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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 20th September, 1993/Bhadra 29, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 17th September, 1993, and is hereby published for general information

THE DELHI MUNICIPAL CORPORATION (AMENDMENT) ACT, 1993

No. 67 OF 1993

[*17th September, 1993.*]

An Act further to amend the Delhi Municipal Corporation Act, 1957.

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

Short title and commencement.

1. (*1*) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 1993.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

66 of 1957.

Amendment of section 2.

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

(*a*) for clause (*1*), the following clause shall be substituted, namely:—

'(*1*) "Administrator" means the Lieutenant Governor of the National Capital Territory of Delhi;';

(b) clauses (*12*), (*14*) and (*14A*) shall be omitted;

(c) after clause (*15*), the following clauses shall be inserted, namely:—

(*15A*) "Election Commission" means the Elections Commission of the National Capital Territory of Delhi referred to in section 7;

(*15B*) "Election Commissioner" means the Election Commissioner of the National Capital Territory of Delhi appointed by the Administrator under section 7;';

(d) clause (*19*) shall be omitted;

(e) after clause (*21*), the following clause shall be inserted, namely:—

'(*21A*) "Government" means the Government of the National Capital Territory of Delhi;';

(f) in clause (*27*), the words "or an alderman thereof" shall be omitted;

(g) clause (*31*) shall be omitted;

(h) after clause (*63*), the following clause shall be inserted, namely:—

'(*63A*) "Wards Committee" means the Wards Committee referred to in section 50;';

(i) clause (65) shall be omitted;

(j) after clause (*67*), the following clause shall be inserted, namely:—

'(*68*) "Zone" means a Zone referred to in section 3A.'.

Amendment of section 3.

3. In section 3 of principal Act,—

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

"(*3*) (*a*) The Corporation shall be composed of the councillors;

(*b*) the following persons shall be represented in the Corporation, namely:—

(*i*) ten persons, who are not less than 25 years of age and who have special knowledge or experience in municipal administration, to be nominated by the Administrator:

Provided that the persons nominated under this sub-clause shall not have the right to vote in the meetings of the Corporation;

(*ii*) members of the House of the People representing constituencies which comprise wholly or partly the area of the Corporation and the members of the Council of States registered as electors within the area of the Corporation;

(*iii*) as nearly as possible one-fifth of the members of the Legislative Assembly of the National Capital Territory

of Delhi representing constituencies which comprise wholly or partly the area of the Corporation to be nominated by the Speaker of that Legislative Assembly, by rotation, every year:

Provided that while nominating such members, by rotation, the Speaker shall ensure that as far as possible all the members are given an opportunity of being represented in the Corporation at least once during the duration of the Corporation;

(*iv*) the Chairpersons of the Committees, if any, constituted under sections 39, 40 and 45, if they are not councillors.";

(*ii*) in sub-section (*4*), the words "and alderman shall be chosen by the councillors from among persons who are qualified to be councillors but are not councillors themselves" shall be omitted;

(*iii*) for sub-section (6), the following sub-section shall be substituted, namely:—

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

Provided that the total number of seats shall in no case be more than one hundred and thirty-four or less than eighty:

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

Provided also that for the first election to the Corporation to be held immediately after the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993, the provisional population figures of Delhi as published in relation to 1991 census shall be deemed to be the population of Delhi as ascertained in that census:

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

(*iv*) for sub-section (7), the following sub-section shall be substituted, namely:—

"(7) Seats shall be reserved for women belonging to the Scheduled Castes, from among the seats reserved for the Scheduled Castes, the number of such seats being determined by the Central Government by order published in the Official Gazette which shall not be less than one-third of the total number of seats reserved for the Scheduled Castes.";

(*v*) after sub-section (7), the following sub-section shall be inserted, namely:—

"(8) Seats shall be reserved for women, the number of such seats being determined by order published in the Official Gazette by the Central Government which shall not be less than the one-third of total number of seats other than those reserved for the Scheduled Castes:

Provided that such seats reserved for women shall be allotted by rotation to different wards in such manner as the Central Government may, by order published in the Official Gazette, direct in this behalf.".

Insertion of new section 3A.

4. After section 3 of the principal Act, the following section shall be inserted, namely:—

Division of Delhi into zones.

"3A. (1) Delhi shall be divided into the number of zones specified in column (1) of the Fourteenth Schedule and each zone shall be known by the name specified in column 2 of that Schedule and each zone shall extend to the areas comprised in the wards specified against that zone in column (3) of the said Schedule.

(2) The Central Government may, after consultation with the Government, from time to time, by notification in the Official Gazette, alter the names, increase or diminish the area or any zone specified in column (3) of the Fourteenth Schedule.".

Substitution of new section for section 4.

5. For section 4 of the principal Act, the following section shall be substituted, namely:—

Duration of the Corporation.

"4. (1) The Corporation, unless sooner dissolved under section 490, shall continue for five years from the date appointed for its first meeting and no longer.

(2) An election to constitute the Corporation shall be completed—

(*i*) before the expiry of its duration specified in sub-section (1);

(*ii*) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Corporation for such period.".

Amendment of section 9.

6. In section 5 of the principal Act, in sub-section (2),—

(*i*) in clause (*b*), the word "and", occurring at the end, shall be omitted;

(*ii*) after clause (*c*), the following clauses shall be inserted, namely:—

"(*d*) the wards in which seats shall be reserved for women; and

(*e*) the manner in which seats shall be rotated under sub-sections (*6*) and (*8*) of section 3.".

