the list and to take extracts therefrom free of charge.
(3) The Chairperson shall, at the same time, give public notice of a date, not less than one month thereafter, when he will proceed to consider the rateable values of lands and buildings entered in the assessment list; and in all cases in which any land or building is for the first time assessed, or the rateable value of any land or building ids increased, he shall also give written notice thereof to the owner or to any lessee or occupier of the land or building.
(4) Any objection to a rateable value or any other matter as entered in the assessment list shall be made in writing to the Chairperson before the date fixed in the notice and shall state in what respect the rateable value, or other matter is disputed, and all objections so made shall be recorded in a register to be kept for the purpose.
(5) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by the Chairperson or by any officer of the Council authorised in this behalf by the Chairperson.
(6) When all objections have been disposed of, and revision of the rateable value has been completed, the assessment list shall be authenticated by signature of the Chairperson or, as the case may be, the officer authorised by him in this behalf, who shall certify that except in the cases, if any in which amendments have been made as shown therein, no valid objection has been made to the rateable value or any other matter entered in said list.
(7) The assessment list so authenticated shall be deposited in the office of the council and shall be open, free of charge during office hours to all owners, lessees and occupiers of lands and buildings comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

Evidential value of assessment list.

71.

Subject to such alterations as may thereafter be made in the assessment list under section 72 and to the result of any appeal made under the provisions of this Act, the entries in the assessment list authenticated and deposited as provided in section 70 shall be accepted as conclusive evidence for the purpose of assessing any tax levied under this Act, of the rateable value of all lands and buildings to which such

entries respectively relate.

Amendment of assessment list.

72.

(1) The Chairperson may, at any time, amend the assessment list-

(a) by inserting therein the name of any person whose name ought to be inserted; or

(b) by inserting therein any land or building previously omitted; or

(c) by striking out the name of any person not liable for the payment of property tax; or

(d) by increasing or reducing for adequate reasons the amount of any rateable value and of the assessment thereupon; or

(e) by making or canceling any entry exempting any land or building from liability to property tax; or

(f) by altering the assessment on the land or building which has been erroneously valued or assessed through fraud, mistake or accident; or

(g) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the assessment list:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the notice under sub-section (2) is given.

(2) Before making any amendment under sub-section (1) the Chairperson shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment and consider any objection which may be made by such person.

Preparation of new assessment list.

73.

It shall be in the discretion of the Chairperson to prepare for the whole or any part of New Delhi, a new assessment list every year or to adopt the rateable value contained in the list for any year, with such alternations as may in particular cases be deemed necessary, as the rateable value for the year following, giving the same public notice as well as individual notices, to persons affected by such alternations, of the rateable value as if a new assessment list had been prepared.

Notice of transfers.

74.

(1) Whenever the title of any person primarily liable for the payment of property tax on any land or building is transferred, the person whose title is transferred and the person to whom the same is transferred shall within three moths after the execution of the instrument of transfer or after registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Chairperson.
(2) In the event of the death of any person primarily liable as a aforesaid, the person on whom the title of the deceased devolves, shall give notice of such devolution to the Chairperson within six months from the date of the death of the deceased.
(3) The notice to be given under this section shall be in such form as may be determined by bye-laws made under this Act, and the transferee or the other person on whom the title devolves shall, if so required, be bound to produce before the Chairperson any document evidencing the transfer or devolution.
(4) Every person who makes a transfer as aforesaid without giving such notice to the Chairperson shall, in addition to any penalty to which he may be subjected under the provisions of this Act, continue to be liable for the payment of property tax from time to time payable in respect of the land or building transferred until he gives such notice or until the transfer has been recorded in the chairperson's book but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.
(5) The Chairperson shall record every transfer or devolution of title notified to him under this section in his books and in the assessment list.
(6) On a written request by the Chairperson, the registrar or sub-registrar of New Delhi appointed under the Registration Act, 1908 (16 of 1908), shall furnish such particulars regarding the registration of instruments of transfer of immovable properties in New Delhi, as the Chairperson may from time to time require.
(7) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected or, if the Chairperson so requests, by periodical returns at such intervals as the Chairperson may fix.

Notice of erection of building, etc.

75.

When any new building is erected or when any building is rebuilt or enlarged or when any building which has been vacant is reoccupied, the person primarily liable for the property tax assessed on the building shall give notice thereof in writing to the Chairperson within fifteen days from the date of its completion or occupation whichever first occurs, or as the case may be, from the date of its enlargement or reoccupation; and property tax shall be assessable on the building from the said date.

Notice of demolition or removal of buildings.

76.

(1)When any building or any portion of a building, which is liable to the payment of property tax is demolished or removed, otherwise than by order of the Chairperson, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the Chairperson.
(2)Until such notice is given, the person aforesaid shall continue to be liable to the payment of such property tax as he would have been liable to pay in respect of such building if the same or any portion thereof had not been demolished or removed.

Power of chairperson to call for information and returns and to enter and inspect premises.

77.

(1) To enable him to determine the rateable value of any land or building and the person primarily liable for the payment of property tax leviable in respect thereof,

the Chairperson may require the owner or occupier of such land or building, or of any portion thereof to furnish him within such reasonable period as the Chairperson fixes in this behalf, with information or with a written return signed by such owner or occupier -

(a) as to the name and place of residence of the owner or occupier, or of both the owner and occupier of such land or building;

(b) as to the measurements or dimensions of such land or building or of any portion thereof and the rent, if any, obtained for such land or building or any portion thereof; and

(c) as to the actual cost or other specified details connected with the determination of the value of such land or building.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) Whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief, shall, in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Chairperson in respect of such land or building of which he is the owner or occupier.

Premises owned by or let to two or more persons in severalty to be ordinarily assessed as one property.

78.

Notwithstanding that any land or building is owned by, or let to, two or more persons in severalty, the chairperson shall for the purpose of assessing such land or building to property tax treat the whole of it as one property:

Provided that the Chairperson may, in respect of any land or building which was originally treated as one property but which subsequently passes on by transfer succession or in any other manner to two or more persons who divide the same into several parts and occupy them in severalty, treat, subject to any by-law made in this behalf, each such several part, or two or more of such several parts together, as a separate property and assess such part or parts to property tax accordingly.

Assessment in case of amalgamation of premises.

79.

If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the Chairperson shall on such amalgamation assign to them one or more number and assess them to property tax accordingly.

Provided that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises except when there is any revaluation of any of the said premises.

Power of Chairperson to assess separately out-houses and portions of buildings.

80.

The Chairperson may in his discretion assess any out-house appurtenant to a building or any portion of a land or building separately from such building or as the case may be, from the rest of such land or building.

Power of Chairperson to employ valuers.

81.

(1) The Chairperson may, if he thinks fit, employ one of more competent persons to give advice or assistance in connection with the valuation of any land or building, and any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorisation in writing in that behalf from the Chairperson, to enter on, survey and value any land or building which the Chairperson may direct him to survey and value.

(2) No person shall willfully delay or obstruct any such person in the exercise of any of his powers under this section.

TAX ON VEHICLES AND ANIMALS

Tax on certain vehicles and animals and rates thereof.

82.

Save as otherwise provide in this Act, a tax at the rates not exceeding those specified in the Second Schedule shall be levied on vehicles and animals of the descriptions specified in that Schedule which are kept within New Delhi.

The tax on whom leviable.

83.

The tax on vehicles or animals shall be leviable upon the owner of, or the person having possession or control of, such vehicles or animals in respect of which the tax is leviable:

Provided that in the case of an animal generally used or employed in drawing any vehicle, the tax in respect of such animal shall be leviable upon the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person:

Provided further that the tax under this section shall not be levied in respect of: -

(a) vehicles and animals belonging to the Central Government or to the Government or to the Council used or intended to be used solely for public purposes;

(b) vehicles intended exclusively for the conveyance free of charge, of the injured, the sick or the dead;

(c) children's perambulators or tricycles;

(d) a cow or a she-buffalo kept for milking for domestic use if the cow or the she buffalo is the only cow or she-buffalo kept by the owner or the person having possession or control thereof for such milking and is registered in accordance with bye-laws made in this behalf, so however, that-

(i) where more cows or, as the case may be, more she-buffaloes than one are kept by several such owners or persons constituting a family, the tax under this section shall be levied in respect of all such cows or all such she-buffaloes;

(ii)where a cow and also a she-buffalo are kept by the owner or the person having the possession or control thereof or by several such owners or persons constituting a family, tax under this section shall be levied in respect of the cow and the she-buffalo.

Tax when payable.

84.

The tax on vehicles or animals shall be payable in advance in such number of installments and in such manner as may be determined bye - laws made in this behalf.

Power of chairperson to compound with livery stable keeper, etc, for tax.

85.

The chairperson may with the approval of the Council, compound for any period not exceeding one year at a time, with any livery stable keeper or other person keeping vehicles for hire or animals for sale or hire, for a lump sum to be paid in respect of the vehicles or animals so kept *in lieu* of the taxes leviable under section 82 which such livery stable keeper or other person would otherwise be liable to pay.

THEATRE-TAX

Theatre-Tax

86.

Save as otherwise provided in this Act, there shall be levied a tax (referred to in this Act as theatre-tax) in respect of every cinema, theatre, circus, carnival and other place of entertainment to which persons are ordinarily admitted on payment for performances or shows held or conducted thereat, at such rates not exceeding those specified in the Third Schedule as the Council may determine:
Provided that the theatre-tax shall not be levied in respect of any performance or show if the Chairperson is satisfied -

(a) that the entire receipts from such performance or show will be devoted to philanthropic, religious or charitable purposes; or

(b) that the performance or show is of a wholly educational character; or

(c) that the performance or show is provided for partly educational or partly scientific purposes by a society not conducted or established for profit.

Liability to pay theatre-tax.

87.

Every proprietor, manager, or person-in-charge of a theatre, cinema, circus, carnival or other place of entertainment shall be liable to pay the theatre-tax and shall pay the same in advance before the commencement of the performances or shows:
Provided that the chairperson may, with the approval of the council, compound for any series of performances or shows or for any period not exceeding one month, with such proprietor, manager or person for a lump sum to be paid for such series of performances or shows or for the performances or shows held or conducted during such period.

TAX ON ADVERTISEMENTS OTHER THAN ADVERTISEMENTS PUBLISHED IN THE NEWSPAPERS

Tax on advertisements.

88.

(1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding; frame, post or structure or upon or in any vehicle any advertisement or, who displays any advertisement to public view in any manner whatsoever, visible from public street or public place (including any advertisement exhibited by means of cinematographs), shall pay for every advertisement which is so erected, exhibited, fixed or retained or so displayed to public view, a tax calculated at such rates not exceeding those specified in the Fourth Schedule as the Council may determine:
Provided that no tax shall be levied under this section on any advertisement which-

(a) relates to a public meeting, or to an election to Parliament or the Legislative Assembly of Delhi; or

(b) is exhibited within the window of any building if the advertisement relates to the trade, profession or business carried on in that building; or

(c) relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting so such land or building or any effects theirin or to any sale, entertainment or meeting to be held on or upon or in the same; or

(d) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(e) relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration; or

(f) relates to any activity of the Central Government or the Government or the Council.

(2) The tax on any advertisement leviable under this section shall be payable in advance in such number of instalments and in such manner as may be determined by bye-law made in this behalf.

Explanation 1.

The word "structure" in this section includes any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.

The word "advertisement" in relation to a tax on advertisement under this Act means any word, letter, model, sign, placard, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.

Prohibition of advertisements without written permission of the Chairperson.

89.

(1) No advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall be displayed in any manner whatsoever in any place within New Delhi without the written permission of the Chairperson granted in accordance with bye-laws made under this Act.

(2) The Chairperson shall not grant such permission if -

(a) the advertisement contravenes any bye-law made under this Act; or

(b) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to advertisement tax, the Chairperson shall grant permission for the period to which the payment of the tax relates and no fee shall be charge in respect of such permission.

Permission of the Chairperson to become protected void in certain cases.

90.

The permission granted under section 89 shall become protected void in the following cases, namely:-

(a) if the advertisement contravenes any bye-law made under this Act;

(b) if any material change is made in the advertisement or any part thereof without the previous permission of the Chairperson;

(c) if the advertisement or any part thereof falls otherwise than through accident;

(d) if any addition or alteration is made to, or in the building, wall, hoarding, frame, post or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(e) if the building, wall, hoarding, frame, post or structure over which the advertisement is erected, exhibited, fixed or retained is demolished or destroyed.

Presumption in case of contravention.

91.

Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon in any vehicle or displayed to public view from a public street or public place in contravention of the provisions of this Act or any bye-laws made thereunder, it shall be presumed, unless and until contrary is proved, that the contravention has been committed by the person or the persons on whose behalf the advertisement purports to be or the agents of such person or persons.

Power of Chairperson in case of contravention.

92.

If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of section 89, the Chairperson may require the owner or occupier of the land, building, wall, hoarding, frame, post or structure or vehicle upon, or over or in which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any land building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

DUTY ON TRANSFER OF PROPERTY

Duty on transfer of property and method of assessment thereto.

93.

(1) Save as otherwise provided in this Act, the Council shall levy a duty on transfer of immovable property situated within the limits of New Delhi accordance with the provisions hereafter in this section contained.

(2) The said duty shall be levied -

(a) in the form of surcharge on the duty imposed by the Stamp Act, 1899 (2 of 1899), as in force for the time being in the National Capital Territory of Delhi, on every instrument of the description specified below, and

(b) at such rate as may be determined by the Council not exceeding five per cent on the amount specified below against such instruments:

Description of instrument	Amount on which duty should be levied
(i) Sale of immovable property.	The amount of value of the consideration for the sale, as set forth in the instrument.

(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property as set forth in the instrument.
(vi) Mortgage with possession of immovable property .	The amount secured by the mortgage as set froth in the instrument.
(v) Lease in perpetuity of immovable property.	The amount equal to one-sixth of the whole amount or value of the rent which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument.

Provisions applicable on the introduction of transfer duty.

94.

(1) On the introduction of the duty on transfers of property -

(a) section 27 of the Stamp Act, 1899 (2 of 1899), as in force in the National Capital Territory of Delhi; shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without New Delhi;

(b) section 64 of the said Act shall be read as if it referred to the Council as well as the Government of National Capital Territory of Delhi.

Tax on buildings payable along with the application for sanction of building plans

Tax on building applications.

95.

(1) Save as otherwise provided in this Act the Council shall levy a tax on buildings at such rates not exceeding those specified in the Fifth Schedule as the Council shall determine.

(2) The tax shall be leviable on every person who makes an application to the Chairperson for the sanction of building plan and shall be payable along with the same.

OTHER TAXES

Imposition of other taxes.

96.

(1) The Council may, at a meeting, pass a resolution for the levy of any of the taxes specified in sub-section (2) of section 60, defining the maximum rate of the tax to be levied, the class or classes of persons or the description or descriptions of articles and properties to be taxed, the system of assessment to be adopted and the exemptions, if any, to be granted.

(2) Any resolution passed under sub-section (1) shall be submitted to the Central Government for its sanction, and if sanctioned by that Government, shall come into force on and from such date as may be specified in the order of sanction.

(3) After a resolution has come into force under sub-section (2), the Council may, subject to the maximum rate, pass a second resolution determining the actual rates at which the tax shall be leviable and the tax shall come into force on the first day of the quarter of the year next following the date on which such second resolution is passed.

(4)After a tax has been levied in accordance with foregoing provisions of this section, the provisions of sub-section (2) of section 55, shall apply in relation to such tax as they apply in relation to any tax imposed under sub-section (1) of section 60.

SUPPLEMENTARY TAXATION

Supplementary taxation.

97.

Whenever the Council decides to have recourse to supplementary taxation under sub-section (2) of section 57 in any year, it shall do so by increasing from such date as the Council may determine, the rates at which any tax leviable under this Act is being levied, but every such increase shall be made subject to the maximum rate and any other limitation specified in respect of such tax.

PAYMENT AND RECOVERY OF TAXES

Time and manner of payment of taxes.

98.

Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such number of instalments and in such manner as may be determined by bye-laws made in this behalf.

Presentation of bill.

99.

(1) When any tax has become due, the Chairperson shall cause to be presented to the person liable for the payment thereof, a bill for the amount due:

Provided that no such bill shall be necessary in the case of -

(a) a tax on vehicles and animals

(b) a theatre-tax; and

(c) a tax on advertisements.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

Notice of demand and notice fee.

100.

(1)If the amount of the tax for which a bill has been presented under section 99 is not paid within fifteen days from the presentation thereof, or if the tax on vehicles and animals or theatre-tax or the tax on advertisements is not paid after it has become due, the Chairperson may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in the Sixth

Schedule.

(2)For every notice of demand which the Chairperson causes to be served on any person under this section, a fee of such amount not exceeding five rupees as may be determined by bye-laws made in this behalf, shall be payable by the said person and shall be included in the cost of recovery.

Penalty in case of default of payment of taxes.

101.

(1) If the person liable for the payment of any tax does not, within thirty days of the service of the notice of demand under section 100 pay the sum due and if no appeal is preferred against such tax, he shall be deemed to be in default.

(2) When the person liable for the payment of any tax is deemed to be in default under sub-section (1), such sum not exceeding twenty percent of the amount of the tax as may be determined by the Chairperson, may be recovered from him by way of penalty, in addition to the amount of the tax and the notice fee, payable under sub-section (2) of section 100.

(3) The amount due as penalty under sub-section (2) shall be recoverable as an arrear of tax under this Act

Recovery of tax.

102.

(1) If the person liable for the payment of the tax does not, within thirty days from the service of the notice of demand, pay the amount due, such sum together with all costs and the penalty provided for in section 101 may be recovered under a warrant, issued in the form set forth in the Seventh Schedule, by distress and sale of the movable property or the attachment and sale of the immovable property, of the defaulter:
Provided that the Chairperson shall not recover any sum the liability for which has been remitted on appeal under the provisions of this Act.

(2)**)**Every warrant issued under this section shall be signed by the Chairperson.

Distress.

103.

(1) It shall be lawful for any officer or other employees of the Council to whom a warrant issued under section 102 is addressed to distrain, wherever it may be found in any place in New Delhi, any movable property, or any standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:-
(a)the following property shall not be distrained:-

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and their cooking and eating utensils;

(ii) tools of artsians;

(iii) books of account; or

(iv) when the defaulter is an agriculturist his implements of husbandry, seed, grain and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(b)the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Chairperson, should not have been distrained, it shall forthwith be released.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in the Eighth Schedule, to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Disposal of distrained property and attachment and sale of immovable property.

104.

(1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Chairperson shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Chairperson, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 103 be sold by public auction by order of the Chairperson.

(3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within fifteen days from the date of the attachment.

(4) Such order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the Government in the office of the collector.

(5) Any transfer of or charge on the property attached or any interest therein made without written permission of the Chairperson shall be protected void as against all claims of the council enforceable under the attachment.

(6) The surplus of the sale-proceeds, if any, shall, immediately after the sale of the property, be credited to the New Delhi Municipal Fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative and if the same is claimed by written application to the Chairperson, within one year from the date of the notice, a refund thereof shall be made to such person or representative.

(7) Any surplus not claimed within one year as aforesaid shall be the property of the Council.

(8) For every distraint and attachment made in accordance with the foregoing provisions, a fee of such amount not exceeding two and a half per cent of the amount of the tax due as shall in each case be fixed by the Chairperson, shall be charged, and the said fee shall be included in the costs of recovery.

Recovery from a person about to leave New Delhi or Delhi.

105.

(1)If the Chairperson has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to move from New Delhi or Delhi, he may direct the immediate payment by such person of the sum so due or about to become due and cause a notice of demand for the same to be served on such person.

(2)If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner hereinbefore provided, and the warrant of distress or attachment and sale may be issued and executed without any delay.

Power to institute suit for recovery.

106.

Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter has been so proceeded against unsuccessfully or with partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.

Power of seizure of vehicles and animals in case of non-payment of tax thereon.

107.

(1) If the tax on any vehicle or animal is not paid, then instead of proceeding against the defaulter by distress and sale of his other movable property as hereinbefore provided, the Chairperson may, at any time after the tax has become due, seize and detain the vehicle or animal or both and if the owner or other person entitled thereto does not within seven days in respect of a vehicle and two days in respect of an animal from the date of such seizure and detention, claim the same and pay the tax due together with the charges incurred in connection with the seizure and detention, the Chairperson may cause the same to be sold and apply the proceeds of the sale or such part thereof as is required in discharge of the sum due and the charges incurred as aforesaid.

(2) The surplus, if any, remaining after the application of the sale-proceeds under subsection (1) shall be disposed of in the manner laid down in sub-section (6) and (7) of section 104.

Occupiers may be required to pay rent towards satisfaction of property tax.

108.

(1) For the purposes of recovering the amount of any property tax from any occupier under section 68, the Chairperson shall cause to be served on such occupier a notice requiring him to pay to the Council, any rent due or falling due from him in respect of the land or building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

(2) Such notice shall operate as an attachment of the said rent unless the portion of the sum due shall have been paid and satisfied and the occupier shall be entitled to credit in account with the person to whom such rent is due for any sum paid by him to the Council in pursuance of such notice:
Provided that if the person to whom such rent is due is not the person primarily liable for payment of the property tax, he shall be entitled to recover from the person primarily liable for the payment of such tax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to pay to the Council any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Council as an arrear of tax under this Act.

REMISSION AND REFUND

Demolition, etc., of buildings.

109.

If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Chairperson may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the rateable value thereof as he thinks fit.

Remission, or refund of tax.

110.

(1) If any building together with land appurtenant thereto has remained vacant and unproductive or rent for sixty or more consecutive days, the Chairperson shall remit or refund, as the case may be, two -thirds of such portion of the property tax assessed on the rateable value thereof ,as may be proportionate to the number of days during which the said building together with the land appurtenant thereto has remained vacant and unproductive of rent.

(2) If any land, not being land appurtenant to a building, has remained vacant and unproductive of rent for sixty or more consecutive days, the Chairperson shall remit or refund, as the case may be, one half of such portion of the property tax assessed on the rateable value thereof, as may be, proportionate to the number of days during which the said land has remained vacant and unproductive of

rent.

Power to require entry in assessment list of details of buildings.

111.

(1) For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Chairperson, at the time of the assessment of the building, to enter in the assessment list, in addition to the rateable value of the whole building, a note regarding any detail of the rateable value of each separate tenement.

(2) When any tenement, the rateable value of which has been thus separately recorded has remained vacant and unproductive of rent for sixty or more consecutive days, such portion of any tax assessed on the rateable value of the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

Notice to be given of the circumstances in which remission or refund is claimed.

112.

No remission or refund under section 110 or section 111 shall be made unless notice in writing of the fact that land, building or tenement has become vacant and unproductive of rent has been given to the Chairperson, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before delivery of such notice.

What buildings, are to be deemed vacant.

113.

(1) For the purposes of sections 110 and 111 no land, building or tenement shall be deemed vacant if maintained as a pleasure resort or town or country house or be deemed unproductive or rent if let to a tenant who has continuing right of occupation thereof, whether he is in actual occupation or not.

(2) The burden of proving the facts entitling any person to claim relief under section 109, 110 or section 111, shall be upon him.

Notice to be given of every occupation of vacant land or building.

114.

The owner of any land, building or tenement in respect of which a remission or refund of tax has been given under section 110 or section 111, shall give notice of the re-occupation of such land, building or tenement within fifteen days of such re-occupation.

APPEALS

Appeal against assessment etc.

115.

(1) An appeal against the levy or assessment of any tax under this Act shall lie to the Court of the district judges of Delhi or New Delhi, as the case may be.

(2) If, before or on the hearing of an appeal under this section, any question of law or usage having the force of law or construction of a document arises, the Court of district judge on his own motion may, or on the application of any party to the appeal, shall, draw up a statement of the facts of the case, and the question so arising, and refer the statement with his opinion on the question for the decision for the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in case shall be, as nearly as may be in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(4) In every appeal, the costs shall be in the discretion of the Court.

(5) Costs awarded under this section to the Council shall be recoverable by the Council as an arrear of tax due from the appellant.

(6) If the Council fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the Court may order the Chairperson to pay the amount to the appellant.

Conditions of right to appeal.

116.

(1) INo appeal shall be heard or determined under section 115 unless-

(a) the appeal is, in the case of a property tax, brought within thirty days next after the date of authentication of the assessment list under section 70 (exclusive of the time requisite for obtaining a copy of the relevant entries therein) or, as the case may be, within thirty days of the date on which an amendment is finally made under section 72 and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days after the date of the presentation of the first bill or, as the case may be, the first notice of demand in respect thereof;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Council.

Condonation of delay in preferring the appeal.

117.

Notwithstanding anything contained in clause (a) of section 116, an appeal may be admitted after the expiration of the period prescribed therefor by that section if the appellant satisfies the court that he had sufficient cause for not preferring the appeal within the period.

Finality of appellate orders.

118.

The order of the Court confirming, setting aside or modifying an order in respect of any rateable value or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the Court upon application or on its own motion, to review any order passed by it in appeal within three months from the date of the order.

MISCELLANEOUS PROVISIONS RELATING TO TAXATION.

Power to inspect for purposes of determining rateable value or tax.

119.

(1) The Chairperson may, without giving any previous notice, enter upon and make an inspection of:

(a) any land or building for the purpose of determining the rateable value of such land or building;

(b) any stable, garage, or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act;

(c) any place or premises which he has reason to believe are being used or are about to be used for any performance or show in respect of which the theatre-tax is payable or would be payable;

(d) any land, building or vehicle in or upon which any advertisement liable to tax under this Act is exhibited or displayed.

(2) The Chairperson may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and description of vehicles and animals owned by or in the possession or under the control of such person; and every person or servant of such person so summoned shall be bound to attend before the Chairperson and to give information to the best of his knowledge and belief as to the said matters.

Composition.

120.

(1) The Chairperson may with the previous sanction of Council allow any person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recovered as an arrear of tax under this Act.

Irrecoverable debts.

121.

(1)The Chairperson may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in his opinion irrecoverable: Provided that where the sum written off in favour of any person exceeds one thousand rupees, the previous sanction of the Council shall be first obtained.

(2)The Chairperson shall report to the Council every case in which any sum has been written off under sub-section (1).

Obligation to disclose liability.

122.

(1) The Chairperson may, by written notice, call upon any inhabitant of New Delhi to furnish such information as may be necessary for the purpose of ascertaining -

(a) whether such inhabitant is liable to pay any tax imposed by the Council under this Act;

(b) at what amount he should be assessed; or

(c) the rateable value of the land or building which he occupies and the name and address of the owner or lessee thereof.

(2) If any person when called upon under sub-section (1) to furnish information neglects to furnish it within the period specified in this behalf by the Chairperson or furnishes information which is not true to the best of his knowledge or belief, he shall be liable, in addition to any penalty which may be imposed under this Act, to be assessed at such amount on account of tax as the Chairperson may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

Immaterial error not to affect liability.

123.

No assessment and no charge or demand on account of any tax shall be impeached or affected by reason only of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax or in the description of any property or thing, or of any mistake in the amount of the assessment, charge or demand, or by reason only of clerical error or other defect of form, if the directions contained in this Act and the bye-laws made thereunder have in substance and effect been complied with and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

General power of exemption.

124.

The Council may, by resolution passed in this behalf, exempt either wholly or in part from the payment of any tax levied under this Act, any class of persons or any class of property or goods.

TAXES ON ENTERTAINMENT AND BETTING

Payment of proceeds of entertainment and betting taxes to Council.

125.

The proceeds of the entertainment and betting taxes collected in New Delhi under the provisions of the UP Entertainment and Betting Tax Act, 1937 (UP Act 18 of 1937), as extended to the National Capital Territory of Delhi; (which shall form part of the Consolidated Fund of the National Capital Territory of Delhi;) reduced by the cost of collection as determined by the Government shall, if the Legislative Assembly of the National Capital Territory of Delhi; by appropriation made by law in this behalf so provides, be paid to the Council for the performance of its functions under this Act.

CHAPTER - X

PROPERTY AND CONTRACTS

PROPERTY

Acquisition of property.

137.

The Council shall, for the purpose of this Act, have power to acquire and hold movable and immovable property, or any interest therein.

Acquisition of immovable property by agreement.

138.

Whenever the Council decides to acquire any immovable property for the purpose of this Act, the Chairperson shall acquire such property on behalf of the

Council by agreement on such terms and at such price as may be approved by the Council.

Procedure when immovable property cannot be acquired by agreement.

139.

Whenever the Chairperson is unable to acquire any immovable property under section 138 by agreement, the Central Government may at the request of the Chairperson procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894 (1 of 1894), and on payment by the Council of the compensation awarded under that Act and of the charges incurred by that Government in connection with the proceedings, the land shall vest in the Council.

Disposal of movable property.

140.

(1) With respect to the disposal of movable property belonging to Council the Chairperson may, in his discretion, dispose of by sale or otherwise, any movable property belonging to the Council not exceeding in value in each instance one thousand rupees, or such higher amount as the Council may prescribe, or let out on hire any movable property or grant a lease of any immovable property belonging to the Council including any right or gathering and taking fruits and the like, for a period not exceeding one year at a time.

(2) In cases not covered by sub-section (1), the Chairperson may, with the sanction of the Council, lease, sell, let out on hire on otherwise transfer any movable property belonging to the Council.

Disposal of immovable property.

141.

(1) The Chairperson may, with the sanction of the Council, lease, let out on hire or otherwise transfer any immovable property belonging to the Council.

(2) The consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair completion.

(3) The sanction of Council under section 140 or this section may be given either generally for any class of cases or specially for any particular case.

(4) Subject to any conditions or limitation that may be specified in any other provisions of this Act the foregoing provisions of section 140 and this section shall apply to every disposal of property belonging to the Council made under, or for any purpose of this Act.

(5) Every case of disposal of property under sub-section (1) of section 140 shall be reported by the Chairperson without delay to the Council.

CONTRACTS

Contracts by the Council.

142.

Subject to the provisions of sections 143 and 144 the Council shall be competent to enter into and perform any contract necessary for the purposes of this Act.

Proceeding for making contracts.

143.

With respect to the making of contracts, the following provisions shall have effect, namely:-

(a) every such contract shall be made on behalf of the Council by the Chairperson;

(b) no such contract, for any purpose which in accordance with any provision of this Act the Chairperson may not carry out without the approval or sanction of the Council shall be made by him until and unless such approval or sanction has been duly obtained.

(c) no contract which will involve an expenditure exceeding ten lakh rupees or such higher amount as the Central Government may from time to time, fix, shall be made by the Chairperson unless the same is previously approved by the Council; and

(d) every contract made by the Chairperson involving an expenditure exceeding one lakh rupees but not exceeding ten lakh rupees or such higher amount as may be fixed under clause (c) shall be reported by him, within one month after the same has been made to the Council.

Mode of executing contracts.

144.

(1) The mode of executing contracts under this Act shall be prescribed by bye-laws made in this behalf.

(2) No contract which is not made in accordance with provisions of this Act and the byelaws made thereunder shall be binding on the Council.

CHAPTER - XI

WATER SUPPLY, DRAINAGE AND SEWAGE COLLECTION

GENERAL

Definitions.

145.

In this Chapter, unless the context otherwise requires, the following words and expression in relation to water supply shall have the respective meanings given below, namely: -

(1) "communication pipe" means, -

a) where the premises supplied with water about on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also

i) where the communication pipe ends at a stopcock, that stopcock; and

ii) any stopcock fitted on the communication pipe between the end thereof and the main.

(2) "main" means a pipe laid by the Council for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe.

(3) "service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap.
(4) "supply pipe" means so much of any service pipe as is not a communication pipe.
(5) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk.
(6) "water fitting" includes pipes (other than mains), taps cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

Council may carry out surveys and formulate proposals.

146.

(1) The Council may -

(a) carry out a survey of the existing consumption of and demand for water supplies in New Delhi and of the water resources in or likely to be made available in New Delhi;
(b) prepare an estimate of the future water supply requirements of New Delhi
(c) carryout a survey of the existing quantity of sewage collection;
(d) tformulate proposals as to -

(i) the existing or future water supply requirements of New Delhi

(ii)the existing or future sewage collection requirement in New Delhi including proposals for the manner in which and the place or places at which sewage should be carried and collected.

(2) If the Council is of the opinion that the works and other properties for the time being vested in the Council, are inadequate for the purpose of sufficient supply of water or for the purpose of efficient collection of sewage under this Act it may take step in accordance with the provisions of this Act for the construction of additional works, whether within New Delhi or outside New Delhi with the approval of the Administrator and for the acquisition of additional properties for such works.

WATER SUPPLY

Functions in relation to water supplies.

147.

(1) It shall be the duty of the Council to take steps from time to time,

(a) for ascertaining the sufficiency and wholesomeness of water supplies within New Delhi and receiving bulk supplies of water from the authority prescribed by the Central Government;
(b) for providing a supply of wholesome water in pipes to every part of New Delhi in which there are houses, for the domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that this clause shall not require the Council to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of New Delhi where such a supply is already available at such point or points aforesaid;

(c) for providing as far as possible, a supply of wholesome water otherwise than in pipes to every part of New Delhi in which there are houses, for the domestic purpose of the occupants thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

(2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to them at a reasonable cost, or under clause (c) thereof, as to whether a public supply can be provided at a reasonable cost, the Council shall determine that question and thereupon it shall give effect to the determination. .

(3) Without prejudice to the provisions of sub-section (1), the Chairperson shall, for the purpose of securing, so far as is reasonably practicable, that every house has available a sufficient supply of wholesome water fordomestic purposes, exercise his powers under this Act of requiring the owners of houses to provide a supply of water thereto.

(4) The Council shall secure that the water in any water works belonging to the Council from which the water is supplied for domestic purpose is wholesome.

Water supplied for domestic purposes not to be used for non-domestic purposes.

148.

No person shall, without the written permission of the Chairperson, use or allow to be used for other than domestic purposes water supplied for domestic purposes.

Supply of water for domestic purposes not to include any supply for certain specified purposes.

149.

The supply of water for domestic purposes under this Act shall not be deemed to include any supply-

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;

(b) for any trade, manufacture or business;

(c) for fountains, swimming baths or any ornamental or mechanical purpose;

(d) for gardens or for purposes of irrigation;

(e) for making or for watering streets; or

(f) for building purposes.

Power to supply water of non-domestic purposes.

150.

(1) The Chairperson may supply water for any purpose other than a domestic purpose on such terms and condition consistent with this Act and bye-laws made thereunder as may be laid down in this behalf by the Council on receiving a written application specifying the purpose for which the supply is required and the quantity likely to be consumed.

(2) When a application under sub-section (1) is received, the Chairperson may subject to such charges and rates as may be fixed by the Council, place or allow to be placed the necessary pipes and water fittings of such dimensions and character as may be prescribed by bye-laws and may arrange for the supply of water through such pipes and fittings.

Use of water for extinguishing fire.

151.

Water may be used for extinguishing fire.

Power to require water supply to be taken.

152.

(1) If it appears to the Chairperson that any premises in New Delhi are without supply of wholesome water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premises is inadequate or on any sanitary grounds objectionable or the persons primarily liable for the payment of the property tax in respect of the same -

(a) to take a connection from the municipal water works adequate for the requirements of the persons occupying or employed in the premises, or to take such additional or enlarged connection or connections from the municipal water works; and

(b) to provide, supply pipes and water fittings, install and work a pump and do all such works and take all such measures as may, in the opinion of the Chairperson be necessary for the above purposes.

(2) The Chairperson may in the notice issued under sub-section (1) specify -

(a) the size, material and quality of the pipes and water fittings to be provided;

(b) the position of the pipes and water fittings to be provided; .

(c) the means of access for the inspection of the pipes and water fittings;

(d) the type of pump that should be installed and the period or periods of the day for which it should be kept working;

(e) the period within which any or all requisitions specified in the notice should be carried out.

New premises not to be occupied without arrangement for water supply.

153.

It shall not be lawful for the owner of any premises which may be newly constructed or reconstructed within any portion of New Delhi to occupy it or cause or permit it to occupied until he has obtained a certificate from the Chairperson that there is provided within, or within a reasonable distance of, the premises such supply of wholesome water as appears to the Chairperson to be adequate for the persons who may occupy, or be employed in, such premises for their domestic purposes.

Public gratuitous water supply.

154.

(1) The Chairperson with the approval of the Council may provide gratuitous supply of wholesome water to the public within New Delhi and may, for that purposes, erect public hydrants or other conveniences.
(2) The Chairperson may with like approval close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

Power to lay mains.

155.

(1) The Chairperson may lay a main whether within or without the local limits of the Council -

(a) in any street; and

(b) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land, and may, from time to time, inspect, repair, alter or renew or may at any time remove any main so laid whether by virtue of this section or otherwise:

Provided that where a consent required for the purpose of this sub-section is withheld, the Chairperson may, after giving the owner or occupier of the land a written notice of his intention so to do, lay the main in, over or on that land even without such consent.

(2) Where the Chairperson, in exercise of the powers under this section, lays a main in, over or on nay land not forming part of a street, or inspect, repairs, alters, renews or removes a main so laid down in, over or on any such land, he shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main.

Power to lay service pipes, etc.

156.

(1) The Chairperson may, in any street whether within or without the local limits of the council lay such service pipes with such stopcocks and other water fittings as he may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in a street whether by virtue of this section or otherwise.
(2) Where a service pipe has been lawfully laid in, over, or on the land not forming part of a street, the Chairperson may from time to time enter upon that land and inspect, repair, alter, renew or remote the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

Provision of fire hydrants.

157.

(1) The Chairperson shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.
(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.
(3) As soon as any such hydrant is completed, the Chairperson shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Chairperson may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time to time renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade premises or place of business.
(5) The Chairperson shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

Supply of water.

158.

(1) The Chairman may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from the municipal water works subject to the requirements specified in section 159 and the conditions, if any, laid down in the bye-laws made in this behalf.
(2) The owner of every premises connected with the municipal water works, shall, when so required by the Chairperson, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most story of such premises.

Laying of supply pipes, etc.

159.

(1) An owner, lessor or occupier of any premises, who desires to have a supply of water for his domestic purposes from the municipal water works, shall comply with the following requirements, namely: -

(a) he shall give to the Chairperson fourteen days notice of his intention to lay the necessary supply pipe; and
(b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners or occupiers thereof :

Provided that where any part of the supply pipe is to be laid in a street, he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of such a notice as is referred to in sub-section (1), the Chairperson shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in street shall connect the communication pipe with the supply pipe.
(3) The expenses, reasonably incurred by the Chairperson in executing the work which he is required or authorized by this section to execute, shall be repaid to him by the person to whom the notice was given and may be recovered from such person as an arrear of tax under this Act:

Provided that if under the provisions of this section, the Chairperson lays a main in lieu of a supply pipe, the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.
(4) Notwithstanding anything contained in the foregoing provisions of this section, the Chairperson may, within a reasonable time after the service of the notice upon him, require the person giving the notice either to pay to him, in advance the cost of the work, as estimated by the Chairperson or any officer authorized by in this behalf or to give security for payment thereof to his satisfaction.

(5) If any payment made to the Chairperson under sub-section (4) exceeds the expenses which the Chairperson would be entitled to recover from the person giving the notice, the excess shall be repaid by him and if and so far as those expenses are not covered by the payment, the Chairperson may recover the balance from such person as an arrear of tax under this Act.

Power to require separate service pipes.

160.

(1) The Chairperson may require the provision of a separate service pipe for each of the premises supplied or to be supplied by him with water.

(2) If, in the case of any premises already supplied with water but not having a separate service pipe, the Chairperson gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the Chairperson, shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications.

(3) If an owner upon whom a notice has been served under sub-section (2) fails to comply therewith the Chairperson may himself execute the work which the owner was required to execute and recover the expenses reasonably incurred by him in executing the work as an arrear of tax under this Act.

Stopcocks.

161.

(1) On every service pipe laid after the commencement of this Act the Chairperson, shall, and every service pipe laid before such commencement, Chairperson may, fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the commencement of this Act shall be placed in such position as the Chairperson deems most convenient: Provided that -

(a) a stopcock service in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

Power of Chairperson to provide meters.

162.

(1) The Chairperson may provide a water-meter and attach the same to the service pipe in premises connected with municipal water works.

(2) The expense of providing and attaching a meter under sub-section (1) shall be paid out of the New Delhi Municipal Fund.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be regulated by order made by the Council in this behalf.

Presumption as to correctness of meters.

163.

(1) Whenever water is supplied under this Chapter through a meter it shall be

presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Prohibition of waste or misuse of water.

164.

(1) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain, -

(a) to be or remain so out of order or so in need of repair, or

(b) to be or remain so constructed or adapted or to be so used, that the water supplied to him be the Council is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a pipe belonging to the Council.

(2) If any water fittings which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the Chairperson without prejudice to his right to proceed against the person under any other provision of this Act may require that person to carry out any necessary repairs or alterations and if he fails to do so within forty-eight hours, may himself carry out the work and recover from him the expenses reasonably incurred by him in so doing, as an arrear of tax.

Power to enter premises to detect waste or misuse of water.

165.

The Chairperson or any municipal officer authorized by the Chairperson in writing may, between sunrise and sunset, enter any premises supplied with water by the Council in order to examine if there be any waste or misuse of such water and the Chairperson or such officer shall not be refused admittance to the premises nor shall be obstructed by any person in making his examination.

Power to test water fittings.

166.

The Chairperson may test any water fitting used is connection with water supplied by the Council.

Power to close or restrict use of water from polluted source of supply.

167.

(1) If the Chairperson is of opinion that the water in or obtained from any well, tank or other source of supply not vested in the Council, being water which is or is likely to or used for domestic purposes, or for the preparation of food or drink for human consumption, is or is likely to become so polluted as to be prejudicial to health, the Chairperson may, after giving the owner or occupier of the premises in which the source of supply is situated a reasonable opportunity of being hear, by order, direct that the source of supply be permanently or temporarily closed or cut off or the water therefrom be used for certain purposes only or make such order as appears to him necessary to prevent injury or danger to the health or persons using the water or consuming food or drink prepared therewith or therefrom.

(2) Before making any order under this section, the Chairperson may cause the water to be analyzed at the cost of the Council.

(3) If the person to whom an order is made under this section fails to comply therewith, the Chairperson may do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by him in so doing may be recovered by him from the person in default as an arrear of tax under this Act.

Water pipes, etc, not to be placed where water will be polluted.

168.

(1) No water pipes shall be laid in a drain or on the surface of an open channel or house gully or within six meters of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and except with the consent of the Chairperson, no cistern shall be constructed within six metres of a latrine, or cesspool.

(2) No latrine, or cesspool shall be constructed or made within six metres of any well, tank, water pipe or cistern or in any position where the pipe, well, tank or cistern is likely to be injured or the water therein polluted.

Power to cut off private water supply or to turn off water.

169.

(1) The Chairperson may, subject to the conditions laid down in this behalf in the bye-laws, cut off or turn off water supply from any municipal water work to any premises or part thereof to which a private water supply is furnished by the Council.

(2) The expenses of cutting off or turning off water supply shall be paid by the owner or occupier of premises and shall be recoverable from the owner or occupier as an arrear of tax under this Act.

Joint and several liability of owners and occupiers for offence in relation to water supply.

170.

If any offence relating to water supply is committed under this Act on any premises connected with the municipal water works, the owner, the person primarily liable for the payment of property tax and occupies of the said premises shall be jointly and severally liable for such offence.

DRAINAGE AND SEWERAGE

Public drains, etc., to vest in the Council.

171.

(1) All public drains, all drains in, alongside or under any public street, and all sewage collection works, whether constructed out of the New Delhi Municipal Fund or otherwise and all works, materials and things appertaining thereto, which are situated in New Delhi shall vest in the Council.

(2) All public and other drains which are vested in the Council are hereafter in this Act referred to as municipal drains.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain or sewage collection work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed all so to vest in the Council.

(4) All drains and ventilation shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set up out of the New Delhi Municipal Fund in or upon premises not belonging to the Council whether -

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not, shall, unless the Council has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Council.

Control of drains and sewage collection works

172.

(1) All municipal drains, all sewage collection and all works, materials and things appertaining thereto shall be under the control of the Chairperson.

(2) The Chairperson shall maintain and keep in repair all municipal drains and sewage collection works and when authorized by the Council, shall construct as many new drains and sewage collection works as may from time to time be necessary for effectual drainage and sewage collection.

Control of drains and sewage collection works

173.

(1) No person shall throw, empty, or turn into any municipal drain or into any drain communicating with a municipal drain -

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or stem which, or a liquid which when so heated, is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

(2) In this section, the expression "dangerous petroleum" has the same meaning as in the Petroleum Act, 1934 (30 of 1934).

Application by owners and occupiers to drain into municipal drains.

174.

(1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within New Delhi may apply to the Chairperson to have his drain made to communicate with the municipal drains and thereby to discharge foul water and surface water from those premises or that private drain:
Provided that nothing in this sub-section shall entitle any person -

(a) to discharge directly or indirectly into any municipal drain -

(i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into municipal drains is prohibited by or under this Act or any other law; or

(b) where separate municipal drains are provided for foul water and for surface water to discharge directly or indirectly -

(i) foul water into a drain provided for surface water; or

(ii) except with the permission of the Chairperson, surface water into a drain provided for foul water; or

(c) to have his drains made to communicate directly with a strom-water overflow drain.

(2) Any person desirous of availing himself of the provisions of sub-section

(i) shall give to the Chairperson notice of his proposals, and at any time within one month after receipt thereof, the Chairperson may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Chairperson may, if he thinks fit, construct such parts of the work necessary for having a private drain made to communicate with a municipal drain, as is in or under a public street and in such a case, the expenses incurred by the Chairperson shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrears of tax under this Act.

Drainage of undrained premises.

175.

(1) Where any premises are in the opinion of the Chairperson, without sufficient means of effectual drainage and a municipal drain or some place approved by the Chairperson for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty metres from any part of the said premises, he may, by written notice, require the owner of the said premises -

(a) to make a drain emptying into such municipal drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the chairperson necessary for the purposes of tattering and receiving the filth and other polluted and obnoxious matter form, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a close drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which or is likely to be injurious to health;

(e) to provide and set up all such appliances and fittings as may appear to the Chairperson to be necessary to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Chairperson, without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises -

(a) to construct a drain up to a point to be prescribed in such notice but not at a distance of more than thirty metres from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain of drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

New premises not to be erected without drains

176.