Omission of section 5A.

7. Section 5A of the principal Act shall be omitted.

Substitution of new section for section 7.

8. For section 7 of the principal Act, the following section shall be substituted, namely:—

Elections to the Corporation.

"7. (*1*) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall be vested in the Election Commission of the National Capital Territory of Delhi consisting of an Election Commissioner to be appointed by the Administrator.

(*2*) Subject to the provisions of any law made by the Legislative Assembly of the National Capital Territory of Delhi, the conditions of service and tenure of office of the Election Commissioner shall be such as the Administrator may by rules determine:

Provided that the Election Commissioner shall not be removed from office except in a like manner and on the like grounds as a Judge of a High Court and the conditions of service of the Election Commissioner shall not be varied to his disadvantage after his appointment.

(*3*) The Administrator shall, when so requested by the Election Commission make available to that Commission such staff which the Administrator considers necessary for discharge of the functions conferred on the Election Commission by sub-section (*1*).".

Amendment of section 7B.

9. In section 7B of the principal Act,—

(*i*) in sub-section (*1*), for the words "Central Government may", the words "the Election Commission may, in consultation with the Government," shall be substituted;

(*ii*) in sub-section (*2*), for the words "Director of Municipal Elections may employ such persons as he thinks fit", the words "Election Commission may employ such persons as it thinks fit" shall be substituted.

Amendment of section 7C.

10. In section 7C of the principal Act, in sub-section (*1*), for the words "the Central Government", the words "the Election Commission" shall be substituted.

Amendment of section 7D.

11. In section 7D of the principal Act,—

(*i*) for the words "a parliamentary constituency", in both the places where they occur, the words "an assembly constituency" shall be substituted;

(*ii*) in the *Explanation*, for the words "parliamentary constituency", the words "an assembly constituency" shall be substituted.

Amendment of section 7E.

12. In section 7E of the principal Act,—

(*i*) for the words "Central Government", wherever they occur, the words "Election Commission" shall be substituted;

(*ii*) in sub-section (*1*), in the proviso, for the words "parliamentary constituency", in both the places where they occur, the words "the assembly constituency" shall be substituted.

Amendment of section 7F.

13. In section 7F of the principal Act, for the words "Director of Municipal Elections", the words "Election Commission" shall be substituted.

Amendment of section 7H.

14. In section 7H of the principal Act, for the words "Director of Municipal Elections", the words "Election Commission" shall be substituted.

Amendment of section 7-I.

15. In section 7-I of the principal Act, in clause (*b*), for the words "Director of Municipal Elections", the words "Election Commission" shall be substituted.

Amendment of section 8.

16. In section 8 of the principal Act,—

(*i*) for the words "unless his name", the words "unless he has attained the age of twenty-one years and his name" shall be substituted;

(*ii*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that in the case of a seat reserved for woman, no person other than a woman shall be qualified to be chosen as a councillor.".

Amendment of section 9.

17. In section 9 of the principal Act,—

(*i*) in sub-section (*1*),—

(*a*) in the opening portion, the words "or an alderman" shall be omitted;

(*b*) for clauses (*d*) and (*e*), the following clauses shall be substituted, namely:—

"(*d*) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislative Assembly of the National Capital Territory of Delhi;

(*e*) if he is so disqualified by or under any law made by the Legislative Assembly of the National Capital Territory of Delhi;";

(*c*) in clause (*g*), after the word "Government", the words "or Central Government" shall be inserted;

(d) in clause (*k*), for the words "Central Government", the words "Election Commission" shall be substituted;

(*ii*) in sub-section (*2*),—

(*a*) sub-clause (*a*) shall be omitted;

(*b*) in clause (*b*),—

(*A*) in sub-clause (*ii*), the words "or an alderman" shall be omitted;

(*B*) for sub-clause (*iii*), the following sub-clause shall be substituted, namely:—

"(*iii*) any fee for attendance at meetings of any committee of the Corporation;";

(c) in clause (c), for sub-clause (*vi*), the following sub-clause shall be substituted, namely:—

"(*vi*) any agreement or contract with the Corporation or any municipal authority for any goods or services which the Corporation may generally supply.".

Amendment of section 11.

18. In section 11 of the principal Act,—

(*i*) sub-section (*2*) shall be omitted;

(*ii*) in sub-section (*3*),—

(*a*) for the words "Director of Municipal Elections", the words "Election Commission" shall be substituted;

(*b*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where in any ward a seat has been reserved for woman, such notification or notifications shall specify that the person to fill that seat shall be a woman.".

Amendment of section 12.

19. In section 12 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "Director of Municipal Elections", the words "Election Commission" shall be substituted;

(*ii*) in the proviso, for the words "four months", the words "six months" shall be substituted;

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

"(*3*) If the vacancy be a vacancy in a seat reserved for women the notification issued under sub-section (*1*) shall specify that the person to fill that seat shall be a woman.".

Omission of section 13.

20. Section 13 of the principal Act shall be omitted.

Substitution of new section for section 14.

21. For section 14 of the principal Act, the following section shall be substituted, namely:—

Publication of result of election.

"14. The names of all persons elected as councillors shall, as far as may be, after each election, be published by the Election Commission simultaneously in the Official Gazette.".

Amendment of section 15.

22. In section 15 of the principal Act,—

(*a*) in sub-section (*1*), the words "or an alderman" shall be omitted;

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

"(*2*) An election petition calling in question any such election may be presented under any of the grounds specified in section

17 by any candidate at such election, by any elector of the ward concerned or by any councillor.".

Amendment of section 17.

23. In section 17 of the principal Act, in sub-section (*1*), in clause (*a*), the words "or, as the case may be, as an alderman" shall be omitted.

Amendment of section 21.

24. In section 21 of the principal Act, in sub-section (*2*), the words "or an alderman" shall be omitted.

Amendment of section 30.

25. In section 30 of the principal Act, in sub-section (*5*), for the words "Director of Municipal Elections", the words "Election Commission" shall be substituted.

Amendment of section 31.

26. In section 31 of the principal Act, in sub-section (*1*),—

(*a*) the words "and alderman" shall be omitted;

(*b*) in clause (*ag*), for the words "a parliamentary constituency", the words "an assembly constituency" shall be substituted;

(*c*) in clause (*g*), after the words "Scheduled Castes", the words "and women" shall be inserted;

(*d*) clause (*i*) shall be omitted.

Substitution of new section for section 32.

27. For section 32 of the principal Act, the following section shall be substituted, namely:—

Oath or affirmation.

'32. (*1*) Every councillor and every person nominated under sub-clause (*i*) of clause (*b*) of sub-section (*3*) of section 3, before taking his seat, make and subscribe at a meeting of the Corporation an oath or affirmation according to the following form, namely:—

"I, A.B. having been elected as a councillor of / nominated under sub-clause (i) of clause (b) of sub-section (3) of section 3 as representative in the Municipal Corporation of Delhi, 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 and I will faithfully discharge the duty upon which I am about to enter."

(*2*) If a person sits or votes as a councillor or sits as a representative 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.'.

Insertion of new sections 32A and

Declaration of assets.

28. After section 32 of the principal Act, the following sections shall be inserted, namely:—

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

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

(*2*) A person shall be disqualified for being a councillor—

(*a*) if he fails to file a declaration referred to in sub-section (*1*); or

(*b*) if he files a declaration under that sub-section which is either false or which he knows or believes to be false.

Vacation of seats in case of multiple membership.

32B. No councillor shall be a member both of the Corporation and Parliament or the Legislative Assembly and if a person is so chosen, then at the expiration of fourteen days from the date of the publication in the Gazette of India, or as the case may be, in the Official Gazette, whichever is later that he has been so chosen, that person's seat in Parliament or the Legislative Assembly shall become vacant unless he has previously resigned his seat in the Corporation.'.

Amendment of section 33.

29. In section 33 of the principal Act,—

(*a*) the words "or an alderman" wherever they occur shall be omitted;

(*b*) in sub-section (*1*), in clause (*a*), for the words and figure "section 9 or", the words, figures, brackets and letter "section 9 or sub-section (*2*) of section 32A or" shall be substituted;

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

"(*3*) If any question arises as to whether a councillor has become subject to any of the disqualifications mentioned in section 9 or sub-section (*2*) of section 32A, the question shall be referred for the decision of the Administrator and his decision shall be final.";

(*d*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) Before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission and shall act according to such opinion.".

Insertion of new sections 33A to 33D.

30. After section 33 of the principal Act, the following sections shall be inserted, namely:—

Powers of Election Commission.

"33A. (*1*) Where in connection with the tendering of any opinion to the Administrator under sub-section (*4*) of section 33, the Election Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document or other material object producible as evidence;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or a copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses or documents.

(*2*) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject-matter of the inquiry.

(*3*) The Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code, is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973. 45 of 1860. 2 of 1974.

(*4*) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code. 45 of 1860.

Statements made by persons to the Election Commission.

33B. No statement made by a person in the course of giving evidence before the Election Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

(*a*) is made in reply to a question which he is required by the Commission to answer; or

(*b*) is relevant to the subject-matter of the inquiry.

Procedure to be followed by the Election Commission.

33C. The Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private).

Protection of action taken in good faith.

33D. No suit, prosecution or other legal proceedings shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of sections 33A to 33C or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Administrator or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.".

Amendment of section 34.

31. In section 34 of the principal Act, for the words "the councillors and the alderman", the words, brackets, letter and figures "the councillors and the persons referred to in clause (*b*) of sub-section (*3*) of section 3" shall be substituted.

Amendment of section 35.

32. In section 35 of the principal Act,—

(*i*) in sub-section (*1*),—

(*A*) after the words "its members to be", the words "the Chairperson to be known as" shall be added;

(*B*) the following proviso shall be inserted at the end, namely:—

"Provided that during the duration of the Corporation, the office of the Mayor shall be reserved in favour of a member who is a woman for the first year of the Corporation and in favour of a member belonging to a Scheduled Caste for the third year of the Corporation.";

(*ii*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) If the vacancy be a casual vacancy in the office of the Mayor and is reserved for woman or for Scheduled Castes, the vacancy shall be filled by electing one of the councillors from amongst women or a member of the Scheduled Castes as the case may be.".

Amendment of section 36

33. In section 36 of the principal Act,—

(*i*) in sub-section (*1*), the words "or his term of office as a member of the Corporation terminates in any manner" shall be omitted;

(*ii*) in sub-section (*3*),—

(*a*) in clause (*a*), the letter and brackets "(*a*)" shall be omitted;

(*b*) clause (*b*) shall be omitted.