(1) It shall not be lawful to erect or to re-erect any premises in New Delhi or to occupy any such premises unless -

(a) a drain be constructed of such size, materials and description, at such level and with such fall as shall appear to the Chairperson to be necessary for the effectual drainage of such premises;
(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chairperson to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding thirty metres from the premises; but if no municipal drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Chairperson for the purpose.

Power to drain group or block of premises by combined operations.

177.

(1) If it appears to the Chairperson that any group or block of premises may be drained more economically or advantageously in combination that separately, and a municipal drain of sufficient size already exists or is about to be constructed within thirty metres of any part of that group or block of premises, the Chairperson may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Chairperson may determine and shall be recoverable from them as an arrears of tax under this Act.

(3) Not less than fifteen days before any such work is commenced, the Chairperson shall give to each such owner -

(a) written notice of the nature of the proposed work, and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Chairperson may require the owners of such groups or block of premises to maintain the work executed under this section.

Power of Chairperson to close or limit the use of private drains in certain cases.

178.

(1) Where a drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not in the opinion of the Chairperson of the Chairperson, adapted to the general system of drainage in New Delhi, he may, by written notice addressed to the owner of the premises, direct -

(a) that such drain be closes, discontinued or destroyed and that any work necessary for that purpose be done; or
(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:
Provided that -

(i) no drain may be closed, discontinued or destroyed by the Chairperson under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and
(ii) the expenses of the construction of any drain so provided by the Council and of any work done under clause (a) may be paid out of the New Delhi Municipal Fund.

Use of drain by a person other than the owner.

179.

(1) Where the Chairperson either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a municipal drain is through a drain belonging to another person, the Chairperson may be notice in writing require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.
(2) Where no cause is shown within the specified period or the cause shown appears to the Chairperson invalid or insufficient, the Chairperson may be order in writing either authorize the owner of the premises to use the drain or declare him to be a joint owner thereof.
(3) An order made under sub-section (2) may contain directions as to -

(a) the payment of rent or compensation by the owner of the premises;
(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;
(c) the entry upon the land in which the aforesaid drain in situate with assistants and workmen at all reasonable hours;
(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

Sewage and rain water drains to be distinct.

180.

Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Chairperson to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.

Power of Chairperson to require owner to carry out certain works for satisfactory drainage.

181.

For the purpose of efficient drainage of any premises, the Chairperson, may, by notice in writing -

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in

such manner as may be approved by the Chairperson; and

(b) require such paving to be kept in proper repair.

COLLECTION TO SEWAGE

Appointment of places for the emptying of drains and collection of sewage.

182.

The Chairperson may cause any or all of the municipal drains to empty into, and all sewage to be collected of at, such place or places as he considers suitable:

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section shall, after such commencement be used therefore without the approval of the Council:

Provided further that on and after such date as may be appointed by the Central Government in this behalf no sewage shall be discharged into any water course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

MISCELLANEOUS

Connection with water works and drains not to be made without permission.

183.

Without the written permission of the Chairperson, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communication with any drain referred to in section 172 or any water works, constructed or maintained by, or vested in, the Council.

Buildings, railways and private streets not to be erected or construction over drains or water works without permission.

184.

(1) Without the written permission of the Chairperson no railway or private street shall be constructed and no building, wall, fence or other structure shall be erected on any municipal drain or on any water works constructed or maintained by, or vested in the Council.
(2) If any railway or private street be constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written permission of the Chairperson, the Chairperson may remove or otherwise deal with the same as he may think fit.
(3) The expenses incurred by the Chairperson in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person offering and shall be recoverable as an arrears of tax under this Act.

Rights of user of property for aqueducts, lines, etc.

185.

(1) The Chairperson may place and maintain aqueducts, conduits and lines of mains or pipes or drains over under, along or across any immovable property whether within or without the local limits of the Council without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines

of mains or pipes, or drains have been placed:

Provided that the Council shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes, or drain is placed.

(2) The power conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central government or railway administration or vested in any local authority save with the permission of the Central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made in this behalf:

Provided that the Chairperson may, without such permission, repair renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or collection of sewage or is such that delay would be dangerous to health, human life or property.

(3) In exercise of the powers conferred upon him by this section, the Chairperson shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

Power of owner of premises to place pipes and drains through land belonging to other persons.

186.

(1) If it appears to Chairperson that the only or most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drains over, under, along or across the immovable property of another person, the Chairperson may, by order in writing, authorize the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order the Chairperson shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order, under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall-

(a) cause the pipe or drain to be placed or carried with the least practicable delay;
(b) fill in, re-instate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.
(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, desire to erect any building on such property, the Chairperson shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain is such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe or drain had not been place or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Chairperson it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

Power to require railway level, etc., to be raised or lowered.

187.

If the Council places or carries any pipe or drain or does any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the New Delhi Municipal Fund, require the railway administration to raise or lower the level thereof.

Power of Chairperson to execute work after giving notice to the person liable.

188.

(1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Chairperson may, in accordance with the provisions of this Act and of any bye-laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.
(2) The expenses incurred or likely to be incurred by the Chairperson in the execution of any such work shall be payable by the said person and the expenses incurred by the Chairperson in connection with the maintenance of such work shall be payable by the person or persons enjoying such amenities and conveniences.
(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefore as an arrears of tax under this Act.

Power of Chairperson to affix shafts, etc., for ventilation of drain or cesspool.

189.

For the purpose of ventilating any drain or cesspool, whether vested in Council or not, the Chairperson may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

Power of Chairperson to examine and test drains, etc., believed to be defective.

190.

(1) Where it appears to the Chairperson that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a municipal drain is so defective as to admit sub-soil water, he may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.
(2) If on examination the drain or cesspool is found to be in proper condition, the Chairperson shall, as soon as possible, re-instate any ground which has been opened by him and make good any damage done by him.

Bulk receipt of water and delivery of sewage by the Council.

191.

(1) The Council shall receive bulk supply of water from and deliver in bulk all the sewage to, the authority prescribed by the Central Government.

(2) The Council shall be entitled to receive bulk supply of water from, and to deliver in bulk all the sewage to, the authority prescribed under sub-section (1) subject to such charges for the supply of water in bulk to the Council and the delivery of sewage of the area of New Delhi as may be determined by means of an agreement entered into between that other authority and the Council. The agreement mentioned in this sub-section shall provide also for a stipulation therein that in case of any dispute about the payments to be made to that other authority by the Council, the matter shall be referred to the Central Government whose decision thereon shall be final and building on both parties.

Employment of Government agencies for repair, etc.

192.

The Central Government may for reason to be recorded, direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Council under this Chapter, shall be carried out on behalf of the Council by the Central Government and the Council shall pay the charges therefore at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of a local authority.

Work to be done by licensed plumber.

193.

(1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Chairperson, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.
(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Chairperson the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Chairperson without prejudice to the right of the Council to prosecute under this Act the person at whose instance such work has been executed.
(4) The Council may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Council.
(5) The Council may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor, under that sub-section (5), demand or receive more than the charges prescribed therefor, under that sub-section.
(7) The Council shall make bye-laws providing for -

(a) the exercise of adequate control on all licensed plumbers;

(b) the exercise of adequate control on all licensed plumbers;

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials appliances or fittings.
(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

Prohibition of certain acts.

194.

(1) No person shall -

(a) wilfully obstruct any person acting under the authority of the Council, or the Chairperson, in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same purpose; or
(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Council; or

(c) unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any water work belonging to the Council; or

(d) unlawfully obstruct the flow f, or flush, draw off, divert or take sewage from any sewage work belonging to the Council or break or damage any electrical transmission line maintained by the Council; or
(e) obstruct any officer or other employee of the Council in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water or sewage works; or
(f) bathe in, at or upon any water or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the water of any sink, or drain or any steam-engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

CHAPTER - XII

ELECTRICITY SUPPLY

Functions in relation to electricity supply.

195.

(1) It shall be the duty of the Council to develop and maintain an efficient, co-ordinated and economical system of electricity supply for New Delhi area under its jurisdiction and for that purpose to take steps from time to time -

a) acquiring supplies of electricity supply, the Council shall, as far as, practicable -
b) for preparing and carrying out in accordance with rules made in this behalf schemes for distribution of electricity.

(2) In the discharge of its functions in relation to electricity supply, the Council shall, as far as, practicable -

a) promote the use of all economical methods of transmitting and distributing electricity.
b) secure the development of supplies of electricity;
c) secure the extension of supplies of electricity to area without such supplies;
d) promote the standardization of systems of supply and types of electrical fittings;
e) promote the simplification and standardization of methods of charge for supplies of electricity.

Additional functions in relation to electricity supply.

196.

(1) The Council may take steps to manufacture, purchase, sell or let on hire on the execution of a hire purchase agreement or otherwise, any electrical machinery, control gear, fittings, wires or apparatus for lighting, heating, cooling or motive power or for any other purpose for which electricity can or may be used, or any industrial or agricultural machinery operated by electricity, and to install, connect, repair, maintain or remove such machinery, control gear, fittings, wires or apparatus and in respect thereof demand and take such remuneration or rents and charges and make such terms and conditions as it deems fit.
(2) The Council may also maintain shops and show rooms for the display, sale or hire of machinery, control gear, fittings, wires or apparatus as aforesaid, conduct displays, exhibitions and demonstrations thereof and generally do all things, including advertising incidental to the sale or hire, of such machinery, control gear, fittings, wires and apparatus and to the promotion and encouragement of the use of electricity.
(3) Moneys received and expended in connection with additional functions specified in sub-section (1) and (2) shall be shown separately in the accounts.

Council to have powers and obligations of licensee under Act 9 of 1910.

197.

Subject to the provision to this Act the Council shall in respect of the New Delhi areas under its jurisdiction have all the powers and obligations of a licensee under the Electricity Act, 1910 (9 of 1910), and this chapter shall be deemed to be the licence of the council for the purposes of that Act:

Provided that nothing in sections 3 to 12 of, or in Clauses I to IX of the Scheduled to, that Act relating to the duties and obligations of a licensee shall apply to the council.

Restriction on building and other acts interfering with the works of electric supply.

198.

(1) No building, wall or other structure shall be newly erected and no street or railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the electric supply except with the written permission of the Chairperson.

(2) The Chairperson may cause any building, wall or other structure erected, or any street or railway constructed in contravention of sub-section (1), to be removed or otherwise dealt with as he deems fit, and the expenses incurred therefore shall be paid by the person or authority responsible and shall be recoverable from such person or authority as an arrear of tax under this Act.

Power of Council to make arrangements with licensees.

199.

(1) The Council may enter into an agreement with any licensee within or outside New Delhi in regard to the purchase of electricity and price thereof and within New Delhi in regard to sale and price thereof or in regard to operation or control of any generating station or main transmission line and notwithstanding anything contained in any law or in any licence, memorandum of association or other instrument regulating the constitution and powers of the licensee, it shall be lawful for the licensee to enter into and carry out any agreement.

(2) In entering into an agreement under this section the Council shall not show any undue preference to any licensee.

Charges for supply of electricity.

200.

Subject to the provisions of any law for the time being in force, charges shall be leviable for the supply of electricity by the Council at such rates as may, from time to time, be fixed by the Council.

Bulk receipt of electricity by the Council.

201.

(1) The Council shall receive bulk supply of electricity from the authority which may be prescribed by the Central Government.

(2) The Council shall be entitled to receive bulk supply of electricity from that authority prescribed by the Central Government subject to such terms and conditions as may be determined by means of a contract entered into between that other authority and the Council in regard to any matter relating to the bulk supply of electricity to the Council shall be preferred to the Central Government whose decision thereon shall be final and binding on both parties.

STREETS

CONSTRUCTION, MAINTENANCE AND IMPROVEMENT OF STREETS

Vesting of public streets in the Council.

202.

(1) All streets within New Delhi which are or at any time become public streets and the pavements stones and other materials thereof shall vest in the Council:

Provided that no public street which immediately before the commencement of this Act vested in the Union shall, unless the Central Government with the

consent of the Council so directs, vest in the Council by virtue of this Sub-section.

(2) All public streets vesting in the Council shall be under the control of the Chairperson and shall be maintained, controlled and regulated by him in accordance with the bye-laws made in this behalf.

NOTES ON CLAUSES

Sub-clauses (1) and (2) of this clause lay down that all public streets vest in the Council and shall be under the control of the Chairperson.

Functions of Chairman in respect of public streets.

203.

(1) The Chairperson shall, from time to time, cause all public streets vested in the Council to be leveled, mentalled or paved, channeled, altered or repaired, and may widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered or may place and keep in repair fences and posts for the safety of foot passengers:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed one lakh rupees, shall be undertaken by the Chairperson except with the previous sanction of the Council.

(2) With the previous sanction of the Council, the Chairperson may permanently close the whole or any part of a public street:

Provided that before according such sanction the Council shall by notice, publish in the manner specified by by-laws give reasonable opportunity to the residents likely to be affected by such closure to make suggestions or objections with respect to such closure and shall consider all such suggestions or objections which may be made within one month from the date of publication of the said notice.

NOTES ON CLAUSES

Sub-section (1) and (2) of this clause enumerate the functions of the Chairperson in respect of public streets including closing of whole or part of a public street.

Disposal of land forming site of public streets permanently closed.

204.

Whenever any public street or a part thereof is permanently closed under sub-section (2) of section 203 the site of such street or of the portion thereof may be disposed of as land vesting in the Council.

NOTES ON CLAUSES

This clause deals with the disposal of land forming site of a public street which is permanently clause 203.

Power to make new public streets.

205.

The Chairperson may at any time with the previous sanction of the Council, -

a) lay out and make new public streets;

b) construct bridges and sub-ways;

c) turn or divert any existing public street; and

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

NOTES ON CLAUSES

This clause empowers the Chairperson with previous sanction of the Council to make new public streets.

Minimum width of new public streets.

206.

(1) The Chairperson shall, from time to time, with the sanction of Council, specify the minimum width of different classes of new public streets according to the nature of the traffic likely to be carried thereon, and the streets with which they join at one or both ends, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.

Power to prohibit or regulate use of Public Street for certain kind of traffic.

207.

(1) The Chairperson may-

a) Prohibit or regulate vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or toe ensure decongestion or smooth flow or quietness in any locality;

b) Prohibit or regulate in respect of all public streets, or any particular public street, the transit of any vehicle of such form, construction weight or size or laden with such heavy or unwieldly objects as may be likely to cause injury to the road-ways or any construction thereon, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants and other general precautions and upon the payment of such charges as may be specified by the Chairperson generally or specially in each case; and

c) Prohibit or regulate access to premises from any particular public street carrying high speed vehicular traffic:

Provided that the Chairperson shall not take action without sanction of the Council in cases under clauses (a) and (c).

(2) Notices of such prohibition as are imposed under sub-section (10 shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, unless such prohibition applies generally to all public streets.

NOTES ON CLAUSES

These clauses respectively empower the Chairperson to specify the minimum width of new Public Street and the regulation of the use of public streets for

certain kinds of traffic.

Power to acquire lands and building for public streets and for public parking places.

208.

(1) Subject to the provisions contained in Chapter X, the Chairperson may-

a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and any building standing upon such land;
b) acquire in relation to any such land or building, all such land with buildings, if any, thereon as the Council may think expedient to acquire outside of the regular line, or of the intended regular line, or such street;
c) acquire any land for the purpose of laying out or making a public parking place.

NOTES ON CLAUSES

This clause confers on the Chairperson the power with the approval of the Council to acquire lands and buildings for public streets and for public parking places.

Defining the regular line of streets.

209.

(1) The Chairperson may define a line on one or both sides of any public street in accordance with the bye-laws made in this behalf and may, with the previous sanction of the Council, redefine at any time any such regular line:

Provided that, before according sanction the Council shall by public notice afford reasonable opportunity to the residents or premise abutting on such public street to make suggestions or objections with respect to the proposed redefined line of the street and shall consider all such suggestions or objections which may be made within one month from the date of the publication of the said notice:

Provided further that the regular line of any public street operative under any law in force in any part of New Delhi immediately before the commencement of this Act shall be deemed to be a line defined by the Chairperson under this sub-section.

(2) The line for the time being defined or redefined shall be called the regular line of street.

(3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street except with the written permission of the Chairperson:

Provided that if within sixty days after the receipt of application from any person for permission to construct or reconstruct a boundary wall or portion thereof, the Chairperson falls to take steps to acquire the land within the regular line or the street in the accordance with section 212, then that person may, subject to any other provisions of this Act and the bye-laws made there under, proceed with the work of construction of reconstruction of such boundary wall or portion thereof.

(4) When the Chairperson grants permission for the construction or reconstruction of any building or any boundary wall or other structure within the regular line of a street, he may require the owner of the building to execute an agreement binding himself and his successors-in-interest not to claim compensation in the event of the Chairperson at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission and to pay the expenses of such removal if, in default, such removal is carried out by the Chairperson and may for that purpose require such owner to deposit in the New Delhi Municipal Fund such sum as may be determined by him.

(5) The Chairperson shall maintain-

a) A register containing such particulars as may be specified by him in this behalf with plans attached thereto showing all public streets in respect of which the, regular line of the street has been defined or redefined and containing any other particulars which the Chairperson may deem necessary:
b) A register of all agreements executed under sub-section (4) and of all deposits made thereunder.

(6) All such registers shall be open to inspection by any person on payment of such fee as may be prescribed by the Chairperson with the sanction of Council.

(7) Any agreement entered into in pursuance of sub-section (4) shall be in writing, shall be registered under the Registration Act, 1908 (16 of 1908), and shall be deemed to be an agreement in respect of the land to which it relates and any condition contained in such agreement shall be deemed to be an obligation annexed to the ownership of the said land and enforceable against the successors-in-interest of the owner of such land.

Setting back building to regular line of street.

210.

(1) If any part of a building abutting on a public street is within the regular line of that street, the Chairperson may, whenever it is proposed -

a) To repair, rebuilt or construct such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic metres; or
b) To repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building which is within the regular line of the street, By any order which he issues concerning the addition to, rebuilding construction, repair or alterations of, such building, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by the order of the Chairperson or otherwise, taken down, the Chairperson may forthwith take possession on behalf of the Council of the portion of the land within the regular line of the street therefor occupied by the said building and, if necessary, clear the same.

(3) Land acquired under this section shall be deemed to be part of the public street and shall vest in the Council.

Compulsory setting back of building to regular line of street.

211.

(1) Where any building or any part thereof is within the regular line of a public street and in the opinion of the Chairperson it is necessary to set back the building or part thereof to the regular line of the street he may, by notice served on the owner in accordance with the provisions of this Act, require him to show cause within such period as may be specified in the notice as to why such building or part thereof which is within the regular line of the street should not be pulled

down and the land within the regular line acquired by the Chairperson on behalf of the Council.

(2) If such owner fails to show cause as required by sub-section (1) the Chairperson may require the owner by another notice to be served on him in accordance with the provisions of this Act, to pull down the building or part thereof which is within the regular line of the street within such period as is specified in the notice.
(3) If within such period the owner of the building fails to pull down the building or part thereof as required by the Chairperson, the Chairperson may pull down the same and all the expenses incurred in so doing shall be paid by the owner and recoverable from him as an arrear of tax under this Act.
(4) The Chairperson shall at once take possession on behalf of the Council of the portions of the land within the regular line of the street occupied by the said building or part thereof and such land shall thereupon be deemed to be part of the public street and shall vest in the Council.

NOTES ON CLAUSES

These clauses respectively provide for the defining of the regular line of streets, setting and compulsory setting back buildings to regular line of street.

Acquisition of open land and land occupied by platform, etc., within the regular line of street.

212.

If any land, whether open or enclosed, not vesting in the Council and not occupied by any building is with in the regular line of a public street or if a platform, verandah, step, compound wall, hedge or fence or fence or some other structure external to a building abutting on a public street or a portion of such platform, verandah, step, the Chairperson may, after giving to the owner of the land or building not less than sever clear days notice of his intention so to do, take possession on behalf of the Council of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step, compound all, hedge, fence or other structure or of any portion thereof which is within the regular line of the public street and, if necessary, clear the same and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Council:

Provided that where the land or building is vested in the Union of a State the Chairperson shall take possession thereof without the previous sanction of the Central Government.

Acquisition of the remaining part of a building and land after their portions within a regular line of street have been acquired.

213.

(1) Where a land or building is partly within the regular line of a public street and the Chairperson is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street and shall vest in the Council.
(2) Such surplus land may thereafter, be utilized for the purpose of setting forward a building under section 214.

NOTES ON CLAUSES

These clauses provide for the acquisition of open land and land occupied by platform, etc., within regular line of street and all the remaining part of the building and land after their portions have been acquired within the regular line of a street.

Setting forwarded of buildings to the regular line of street.

214.

The Chairperson may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the regular line of a public street and may, with the approval of the Council, by notice require any building to be set forward in the case of reconstruction thereof or of a new construction.

Explanation - For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building, and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the regular line of a street if a wall of such material and dimensions as are approved by the Chairperson is erected along the said line.

NOTES ON CLAUSES

This clause empowers the Chairperson to allow setting forward of buildings to the regular line of street.

Compensation to be paid in certain cases of setting back or setting forward of buildings, etc.

215.

(1) Compensation shall be paid by the Chairperson to the owner of any building or land acquired for a public street under the provisions of section 210, 211 and 212 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of any order made by the Chairperson:

Provided that -

a) Any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part, likely to accrue from the setting back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation;
b) If any such increase in the value exceeds the amount of loss sustained or expenses incurred by the owner, the Chairperson may recover from him half the amount of such excess as a betterment charge.

(2) If in consequence of any order to set forward a building made by the Chairperson the owner of such building sustains any loss or damage. Compensation shall be paid to him by the Chairperson for such loss or damage after taking into account any increase in value likely to accrue from the setting forward.

(3) If the additional land which will be included in the premises of any person required or permitted under sub-section (2) to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the price to be paid to the Council by the owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.

(4) If, when the Chairperson requires any building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Council or with any of the terms or conditions of conveyance, the Chairperson shall, upon the application of the owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the court of the district judge of Delhi whose decision thereon shall be final.

NOTES ON CLAUSES

This clause enjoins on the Chairperson to pay compensation in certain cases of setting forward of building, etc.

PRIVATE STREETS

Owner's obligation when dealing with land as building sites.

216.

If the owner of any land utilizes, sells, leases out or otherwise disposes of such land for the construction of buildings thereon he shall lay down and make a street or streets giving access to the plots into which the land may be divided and connecting with an existing public or private street.

NOTES ON CLAUSES

This clause impose an obligation on the owner of any land who deals with land as building site to lay down and make a street giving access to plots into which the land is to be divided and connecting it with an existing public or private street.

Lay-out plans.

217.

(1) Before utilizing, selling or otherwise dealing with any land under section 216, the owner thereof shall sent to the Chairperson a written application with a layout plan of the land showing the following particulars, namely: -

a) The plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;
b) The reservation or allotment of any site for any street, open space, park recreation ground, school, market or any other public purpose;

c) The intended level, direction with width of street or streets;

d) The regular line of street or streets;

e) The arrangement to be made for leveling, paving, metalling, flagging, channel, ling, sewering, draining, conserving and lighting street or streets.

(2) The provision of this Act and the bye-laws made thereunder as to width of the public streets and the height of buildings abutting thereon, shall apply in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to the sanction of the Council.

(3) Within sixty days after the receipt of any application under sub-section (1) the Council shall either accord sanction to the layout plan on such conditions as it may think fit of disallow it or ask for further information with respect to it.