Amendment of section 39.

34. In section 39 of the principal Act,—

(*i*) in sub-section (*1*), for the words "the Delhi Electric Supply Committee and the Delhi Water Supply and Sewage Disposal Committee", the words "and the Wards Committee" shall be substituted;

(*ii*) in sub-section (*7*), for the words "to be the Chairman and another member to be the Deputy Chairman", the words "who is a councillor to be the Chairman and another member to be the Deputy Chairman" shall be substituted.

Amendment of section 40.

35. In section 40 of the principal Act,—

(*i*) sub-sections (*3*), (*4*) and (*5*) shall be omitted;

(*ii*) in sub-section (*6*), after the words "one of its members", the words "who is a councillor" shall be inserted.

Amendment of section 42.

36. In section 42 of the principal Act,—

(*i*) in the opening portion, for the words "It shall be incumbent", the words "Subject to the provisions of this Act and any other law for the time being in force, it shall be incumbent" shall be substituted;

(*ii*) clauses (*b*), (*d*) and (*u*) shall be omitted;

(*iii*) in clause (*j*), the word "hospitals" shall be omitted;

(*iv*) after clause (*j*), the following clause shall be inserted, namely:—

"(*jj*) the maintenance including the expansion and upgradation of facilities of the hospitals existing on the date of the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993;";

(*v*) after clause (*w*), the following clause shall be inserted, namely:—

"(*wa*) the preparation of plans for economic development and social justice.".

Amendment of section 43.

37. In section 43 of the principal Act, in the opening portion, for the words "The Corporation may in its discretion", the words "Subject to any general or special order of the Government, from time to time, the Corporation may" shall be substituted.

Substitution of new section for section 44.

38. For section 44 of the principal Act, the following section shall be substituted, namely:—

Enumeration of municipal authorities.

"44. For the efficient performance of its functions, there shall be the following municipal authorities under the Corporation, namely:—

(*a*) the Standing Committee;

(*b*) the Wards Committee; and

(*c*) the Commissioner.".

Amendment of section 45.

39. In section 45 of the principal Act,—

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

"(*1*) The Standing Committee shall consist of—

(*i*) six members elected by the councillors from among themselves at the first meeting of the Corporation;

(*ii*) one member each elected by the members of each Wards Committee from among themselves at the first meeting of the Wards Committee;

after each general election or as soon as possible at any other meeting subsequent thereto.";

(*b*) in sub-section (*2*), for the words "from the date of such election", the words "from such date as may be determined by the Corporation by resolution" shall be substituted;

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

"(3) One-half of the members referred to in clause (i) of sub-section (1) and one-half of the members referred to in clause (ii) of that sub-section shall retire on the expiration of one year from the date of the constitution of the Standing Committee after the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993, and for that purpose they shall be selected by lot from amongst their respective categories before the said expiration in such manner as the Chairman of the Standing Committee may determine.";

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

'(5) The Corporation or the concerned Wards Committee, as the case may be, shall in a meeting held immediately before the occurrence of the vacancies caused by the retirement of the members under sub-section (3) or sub-section (4), elect the requisite member or members from amongst the councillors or from amongst members of the Wards Committee, as the case may be, to fill up those vacancies.";

(e) in sub-section (6), the words "or alderman" shall be omitted.

Amendment of section 46.

40. In section 46 of the principal Act, in sub-section (1),—

(i) for the words "Corporation shall", the words "Corporation or, as the case may be, Wards Committee shall" shall be substituted; and

(ii) for the word "alderman", the words, brackets, letter and figures "persons referred to in sub-clause (i) of clause (b) of sub-section (3) of section 3" shall be substituted.

Amendment of section 47.

41. In sub-sections (1) and (3) of section 47, after the words "one of its members", the words "who is a councillor" shall be inserted.

Substitution of new heading and new sections for heading and sections 50 to 53.

42. For the heading "*The Delhi Electric Supply Committee and the Delhi Water Supply and Sewage Disposal Committee*" before section 50 and for sections 50 to 53 (both inclusive) of the principal Act, the following heading and sections shall be substituted, namely:—

'*The Wards Committees*

Constitution of the Wards Committee.

50. (1) For each Zone there shall be a Wards Committee which shall consist of,—

(a) all the councillors elected from the wards comprised in that Zone; and

(b) the person, if any, nominated by the Administrator under sub-clause (i) of clause (b) of sub-section (3) of section 3

if his name is registered as an elector within the territorial limits of the Zone concerned.

(2) The Wards Committee shall be deemed to have been constituted from the date on which the Corporation is constituted after each general election.

Application of sections 47 and 48.

51. The provisions of sections 47 and 48 shall apply in relation to a Wards Committee as they apply in relation to the Standing Committee.

Powers and functions of the Wards Committee.

52. (1) Subject to the provisions of this Act, every Wards Committee shall exercise the powers and perform the functions as specified in the Fifteenth Schedule on behalf of the Corporation in relation to that Zone.

(2) The Central Government may, after consultation with the Government, by notification in the Official Gazette, amend the Fifteenth Schedule.

(3) When any question arises as to whether any matter falls within the purview of a Wards Committee or the Corporation, it shall be referred to the Government, and the decision of that Government thereon shall be final.'.

Amendment of section 59

43. In section 59 of the principal Act,—

(a) in the opening portion, the words "other than those pertaining to the Delhi Electric Supply Undertaking" shall be omitted;

(b) for clause (d), the following clause shall be substituted, namely:—

"(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.".

Omission of sections 60 to 64.

44. The heading *"The General Manager (Electricity)"* before section 60 and sections 60 to 64 (both inclusive) of the principal Act shall be omitted.

Amendment of section 65.

45. In section 65 of the principal Act, in sub-section (1), for the words "the Delhi Electric Supply Committee or the Delhi Water Supply and Sewage Disposal Committee", the words "or the Wards Committee" shall be substituted.

Amendment of section 66.

46. In section 66 of the principal Act,—

(a) in sub-section (1),—

(i) the words and brackets "or the General Manager (Electricity)";

(ii) the words "or General Manager, as the case may be" shall be omitted;

(b) in sub-section (2),—

(i) the words and brackets "or the General Manager (Electricity)";

(ii) in the proviso, the words "or such General Manager" shall be omitted.

Amendment of section 67.

47. In section 67 of the principal Act,—

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

"(*1*) A member of the Standing Committee or a Wards Committee, if he ceases to be a councillor or ceases to represent any of the categories mentioned in sub-clause (*ii*) of clause (*b*) of sub-section (*3*) of section 3 shall cease to be a member of that Committee and his seat shall thereupon become vacant.";

(*b*) in sub-section (*2*), the words "the Delhi Electric Supply Committee or the Delhi Water Supply and Sewage Disposal Committee" shall be omitted.

Amendment of section 68.

48. In section 68 of the principal Act, for the words "the Delhi Electric Supply Committee or the Delhi Water Supply and Sewage Disposal Committee", the words "or the Wards Committee" shall be substituted.

Amendment of section 69.

49. In section 69 of the principal Act, for the words "the Delhi Electric Supply Committee, the Delhi Water Supply and Sewage Disposal Committee", the words "the Wards Committee" shall be substituted.

Amendment of section 70

50. In section 70 of the principal Act,—

(*a*) in sub-section (*1*), in clauses (*b*) and (*c*), the words "except in regard to the Delhi Electric Supply Undertaking" shall be omitted;

(*b*) sub-section (*3*) shall be omitted.

Amendment of section 71.

51. In section 71 of the principal Act, in clause (*b*), in sub-clause (*i*), the words "or, as the case may be, the Delhi Electric Supply Committee or the Delhi Water Supply and Sewage Disposal Committee" shall be omitted.

Amendment of section 72.

52. In section 72 of the principal Act, in sub-section (*2*) for the words "and alderman", the words, brackets, letter and figures "and other persons referred to in clause (*b*) of sub-section (*3*) of section 3" shall be substituted.

Amendment of section 73.

53. In section 73 of the principal Act, the words "of alderman" shall be omitted.

Amendment of section 74.

54. In section 74 of the principal Act,—

(*i*) for the words "and alderman" in both the places where they occur, the words, brackets, letter and figures "and the persons referred to in clause (*b*) of sub-section (*3*) of section 3" shall be substituted.

(*ii*) in the proviso, for the words "or alderman", the words, brackets, letter and figures "or the persons referred to in clause (*b*) of sub-section (*3*) of section 3" shall be substituted.

Amendment of section 75.

55. In section 75 of the principal Act, in sub-section (*1*), the words, figures, letter and brackets "and the persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be inserted at the end.

Amendment of section 76.

56. In section 76 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) In the absence of both the Mayor and Deputy Mayor from the meeting, the members and the persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3 shall elect one from among the councillors to preside.".

Amendment of section 77.

57. In section 77 of the principal Act, in clause (*a*), the words "or an alderman" shall be omitted.

Amendment of section 78.

58. In section 78 of the principal Act,—

(*i*) in sub-section (*1*), for the word "members", the words, brackets, letter and figures "members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

(*ii*) in sub-section (*3*), for the word "members", the words, brackets, letter and figures "members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

(*iii*) in sub-section (*4*), for the word "members", the words, brackets, letter and figures "members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be substituted.

Amendment of section 79.

59. In section 79 of the principal Act,—

(*i*) for the words "or alderman", wherever they occur, the words, brackets, letter and figures "or persons referred to in clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

(*ii*) in sub-section (*4*), for the word "members", the words, brackets, letter and figures "members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

Amendment of section 80.

60. In section 80 of the principal Act, for the word "alderman", the words, brackets, letter and figures "person referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

Amendment of section 81.

61. In section 81 of the principal Act,—

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

"(*1*) The Commissioner or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Corporation or any of its Committees, but none of the persons specified herein shall by virtue of this sub-section be entitled to vote in any such meeting.";

(*b*) in sub-section (*2*), for the word "alderman", the words, brackets, letter and figures "person referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

(c) sub-section (*8*) shall be omitted.

Amendment of section 83.

62. In section 83 of the principal Act,—

(*a*) in sub-section (*1*), for the words "Delhi Electric Supply Committee and the Delhi Water Supply and Sewage Disposal Committee", the words "Wards Committee" shall be substituted;

(*b*) in sub-section (*2*), for the words "of their numbers" the words "from amongst the councillors" shall be substituted.

Amendment of section 85.

63. In section 85 of the principal Act,—

(*i*) for the words "members present", the words, brackets, letter and figures "members and other persons referred to in clause (*b*) of sub-section (*3*) of section 3 present" shall be substituted;

(*ii*) the words "of the councillors for the election of any alderman and of each meeting" shall be omitted.