(4) Such sanction shall be refuses -

a) if the particulars shown in the lay-out plan would conflict with any arrangements which have been made or which are in the opinion of the Council likely to be made for carrying out any general scheme of development of New Delhi whether contained in the master plan or a zonal development plan prepared for New Delhi or not; or
b) If the said lay-out plan does not conform to the provisions of this Act and bye-laws made thereunder; or

c) If any street proposed in the plan is not designed so as to connect at one end with a street which is already open.

(5) No person shall utilize, sell or otherwise deal with any land or lay-out or make any new street without or otherwise than in conformity with the orders of the Council and if further information is asked for, no step shall be taken to utilize, sell or otherwise deal with the land or to lay-out or make the street until orders have been passed upon receipt of such information;

Provided that the passing of such orders shall not be in any case delayed for more than sixty days after the Council has received the information which it considers necessary to enable it to deal with the said application.

(6) The lay-out plan referred to earlier in this section, shall be prepared by an architect.

NOTES ON CLAUSES

This clause provides that before dealing with any land under clause 216, the owner shall send written application with a lay-out plans to the Chairperson. It also provides for the width of the public street height of building abutting thereon, grant or refusal to lay out plan by the Chairperson and preparation of plan by an architect.

Alteration or demolition of street made in breach of section 217.

218.

(1) If any person lays-out or makes any street referred to in section 217 without or otherwise than in conformity with the orders of the Council, the Chairperson may, whether or not the offender be prosecuted under this Act, by notice -

a) Require the offender to show cause by a written statement signed by him and sent to the Chairperson on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Chairperson or if such alteration be impracticable, why such street should not be demolished; or

b) Require the offender to show cause by a written referred to in section 217 without or otherwise than in conformity with the orders of the Council, the Chairperson may, whether or not the

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the Chairperson why such street should not be so altered or demolished, the Chairperson may pass an order directing the alternation or demolition of such street.

NOTES ON CLAUSES

This clause provides for an alteration or demolition of street made in breach of clause 217.

Power of Chairperson to order work to be carried out or to carry it out himself in default.

219.

(1) IIf any private street or part thereof is not leveled, paved, metalled, flagged, channeled, sewered, drained, conserved or lighted to the satisfaction of Chairperson, he may by notice require the owners of such street or part and the owners of the lands and buildings fronting or abutting on such street or part to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Chairperson may, if he thinks fit, execute it and the expensed incurred shall be paid by the owners referred to in sub-section (1) in such proportion as may be determined by the Chairperson and shall be recoverable from them as an arrear of tax under this Act..

NOTES ON CLAUSES

This clause confers on the Chairperson the power to work to be carried out or to carry out himself in default in respect order of private street.

Right to owner to require streets to be declared public.

220.

If any street has been levelled, paves, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 219, the Chairperson, may, and on the requisition of a majority of the owners referred to in sub-section (1) of that section shall, declare such a street to be a public street and thereupon the street shall, vest in the Council.

NOTES ON CLAUSES

This clause gives right to require streets to be declared public.

ENCROACHMENTS ON STREETS

Prohibition of projections upon streets, etc.

221.

(1) Except as provided in section 222, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will -

a) Overhang, jut or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of the public along any street, or

b) Jut or project into or encroach upon any drain or open channel in any street so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Chairperson may by notice require the owner or occupier of any premises to remove, or to take such other action as he may direct in relation to, any structure or fixture which has been erected, set up, added to or placed against, or in front of, the said premises in contravention of this section.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the premises for all reasonable expenses incurred by him in complying with the notice.

NOTES ON CLAUSES

This clause prohibits projections upon streets, etc.

Projections over streets may be permitted in certain cases.

222.

(1) The Chairperson may give a written permission, on such terms and on payment of such fee as he in each case thinks fit, to the owner or occupier of the building abutting on any street-

i) To erect an arcade over such street or any portion thereof; or

ii) To put up a verandah, balcony, arch, connecting passage, sun-shade, weather frame, canopy, owning or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Chairperson for the erection of an arcade in any public street in which construction of an arcade has not been generally sanctioned by the Council.

(2) The Chairperson may at any time by notice requiring the owner or occupier of any building to remove a verandah, balcony sun-shade, weather frame or the like put up in accordance with the provisions of nay law and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

NOTES ON CLAUSES

Provides that projection over streets may be permitted in certain cases.

Ground floor doors, etc. not to open outwards on streets.

223.

The Chairperson may at any time by notice require the owner of any permission on the ground floor of which any door, gate, bar, or window opens outwards upon a street or upon any land required for the improvement of a street in such manner, as in the opinion of the Chairperson, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

NOTES ON CLAUSES

This clause provides that the ground floor doors, etc., shall not open outwards on streets.

Prohibition of structures or fixtures which cause obstruction in street.

224.

(1) No person shall, expect with the permission of the Chairperson granted in this behalf, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall apply to any erection or thing to which clause (c) of subsection (1) of section 229 applies.

Prohibition of deposit, etc., of things in streets.

225.

(1) No person shall, except with the permission of the Chairperson and on payment of such fee as he in each case thinks fit; place or deposit upon any street, or upon any open channel drain or well in any street or upon any public place any stall, chair, bench, box, ladder, bale, or other thing whatsoever so as to form an observation thereto or encroachment thereon.

(2) Nothing in sub-section (1) applies to building material.

NOTES ON CLAUSES

These clauses respectively prohibit erection of structures or fixtures or deposits of things in street without the permission of the Chairperson.

Power to remove anything deposited or exposed for sale in contravention or this Act.

226.

The Chairperson may, without notice, cause to be removed -

a) any stall, chair, bench, box, ladder, bale, or other thing whatsoever, placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act.
b) any article whatsoever hawked or exposed for sale on any public street or in other public place in contravention of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

NOTES ON CLAUSES

This clause empowers the Chairperson to remove anything deposited or exposed for sale in any place in contravention of this Act.

Prohibition of the tethering of animals and milking of cattle.

227.

(1) No person shall tether any animal or cause or permit the same to be tethered in any public street or public place.

(2) No person shall milk or cause or permit to be milked any cow or buffalo in any street or public place.
(3) Any animal tethered or any cow or buffalo found being milked as aforesaid in any street may be removed by the Chairperson or any municipal officer or employee and be impounded and dealt with under the provisions of the Cattle-trespass Act, 1871 (1 of 1871).

NOTES ON CLAUSES

This clause prohibits tethering of animals and milking of cattles in any public street or places and dealing with the violation of this clause by the Chairperson or any municipal officer.

PROVISION CONCERNING EXECUTION OF WORKS IN OR NEAR TO STREETS.

Precautions during repair of streets.

228.

(1) The Chairperson shall, so far as is practicable, during the construction or repair of any public street, or any municipal drain or any premises vested in the Council -

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shorting up and protecting the adjoining buildings,

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Chairperson shall cause such street, drain or premises to be sufficiently lighted or guarded during night while under construction or repair.

(3) The Chairperson shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the street, drain or premises to be repaired and the rubbish occasioned thereby to be removed.

(4) No person shall, without the permission of the Chairperson or other lawful authority, remove any bar, chain, post or shorting, timber, or remove or extinguish any light set up under this section.

NOTES ON CLAUSES

This clause enjoins on the Chairperson to take precautions during the repair of any public street or drain or any premises vested in the Council.

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

229.

(1) No person other than the Chairperson or a municip0al officer or other municipal employee shall, without the written permission of the Chairperson -

(a) open, break up, displace, take up or make any alternation in, or cause any injury to the to the soil or pavement or any wall, fence, post, chain or other materials or thing forming part of any street; or

(b) deposit any building materials in any street; or

(c) set up in any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of an enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) of sub-section (1) shall be terminable at the discretion of the Chairperson on his giving not less than twenty-four hours' notice of such termination to the person to whom such permission was granted.

3) The Chairperson may, without notice, cause to be removed any of the things referred to in clause (b) of sub-section (1) which has been deposited or set up in any street without the permission specified in that sub-section or which having been deposited or set up with such permission has not been removed within the period specified in the notice issued under sub-section (2):

Provided that nothing in this sub-section shall apply to cases under clause (b) or clause (c) of sub-section (1) in which an application for permission has been made with such fee as may be prescribed by the Chairperson in this behalf but no reply has been sent to the applicant within seven days from the date of the application.

NOTES ON CLAUSES

This clause provides that no person shall, without the permission of the Chairperson, open or break any street and deposit any building material thereon.

Disposal of things removed under this Chapter.

230.

(1) Any of the things caused to be removed by the Chairperson under this Chapter shall, unless the owner thereof turns up to take back such thing and pays to the Chairperson the charges for the removal and storage of such thing, be disposed of by the Chairperson by public auction or in such other manner and within such time as the Chairperson things fit.

(2) The charges for removal and storage and sale of the thing sold under sub-section (1) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the thing sold on a claim is made within the said period, shall be credited to the New Delhi Municipal Fund.

NOTES ON CLAUSES

This clause provides for the disposal of thing by public auction which are removed by the Chairperson under Chapter XIII in cases where owner does not turn up to take back such tings by making payment of charges for the removal and storage thereof to the Chairperson.

NAMING AND NUMBERING OF STREETS AND NUMBERING OF BUILDINGS

Naming and numbering of streets.

231.

(1) The Chairperson may -

a) with the sanction of the Council determine the name or number by which any street or public place vested in the Council shall be known.

b) cause to be put up or painted at a conspicuous part of any building, wall or place at or near each end, corner or entrance of such street or on some convenient part of such street, the name or number by which it is to be known;

c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Council;

d) determine the number or sub-number by which any premises or part of such premises shall be known and cause such number or sub-number to be fixed to the side or outer door of such premises or to some place at the entrance of the enclosure thereof.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or sub-number or put up or paint any name or number or sub-number different from that put up or painted by order of the Chairperson.

NOTES ON CLAUSES

This clause provides for naming and numbering of streets and numbering of buildings by the Chairperson.

REPAIR OR ENCLOSURE OF DANGEROUS PLACES

Chairperson to take steps of repairing or enclosing dangerous places.

232.

(1) If any place is, in the opinion of the chairperson, for want of sufficient repair or protection or enclosure, or owing to some work being carried on thereupon, dangerous or causing inconvenience to passenger along a street or to other persons including the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, the Chairperson may by notice in writing require the owner or occupier of such place to repair, protect or enclose the same or take such other step as shall appear to the Chairperson necessary in order to prevent the danger or inconvenience arising there from.

(2) The Chairperson may before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent the danger or inconvenience arising therefrom; and any expense incurred by the Chairperson in taking such temporary measures shall be recoverable from the owner or occupier of this place as an arrear to tax under this Act.

NOTES ON CLAUSES

This clause enjoins on the Chairperson to take steps for repairing or closing dangerous places.

LIGHTING OF STREETS

Measures for lighting.

233.

The Chairperson shall -

(a) take measures for lighting in a suitable manner all such public streets and public places as may be specified by him;

(b) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the said purpose;

(c) cause such lamps to be lighted by means of oil electricity or such other right as he may determine.

NOTES ON CLAUSES

This clause lays down that the Chairperson shall take measures for lighting of public streets and places by lamps, etc.

Prohibition of removal, etc., of lamps.

234.

(1) No person shall, without lawful authority, take away or willfully or negligently break or throw down or damage -

a) any lamp or any appurtenance of any lamp or lamp post or lamp iron set up; in any public street or any public place;

b) any electric wire for lighting such lamp;

(2) No person shall wilfully or negligently extinguish the light or any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to any of the things described in sub-section (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage so done by him.

CHAPTER - XIV

BUILDING REGULATIONS

General superintendence, etc., of the Central Government.

235.

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

NOTES ON CLAUSES

This clause provides that the Chairperson shall exercise his powers and discharge functions under Chapter XIV under the general superintendence, etc., of the Central Government.

Definition.

236.

In this Chapter, unless the context otherwise requires, the expression "to erect a building" means-

(a) carry out a survey of the existing consumption of and demand for water supplies in New Delhi and of the water resources in or likely to be made available in New Delhi;

(b) prepare an estimate of the future water supply requirements of New Delhi

i) any building of which more than one half of the cubical contents above the level of the plinth have been pulled down, burnt or destroyed; or

ii) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down; or

iii) any frame building of which more than-half of the number of the columns or breams in the external walls have been pulled down;

(c) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation or, if originally so constructed, subsequently appropriated for any other purpose;

(d) to convert into more than one dwelling house a building originally constructed as one dwelling house only:

(e) to convert into a place of religious worship or into a sacred building any place or building not originally constructed for such purpose;

(f) to roof or cover an open space between walls or buildings to the extent of the structure which is formed by the roofing or covering of such space;

(g) to convert two or more tenements in a building into a greater or lesser number;

(h) to convert into a stall, shop, warehouse or godown, stable, factory or garage any building not originally constructed for use a such or which was not so used before the change;

(i) to convert a building which when originally constructed was legally exempt from the operations of any building regulations contained in this Act or in any bye-laws made thereunder or in any other law, into a building which had it been originally erected in its converted form, would have been subject to such building regulations;

(j) to convert into or use as a dwelling house any building which has been discontinued as or appropriated for any purpose other than, a dwelling house

NOTES ON CLAUSES

This clause defines certain words and expressions used in Chapter XIV.

Prohibition of building without sanction.

237.

(1) No person shall erect or commence to erect any building or execute any or the works specified in section 239 except with the provisions sanction of the Chairperson not otherwise than in accordance with the previous of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works

(2) In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed of cloth, grass leaves, mats or other inflammable materials except with the written permission of the Chairperson, nor shall any such roof, verandah pandal, wall, shed or fence constructed or reconstructed in any year be retained in a subsequent year except with fresh permission obtained in this behalf.

NOTES ON CLAUSES

This clause prohibits erection of buildings etc., without previous sanction of the Council or in violation of the provisions of Chapter XIV and the relevant bye-laws made under the Act.

Erection of building.

238.

(1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Chairperson in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

NOTES ON CLAUSES

This clause lays down that a person intending to erect buildings shall seek sanction by making application and giving notice in prescribed form to the Chairperson .

Applications for additions to, or repairs of, buildings.

239.

(1) Every person who intends to execute any of the following works, that is to say

(a) To make any addition to a building:

(b) To make any alteration or repairs to a building involving the removal or re-erection of any external or partly wall thereof or of any wall which supports the roof thereof to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial metres;

(c) To make any alteration or repairs to a frame building involving the removal or re-erection of more than one-half of the columns or posts in any such wall thereof as aforesaid; or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial metres;

(d) To make any alteration in a building involving -

i) The sub-division of any room in such building so as to convert the same into two or more separate rooms; or

ii) The conversion of any passage or passage or space in such building into a room or room;

(e) To repair, remove, construct, reconstruct or make any addition to or structural alteration in any portion of a building abutting on a street which stands within the regular line of such street;

(f) To close permanently any door or window in an external wall;

(g) To remove or reconstruct the principal staircase or to alter its position; shall apply for sanction by giving notice in writing of his intention to the Chairperson in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

NOTES ON CLAUSES

This clause provides for seeking sanction of Chairperson to make addition, alteration or repair to a building and to furnish the requisite information along with the application.

Conditions of valid notice.

240.

(1) A person giving the notice required by section 238 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 239, shall specify whether the purpose for which the building is being used is proposed or likely to be changed by the execution of the proposed work.

NOTES ON CLAUSES

This clause lays down that a person intending to erect buildings shall seek sanction by making application and giving notice in prescribed form to the Chairperson .

Sanction or refusal of building or work.

241.

(1) The Chairperson shall sanction the reaction of a building or the execution of a work unless such building or work would contravene any of the provisions of subsection (2) of this section or the provisions of section 245.

(2) The grounds on which the sanction of a building or work may be refused shall be the following, namely: -

(a) that the building or work or the use of the site for the building or work or any of the particulars comprised ion the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law ore order made under such other law

(b) that the notice for section does not contains the particulars or is not prepared in the manner required under the bye-law made in this behalf;

(c) that any information or documents required by the Chairperson under this Act or any bye-laws made thereunder has or have not been duly furnished;

(d) that in case3s falling under section 216, lay-out plans have not been sanctioned in accordance with section 217;

(e) that the buuilding or work would be an encroachment on Central Government or Government land or land vested in the Council;

(f) that the site of the building or work does not about on a street or projected street and that there is no access to such building or work from any such street by a passage or pathway appertaining to such site;

(g) that the land on which it is proposed to erect or re-erect such building is vested in the Central Government or Government or in the Council, and the consent of the Government concerned or, as the case may be, of the Council has not been obtained, or if the title of the land is in dispute between such person, and the Council or any Government, or for any other reason to be communicated in writing to the person, which is deemed to be just and sufficient as effecting such building.

(3) The Chairperson shall communicate the sanction to the person who has given the notice; and where he refuse sanction any or the grounds specified in sub-section (2) or under section 245 he shall record a brief statement of his reasons for such refusal and the Chairperson shall communicate the refusal along with the reasons therefore to the person who has given the notice.

(4) the sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

NOTES ON CLAUSES

This clause provides for the sanction or refusal of building or work and conveying the grounds on which the sanctions of a building or work may be refused.

When building or work may be proceeded with.

242.

(1) Where within a per period of sixty days or in cases falling under clause (b) of section 236 within a period of thirty days, after the receipt of any notice under section 238 or section 239 or of the further information, if any, required under section 240, the Chairperson does not refuse to sanction the building or work or upon refusal, does not communicate the refusal to the person who has given the notice, the Chairperson shall communicate the refusal to the person who has given the notice, the Chairperson shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in accordance with his intention as expressed in the notice and the documents and plans accompanying the same: Provided that if it appears to the Chairperson that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Chairperson may withhold sanction of the building or work for such period not exceeding three months as he deems fit and the period of sixty days or as the case may be, the period of thirty days specified in this sub-sanction shall be deemed to commence from the date of the expiry of the period for which the sanction has been withheld

(2) Where a building or work is sanctioned or is deemed to have been sanctioned by the Chairperson under sub-section (1), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of his Act or any other law or of bye-law made thereunder.

(3) If the person or anyone lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been sanctioned, he shall have to give notice under section 238 or, as the case may be, under section 239 for fresh sanction of the building or the work and the provisions of this section shall apply in relation to such notice as they apply 9n relation to the original notice

(4) Before commencing the erection of a building or execution of a work within the period specified in sub-section (3), the person concerned shall give notice to the Chairperson of the proposed date of the commencement of the erection of the building or the execution of the work Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

NOTES ON CLAUSES

This clause provides for the sanction or refusal of building or work and conveying the grounds on which the sanctions of a building or work may be refused.

Sanction accorded under misrepresentation.

243.

If at any time after the sanction of any building or work has been accorded, the Chairperson is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under sections 238, 239 and 240 he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction: Provided that before making any such order the Chairperson shall give reasonable opportunity to the person affected as to why such order should not be made.

NOTES ON CLAUSES

This clause relates top sanction for construction of building and addition or alteration thereto obtained under misrepresentation or fraudulent statement and cancellation of the same.

Buildings at corners of streets.

244.

The Chairperson may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

Provisions as to buildings and works on either side of new streets.

245.

(1) The erection of any building on either side of a new street may be refused by the Chairperson unless and until such new street has been leveled, and wherever in the opinion of the Chairperson practicable, metalled or paved, drained, lighted and laid with a water main to its satisfaction.

(2) The erection of any such building or the execution of any such work may be refused by the Chairperson if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Chairperson but which has not been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being ion force.

NOTES ON CLAUSES

These clauses relate to the buildings at corners of the streets and on either side of new streets.

Period for completion of building or work.

246.

The Chairperson, when sanctioning the erection of a building or execution of a work, shall specify a reasonable period after the commencement of the building or work is to be completed any if the building or work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Chairperson on application made therefore has allowed an extension of that period.

Order of demolition and stoppage of buildings or works in certain cases and appeal.

247.

(1) where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 241 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Chairperson may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed, within such period (not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefore has been delivered to that person), as may be, specified in the order of demolition: Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Chairperson may think fit, a reasonable opportunity of showing cause why such order shall not be made: Provided further that where the erection or work has not been completed, the Chairperson may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the erection or work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under sub-section (2)

(2) Any person aggrieved by an order of the Chairperson made under sub-section (1) may prefer an appeal against the order to Appellate tribunal within the period specified in the order for the demolition of the erection or work to which it relates.

(3) Where an appeal is preferred under sub-section (2) against an order of demolition the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 255 stay the enforcement of that order on such terms, if any, and for such period, as it may think fit: Provided that where the erection of any building or execution of any work has not been complete at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Appellate Tribunal unless security, sufficient in the opinion of the said Tribunal has been given by the appellant for not proceeding, with such erection or work pending the disposal of the appeal.

(4) No court shall entertain any suit, application or order proceeding for injunction or other relief against the Chairperson to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) Subject to an order made by the Administrator on appeal under section 256, every order made by the Appellate Tribunal on appeal, the order of demolition made by the Chairperson shall be final and conclusive

(6) Where no appeal has been preferred against an order of demolition made by the Chairperson under sub-section (1) or where an order of demolition made by the Chairperson under that sub-section has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal and by the Administrator in a case where an appeal has been preferred against the order of the Appellate Tribunal, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any fixed by the Appellate Tribunal or the Administrator on appeal and on the failure of the person to comply with the order within such period, the Chairperson may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act.

NOTES ON CLAUSES

This clause relates to order of demolition and stoppage of buildings or works in certain cases and appeal.

Order of stoppage of Chairperson to require alteration of work.

248.

(1) The Chairman may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from the municipal water works subject to the requirements specified in section 159 and the conditions, if any, laid down in the bye-laws made in this behalf.

(2) The owner of every premises connected with the municipal water works, shall, when so required by the Chairperson, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most story of such premises.

(3) Any of the things causes to be seized by the Chairperson under sub-section (2) shall be disposed of by him in the manner specified in section 230.

(4) After the requisition under sub-section (2) has been complied with, the Chairperson may, if he thinks fit, depute by a written order a police officer or a municipal officer or other municipal employee of the Council to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(5) Where a police officer or a municipal officer or other municipal employee has been deputed under sub-section (4) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

NOTES ON CLAUSES

This clause relates o order of stoppage of building or works in certain cases.

Power of chairperson to require alteration of work.

249.

(1) An owner, lessor or occupier of any premises, who desires to have a supply of water for his domestic purposes from the municipal water works, shall comply with the following requirements, namely: -

(a) he shall give to the Chairperson fourteen days notice of his intention to lay the necessary supply pipe; and

(b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners or occupiers thereof :

Provided that where any part of the supply pipe is to be laid in a street, he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of such a notice as is referred to in sub-section (1), the Chairperson shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in street shall connect the communication pipe with the supply pipe.

(3) The expenses, reasonably incurred by the Chairperson in executing the work which he is required or authorized by this section to execute, shall be repaid to him by the person to whom the notice was given and may be recovered from such person as an arrear of tax under this Act:

Provided that if under the provisions of this section, the Chairperson lays a main in lieu of a supply pipe, the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Chairperson may, within a reasonable time after the service of the notice upon him, require the person giving the notice either to pay to him, in advance the cost of the work, as estimated by the Chairperson or any officer authorized by in this behalf or to give security for payment thereof to his satisfaction.

(5) If any payment made to the Chairperson under sub-section (4) exceeds the expenses which the Chairperson would be entitled to recover from the person giving the notice, the excess shall be repaid by him and if and so far as those expenses are not covered by the payment, the Chairperson may recover the balance from such person as an arrear of tax under this Act.