Amendment of section 86.

64. In section 86 of the principal Act,—

(*i*) in sub-section (*1*), for the words "members of the Corporation", the words, brackets, letter and figures "persons referred to in clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

(*ii*) in sub-section (*2*), for the words "members of the Corporation", the words, brackets, letter and figures "persons referred to in clause (*b*) of sub-section (*3*) of section 3" shall be substituted.

Amendment of section 88

65. In section 88 of the principal Act,—

(*i*) in sub-section (*1*),—

(*a*) in clause (*a*), the words "or alderman" shall be omitted;

(*b*) in clause (*c*), for the words "councillor having voted", the words, brackets, letter and figures "councillor or any person referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3" shall be substituted;

(*ii*) in sub-section (*2*), the words "of the councillors for the election of any alderman or" shall be omitted.

Amendment of section 89.

66. In section 89 of the principal Act,—

(*a*) in sub-section (*1*), the words and brackets "the Chief Engineer (Water Supply)" shall be omitted;

(*b*) in sub-section (*2*), the word "Central" shall be omitted.

Amendment of section 90.

67. In section 90 of the principal Act,—

(*a*) in sub-sections (1), (4), (5) and (6) for the words "appropriate authority", wherever they occur, the word "Commissioner" shall be substituted;

(*b*) in sub-sections (*1*), (4) and (5), for the words "the Committee concerned", wherever they occur, the words "the Standing Committee" shall be substituted;

(c) in sub-sections (3) and (6), for the words "The Committee concerned', wherever they occur, the words "The Standing Committee" shall be substituted;

(d) in sub-section (3), for the words "appropriate authority or at the instance of such authority", the words "Commissioner or at his instance" shall be substituted;

(e) in sub-section (4), for the words "such authority", the words "the Commissioner" shall be substituted;

(f) sub-section (7), shall be omitted.

Amendment of section 92.

68. In section 92 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of section 89, the power of the appointing municipal officers and other municipal employees whether temporary or permanent shall vest in the Commissioner:

Provided that the power of appointing officers and other employees immediately subordinate to the Municipal Secretary or the Municipal Chief Auditor to category B posts or category C posts shall vest in the Standing Committee:

Provided further that the Standing Committee may delegate to the Municipal Secretary or the Municipal Chief Auditor the power of appointing officers and other employees immediately subordinate to the said Secretary or Auditor, to category C posts.

Insertion of new section 92A.

69. After section 92 of the principal Act, the following section shall be inserted, namely:—

Recruitment to category B and category C posts.

"92A. The direct recruitment to category B and category C posts may be made by the Government through such agencies as may be prescribed by it.".

Amendment of section 95.

70. In section 95 of the principal Act, in sub-section (4), the following proviso shall be inserted at the end, namely:—

"Provided that in the case of an officer or other employee appointed by the Commissioner an appeal shall lie to the Administrator.".

Amendment of section 96.

71. In section 96 of the principal Act, the words and brackets "to the post of the General Manager (Electricity) or" shall be omitted.

Amendment of section 99.

72. In section 99 of the principal Act,—

(a) in sub-section (1), clause (h) shall be omitted;

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

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

Substitution of new section for section 100.

73. For section 100 of the principal Act, the following section shall be substituted, namely:—

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

"100. All moneys payable to the credit of the Municipal Fund in the General Account shall be received by the Commissioner and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the Municipal Fund of Delhi.".

Amendment of section 101.

74. In section 101 of the principal Act, in sub-section (*1*), for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) the Commissioner or a Deputy Commissioner or an officer subordinate to the Commissioner authorised by the Standing Committee in this behalf.".

Amendment of section 104.

75. In section 104 of the principal Act, for the words and brackets, "or, as the case may be, the General Manager (Electricity) shall forthwith communicate the circumstances to the Standing Committee or the Delhi Water Supply and Sewage Disposal Committee or, as the case may be, the Delhi Electric Supply Committee", the words "shall forthwith communicate the circumstances to the Standing Committee" shall be substituted.

Amendment of section 106.

76. In section 106 of the principal Act,—

(*a*) in sub-section (*1*), for the words and brackets "the General Manager (Electricity) in the case of any work in connection with the Delhi Electric Supply Undertaking and the Commissioner in the case of any other work", the words "the Commissioner" shall be substituted;

(*b*) in sub-section (*3*), the words and brackets "or as the case may be, the General Manager (Electricity)" shall be omitted.

Substitution of new sections for section 107.

77. For section 107 of the principal Act, the following sections shall be substituted, namely:—

Investment of surplus moneys.

"107. (*1*) Surplus money standing at the credit of General Account of the Municipal Fund which cannot immediately be applied for the purposes specified in section 105 shall be deposited in the State Bank of India or in such scheduled bank or banks as the Corporation may select or be invested in public securities.

(*2*) The loss, if any, arising from such deposit of investment shall be debited to the General Accounts of the Municipal Fund.

Constitution of Finance Commission.

107A. (*1*) The Administrator shall, as soon as may be, within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year constitute a Finance Commission to review the

financial position of the Corporation and to 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 Corporation 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 Corporation;

(*iii*) the grants-in-aid to the Corporation from the consolidated fund of the National Capital Territory of Delhi;

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

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

(*2*) The Legislature of the National Capital Territory of Delhi, may by law provide for the composition of the Commission, the qualifications which shall be required for appointment of members thereof, and the manner in which they shall be selected.