NOTES ON CLAUSES

This clause relates to order of demolition and stoppage of buildings or works in certain cases and appeal.

Power to seal unauthorized constructions.

250.

(1) It shall be lawful for the Chairperson, at any time, before or after making an order of demolition under section 247 or. of stoppage of the erection of any building or execution of any work under section 247 or under section248, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed in the manner prescribed by rules, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

(2) Where any erection or work or any premises in which any erection or work is being carried on, has or have been sealed, the Chairperson may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed

(3) No person shall remove such seal except

a. under an order made by the Chairperson under sub-section (2);

b. under an order of an Appellate Tribunal or the Administrator, made in an appeal under this Act.

NOTES ON CLAUSES

These clauses relate to power of Chairperson to require alteration of work and power to seal unauthorized constructions.

Completion certificates.

251..

(1) Every person who employes an architect registered with the Council or an architects or an engineer or a person approved by the Chairperson to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be delivered or sent to the Chairperson a notice in writing of such completion accompanied by a certificate in the form prescribed by bye-laws made in this behalf and shall give to the Chairperson all necessary facilities for the inspection of such building or work.

2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof effected by any such work until permission has been granted by the Chairperson in this behalf in accordance with bye-laws made under this Act:

Provided that if the chairperson fails within a period of thirty days after the receipt of the notice of completion to communicate4 its refusal to grant such permission, such permission shall be deemed to have been granted.

NOTES ON CLAUSES

This clause relates to completion certificates of building or any addition or alteration thereto.

Restrictions on uses of buildings.

252.

No person shall, without the written permission of the chairperson, or otherwise than in conformity with the conditions, if any, of such permission-

a) use or permit to be used for human habitation any part of a building not originally erected or authorized to be used for that purpose or not used for that purpose before any alteration has been made therein by any alteration has been made therein by any work executed in accordance with the provisions of this Act and the bye-laws made thereunder;

b) change or allow the change of the use of any land or building;

c) convert or allow the conversion of one kind of tenement into another kind.

NOTES ON CLAUSES

This clause relates to restriction on use of buildings.

Appellate Tribunal.

253.

(1) The Central Government shall, by notification in the Official Gazette, constitute one or more Appellate Tribunals with headquarters at Delhi or New Delhi, for deciding appeals preferred under section 247 or section 254.

(2) An Appellate Tribunal shall consist of one person to be appointed by the Central Government on such terms and conditions of service as may be prescribed by rules.

(3) A person shall not be qualified for appointment as the presiding officer of an Appellate Tribunal unless he is, or has been, a district judge or an additional district judge or has, for at least ten years held a judicial office in India.

(4) The Central Government may, if it so thinks fit, appoint one or more persons having special knowledge of or experience in, matters involved fin such appeals, to act as assessors shall be binding on the Appellate Tribunal.

(5) The Central Government shall by notification in the Official Gazette define the territorial limits within which Appellate Tribunal shall exercise its jurisdiction and where different Appellate Tribunal have jurisdiction over the same territorial limits, the Central Government shall also provide for the distribution and allocation of work to be performed by such Tribunals.

(6) For the purpose of enabling it to discharge its functions under this Act, every Appellate Tribunal shall have a Registrar and such other staff on such terms and conditions of service as may be prescribed by rules:

Provided that the Registrar and staff may be employed jointly for all or any number of such Tribunals in accordance with the rules.

Appeals against certain orders or notices Issued under the Act.

254.

(1) Any person aggrieved by any of following orders made or notices issued under this Act, may prefer an appeal against such order or notice to the Tribunal, namely:-

(a) an order according or disallowing sanction to a lay-out plan under section 217;
(b) an order directing the alteration or demolition of any street under section 218;
(c) a notice under sub-section (1) of section 219;
(d) a notice under sub-section (2) of section 221;
(e) an order directing the disposal of things removed under Chapter XIII or seized under section 248, or an order rejecting the claim of any person for the balance of the proceeds of sale of things so disposed of;
(f) an order sanctioning or refusing to sanction the erection of any building or the execution of any work under section241;
(g) an order withholding sanction under the proviso to sub-section (1) of section 242;
(h) an order canceling a sanction under section 243;
(i) an order requiring the founding off, splaying or cutting off the height of a building intended to be erected or for the acquisition of any portion of a sites, under section 244;
(j) an order disallowing the erection of any building or the execution of any work under section 245;
(k) an order requiring the stoppage of any erecting or work under section 248;
(l) an order requiring the alteration of any building or work under section 249;
(m) an order directing the sealing of unauthorized constructions under fsection250;
(n) an order refusing to grant permission under sub-section (2) of section 251;
(o) an order granting or refusing permission under section 252;
(p) any such other order or notice relating to o9r arising out of planned development under the provision of this Act as may be prescribed by rules.

(2) An appeal under this section shall be filed within thirty days from the date of the order or notice appealed against: Provided that the Appellate Tribunals may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it was within that period.

(3) An appeal to the Appellate Tribunal shall be made in such form and shall be accompanied by a copy of the order or notice appealed against and by such fees as may be prescribed by rules.

Procedure of the Appellate Tribunal.

255.

(1) The Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order or notice appealed against or may refer the case back to the authority or officer against whose order or notice the appeal is filed, for a fresh order or notice, after taking additional evidence, if necessary, or such other action as the Appellate Tribunal may specify.

(2) The Appellate Tribunal shall send a copy of every order passed by it to the parties to the appeal.

(3) No Appellate Tribunal shall, in any appeal pending before it in respect of any order or notice this Act,. Make an interim order (whether by way of injunction or stay) against the Council or against any officer or servant of the Council or its officer to act in his official capacity, unless an opportunity is given to the Council or its officer or servant to be heard in the matter:

Provided that the Appellate Tribunal may without giving an opportunity as aforesaid make an interim order as an exceptional measure if it is satisfied for reasons to be recorded by it in writing that it is necessary so to do for preventing any loss being caused to the person filing the appeal which cannot be adequately compensated in money:

Provided further that every such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of a period, the Appellate Tribunal confirms or modifies that order after giving to the council or its officer or servant an opportunity of being heard.

(4) Subject to rules that may be made by the Central Government in this behalf the awarding of damages in and the costs of and incidental to, any appeal before the Appellate Tribunal, shall be in its discretion and it shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such damages or costs are to be paid and to give, in its order disposing of an appeal, necessary directions for the purposes aforesaid.

(5) An order of the Appellate Tribunal made under this section may be executed or caused to be executed by it on the application of the person in whose favour the order has been made.

(6) In hearing and deciding an appeal or in the execution of an order, an Appellate Tribunal shall follow such procedure as may be prescribed by rules.

(7) Every Appellate Tribunal, shall in addition to the powers conferred on it under this Act, have the same power as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely: -

a) Summoning and enforcing the attendance of persons and examining them on oath;
b) requiring the discovery and inspection of documents;
c) receiving evidence on affidavits;
d) requisitioning any public record or copies thereof from any court or office;
e) issuing commissions for the examination of witnesses or documents; and
f) any other matter which may be prescribed by rules.

And every proceeding of an Appellate Tribunal in hearing or deciding an appeal or in connection with the execution of its order, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196, of the Indian Penal Code, 1860 (45 of 1860), and every Appellate Tribunal shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 19673 (2 of 1974).

NOTES ON CLAUSES

These clauses relate to constitution of one or more appellate tribunals by the Central Government for deciding appeals.

Appeal against orders of Appellate Tribunal.

256.

(1) An appeal shall lie o the Administrator, against an order of the Appellate Tribunal made in an appeal under section 247 or section 245, confirming, modifying or annulling an order made or notice issued under this Act.
(2) The provisions of sub-sections (2) and (3) of section 254 and section 255 and the rules made thereunder, shall so far as may be, apply to the filing and disposal of an appeal under this section as hey apply to the filing and disposal of an appeal under those sections.
(3) An order of the Administrator on an appeal under this section, and subject only to such order, an order of he Appellate Tribunal under section 254, and subject to such orders of the Administrator or an Appellate Tribunal, an order or notice referred to in sub-section (1) of that section shall be final.

NOTES ON CLAUSES

This clause relates to appeal against orders of appellate tribunal which shall lie to the Administrator.

Bar of jurisdiction of courts.

257.

(1) After the commencement of this Act, no court shall entertain any suit, application or other proceedings in respect of any order or notice appealable under section 247 or section 254 and no such order or notice shall be called in question otherwise than by pre3ferring an appeal under those sections.

(2) Not withstanding anything contained in sub-section (1), every suit, application or other proceeding pending in any court immediately before the commencement of this Act, in respect of any order or notice appealable under section 247 or section 254, shall continue to be dealt with and disposed of by that court as if the said section had not been brought into force.

NOTES ON CLAUSES

This clause relates to bar of jurisdiction of courts.

Removal of dangerous buildings.

258.

(1) If it appears to the Chairperson at any time that any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or any other building or place in the neighborhood of such building, the Chairperson may, by order in writing, require the owner or occupier of such building to demolish, secure or repair such building or do one or more of such things within such period as may be specified in the order, so as to prevent all cause of danger therefrom.
(2) The Chairperson may also, if he thinks fit, require such owner or occupier by the said order either forthwith or before proceeding to demolish, secure or repair the building, to set up a proper and sufficient hoard or fence of the protection of passers by and other persons, with a convenient platform and hand -rail wherever practicable to serve as a foot-way for passengers outside of such hoard or fence.
(3) If it appears to the Chairperson that danger from a building which is in a ruinous condition or likely to fall is imminent, he may, before making the order aforesaid, fence off, demolish, secure or repair the said building or take such steps as may be necessary to prevent the danger.
(4) If the owner or occupier of the building does not comply with the order within the period specified therein, the Chairperson shall take such steps in relation to the building as to prevent all cause of danger therefrom
(5) All expenses incurred by the Chairperson in relation to any building under this section shall be recoverable from the owner or occupier thereof as an arrear of tax under this Act.

Power to order building to be vacated in certain circumstances.

259.

(1) the Chairperson may by order in writing direct that any building which in his opinion is in a dangerous conditions or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 251 be vacated forthwith or within such period as may be specified in the order:
(2) If any person fails to vacate the building in pursuance of such order the Chairperson may directly any police officer to remove such person from the building and the police officer shall comply with such direction accordingly.

(3) The Chairperson shall, on the application of any person who has vacated or been removed from any building in pursuance of an order made by him, re-instate such person in the building on the expiry of the period for which the order has been in force according as the circumstances prevailing at that time permit.

NOTES ON CLAUSES

These clauses relate to removal of dangerous building and power to order building to be vacated in certain circumstances.

Power of the central Government to make bye-laws.

260.

(1) the Central Government may, by notification in the Official Gazette, make bye-laws for carrying out the provisions of this Chapter: Provided that all bye-laws made by the New Delhi Municipal Committee under sub -section 930 of section 188 of the Punjab Municipal Act, 1911, (Punjab Act 3 of 1911) and in force immediately before such commencement, shall be deemed to have been made under the provision of this section and shall continue to have the same force and effect after such commencement until it is amended, varied, rescinded or superseded under the provision of this section.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely: -

(a) the regulation or restriction of the use of sites for buildings for different areas;
(b) the regulation or restriction of buildings in different areas:
(c) the form of notice of erection of any building or execution of any work and the fee in respect of the same;
(d) the plans and documents to be submitted together with such notice and the information and further information to be furnished;
(e) the level and width of foundation, level of lowest floor and stability of structure;
(f) the construction of buildings and the materials to be used in the construction of buildings;
(g) the height of buildings whether absolute or relative to the width of streets or to different areas;
(h) the number and height of storeys composing a building and the height of rooms and the dimensions of rooms intended for human habitation;
(i) the provision of open spaces external and internal, and adequate means of light and ventilation;
(j) the provision of means of egress 9in case of fire, fire-escapes and water lifting devices;
(k) the provision of secondary means of access for the removal of house refuse;
(l) the materials and methods of construction of external and party walls, roofs and floors;
(m) the position, materials and methods of construction of hearths, smoke-escapes, chimneys, stair-cases, latrines, drains and cesspools;
(n) the provision of lifts;
(o) the paving of yards;
(p) the restrictions on the use of inflammable materials in buildings;
(q) the restriction on construction of foundation on certain sties;
(r) the measures to be taken to protect building from dump arising from, sub-soil;
(s) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings;
(t) in the case of wells, the dimensions of the well, the manner of enclosing it and; if he well is intended for drinking purposes, the means which shall be used o prevent pollution of the water;

(u) the supervision of buildings;

(v) the setting back of garages and shop from the regular line of a street;

(w) the construction of partable structures and permission for such construction.

(3) The draft of the bye-laws referred to in sub-section (1) shall be forwarded to the Chairperson who shall cause the same to be published in the Official Gazette for inviting objections and suggestions from the public within thirty days from the date of such publication.

(4) The Chairperson shall forward the draft bye-laws to the Central Government along with his recommendations and the objections and suggestions received from the public, within three months of their publication in the Official Gazette.

(5) The Central government may issue such directions to the Chairperson as it thinks fit, for ensuring proper implementation of the bye-laws made under this section.

CHAPTER - XV

SANITATION AND PUBLIC HEALTH

CONSERVANCY AND SANITATION

Provision for daily cleansing of streets and removal of rubbish and filth.

261.

(1) For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Chairperson shall provide-

a) for the daily surface-cleaning of all streets and the removal of the sweepings therefrom, and

b) for the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of rubbish, filth and other polluted and obnoxious matter

(2) The Chairperson may, by public notice, issue directions as to the time at which, the manner in which and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

Rubbish, etc, to be the property of the Council.

262.

All matters deposited in public receptacles, depots and places provided or appointed under section 263 and all matters collected by municipal employees or contractors in pursuance of section 261 and section 265 shall be the property of the Council.

Provision or appointment of receptacles, depots and places for rubbish, etc.

263.

(1) The Chairperson shall-

a) provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit of rubbish, filth and other polluted and obnoxious matter and for the final disposal of rubbish, filth and other polluted and obnoxious matter;

b) provide dustbins for the temporary deposit of rubbish;

c) provide vehicles or other suitable means for the removal of rubbish and offensive matter; and

d) provide covered vehicles or vessels for the removal of filth and other polluted and obnoxious matter.

(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit or final disposal of any of the matters specified in sub-section (1) .

(3) The Chairperson shall make adequate provision for preventing receptacles, depots, places, dustbins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

Duty of owners and occupiers to collect and deposit rubbish, etc.

264.

Duty of owners and occupiers to collect and deposit rubbish, etc.

a) to have the premises swept and cleaned;

b) to cause all filth, rubbish and other polluted and obnoxious matter to be collected from their respective premises and to be deposited at such times as the Chairperson, by public notice prescribes, in receptacles, depots or places provided or appointed under section 263 for the temporary deposit or final disposal thereof;

c) to provide receptacles of the type and in the manner prescribed by the Chairperson for the collection therein of all filth, rubbish and other polluted and obnoxious matter from such premises and to keep such receptacles in good condition and repair.

Collection and removal of filth and polluted matter.

265.

(1) It shall be the duty of the owner and occupier of every premises situate in any portion of New Delhi in which there is not a latrine, or urinal connected by a drain with a municipal drain, to cause all filth, and polluted and obnoxious matter accumulating upon such premises o be collected and removed to the nearest receptacle or depot provided for this purpose under section 263 at such vehicle or vessel by such route and with such precautions and the Chairperson may by public notice prescribe.

(2) It shall be lawful for he Chairperson 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 New Delhi.

3) In such portion of New Delhi and in any premises where 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 Chairperson, for any person who is not employed by or on behalf of the Chairperson to discharge any of the duties of scavengers.

Removal of rubbish, etc. accumulated on premises used as factories, workshop, etc.

266.

The Chairperson may, if he thinks fit, -

a) by written notice require the owner or occupier of any premises used for carrying on any manufacture, trade or business or used as a factory, workshop, trade premises or market or in any way so that rubbish, filth and other polluted and obnoxious matter arte accumulated in large quantities, to collect all such rubbish, filth and other polluted and obnoxious matter accumulating thereon and to remove the same at such times and in such carts or receptacles and by such routes as may be specified in the notice to a depot or place provided or appointed under section 263, or
b) after giving such owner or occupier notice of his intention, cause all rubbish, filth and other polluted and obnoxious matter accumulated in such premises to be removed, and charge the said owner or occupier for such removal such fee as may, with the sanction of the Council be specified in the notice issued under clause (a).

Prohibition against accumulation of rubbish, etc.

267.

(1) No owner or occupier or any premises shall keep or allow to be kept for more than twenty-four hours or otherwise than in a receptacle approved by the Chairperson, any rubbish, filth and other polluted and obnoxious matter on such premises or any place belonging thereto or neglect to employ proper means to remove such rubbish, filth and other polluted and obnoxious matter from, orb to cleanse, such receptacle and to dispose of such rubbish, filth and other polluted and obnoxious matter in the manner directed by the Chairperson, or fail to comply with any requisition of the Chairperson as to the construction, repair, pavement or cleansing of any latrine, or urinal on or belonging to the premises.
(2) No owner or occupier shall allow the water of any sink, drain, latrine or urinal or any rubbish, filth and other polluted and obnoxious matter to run down on or to, or be thrown or put upon, any street or into any drain in or along the side of any street except in such manner as shall prevent any aprotected voidable nuisance from any such water, rubbish, filth or other polluted and obnoxious matter.
3) No person shall, after due provision has been made in this respect under the foregoing provisions of this Chapter for the deposit and removal of the same-

a) deposit any rubbish, filth and other polluted and obnoxious matter in any street or on the verandah of any building or on any unoccupied ground alongside any street or on the bank of a water course; or
b) deposited any filth or other polluted and obnoxious matter in any dustbin or in any vehicle not intended for the removal of the same; or

c) deposited rubbish in any vehicle or vessel intended for the removal of filth and other polluted and obnoxious matter.

Prohibition in respect of air pollutant.

268.

No owner or occupier of any premises shall allow or cause to be allowed any air pollutant above the standards, laid down under clause (g) of sub-section (1) of section17of the Air (Prevention and control of Pollution) Act, 1981 (14 of 1981).

Chairperson's power to get premises scavenged and cleansed.

269.

If any premises are not properly and regularly scavenged or cleansed or are in a filthy and unwholesome condition, the Chairperson may cause them to be scavenged and cleansed and recover the expenses from the owner or, as the case may be, occupier as an arrear of tax under this Act.

Public latrines, urinals, etc.

270.

(1) The Chairperson shall provide and maintain in proper and convenient places a sufficient number of public latrines and urinals.

(2) Such public latrines and urinals shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall regularly be cleansed and kept in proper order.

NOTES ON CLAUSES

These clauses relate to conservancy and sanitation, provision for daily cleansing of streets and removal of rubbish and filth, collection and removal of filth and polluted matter, prohibition against accumulation of rubbish, etc. and prohibition in respect of pollutant.

Latrines and urinals

Construction of latrines and urinals.

271.

(1) It shall not be lawful to construct any latrine or urinal for any premises except with the written permission of the Chairperson and in accordance with such terms not inconsistent with the provisions of this Act or any bye-law made thereunder as he may prescribe.

(2) In prescribing any such terms the chairperson may determine in such case-

a) whether the premises shall be served by the service system or by the flush system or partly by the one and partly by the other; and

b) what shall be the site or position of each larine or urinal.

(3) If any latrine or urinal is constructed on any premises in contravention of the foregoing provisions, the Chairperson may, after giving not less than ten day's notice to the owner or occupier of such premises, alter, reconstruct, close or demolish such latrine or urinal and the expenditure incurred by the Chairperson in so doing shall be recoverable from the owner or occupier as an arrear of tax under this Act.

Latrines and urinals, etc., in new buildings.

272.

(1) It shall not be lawful to erect any building or execute any work on or in relation to such building without providing such latrine accommodation and urinal accommodation for bathing or for washing clothes and utensils on each floor of such building as the Chairperson may prescribe.

(2) In prescribing any such accommodation, the Chairperson may determine in each case-

a) that such building shall be served by the flush system only;

b) what shall be the site or position of each latrine, urinal, bathing or washing place or site and their number on each floor and their clear internal dimensions.

(3) It shall not be lawful to erect a residential building composed of separate tenements on the flat system without providing at least one latrine and one bathing or washing place for servants on the ground floor of such building or at any other suitable place the same premises.
(4) In this section, the expression "to erect a building" has the same meaning as in section 236.

Latrines and urinals for labourers, etc.

273.

Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed, latrines and urinals of such description and number as the Chairperson may by notice require and within such timer as may be fixed in the notic3e and shall keep the same in lean and proper order.

Provision of latrines and urinals for markets, etc.

274.

The Chairperson may by notice require any owner or manager of a market, cart stand, cattle shed, theatre, railway station and other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex, latrines and urinals of such description and number and in such position as may be specified and to keep the same in clean and proper order.

Other provisions as to private latrines.

275.

The Chairperson may, by written notice-

a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use ; or

b) require the owner or other person having the control of such private latrine or urinal which in the opinion of the chairperson constitutes a nuisance, to remove the latrine or the urinal; or

c) require any person having the control whether as owner, lessee or occupier of any land or building-

(i) to have any latrine provided for the same shut out by sufficient roof, wall or fence from the view of persons passing by or dwelling in the neighbourhood; or

(ii) to clean in such manner as he Chairperson may prescribe in the notice any latrine or urinal belonging to the land or building; or

d) where any premises intended or used for human habitation are without any latrine or urinal accommodation or are provided with insufficient latrine or urinal accommodation, require the owner, lessee or occupier of such premises to provide such or such additional latrine or urinal accommodation as he may prescribe, if necessary by causing any part of such premises to be vacated and demolished in accordance with bye-laws made in this behalf.

NOTES ON CLAUSES

These clauses relate construction of latrines and urinals.

REMOVAL OF CONGESTED BUILDINGS AND BUILDINGS UNFIT FOR HUMAN HABITATION

Removal of congested buildings.

276.

(1) Where it appears to the Chairperson that any block of buildings is in an unhealthy condition by reasons of the manner in whi9ch the buildings are crowded together, or of the narrowness, closeness, or faulty arrangement of streets, or of the want of proper drainage and ventilation, or of the impracticability of cleansing the buildings or other similar cause, he shall cause the block to be inspected to by the officer authorized by him and such officer shall make a report in writing the Chairperson regarding the sanitary condition of the block.

(2) IIf upon receipt of such report the Chairperson considers that he sanitary condition of the block is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood or otherwise to endanger the public health, he shall with the approval of the council select he buildings which in his opinion should wholly or in part be removed in order to abate the unhealthy condition of he block and may thereupon by notice in writing require the owners of such building to remove them within such period as may be specified in the notice : Provided that before issuing the notice reasonable opportunity shall be afforded to the owners to show cause why the buildings should not be removed;

(3) If a notice under sub-section (2) requiring any owner of a building to remove it is not complied with, then after the expiration of the time specified in the notice the Chairperson may himself remove or cause to be removed the building required to be removed by the notice and recover from owner of the building the expenses of such removal as an arrear of tax under this Act.

NOTES ON CLAUSES

This clause relates to removal of congested buildings.

Power of Chairperson to require improvement of building unfit for human habitation.

277..

(1) Where the Chairperson upon information in his possession is satisfied that any building is in any respect unfit for human habitation, he may, unless in his opinion the building not capable at a reasonable expense of being rendered fit, serve upon the owner of he building a notice requiring him within such time not being less than thirty days as may be specified in the notice to execute the works of improvement specified therein and stating that in his opinion those works will render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner the Chairperson may serve a copy of the notice on any other person having an interest in he building whether as a lessee, mortgagee or otherwise.

(3) In determining whether a building can be rendered fit for human habitation at a reasonable expense regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

NOTES ON CLAUSES

These clauses relate to the power of Chairperson o require improvement of buildings unfit for human habitation.

Enforcement of notice requiring execution of works of improvement.

278.

If a notice under section 277 requiring the owner of the building to execute works of improvement is not complied with, then after the expiration of the time specified in the notice the Chairperson may himself do or cause to be done he works required to be done by the notice and recover the expenses incurred in connection there with as an arrear of tax under this Act.

NOTES ON CLAUSES

This clause relates to enforcement of notice requiring execution of works improvement.

Power of Chairperson to order demolition of building unfit for human habitation.

279.

(1) Where the Chairperson upon any information in his possession is satisfied that any building is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit he shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee, mortgagee or otherwise a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If any of the person upon whom a notice has been served under sub-section (1) appears in pursuance thereof before the Chairperson and gives an undertaking to him that such person shall, within a period specified by the Chairperson execute such works of improvement in relation to the building as will, in the opinion of the Chairperson, render the building fit for human habitation or an undertaking that the building shall not be used for human habitation until the Chairperson on being satisfied that it has been rendered fit for that purpose, cancels the undertaking, the Chairperson shall not make an order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Chairperson shall, forth with make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

(4) Where an order of demolition of building under this section has been made, the owner of the building or any other person having an interest therein, shall demolition that building within the time specified in that behalf by the order, and if the building is not demolished within that time, the Chairperson shall demolish or cause to be demolished the building and sell the materials hereof.

(5) Any expenses incurred by the Chairperson under sub-section (4) if not satisfied out of the proceeds of the sale of materials of the building shall be recovered from the owner of the building or any other person having therein, as an interest therein, as an arrear of tax under this Act.

(6) In determining for the purposes of section 277 and this section whether a building is unfit for human habitation, regard shall be had to its conditions in respect of the following matters, that is to say, -

a) repair;

b) stability;

c) freedom from damp;

d) natural light and air;

e) water supply;

f) drainage and sanitary conveniences;

g) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter.

And the building shall be deemed to be unfit as aforesaid if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(7) For the purpose of section 277, section 278 and this section, "work of improvement" in relation to a building includes any one or more of the following works, namely:-

a) necessary repairs;

b) structural alterations;

c) provision of light points and water taps;

d) construction of drains, open or covered;

e) provision of latrines and urinals;

f) provision of additional or improved fixtures and fittings;

g) opening up or paving of courtyard;

h) removal of rubbish, filth and other polluted and obnoxious matters;

i) any other work including the demolition of any building or any part thereof which, in he opening of the Chairperson, is necessary for executing any of the works specified above.

(8) The provisions of section 276, section 277 section 278 and this section shall not apply in relation to any building in any area which has been declared to be a slum area under the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956).

NOTES ON CLAUSES

This clause relates to power of Chairperson to order demolition of building unfit for human habitation.

Insanitary huts and sheds.

280.

Where the Chairperson upon any information in his possession is satisfied that any hut or shed used as a dwelling house lr as a stable or for any other purpose, is likely by reason of its being constructed without a plinth or upon a plinth of insufficient height or without proper means of drainage or on account of the impracticability of scavenging and cleansing it or owing to the manner in which it and other hits or sheds are crowded together, to cause risk of disease to the inmates thereof or the inhabitants of the neighbourhood, or is for any reason likely to endanger public health or safety, he may by notice in writing require the owner or occupier of the hut or shed or the owner or occupier of the land on which the hut or shed stands to remove or alter the hut or shed or carry out such improvement thereof as the chairperson may deem necessary within such time as may be specified in the notice.

REGULATION OF WASHING BY WASHERMEN

Prohibition against washing by washerman.

281.

(1) The Chairperson may by public notice prohibit the washing of clothes by washermen in the exercise of their callings except at such places as he may appoint for the purpose.

(2) When any such prohibition has been made, no person who is by calling a washerman shall in contravention of such prohibition wash clothes except for himself or for personal and family service or for hire on or within the premises of the hirer, at any place other than a place appointed under sub-section (1).

NOTES ON CLAUSES

These clauses provide for insanitary huts and sheds and prohibition against washing by washerman.

PREVENTION OF DANGEROUS DISEASES

Obligation to give information of dangerous disease.

282.

Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person whom he knows or has reason to believe to be suffering from a dangerous disease, ore being the owner lessee, or occupier of any building in which he knows that any such person is so suffering shall forthwith give information respecting the existence of such disease to the officer specified by the Chairperson for the said purpose.

Removal to hospital of patients, suffering from dangerous disease.

283.

(1) When any person suffering from any dangerous disease is found to be -

a) without proper lodging or accommodation; or

b) living in a room o9r ho8use which he neither owns or pays rent for nor occupies as the guest or relative of any person who owns, or pays rent of it. Or

c) living in a sarai, dharamshala, hotel, boarding house, hostel, house, lodging house, club; or

d) lodged in premises occupied by members of two or more families; the Chairperson or any person authorized by him in this behalf, may on the advice of any medical officer of the rank not inferior to that of a general duty medical officer remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment and may do anything necessary for such removal.

(2) the Council shall if required by the Central Government erect an infectious disease hospital of such type and dimension as that Government may direct.

Disinfection of buildings and articles.

284.

Where the Chairperson is of opinion that the cleansing and disinfection of any building or part of a building or of any articles in such building or part which are likely to retain infection, or the renewal of flooring of any building or part of such building, and the renewal of; plastering of the walls thereof, would tend to prevent or check the spread of any dangerous disease; he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring and if necessary, the said plastering also within such time as may be specified in the noticed :

provided that where in the opinion of the Chairperson the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Chairperson may at the expense of the New Delhi Municipal Fund cleanse and disinfect the building part or articles, or, as the case may be, renew the flooring and if necessary, the plastering also.

Destruction of infectious huts or sheds.

285.

(1) Where the destruction of any hut or shed is in the opinion of the Chairperson necessary to prevent he spread of any dangerous disease, the chairperson may by notice in writing require the owner to destroy he hut or shed and the materials thereof within such time as may be specified in the notice.
(2) Where the Chairperson is satisfied that the destruction of any hut or shed is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than six hours' notice to the owner or occupier.
(3) Compensation may be paid by the Chairperson, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed, hut, except as so allowed by he Chairperson shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Means of disinfection.

286.

(1) The Chairperson shall-

a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding and other articles which have been exposed o infection;
b) cause conveyances, clothing and other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as he may fix.

(2) Compensation may notify places at which articles of clothing, bedding and he conveyances or the articles which have been exposed to infection shall be washed and if he does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.
(3) The Chairperson may direct the destruction of any clothing, bedding or other articles likely to retain infection and may give such compensation as he thinks fit for any article so destroyed.

Special measures in case of outbreak of dangerous or epidemic diseases.

287.

(1) In the event of New Delhi or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or any epidemic disease among any animals therein, the Chairperson, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for he purpose, may, with the previous sanction of the Council -

a) take such special measures; and
b) by public notice, give such directions to be observed by the public or by any class or section of the public,

as he thinks necessary o prevent the outbreak or spread of the disease :

Provided that where in the opinion of he Chairperson immediate measures are necessary, he may take action, without such sanction as aforesaid and if he does so, shall forthwith report such action to the Council.

(2) No person shall commit a breach of any direction given under sub-section (1) and if he does so he shall be deemed to have committed an offence under section 188 of the Indian Penal Code, 1860 (45 of 1860).

Infected clothes not to be sent to washerman or to laundry.

288.

(1) A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washerman of their calling, for the purpose of being washed or to any place for he purpose of being cleansed, any cloth or other article which he knows to have been exposed to infection from a dangerous disease unless that cloth or article has been disinfected by or to the satisfaction of the officer authorized in this behalf.
(2) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the officer authorised by the Chairperson, furnish to him the address of any washerman o whom or any laundry or other place to which clothes and other articles from the building have been, or will be, sent during the continuance of the disease, for the purpose of being washed or cleaned.

Contamination and disinfection of public conveyance.

289.

(1) Whoever -

a) uses a public conveyance while suffering from a dangerous disease; or
b) uses a public conveyance for the carriage of a person who is suffering from any dangerous disease; or
c) uses a public conveyance for the carriage of the corpse of a person who had died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver, or person in charge of the conveyance and further report without delay to the Chairperson the number of he conveyance and the name of the person so notified.

(2) where any person suffering from, or he corpse of any person who has died from, a dangerous disease has been carried in public conveyance which ordinarily plies in New Delhi or any part thereof, the driver thereof shall forthwith report the fact to the Chairperson who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(3) No such conveyance shall be again brought into use until the officer authorised by the Chairperson has granted a certificate stating that it can be used without causing risk of infection.

(4) Whoever fails to make to the Chairperson any report which he is required to make under this section shall be guilty of an offence.

Driver of conveyance not bound to carry persons suffering from dangerous disease.

290.

Notwithstanding anything contained in any law for the time being in force no owner driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of New Delhi any person suffering from a dangerous disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expenses which would ordinarily be incurred in disinfecting the conveyance.

Disinfection of buildings before letting the same.

291.

(1) Where any building or part of a building is intended to be let in which any person has, within six weeks immediately preceding, been suffering from a dangerous disease, the person letting the building or part shall, before doing so, disinfect the same in such manner as the Chairperson may be general or special notice direct together with all articles therein liable to retain infection.

(2) For the proposes of this section the keeper of a hostel, lodging house, dharamshala, sarai, boarding house, guest house, hotel or club shall be deemed to have let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

Disposal of infected articles without disinfection.

292.

No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any dangerous disease and is likely to be used in or taken into New Delhi or any part thereof.

Prohibition of making or selling of food, etc., washing of clothes by infected persons.

293.

No person while suffering from, or in circumstances in which he is likely to spread, any dangerous disease, shall-

a) make, carry or offer for sale or take any part in the business of making, carrying or offering for sale, any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

b) take any part in the business of the washing or carrying of clothes.

Power to restrict or prohibit sale of food or drink.

294.

When New Delhi or any part thereof is visited or threatened by an outbreak of any dangerous disease the Chairperson may, by public notice, restrict in such manner or prohibit for such period as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in notice or the sale of any flesh of any description of animal so specified.

Control over wells and tanks, etc.

295.

(1) If the Chairperson is of opinion that the water in any well, tank or other place, is likely, if used for drinking, to endanger, or cause the spread of, any disease, he may-

a) by public notice, prohibit the removal or use of such water for drinking; or

b) by notice in writing require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or

c) take such other steps as he may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of New Delhi or any part thereof being visited or threatened by an outbreak of a dangerous disease the officer authorised by the Chairperson in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking and may further take such steps as he may think fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

Duty of persons suffering from dangerous disease.

296.

No person shall -

a) knowing that he is suffering from a dangerous disease expose other person to the risk of infection by his presence or conduct in any public street or public place;

b) having the care of a person whom he known to be suffering from a dangerous disease, cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish, any matter which he known to have been exposed to infection from a dangerous disease and which has not been disinfected properly;

d) throw or cause to be thrown into any latrine or urinal any matte which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly.

Disposal of infection corpses where any person has died from any dangerous disease.

297.

Where any person has died from any dangerous disease the Chairperson may, by notice in writing, -

a) require any person having charge of the corpse to convey the same to mortuary thereafter to be disposed of in accordance with law, or

b) prohibit the removal of corpses from the place where death occurred except for the purpose of being burnt, buried or for being conveyed to a mortuary.

NOTES ON CLAUSES

These clauses relate to prevention of dangerous diseases, obligation to give information of dangerous diseases, removal to hospitals of patients suffering from dangerous diseases, disinfection of buildings and articles, destruction of infectious huts and sheds, means of disinfection, special measures in case of out-break of dangerous or epidemic diseases, infected cloths not to be sent to washermen or laundary, contamination and disinfection of buildings before letting, disposal of infected articles, prohibition of making or selling of food or washing of cloths to restrict or prohibit sale of food or drink, control over wells and tanks, disposal of infectious corpses where any person has dies from any dangerous diseases.

SPECIAL CONDITIONS REGARDING ESSENTIAL SERVECES

Conditions of service of sweepers and certain other class of persons employed in municipal service.

298.

(1) No person being a sweeper employed by the Council shall in the absence of any contract authorizing him so to do and without reasonable cause, resign his employment or absent himself from his duty without having given one month's notice to the Chairperson or shall neglect or without reasonable cause refuse to perform his duties.

(2) The Council may by resolution direct that on or from such date as may be specified in the resolution, the provisions of this section shall apply in the case of any specified class of persons employed by the Council whose functions are intimately concerned with public health or safety.

Conditions of service of sweepers employed for doing house scavenging.

299.

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.

NOTES ON CLAUSES

These clauses relate to conditions of services of sweepers and certain other class of persons employed in municipal services relating to public health and safety and for doing house scavanging.

BURNING AND BURIAL GROUNDS

Power to call for information regarding burning and burial grounds.

300.

The Chairperson may, by notice in writing, require the owner or person in charge of any burning or burial ground to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Permission for use of new burning or burial ground.

301.

(1) No place which has not been used as a burning or burial ground before the commencement of this Act shall be so used without the permission in writing of the Chairperson.
(2) Such permission may be granted subject to any conditions which the Chairperson may think fit to impose for the purpose of preventing any annoyance to, or danger to the health of, any person residing in the neighbourhood.

Power to require closing of burning and burial grounds.

302.

(1) Where the Chairperson, after making or causing to be made local inquiry is of opinion that any burning or burial ground has become offensive to, or dangerous to the health of, persons residing in the neighbourhood, he may, with the previous sanction of the Council, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.
(2) No corpse shall be burnt or buried at the burning or burial ground in respect of which a notice has been issued under this section.

Removal of corpses.

303.

The Chairperson may by public notice prescribe routes by which alone corpses may be removed to burning or burial ground.

DISPOSAL OF DEAD ANIMALS

Disposal of dead animals.

304.

Whenever any animal in the charge of any person dies, the person in charge thereof shall within twenty-four hours either-

a) convey the carcass to a place provided or appointed under section 263 for the final disposal of the carcasses of dead animals, or

b) give notice of the death to the Chairperson whereupon he shall cause the carcass to be disposed of on such fee as may be prescribed by the Council.

VITAL STATOSTICS

Appointment of Chief Registrar, etc.

305.

(1) Notwithstanding anything contained in the Registration of Births and Deaths Act, 1969 (18 of 1969), but subject to the provisions to this Act and to any directions that the Central government may give in this behalf the officer specified in the Official Gazette by chairperson, shall be the Chief Registrar of Births and Deaths for New Delhi and shall keep in such form as may be prescribed by bye-laws a register of all births and deaths occurring in New Delhi.

(2) The Chairperson shall for the purposes of this Chapter appoint an additional chief registrar and such number of persons to be registrars of births and deaths for New Delhi as he deems necessary and define the respective areas which shall be under the charge of such registrars.

Duties of registrar.

306.

The registrar shall keep himself informed of every birth or death occurring within the area under his charge and shall ascertain and register as soon as conveniently may be after the event, and without fee or reward such particulars in respect of every birth or death as may be prescribed by bye-laws made in this behalf.

Information of birth and death.

307.

(1) It shall be the duty of the father or mother of every child born in New Delhi and in default of the father or mother, or any relation of the child living in the same premises, and in default of such relation, of the person having charge of the child, to give to the best of his knowledge and belief to the registrar of the area concerned within eight days after such birth, information containing such particular as may be prescribe by bye-laws made in this behalf.

(2) It shall be the duty of the nearest relation present at the time of the dea5th or in attendance during the last illness of any person dying in New Delhi and in default of such relation, of any person present or in attendance at he time of the death and of the occupier of he premises in which to his knowledge the death took place and in default of he person hereinbefore mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give to the best of his knowledge and belief to the registrar of the area within which the death placed information containing such particulars as may be prescribed by bye-laws made in this behalf.

(3) If a birth or death occurs in the hospital, none of the persons mentioned in sub-section (1) or, as the case may be, in sub-section (2) shall be bound to give information required by that sub-section, but it shall be the duty of the medical officer in charge of the hospital within twenty-four hours after the birth or dea5h, to send to the officer authorised by he Chairperson a notice containing such particulars as may be prescribed by bye-laws made in his behalf.

CHAPTER - XVII

PUBLIC SAFETY AND SUPPERESSION OF NUISANCES

NUISANCES

Prohibition of Nuisances.

308.

(1) No person shall-

(a) in any public street or public place-

(i) ease himself; or

(ii) carry meat exposed to public view; or

(iii) picked animals or collect carts; or

(iv) being engaged in the removal or rubbish, filth or other polluted and obnoxious matter willfully or negligently permit any portion thereof to spill or fall, or neglect to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or

(v) without proper authority affix, upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or

(vi) without proper authority deface or write upon or otherwise mark any building monument post, wall, fence, tree or other thing; or

(vii) without proper authority remove, destroy, deface or otherwise obliterate any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

(viii) without proper authority displace, damage, make any alteration in, or otherwise interfere with, the pavement, gutter, storm, water-drain, flags or other materials of any such street, or any lamp bracket, direction-post, hydrant or water-pipe maintained by the Council in any such street or place or extinguish a public light; or

(ix) carry rubbish filth or other polluted and obnoxious matter a any hour prohibited by the Chairperson by public notice, or in any pattern of cart or receptacle which has not been approved for he purpose by the Chairperson, or extinguish a public light; or

(b) carry rubbish, filth or other polluted and obnoxious mater along route in contravention of any prohibition made in this behalf by the Chairperson by public notice; or

(c) deposit or cause or permit to be deposited, earth or materials of any description or any rubbish or polluted and obnoxious matter in any place no intended for the purpose in any public street or public place or waste or unoccupied land under the control and management of the Council; or

(d) make any grave or burn or bury any corpse a any place not set apart for such purpose; or

(e) at any time or place a which the same has been prohibited by the Chairperson by public or special notice, beat a drum or tom-tom or blow a horn or trumpet, or beat any utensil, or sound any brass or other instrument or play any music; or

(f) disturb the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing he human voice, such as a megaphone or a loudspeaker; or

(g) let loose any animal so as to cause, or negligently allow any animal or cause injury, danger, alarm or annoyance to any person; or

(h) save with the written permission of the Chairperson and in such manner as he may authorize, store or use night-soil, cowdung, manure, rubbish or any other substance emitting as offensive smell; or

(i) use or permit to be used as a latrine or urinal any place not intended for that purpose.

(2) Every person shall take all reasonable means to prevent every child under he age of twelve year: being in his charge from easing himself in any public street or public place.

(3) The owner or keeper of any animal shall not allow it straying in a public street or

public place without a keeper.

(4) Any animal found straying as aforesaid may be removed by an officer or employee of he Council or by any police officer o a pound.

(5) Swine found straying in a public street or public place be liable o be destroyed by any officer or other employee of the Council appointed in this behalf.

Duties of registrar.

309.

Where the Chairperson is of opinion that there is a nuisance on any land or building, he may, by notice in writing require the person by whose act, default or sufferance the nuisance arises or continues or the power, lessee or occupier of the land or building, or any or more or these persons, to remove or abate the nuisance by taking such measures in such manner and within such period as may be specified in the notice.

DOGS

Registration and control of dogs.

310.

(1) The Council may, by bye-laws made in this behalf, -

(a) require that every registration, by registration appointed by the Chairperson in this behalf of all dogs kept within New Delhi.

(b) require that every registered dog shall wear a collar to which shall be attached a meal token to be issued by the registration authority, and fix and fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week.

(2) The Chairperson may-

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected tto be, suffering from rabies, or which had been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any may be destroyed and cause them to be destroyed accordingly.

(3) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under his section.

(4) No one being the owner or person in charge of any dog, shall allow it to be at large in any public street or public place without being muzzled and without being secured by a chain lead in any case in which-

(a) he knows that the dog is likely o annoy or intimidate any person, or

(b) The Chairperson has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads.

(5) No one shall -

(a) allow any ferocious dog which belongs to him 9or is in his charge without being muzzled, or
(b) set on or urge any dog or other animal to attack, worry or intimidate any person; or
(c) knowing or having reason to believe, that any dog or animal belong to him or in his charge has been bitten by an animal suffering or reasonable suspected to be suffering form rabies, fails or neglect to give immediate information of the fact to the Chairperson or give information which is false.

NOTES ON CLAUSES

These clauses relate to public safety and suppression of nuisances and registration and control of dogs.

PREVENTION OF FIRE, ETC.

Registration and control of dogs.

311.

The Chairperson may, by public notice, prohibit in any case where such prohibition appears o him to be necessary for prevention of danger to life or property, the stacking or collecting or wood. Dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place which may be specified in the notice.

Care naked lights.

312.

No person shall set a naked light on or near any building in any public street or other public place in such manner as to cause danger of fire :

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purposes of illumination on the occasion of a festival or public or private entertainment.

Discharging fireworks, fire-arms, etc.

313.

No one shall discharge any fire-arms or let off fire-works or fire-balloons, or engage in any game in such manner as to cause or to be likely to cause danger to person passing by or dwelling or working in the neighbourhood or risk of injury to property.

NOTES ON CLAUSES

These clauses relates to prevention of fire, etc.

Power to require buildings, wells, etc., to be rendered safe.

314.

Where any building, or well, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the Chairperson, in a ruinous state, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Chairperson may by notice in writing require the owner or part owner person claiming to be the owner part-owner thereof or failing any of them the occupier thereof to remove the same or may require him to repair, protect or enclose the same in such manner as he think necessary; and ;if the danger is, in the opinion of the Chairperson imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

NOTES ON CLAUSES

These clause provides that Chairperson may require building, well, etc, o be rendered safe.

Enclosure of waste land used for improper purpose.

315.

The Chairperson may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner of nay land or building, or the lessee, or the person claiming to be the lessee of any such land which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of person who have no ostensible means of subsistence or cannot give satisfactory account of themselves or is used for gaming or immoral purposes or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER - XVIII

MARKETS, TRADES AND OCCUPATIONS

MAINTENANCE AND REFULATION OF MARKETS

Provision of municipal market.

316.

(1) The Chairperson, when authorised by the Council in this behalf, may provide and maintain municipal markets and slaughter houses in such number as he thinks fit together with stalls, shops, sheds, pens, and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting such markets or slaughter house, and may provide and maintain in any such markets, buildings and places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) Municipal markets and slaughter houses shall be under the control of the Chairperson son who may, at any time, by public notice, close may municipal market, slaughter house or nay part thereof.

Use of municipal markets and slaughter house.

317.

(1) No person shall, without the general or special permission in writing of the Chairperson, sell or expose for sale any animal or article in any municipal

market.

(2) Any person contravening the provisions of sub-section (1), and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Chairperson or any officer or employee of the Council authorised by the Chairperson in this behalf.

Private markets.

318.

(1) No place other than a municipal market shall be used as a market unless such palace has been licensed as a market by the Council.

(2) No place other than a municipal slaughter house shall be used as a slaughter house :

i) to restrict the slaughter of any animal in any place on the occasion of any religious festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Act) as the Chairperson may, by public or special notice, impose in this behalf, or
ii) to prevent the Chairperson, with the sanction of the Council, from setting apart place for the slaughter of animal in accordance with religious custom.