(*3*) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the National Capital Territory of Delhi, may, by law, confer on them.

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

Amendment of section 109.

78. In section 109 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Corporation shall, on or before the 31st day of March of every year, adopt for the ensuing year the budget estimate which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the municipal government of Delhi.".

Amendment of section 110.

79. In section 110 of the principal Act,—

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

"(*1*) On the recommendation of the Standing Committee in respect of the budget estimate, the Corporation may from time to time, during the year,—

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

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

(*iii*) 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 the 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 Corporation may determine in respect of the budget estimate.";

(*b*) sub-section (5) shall be omitted.

Amendment of section 112.

80. In section 112 of the principal Act, the words "or, as the case may be, the Delhi Electric Supply Committee or the Delhi Water Supply and Sewage Disposal Committee" shall be omitted.

Amendment of section 114.

81. In section 114 of the principal Act, in sub-section (1), clauses (*a*), (*b*) and (*c*) shall be omitted.

Amendment of section 115.

82. In section 115 of the principal Act,—

(*a*) sub-sections (1), (2) and (3) shall be omitted;

(*b*) in sub-section (4), in clause (*b*), the words "and not used or intended to be used exclusively for the purposes of the Delhi Electric Supply Undertaking or the Delhi Water Supply and Sewage Disposal Undertaking" shall be omitted.

Amendment of section 116.

83. In section 116 of the principal Act, in sub-section (1), the following *Explanation* shall be inserted at the end, namely:—

'*Explanation.*—The expressions "water tax" and "scavenging tax" shall mean such taxes of that nature as may be levied by an appropriate authority.'.

Omission of sections 117 and 118.

84. Sections 117 and 118 of the principal Act shall be omitted.

Amendment of section 123.

85. In section 123 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

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

Amendment of section 150.

86. In section 150 of the principal Act, in sub-section (2), the word "Central" shall be omitted.

Amendment of section 164.

87. In section 164 of the principal Act,—

(*a*) in sub-sections (1) and (2), the words "the scavenging tax, the fire tax and", wherever they occur shall be omitted;

(*b*) sub-section (3) shall be omitted.

Substitution of new section for section 184.

88. For section 184 of the principal Act, the following section shall be substituted, namely:—

Proceeds of entertainment tax.

"184. The proceeds of the entertainment and betting taxes collected in Delhi under the provisions of the Uttar Pradesh Entertainment and Betting Tax Act, 1937, as extended to 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 Corporation for the performance of its functions under this Act.". U.P. Act 8 of 1937.

Amendment of section 185.

89. In section 185 of the principal Act, in sub-section (*1*), for clause (*d*), the following clause shall be substituted, namely:—

"(*d*) to pay off any debt due to the Central Government or the Government.".

Amendment of section 195.

90. In section 195 of the principal Act,—

(*a*) in sub-section (*1*), for the word "Government", in both the places where it occurs, the words "Central Government or the Government" shall be substituted;

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

Amendment of section 202.

91. In section 202 of the principal Act,—

(*i*) for clauses (*c*) and (*d*), the following clauses shall be substituted, namely:—

"(*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 Commissioner unless the same is previously approved by the Standing Committee; and

(*d*) every contract made by the Commissioner 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 Standing Committee.".

(*ii*) clause (*e*) shall be omitted.

Substitution of new section for section 204.

92. For section 204 of the principal Act, the following section shall be substituted, namely:—

Accounts to be kept.

"204. There shall be kept in such manner and in such form as may be prescribed by regulations the General Account of all receipts and expenditures of the Corporation.".

Amendment of section 206.

93. In section 206 of the principal Act, in sub-section (5), the word "Central" shall be omitted.

Amendment of section 207.

94. In section 207 of the principal Act, in sub-section (1),—

(a) for the words "of any of the Accounts", the words "of the General Account" shall be substituted;

(b) the word "Central", wherever it occurs, shall be omitted.

Amendment of section 208.

95. In section 208 of the principal Act,—

(a) in sub-section (3), for the words ", the Standing Committee, the Delhi Electric Supply Committee, or the Delhi Water Supply and Sewage Disposal Committee,", the words "or the Standing Committee" shall be substituted;

(b) in sub-section (4), the words "or, as the case may be, the Delhi Electric Supply Committee, or the Delhi Water Supply and Sewage Disposal Committee" shall be omitted.

Omission of Chapters XII and XIII.

96. Chapters XII and XIII of the principal Act shall be omitted.

Amendment of section 298.

97. In section 298 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the Central Government may, by notification, direct that all or any of the functions of the Corporation or the Commissioner, in respect of public streets under this Act shall be performed by such authority as may be specified therein.".

Insertion of new section 330A.

98. In Chapter XVI of the principal Act, before section 331, the following section shall be inserted, namely:—

General superintendence, etc., of the Central Government.

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

Insertion of new section 349A.

99. In Chapter XVI of the principal Act, after section 349, the following section shall be inserted, namely:—

Power of the Central Government to make bye-laws.

"349A. (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 Corporation under paragraph F of sub-section (1) of section 481 of this Act as it stood immediately before the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993 and in force immediately before such

commencement, shall be deemed to have been made under the provisions 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 provisions 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 room 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 in 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 restriction on the use of inflammable materials in buildings;

(q) the restriction on construction of foundation on certain sites;

(r) the measures to be taken to protect buildings from damp 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 the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water;

(*u*) the supervision of buildings;

(*v*) the setting back of garages and shops from the regular line of a street;

(*w*) the construction of portable structures and permission for such construction.