Conditions of grant of licence for private ,market.

319.

(1) The Chairperson may charge such fees as the Council may prescribe in this behalf for the grant of a licence to any person to open a private market and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder.
(2) When the Council refuses to grant any licence, it shall record a brief statement of the reasons for such refusal.
(3) The Chairperson may, for reasons to be recorded, suspend a licence in respect of a private market for such period as he thinks fit, or cancel his licence.

(4) A private market of which the licence has been suspended or cancelled as aforesaid shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

Prohibition of keeping market open without licence, etc.

320.

(1) No person shall keep open for public use any market in respect of which a licence is required by or under this Act without obtaining a licence therefore, or while the licence therefore is suspended or after the same has been cancelled.

(2) When a licence to open a private market is granted or refused or is suspended or cancelled the Chairperson shall cause a notice of the grant, refusal, suspension or cancellation to be posted in such language or languages as he think necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

Prohibition of use of unlicensed markets.

321.

(1) No person knowing that market has been opened to the public without a licence

having been obtained therefore when such licence is required by or under this Act or that the licence granted therefore is for the time being suspended or hat it has been cancelled, shall sell or expose for sale any animal or article in such market.

Prohibition of business and trade near a market.

322.

(1) No animal or article shall be sold or exposed for sale within a distance of one hundred meters of any municipal market or licensed private market without the permission of the Chairperson.

(2) Any person contravening the provisions of sub-section (1) and any animal or article exposed for sale by such person may be summarily removed by or under the orders of the chairperson or nay officer or employee of the Council appointed by him in this behalf.

Levy of stallages, rents and fees.

323.

(1) The Chairperson with the previous approval of the Council may-

a) charge such stallages, rents and fees as may from time to time be fixed by him in this behalf -

i) for the occupation or use of any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house;

ii) for the right ot expose articles for sale in a municipal market;

iii) for the use of machines, weights, scales and measures, provided for in any municipal market, and

iv) for the right to slaughter animals in any municipal slaughter house, and for the feed of such animal before they are ready for slaughter ; or

b) farm the stallages, rents and fees chargeable as aforesaid or any portion thereof for such period as he thinks fit; or

c) put up the public auction or dispose by the private sale the privilege of occupying or using any stall shop, shed or pen in as a municipal market or municipal slaughter house for such period and on such conditions as he may think fit.

(2) A copy of the table of stallages and fees, if any, chargeable in any municipal market in New Delhi and of the bye-laws made under this Act or the purpose of regulating the use of such market printed in such language or languages as the Chairperson may direct, shall be affixed in same conspicuous place in the market.

When building or work may be proceeded with.

324.

The Chairperson may prevent the entry in any market and shall expel therefrom, any person suffering from any dangerous disease, who sells or exposes for sale therein any article or who, not having purchased the same handles any article exposed for sale therein; and the may expel therefrom any person who is creating a disturbance therein.

Butcher's, fish-monger's and poulter's licence.

325.

(1) No person shall without or otherwise than in conformity with a licence from the Chairperson carry on the trade of a butcher, fish-monger, poulterer or importer of flesh intended for human consumption or use any place for the sale of flesh, fish and poultry intended for human consumption:

Provided that no licence shall be required for any place used for the sale or storage for sale of preserved flesh or fish contained in air tight or hermetically sealed receptacles.

(2) The Chairperson may order and subject to such conditions as to supervision and inspection as he thinks fit to impose grant a licence or may by order refuse for reasons to be recorded, to grant the same.

(3) Every such licence shall expire at the end of the year which it is granted or at such earlier date as the chairperson may, for special reasons, specify in the licence.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the chairperson may stop the use thereof by such means as he may consider necessary.

(5) (i) If the Chairperson or any person authorised by him in this behalf has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of any such animals is being sold or exposed for sale, in any place or manner not duly authorised under this Act he may at any time by day or night without notice inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law under this Act at the time in force is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

(ii) The chairperson may remove and sell by auction or otherwise dispose of any animal or carcass of any animal or any flesh seized under clause (i) of this sub-section.

(iii) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Chairperson or if the owner is convicted of an offence under this Act in respect of such animal, carcass or flesh, the proceeds of any sale under clause (i) of this subsection shall vest in the Council.

(iv) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorised under the provisions of this Act may be arrested by any police officer without a warrant.

(v) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by he use of any force necessary for affecting such entry.

NOTES ON CLAUSES

These clauses relate to maintenance and regulation of markets, use of municipal markets and slaughter house, conditions of grant of licence for private market.

TRADE AND OCCUPATIONS

Buildings at corners of streets.

326.

(1) No person shall, without the previous permission in writing of the Chairperson, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Chairperson may refuse to give such permission, if he is o9f the opinion that the establishment alteration, enlargement or extension of such factory, workshop or trade premises, in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof or would be a nuisance to the inhabitants of he neighbourbhood.

Premises not be used for certain purposes without licence.

327.

(1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Chairperson in this behalf, namely:-

(a) any of the purpose specified in Part I of the Ninth Schedule;

(b) any of the purposes which is, in the opinion of the Chairperson dangerous to life, health or property or likely to create nuisance;

(c) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or

(d) storing any of the articles specified in Part II of the Ninth Schedule except for domestic use of any of those articles :

Provided that the Council may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye- laws in respect of any such articles shall be exempted from the operation of clause (d).

(2) In prescribing the terms of a licence granted under his section for the use of premises as mills or iron yards or for similar purpose the Chairperson may, when he thinks fit, require the licence to provide a space or passage within the premises for carts for loading and unloading purposes.

(3) The Council shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1) :

provided that no such fee shall exceed five hundred rupees.

Seizure of certain animals.

328.

(1) if any horses, cattle or other quadruped animals or birds are kept on any premises in contravention of the provisions of section 327, or are found abandoned and roaming or tethered on any street or public place or on any land belonging to Council the Chairperson or any officer empowered by him may seize them and may cause them to be impounded or removed to such place as may be appointed by the Government or the Council for his purpose and the cost of seizure of these animals or birds and of impounding or removing them and of feeding and watering them shall be recoverable by sale by auction of these animals or birds:

Providing that anyone claiming such animal or bird may, within seven days of the seizure get them released on his paying all expenses incurred by the Chairperson in seizing, impounding or removing and in feeding and watering such animal or bird, and on his producing a licence for keeping these animals and birds issued under the provisions of section 327.

(2) Whenever the Chairperson is of opinion that the user or any premises for any of the purpose referred to in sub-section (1) of section 327 is causing a nuisance and such nuisance should be immediately stopped, the Chairperson may order he owner or the occupier of the premises to stop such nuisance within such time as may be specified in the order and in the event of the failure of he owner or occupier to comply with such order, the Chairperson may himself or by an officer subordinate to him cause such user to be stopped.
(3) Without prejudice to the foregoing provisions of this section any person by whom or at whose instance any horse, cattle or other quadruped animals or birds are so kept, abandoned or tethered, shall also be punishable under this Act.

Power of chairperson to prevent use of premises in particular areas for purpose referred to in section 327.

329.

(1) The Chairperson may give public notice of his intention to declare ha in any area specified in the notice no person shall use any premi9ses for any of the purposes referred to in sub-section (10 of section 327, which may be specified in such notice.
(2) No objections o any such declaration shall be received after a period, of one month from the publication of the notice.

(3) The Chairperson shall consider all objections received within he said period, giving any person affected by the notice an opportunity of being heard during such consideration and may thereupon make a declaration in accordance with he notice polished under sub-section (1), with such modification, if any, as he may think but not so as to extend is application.
(4) Every such declaration shall be published in the Official Gazette and in such other manner as the Chairperson may determine, and shall take effect from the date of its publication in he Official Gazette.
(5) No person shall, in any area specified in any declaration published under sub-section (4) use any premises for any of the purposes referred to in section 327 specified in the premises by such means as he considers necessary.

Licenses for hawking articles, etc.

330.

No person shall, without or otherwise than in conformity with the terms of a licence granted by the Chairperson in this behalf,-

(a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not;
(b) use in any place his skill in any handicraft or for rendering services to and for the convenience of the public for the purpose of gain or making a living.

Eating houses, etc., not to be used without licence from the Chairperson.

331.

(1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Chairperson in this behalf, keep any eating house, lodging house, hotel, boarding house, tea shop, coffee house café, restaurant, refreshment room or any place where he public are admitted for repose or for the consumption of any food or drink or any place, where food is sold or prepared for sale.
(2) The Chairperson may at any time cancel or suspend any licence granted under sub- section (1) if he is of the opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made in this behalf, whether the licence is prosecuted under this

Act or not.

Licensing and control of theatres, circuses and place of public amusement.

332.

No person shall, without or otherwise than in conformity with the terms of a licence granted by the Chairperson in this behalf, keep open any theatre, circus, cinema house, dancing hall or similar place of public resort, recreation or amusement :

Provided that nothing in this section shall apply to private performance in any such place.

Power of Chairperson to stop use of premises use in contravention of licences.

333..

If Chairperson is of opinion that any eating house, lodging house, hotel, boarding house, tea shop coffee, house, café, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a licence or otherwise than in conformity with the terms of a licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

CHAPTER - XIX

IMPROVEMENT

Improvement scheme.

334.

Where the Chairperson upon information in his possession is satisfied as respects any area -

(a) that the buildings in that area are by reason of disrepair or sanitary defects unfit foe human habitation or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets or the want of light, air, ventilation or proper conveniences, dangerous or injurious to health of the inhabitants of the area; and
(b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and reconstruction of the streets and buildings in the area in accordance with an improvement scheme.,

Matters to be provided for in an improvement scheme.

335.

(1) An improvement scheme may provide for all or any of the following matters, namely:-

(a) the acquisition by agreement or under the Land Acquisition Act, 1894 (1 of 1984), of any property necessary for or affected by the execution of the scheme;

(b) the relaying out of any land comprised in the scheme;

(c) the redistribution of sites belonging to owners of property comprised in the scheme;

(d) the closure or demolition of buildings or portions of building unfit for human habitation;

(e) the demolition of obstructive buildings or portions thereof;

(f) the construction and reconstruction of buildings;

(g) the construction and alteration of streets;

(h) the water supply, street lighting, electric supply, drainage and other conveniences;

(i) the provision of open spaces for the benefit of any area comprised in the scheme;

(j) the sanitary arrangements required for the area comprised in the scheme;

(k) the provision of accommodation for any class of the inhabitants;

(l) the provision of facilities for communication;

(m)the sale, letting or exchange of any property comprised in the scheme;

(n) any other matter for which in the operation f the Chairperson it is expedient to make provision with a view to the improvement of the area to which the scheme relates.

(2) Where any land designated in an improvement scheme as subject to acquisition or is required by the scheme be kept as an open space, then if tat the expiration of ten years from the date of sanction of the scheme by the Central Government under sub-section (2) of section 336 the land is not acquired by the Chairperson the owner of the land may serve on the Chairperson a notice requiring his interest in the land to be so acquired.

(3) If the Chairperson fails to acquire the land within a period of six months from the receipt of the notice, the improvement scheme shall have effect after the expiration of the said six months as if the land were not designated as subject to acquisition by the Chairperson or were not required to be kept as an open space.

Submission of improvement scheme to the Council for approval and to the Central Government for sanction.

336.

(1) Every improvement scheme shall, as soon as may be after it has been framed, be submitted by the Chairperson for approval the Council may either approve the scheme without modifications or with such modifications as it may consider necessary or reject the scheme with directions to the Chairperson to have a fresh scheme framed according to such direction.

(2) No improvement scheme approved by the Council under sub-section (1) shall be valid unless it has been sanctioned by the Central Government.

Rehousing scheme.

337.

The Chairperson while framing an improvement scheme under this Chapter for any area may also frame a scheme (hereafter in this Act referred to as the rehousing scheme) for the construction, maintenance and management of such area and so many buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the execution of the improvement to such directions.

Improvement scheme and rehousing scheme to comply with the master plan and Zonal development plan.

338.

No improvement scheme or rehousing scheme framed under this Chapter shall be valid unless such scheme is in conformity with the provisions of the master plan for Delhi or a zonal development plan for New Delhi or any part thereof.

CHAPTER - XX

POWERS, PROCEDURE, OFFENCES AND PENALTIES

Licences and written permissions

Signature, conditions, durations, suspensions, revocation, etc, of licences and written permissions--

339.

(1) Whenever it is provided in this Act or any bye-law made thereunder that a licence or a written permission may be granted for any purpose, such licence or written permission shall be signed by the Chairperson or by the officer empowered to grant the same under this Act or the bye-laws made thereunder or by any officer autorised by the Chairperson or such officer in this behalf and shall specify in addition to any other matter required to be specified under any other providion of this Act or any provision of any bye-law made thereunder--
(a) the date of the grant thereof;

(b) the purpose and the period (if any) for which it is granted.

(c) restrictions or conditions, if any, subject to whom it is granted; and

(d) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in this Act or any bye-law made there under, for every such licence or written permission a fee may be charged at such rate as may from time to time be fixed by the Chairperson with the sanction of the Council and such fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any bye-law made there under any licence or written permission granted under this Act any bye-law made thereunder may at any time be suspended or revoked by the Chairperson or by the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions have been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any bye-law made thereunder relating to any matter for which the licence or permission has been granted.

Provided that --

(a) before making any order of suspension or revocation reasonable opportunity shall be accorded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;
(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When anysuch licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any bye-law amde thereunder, be deemed to be without a ilcence or written permission until such time as the order suspending orrevoking the licence or written permission is rescinded or until the licence or

written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Chairperson or the authority by whom it was granted, produce such licence or written permission.

Entry and inspection

Powers of entry and inspection

340.

The Chairperson or any officer or other employee authorised in this behalf by him or empowered in this behalf by or under any provision of this Act, rules, regulations or bye-laws made thereunder, may enter into or upon and land or building with or without assistants and workmen--

(a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act, rules, regulations or any bye-law made thereunder;

(b) for the purpose of ascertainng whether or not circumstances exist which would authorise or require the Chairperson or any municipal officer or employee authorised or empowered in this behalf to take any action or execute any work under this Act, rules, regulations or any bye-law made thereunder;

(c) for the purpose of taking any action or executing any work authorised or required by this Act, rules, regulations or bye-law made thereunder;

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act, rules, regulations or bye-laws made thereunder or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by the Council under this Act, rules, regulations or any bye-law made thereunder.

Power to enter land adjoining land in relatin to any work

341.

(1) The Chairperson or any person authorised in this behalf by him or empowered in this behalf by or under any provision of this Act, rules, regulations or bye-laws made thereunder, may enter on any land within fifty metres of any work authorised by or under this Act, rules, regulations or bye-laws made thereunder with or without assistants and workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so required by the owner or occupier thereof, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power coferred by this section, do as little damage as may be and compensation shall be payable by the Council in accordance with bye-laws made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

Breaking into building

342.

(1)It shall be lawful for the Chairperson or any person authorised in this behalf by him or empowered in this behalf by or, under any provision of this Act, rules, regulations or bye-laws made thereunder to make any entry into any place, and to open or cause to be opened any door, gate or other barrier--

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier

(2)Before making any entry into any such place, or opening or causing to be openened any such door, gate or other barrier, the Chairperson or the person authorised or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situated, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

Time of making entry

343.

Save as otherwise provided in this Act, rules, regulations or any bye-law made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Consent ordinarily to be obtained

344.

Save as otherwise provided in this Act, rules, regulations or any bye-law made thereunder, no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry.

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for any of the purposes specified in section 327 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human consumption is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

Regard to be had to social or religious usages

345.

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual ocupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her withdrawing.

Prohibition of obstruction or molestation in execution of work

346.

No person shall obstruct or molest any person authorised or empowered by or under this Act or any person with whom the Council has lawfully contracted, in the execution of his duty or of anything which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act, rules, regulations or any bye-law made thereunder, or in fulfilment of his contract, as the case may be.

NOTES ON CLAUSES

These sections relate licences and written permission, powers of entry and inspection by breaking into buildings, etc.

Public notices and advertisement

Public notices how to be made known

347.

Every public notice given under this Act, rules, regulations or any bye-law made thereunder shall be in writing under the signature of the Chairperson or of any officer authorised in this behalf by him and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality or by publishing the same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any other means that the Chairperson may think fit.

Newspapers in which advertisements or notices to be published

348.

Whenever it is provided by this Act or any bye-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least three newspapers in such languages as the Council may from time to tome specify in this behalf.

Provided that if the Council publishes a municipal journal, a publication in that journal shall be deemed to be a publication in a newspaper of the language in which the said journal may be published.

NOTES ON CLAUSES

These sections relate to public notices and advertisements and the newspapers in which they are to be published.

Evidence

Proof of consent, etc., of Chairperson

349.

Whenever, under this Act or any rule, regulation or bye-law made thereunder, the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Chairperson or of any municipal officer, a written document signed by the Chairperson or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be sufficient evidence thereof.

NOTES ON CLAUSES

This section relate to proof of consent, etc., of Chairperson or other municipal officer.

Notices, etc.

Notices, etc., to fix reasonable time

350.

Where any notice, bill, order or rquisition issued or made under this Act or any rule, regulation or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in the Act or the rule, regulation or bye-law, the notice bill, order or requisition shall specify a reasonable time for doing the same.

Signature on notices, etc., may be stamped

351.

(1)Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule, regulation or bye-law made thereunder to bear the signature of the Chairperson or of any officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairperson or Officer, as the case may be, stamped thereupon.

(2)Nothing in sub-section (1) shall be deemed to apply a cheque dran upon the New Delhi Municipal Fund under section 46.

Notices, etc., by whom to be served or issued

352.

All notices, bills, summons and other documents required by this Act or any rule, regulation or bye-law made thereunder to be served upon, or issued to, any person, shall be served or issued by Municipal officers or other Municipal employees or by other persons authorised by the Chairperson.

Services of notices, etc.--

353.

(1) Every notice, bill, summons order, requisition or other document required or authorised by this Act or any rule, regulation or bye-law made thereunder to be served or issued by or on behalf of the Council, or by the Chairperson or any officer, of any person shall, save as otherwise provided in this Act or such rule, regulation or bye-law, be demed to be duly served--

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registred office or at its principal office or place of the business and is either --

(i) sent by registered post, or

(ii) delivered at the registreed office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership firm, if the document is addressed to the partnership firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either --

(i) sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either --

(i) sent by registered post, or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and --

(i) is given or tendered to him, or

(ii) if such person cannot be found, is fixed on some conspicuous part of his last known place of residence or business, if within the National Capital Territory of Delhi, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served --

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enablish any document to be served on the owner of any premises the Chairperson may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in sections 351 and 352 and in this section shall apply to any summons issued under this Act by a court.

(7) A servant is not a member of the family within the meaning of this section.

Service of bills for tax or notice of demand by ordinary post

354.

Notwithstanding anything contained in sections 352 and 353 a bill for any tax or a notice of demand may be served sending it by ordinary post with a prepaid letter under a certificate of posting addressed to the appropriate person specified in section 353 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

NOTES ON CLAUSES

These sections relate to notices, etc., fix reasonable time, signatures on notices, services of notices, etc.

Powers in case of non-compliance with notice, etc.

355.

In the event of non-compliance with the terms of notice, order or requisition issued to any person under this Act or rule, regulation or bye-law made thereunder; requiring such person to execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Chairperson on demand and if not paid within ten days after such demand, shall b e recoverable as an arrear of tax under this Act.

NOTES ON CLAUSES

In this section relates to power of Municipal Authority in case of non-compliance with the notice.

Recovery of Expenses

Liability of occupier to pay in default of owner

356.

(1)If any notice, order or requisition has been issed to any person in respect of property of which he is the owner, the Autority or the officer at whose instance such notice, order or requisition has been issued, may reqire the occupier of such property or of any part thereof to pay him, instead of to the owner, any rent payable by him in respect of such property, as it falls due to the amount recoverable from the owner under section 355.

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the officer may recover from the occupier the whole amount recoverable under section 355 as an arrear of tax under this Act.

(2)Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

Execution of work by occupier in default of owner and deduction of expenses from rent

357.

Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act, or any bye-law made thereunder, the occupier, if any, of such land or building may, with the approval of the Chairperson, execute the said work and he shall, subject to any contract, between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to owner.

Relief to agents and trustees

358.

(1)Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee, or of his being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act, or any bye-law made thereunder, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.

(2)The burden of proving any fact entitling a receier, agent or trustee to relief under sub-section (1) shall lie upon him.

(3)Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Chairperson may, by notice in writing require him, to apply to the discharge of his obligation as aforesaid the first money which may come to his hands on behalf, or for the use, of the owner and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

NOTES ON CLAUSES

These sections relate to recovery of expenses, liability of occupier to pay in default of owner, execution of work by occupier and relief to agents trustees.

Payment of compensation

General power to compensation

359.

In any case not otherwise provided for in this Act or in any bye-law made thereunder, the Chairperson with the previous approval of the Council, may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act or any bye-law in the Chairperson or in any municipal officer or other municipal employee.

Compensation to be paid by offenders for damage caused by them

360.

(1)Any personwho has been convicted of an offence against this Act or any bye-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offences, be liable to pay such compensation for any damage to the property of the Council resulting from the said offence as the Chairperson may consider reasonable.

(2)In the event of a dispute regarding the amount of compensation payable under sub-section (1) such amount shall, on application made to him, be determined by the magistrate before whom the said person was convicted of the said offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant issued by the said magistrate as if it were a fine imposed by him on the person liable therefor.

NOTES ON CLAUSES

These sections relate to general power of compensation and compensation to be paid by offenders for damage caused by them.

Recovery of expenses or compensation in case of dispute

References to the court of the district judge in certain cases

361.

(1)If, when the Chairperson demands payment of any expenses referred to in section 355, his right to demand the same or the amount of the demand is disputed within ten days after such demand, the Chairperson shall refer the case for determination --

(a) to the Appellate Tribunal, if such demand relates to the expenses incurred in taking necessary action or steps for the completion of any act or work required to be done or executed in the event of non-compliance with any notice, order or requisition under sections 221, 229, 247, 248 and 249;

(b) to the court of the disstrict judge of Delhi, in any other case.

(2)The Chairperson shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by him, and shall, after the decision, proceed to recover only such amount, if any, as is thereby declared to be done in the manner referred to in section 355.

Application to the court of the district judge in other cases

362.

(1)Where, in any case not provided for by section 361, the Council or the Chairperson or any officer or other employee is required by this Act or by any bye-law made thereunder to pay any expenses or any compensation, the amount to be so paid and if necessary, the appointment of the same, shall, in case of dispute, be determined by the court of the district judge of Delhi on an application having been made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2)If the amount of any expenses or compensation ascertained in accordance with sub-section (1) is not paid by the person liable therefor on demand, it shall be recoverable as if the same were due under a decree passed by the court of the district judge in an original suit tried by it.

(3)Instead of proceeding in the manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for same in any court of competent jurisdiction.

NOTES ON CLAUSES

These sections relate to recovery of expenses or compensation in case of dispute.

Recovery of certain dues

Mode of recovery of certain dues

363.

In any case not expressly provided for in this Act or any bye-law made thereunder any sum due to the Council on account of any charge, cost, expenses, fees, rates or rent or on any other account under this Act or any such bye-law may be recoerable from any person from whom such sum is due as an arrear of tax under this Act.

Provided that no proceedings for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum becomes due.

NOTES ON CLAUSES

This section relates to recovery of certain dues.

Obstruction of owner by occupier

Right of owner to apply to the court of the district judge in case of obstruction by occupier

364.

(1)The owner of any land or building may, if he is prevented by the occupier thereof from complying with --

(a) the provisions of section 221, section 229, section 247, section 248, section 249, or section 252, or any bye-law made thereunder or with any notice or order issued under any such provision apply to the Appellate Tribunal; and

(b) any other provision or any bye-law made thereunder or with any notice, order or requisition issued under such provision, apply to the court of the district judge of Delhi and where such application is made within any time that may be fixed for the compliance with such provision or notice, order or requisition the owner shall not be liable for his failure to comply with the provision, or notice, order or requistion within the time so fixed.

(2)The Appellate Tribunal or the court, as the case may be, on receipt of such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or notice, order or requisition and may also, if it thinks fit direct that the costs of such application and order be paid by the occupier.

(3)After eight days from the date of the order referred to in sub-section (2), the occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be specified in the order; and in the event of his continued refusal, to do so, the owner shall be discharged during the continuance of such refusal, from any liability which may have been otherwise incurred by reason of his failure to comply with the said provision or notice, order or requisition.

NOTES ON CLAUSES

This section relates to right of owner to supply/apply to the Court of the appellate tribunal or District Judge in case of obstruction by occupier

Proceedings before the court of the district judge

General powers and procedure of the court of the district judge

365.

The procedure provided in the Code of Civil Procedure, 1908, (5 of 1908) in regard to suits shall be followed, as far as it can be made applicable, in the disposal of applications, appeals or references that may be made to the court of the district judge of Delhi unde this Act or any bye-law made thereunder.

NOTES ON CLAUSES

This section relates to general powers and procedure of the court of the District Judge

Fees in proceedings before the court of the district judge

366.

(1) The Government may, by notification in the Official Gazette, prescribe what fee shall be paid --

(a) on any applicatin, appeal or reference under this Act or any bye-law made thereunder to the court of the district judge of Delhi and

(b) for the issue, in connection with any inquiry or proceedings before that court under this Act or such bye-law, of any summons or other process.

Provided that the fee, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees leviable for the time being under the provisions of the court-fees Act, 1870 (7 of 1870) in cases in which the amount of the claim or subject matter is of a like amount.

(2) The Government may, by like notification, determine the person by whom the fee, if any, prescribed under clause (a) of sub-section (1), shall be payable.

(3) No application, appeal or reference shall be received by the court of the district judge until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid.

Provided that the court may, in any case in which it thinks fit so to do, --

(i) recive an application, appeal or reference made by or on behalf of a poor person, and
(ii) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

Repayment of half fees on settlement before hearing

367.

Whenever any application, appeal or reference made under this Act or any bye-law made thereunder to the court of the district judge is settled by agreement between the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the court to the parties by whom the same have respectively been paid.

NOTES ON CLAUSES

These sections relate to fees in proceedings before the Court of the District Judge, repayment of half fees on settlement before hearing.

Power of the court of the district judge to delegate certain powers and to make rules

368.

The court of the district judge of Delhi

(a) delegate, either generally or specially, to the court of an additional district judge, power to receive applications, appeals and references under this Act or any rule, regulation or bye-law made thereunder, and to hear and determine such applications, appeals and referenes;

(b) with the approval of the Government, make rules not inconsistent with this Act or any rule, regulation or bye-law made thereunder, providing for any matter connected with the exercise of the jurisdiction conferred upon the court by this Act which is not herein specifically provided for.

NOTES ON CLAUSES

This section relates to the power of the Court of the District Judge to delegate certain powers and to make rules.

Offences and penalties

Punishment for certain offences

369.

(1) Whosoever --

(a)contravenes any provision of any of the sections, sub-sections, clauses, provisos or provisions of this Act mentioned in the first column of the Table in the Tenth Schedule; or

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or provisions,

shall be punishable --

(i) with fine which may extend to the amount or with imprisonment for a term which may extend to the period, specified in that behalf in third column of the said Table or with both; and

(ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

(2) Notwithstanding anything contained in sub-section (1), whoever contravenes the provisions of sub-section (1) of section 221, or sub-section (1) of section 224, or sub-section (1) of section 225 or sub-section (1) of section 229 or section 244, in relation to any street which is a public street, shall be punishable with simple imprisonment whih may extend to six months or with fine which may extend to five thousand rupees or with both.

(3) Any member, referred to in clauses (b) and (d) of sub-section (1) of section 4, who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for the Council, shall be deemed to have committed offence made punishable under section 168, of the Indian Penal Code (45 of 1860).

General penalty

370.

Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisons of this Act, shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

Offences by companies

371.

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation -- For the purposes of this section, --

(a) "company" means, a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

Certain offences to be cognizable

372.

The Code of Criminal Procedure, 1973 (2 of 1974), shall apply to, --

(a) an offence under sub-section (5) of section 217 or section 237 or sub-section (1) of section 238 or sub-section (1) of section 239 or section 247 or section 248 or section 249 or section 252;

(b) an offence under sub-section (1) of section 221 or sub-section (1) of section 224 or sub-section (1) of section 225 or sub-section (1) of section 229 or section 244 in relation to any street which is a public street,

as if it were a cognizable offence --

(i) for the purposes of investigation of such offence; and

(ii) for the purposes of all matters other than --

(1) matters referred to in section 42 of that Code, and

(2) arrest of a person, except on the complaint of, or upon information received from, such officer of the Council, not being below the rank of a Secretary as may be appointed by the Chairperson.

Provided that no offence of the contravention of any condition subject to which sanction was accorded for the erection of any building or the execution of any work shall be cognizable, if such contravention relates to any deviation from any plan of such erection or execution sanctioned by the Chairperson which is compoundable on payment of any amount under the bye-laws relating to buildings made under this Act.

NOTES ON CLAUSES

These sections relate to punishment for certain offences,general penalty and certain offences to the cognizable

Prosecution

373.

Save as otherwise provided in this Act, no court shall proceed to the trail of any offence, --

(a) under sub-section (5) of section 217 or section 237 or sub-section (1) of section 238 or sub-section (1) of section 239 or section 247 or section 248 or section 249 or section 252 except on the complaint of or upon information received from, such officer of the Council, not being below the rank of a Secretary as may be appointed by the Chairperson,

(b) under sub-section (1) of section 221 or sub-section (1) of section 224 or sub-section (1) of section 225 or sub-section (1) of section 229 or section 224, if any such offence was committed in relation to any street which is a public street, except on the complaint of, or upon information received from, such officer of the Council, not being below the rank of a Secretary as may be appointed by the Chairperson;

(c) other than those specified in clauses (a) and (b) except on the complaint of, or upon information received from the Chairperson or a person authorised by him by a general or special order in this behalf.

Composition of offences

374.

(1)The Chairperson or any person authorised by him by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.
Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Council of the Chairperson unless and until the same has been complied with so far as the compliance is possible.

(2)Where an offence has been compounded, the offender, if in custody shall be discharged, and no further proceedings shall be taken against him in respect to the offence so compounded.

NOTES ON CLAUSES

These sections relate to prosecution and composition of offences.

Magistrates and proceedings before magistrates

Composition of offences

375.

(1)The Government may appoint one or more metropolitan magistrates for the trial of offences against this Act and against any rule, regulation or bye-law made thereunder and may prescribe the time and place at which such magistrate or magistrates shall sit for the despatch of business.

(2)Such magistrates shall be called municipal magistrates and shall besides the trial of offences as aforesaid, exercise all other powers and discharge all other function of a magistrate as provided in this Act or any rule, regulation of bye-law made thereunder.

(3)Such magistrates and the members of their staff shall be paid such salary, pension, leave and other allowances as may, from time to time, be fixed by the Government.

(4)The Council shall, out of the New Delhi Municipal Fund, pay to the Government amounts of the salary, pension, leave and other allowances as fixed under sub-section (3) together with all other incidental charges in connection with the establishments of the said Magistrates,

(5)Each such magistrate shall have jurisdiction over the whole of New Delhi.

(6)For the purpose of the Code of Criminal Procedure 1973 (2 of 1974), all municipal magistrates appointed under this Act shall be deemed to be magistrates appointed under section 16 of the said Code.

(7)Nothing in this section shall be deemed to preclude any magistrate appointed hereunder from trying any offence under any other law.

Cognizance of offences

376.

All offences against this Act or any rule, regulation or bye-law made thereunder, whether committed within or without the limits of New Delhi, shall be cognizable by a municipal magistrate and such magistrate shall not be deemed to be incapable of taking cognizable of any such offence or of any offence under any enactment which is repealed by, or which ceases to have effect under this Act by reason only of his being liable to pay any municipal tax or rate or benefitted out of the New Delhi Municipal Fund.

Limitation of time for prosecution

377.

(1)No person shall be liable to punishment for any offence against this Act or any rule, regulation or bye-law made thereunder, unless complaint of such offence is made before a municipal magistrate within six months next after --

(a) the date of the commission of the offence; or

(b) the date on which the commission or existence of such offence was first brought to the notice of the complainant.

Power of magistrate to hear cases in absence of accused when summoned to appear

378.

If any person summoned to appear before a magistrate to answer a charge of an offence against this Act or any rule, regulation or bye-law made thereunder fails to appear at the time and place mentioned in the summons, or on any date to which the hearing of the case is adjourned, the magistrate may hear and determine the case in his absence, if --

(a) service of the summons is proved to his satisfaction, and

(b) no sufficient cause is shown, for the non-appearance of such person.

Complaints concerning nuisances

379.

The Chairperson or any municipal officer or other municipal employee authorised by him in this behalf or any person who resides or own property in New Delhi, may complain to a municipal magistrate of the existence of any nuisance.

Procedure to be followed by Magistrate regarding complaints concerning nuisances

380.

(1)Upon the receipt of any complaint under section 379, the magistrate, after making such inquiry as he thinks necessary, may by written order direct the person responsible for the nuisance or the owner of the land or building on which the nuisance has taken place, to take such measures as to such magistrate may seem practicable and reasonable, and within such period as may be specified in the order for abating, preventing, removing or remedying such nuisance and may direct the Chairperson to put into force any of the provisions of this Act or any bye-law made thereunder.

(2)The magistrate may further direct the person found responsible for the nuisance to pay to the complainant such reasonable costs of and relating to the said complaint as he shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(3)Where in the opinion of the magistrate immediate action to prevent the nuisance is necessary he may dispense with the inquiry as required by sub-section (1) and mae such order as he considers necessary forthwith.

(4)If the person directed to take action by an order under sub-section (1) or sub-section (2) fails to do so within the period specified in the order, the Chairperson may on the expiry of the said period proceed to take action as directed in the order or may take such other measures to abate, prevent, remove or remedy the nuisance as he considers necessary, and all expenses incurred in that connection shall be recoverable from the person against whom the magistrate has made the order as an arrear of tax under this Act.

NOTES ON CLAUSES

These sections relate to appointment of Municipal Magistrates, cognizance of offences, limitation of time for prosecution powers of Magistrate to hear cases in

absence of accused when summoned to appear complaint concerning nuisances and procedure to be followed by magistrate regarding complaints concerning nuisances.

Powers and duties of police officers

Arrest of offenders

381.

(1)Any police officer, may arrest any person who commits in his view any offence against this Act or against any rule, regulation or bye-law made thereunder if--

(a) the name and address of such person be unknown to him, and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2)No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest magistrate for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

Duties of police officers

382.

It shall be the duty of all police officers, to give immediate information to the Chairperson of the commission of, or the attempt to commit any offence against this Act or any rule, regulation or bye-law made thereunder and to assist all municipal officers and other municipal employees in the exercise of their lawful authority.

NOTES ON CLAUSES

This section relates to assert of offenders and duties of police officers to give immediate information.

Legal proceedings

Power to institute, etc., legal proceedings and obtain legal advice --

383.

(1)The Chairperson may --

(a) take, or withdraw from, proceedings against any person who is charged with --

(i) any offence against this Act or any rules, regulation or bye-law made thereunder; or
(ii) any offence which affects or is likely to affect any property or interest of the Council or the due administration of this Act; or

(iii) committing any nuisance whatsoever;

(b) contest or rompromise any appeal against rateable value or assessment of any tax or rate;
(c) take, or withdraw from, compromise proceedings under sections 360, 361, 362 for recovery of expenses or compensation claimed to be due to the Council;

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person;

(e) defend any suit or other legal proceeding brought against the Council or against the Chairperson or a municipal officer or municipal employee in respect of anything done or ommitted to be done by any one of them in his official capacity;

(f) with the approval of the Council admit or compromise any claim, suit or other proceeding brought against the Council or against the Chairperson or any officer or other employee in respect of anything done or omitted to be done as aforesaid;

(g) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Chairperson on behalf of the Council;

(h) institute and prosecute any suit or other legal proceeding, or with the approval of the Council withdraw from or compromise any suit or any claim for any sum not exceeding five hundred rupees which has been instituted or made in the name of the Council or the Chairperson;

(i) obtain such legal advice and assistance as he from time to time thinks necessary or expedient to obtain or as he may be required by the Council to obtain for any of the purposes mentioned in the foregoing clauses or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal officer or other municipal employee.

Protection of action of the Council, etc.-

384.

No suit or prosection shall be entertained in any court against the Council or against any municipal officer or other municipal employee or against any person acting under the order or direction of the Chairperson or any municipal officer or other municipal employee, for anything which is good faith done or intended to be done, under this Act or any rule, regulation or bye-law made thereunder.

Notice to be given of suits-(1)

385.

(1) No suit shall be instituted against the Council or against the Chairperson or against any municipal officer or other municipal employee or against any person acting under the order or direction of the Chairperson or any municipal officer or other municipal employee, in respect of any act done, or purporting to have been done, in pursuance of this Act or any rule, regulation or bye-law made thereunder until the expiration of two months after notice in writing has been delivered at the municipal office and, in the case of such officer, employee or person, unless notice in writing has also been delivered to him at his officer or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) No suit, such as described in sub-section (1), shall unless it is a suit for the recovery of immovable property or for a declaration of title thereto,

be instituted after the expiry of six months from the date on which the cause of action arises.

(3)Nothing is sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

CHAPTER - XXI

RULES, REGULATIONS AND BYE-LAWS

Supplemental provisions respecting rules.

386.

(1) Any rule which the Central Government is empowered to make under this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.

(2) Every rule made under this Act and bye-law made by the Central Government under section 260 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session of 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 of the successive session, aforesaid, both Houses agree in making any modification in the rule or bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law shall thereafter have effect only in such modified form or be no effe3ct, 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.

Supplemental provisions respecting regulations.

387.

(1) Any regulation which may be made by the Council under this Act may be made by the Central Government within on year of the establishment of the council; and any regulation so made may be altered or rescinded by the Council in the exercise of its powers under this Act.

(2) No regulation made by the Council under this Act shall have effect until it has been approved by the Central Government and p8ublished in the Official Gazette.

Power to make bye-laws.

388.

(1) Subjects to the provisions of this Act, the Council 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: -

A. BYE-LAWS RELATING TO TAXATION

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

(2) the inspection of and the obtaining of copiers 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 the council from time to time;

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

(5) the notice to be given to the Chairperson 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 Registration Act, 1908 (16 of 1908) of the additional stamp duty payable to the Council under this Act, the periodical payment of such duty to the Council payment of such duty to the Council and the maintenance by such registrar or sub-registrar of separate accounts in relation thereto;

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

B. BYE-LAWS RELATING TO WATER SUPPLY, DRAINAGE AND SEWAGE COLLECTION

(1) the power of the Chairperson to close water works for the supply of water, whether for domestic purposes or not, or for gratuitous use and to prohibit the sale and use of water for purpose of business;

(2) the connecting of supply pipes for conveying to any premises a supply of water from a municipal water works;

(3) the making and renewing connections with municipal water works;

(4) the power of the Chairperson to take charge of private connections;

(5) the power of the chairperson to alter the position of connections;

(6) the equitable distribution of water supplied to occupiers;

(7) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any municipal water works and the stamping of pipes and fitting and fees for such stamping;

(8) the size, material quality and description of pipes, cisterns and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired;

(9) the provision and maintenance of maters when water is supplied by measurement;

(10) the prohibition of fraudulent and unauthorized use of water and the prohibition of fraud in connection with meters;

(11) the maintenance of pipes, cisterns and other water works;

(12) the regulation or prohibition of the discharge or deposit of offensive obstructive matter, polluted water or other polluted and obnoxious matter into sewers;

(13) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation shafts, pipes, latrines, urinals cesspools and other drainage works;
(14) the cleaning of drains;

(15) the prohibition of erection of building over drains without the permission of the Chairperson;
(16) the connection of private drains with municipal drains;

(17) the location of private drains with municipal drains;

(18) the covering and ventilation of cesspools;

(19) the period or periods of the day during which trade effluent may be discharged from any trade premises into municipal drains;
(20) the exclusion from trade effluent of all condensing water;

(21) the elimination from trade effluent, before it enters a municipal drain, if any constituent which in the opinion of the Council would either alone or in combination with any matter with which it is likely to come into contract while passing through municipal drains injure or obstruct those drains or make specially difficult or expensive the treatment or disposal of the sewage from those drains;
(22) the maximum quantity of trade effluent which may without any consent or permission, be discharged from any trade premises into municipal drains on any one day and the heights rate at which trade3 effluent may, without such consent or permission, e discharged from any trade premises into municipal drains;
(23) the regulation of the temperature of trad3 effluent at time of its discharge into municipal drains and the securing of the neutrality of trade effluent (that is to say that it is neither acid nor alkaline) at the time of such discharge.
(24) the charges to be paid to the Council by occupiers of trade premi9ses for the reception 0of trade effluent into municipal drains and disposal thereof;

(25) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time sample of what is passing into municipal drains from trade premises;
(26) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into municipal drains and the testing of such meters;

C. BYE-LAWS RELATING TO ELECTRIC SUPPLY

(1) all matters relating to the conduct and management in the respect of electricity supply;
(2) the provisions for electric sub-section in New Delhi;

D. BYE-LAWS RELATING TO STREETS

(1) the closure of streets when any work is in progress and alternatives 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 or use or occupation of any street or place by it, inerrant 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 ;

E. BYE-LAWS RELATING TO SANITATION AND PPUBLIC HEALTH

(1) the position of latrines and urinal;

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

(3) the white-washing of buildings;

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

(5) the seizure of winterless animals straying with the limits of News Delhi and regulation and control of pounds;

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

(7) the prevention of the spread of dangerous disease;'

(8) the segregation in or the removal or exclusion from any part of New Delhi or the destruction of animals suffering or reasonably suspected to be suffering from any infection or contagious disease;

(9) 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;

(10) enforcement of compulsory vaccination and inoculation;

(11) 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 place where the same are provided or maintained at the expense of the New Delhi Municipal Fund;

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

F. BYE-LAWS RELATING TO VITAL STATISTICS

(1) the prescribing of qualifications of persons to be appointed as chief registrar, additional chief registrar and registrar under Chapter XVI;

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

G. BYE-LAWS RELATING TO VITAL STATISTICS

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.

H. BYE-LAWS RELATING TO MARKETS, SLAUGHTER HOUSES, TRADES AND OCCUPATIONS

(1) the days on, and 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 the materials to be used in the construction thereof ;

(3) the keeping of markets and the slaughter house 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 provision of passages of sufficient width between the stalls in market bui9ldinfgs and market places for the convenient use of the public and the prevention of encroachment of such passages;
(5) the setting apart of separate areas for different classes of article in market buildings and market places;
(6) the proper custody and care of animals for keeping of which licences are granted under section 327;
(7) the regulation of the import of animals and flesh within New Delhi;

(8) the rendering necessary of licences for the use of premises within New Delhi 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 ranted, refused, suspended or revoked;
(9) the regulation of sarais, hotels, hostels, guest houses, dak bungalows, lodging houses, the boarding houses, the boarding houses, building, let-in-tenements residential clubs, restaurants, eating houses, cafes, refreshment rooms and places of public recreation, entertainment or resort;
(10) the control and supervision of places where dangerous or offensive trades are carried on so as to secure clealiness therein or to minimize injurious, offensive or dangerous effects arising or likely to arise therefrom;
(11) the regulation of the posting of bills and advertisements and of the position, size, shade or style of the name boards, hoarding and sign-posts;

(12) the fixation of the method for the sale of articles whether by measure, weight, piece or any other method;
(13) the procedure regarding the grant of permit to establish a factory, workshop or trade premises;
(14) the regulation of smoke in factories, workshops and trade premises;

(15) the regulation of sanitary conditions in factories, workshops, and trade premises;
(16) 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;
(17) the prevention of nuisance in any market building, market places or any factory, workshop or trade premises;

I. 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 enquiries 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;

J. BYE-LAWS RELATING TO MISCELLANEOUS MATTERS

(1) the circumstance and the manner in which owners of land or building in New Delhi 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 New Delhi;
(2) the maintenance of schools and the furtherance of education generally;

(3) the regulation and control of municipal dispensaries;

(4) then rendering necessary of licences-

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

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

(5) the classification of cinema theatres for the purpose of the Third Schedule;

(6) 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 provisions or makes insufficient provision and provision is, in the opinion of the Council necessary for the efficient municipal government of New Delhi.

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

NOTES ON CLAUSES

These clauses relate to rules, regulations and bye-laws relating to taxation, water supply, drainage and sewage collection, electricity supply, streets, sanitation and public health, vital statistics, public safety and suppression of nuisance, markets, slaughter houses, trades, and occupation, improvement and miscellaneous matters.

Regulations and bye-laws to be laid before Parliament.

389.

The Central Government shall cause every regulation made under this Act and every bye-laws made under section 388 to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the regulation or bye-law or both Houses agree that the regulation or bye-law should not be made, 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.

NOTES ON CLAUSES

This clause provides that regulations and bye-laws are to be laid before Parliament.

Penalty for breaches of bye-laws.

390.

(1) Any bye-law made under this Act may provide that a contravention thereof shall be punishable-

(a) with fine which may extend to five hundred rupees; and

(b) with fine which may extend to five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention;

(b) with fine which may extend to twenty rupees for every day during which the contravention continues, after the receipt of a notice from the Chairperson or any municipal officer duly authorised in that behalf, by the person contravention the bye-law requiring such person to discontinue such contravention :

Provided that a contravention of any bye-law relating to the road transport services may be punishable with imprisonment which y extend to three months, or with fine which may extend to fifteen hundred rupees, or with both.

(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention..

Supplemental provisions respecting bye-laws.

391.

(1) Any power to make bye-laws conferred by this Act is conferred subject to the condition of the bye-laws being made after previous publication and in the case of such bye-laws being made by the council of their not taking efffe3ct until they have been approved by the Government and published in the Official Gazette.
(2) The Government in approving as bye-laws may make any change therein which appears to it to be necessary.
(3) The Government, after previous publication of its contention, cancel, any bye-laws which it has approved, and thereupon the bye-law shall cease to have effect.

Bye-laws to be available for inspection and purchase.

392.

(1) A copy of all bye-laws made under this Act shall be kept at the municipal office and shall, during office hours, be open free of charge, to inspection by any inhabitant of New Delhi.
(2) Copies of all such bye- laws shall be kept at the municipal officer and shall be sold to the public at cost price either singly or in collections at the option of the purchaser.