(*3*) The draft of the bye-laws referred to in sub-section (*1*) shall be forwarded to the Commissioner, 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 Commissioner 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 Commissioner as it thinks fit, for ensuring proper implementation of the bye-laws made under this section.".

Amendment of section 354.

100. In section 354 of the principal Act, the words, letter, brackets and figures "in respect of which the Commissioner has not given public notice under clause (*b*) of sub-section (*2*) of section 115 or" shall be omitted.

Amendment of section 355.

101. In section 355 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

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

Amendment of section 431.

102. In section 431 of the principal Act,—

(*a*) in the opening portion,—

(*i*) the words and brackets "the General Manager (Electricity)" shall be omitted;

(*ii*) for the words "any of the aforesaid municipal authorities", the word "him" shall be substituted;

(*b*) in clause (*b*), the words and brackets "the General Manager (Electricity)" shall be omitted.

Amendment of section 432.

103. In section 432 of the principal Act, in sub-section (*1*), for the portion beginning with the words "The Commissioner" and ending with the words "aforesaid municipal authorities", the words "The Commissioner or any person authorised by him in this behalf" shall be substituted.

Amendment of section 433.

104. In section 433 of the principal Act,—

(*a*) in sub-section (*1*), for the portion beginning with the words "the Commissioner" and ending with the words "aforesaid municipal authorities", the words "the Commissioner or any person authorised by him in this behalf" shall be substituted;

(*b*) in sub-section (*2*), the words and brackets ", the General Manager (Electricity)" shall be omitted.

Amendment of section 438.

105. In section 438 of the principal Act,—

(*a*) for the portion beginning with the words "any of the following appropriate municipal authorities" and ending with the words "aforesaid municipal authorities", the words "the Commissioner or of any municipal officer authorised by him in this behalf" shall be substituted;

(*b*) for the words "appropriate municipal authority", the word "Commissioner" shall be substituted.

Amendment of section 440.

106. In section 440 of the principal Act, for the words and brackets "or the General Manager (Electricity) or of any municipal officer, a written document signed by any such municipal authority", the words "or of any municipal officer, a written document signed by the Commissioner" shall be substituted.

Amendment of section 442.

107. In section 442 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*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 Commissioner or of any municipal officer, shall be deemed to be properly signed if it bears a fascimile of the signature of the Commissioner or officer, as the case may be, stamped thereupon.".

Amendment of section 443.

108. In section 443 of the principal Act, for the words and brackets "any of the following appropriate municipal authorities that is to say, the Commissioner, or the General Manager (Electricity)", the words "the Commissioner" shall be substituted.

Substitution of new section for section 450.

109. For section 450 of the principal Act, the following section shall be substituted, namely:—

General power to pay compensation.

"450. In any case not otherwise provided for in this Act or in any bye-law made thereunder, the Commissioner, with the previous approval of the Standing Committee, 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 Commissioner or in any municipal officer or other municipal employee.".

Amendment of section 458.

110. In section 458 of the principal Act, in sub-sections (*1*) and (*2*), the word "Central" shall be omitted.

Amendment of section 460.

111. In section 460 of the principal Act, in clause (*b*), the word "Central" shall be omitted.

Amendment of section 462.

112. In section 462 of the principal Act,—

(*a*) for the portion beginning with the words "Any councillor or alderman" and ending with the words "other committee of the Corporation", the words, brackets, letter and figures "Any councillor or any person referred to in clause (*b*) of sub-section (*3*) of section 3 of any committee of the Corporation" shall be substituted;

(*b*) the words and brackets "the General Manager (Electricity)" shall be omitted;

(*c*) the words "or an alderman" wherever they occur, shall be omitted.

Amendment of section 467.

113. In section 467 of the principal Act, in clause (*c*), for the words and brackets "any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity) or a person authorised by any of them", the words "the Commissioner, or a person authorised by him" shall be substituted.

Amendment of section 468.

114. In section 468 of the principal Act, in sub-section (*1*), for the words and brackets "Any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity), the General Manager (Transport) or any person authorised by any of them" the words "The Commissioner or any person authorised by him" shall be substituted.

Amendment of section 469.

115. In section 469 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) the word "Central" shall be omitted;

(*ii*) for the words "magistrates of the first class", the words "Metropolitan Magistrates" shall be substituted;

(*b*) in sub-sections (*3*) and (*4*), the word "Central" shall be omitted;

(*c*) in sub-section (*6*),—

5 of 1898. 2 of 1974.

(*i*) for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted;

(*ii*) for the word and figures "section 12", the word and figures "section 16" shall be substituted.

Amendment of section 473.

116. In section 473 of the principal Act,—

(*a*) in sub-section (*1*), for the words and brackets "the General Manager (Electricity) or any municipal officer or other municipal employee authorised by any of the aforesaid municipal authorities", the words "or any municipal officer or other municipal employee authorised by him" shall be substituted;

(*b*) in sub-section (*2*), for the words "any of the appropriate municipal authorities", the words "the Commissioner" shall be substituted;

(*c*) in sub-section (*5*), the words "or any other appropriate municipal authority" shall be omitted.

Amendment of section 475.

117. In section 475 of the principal Act, the words "or any other appropriate municipal authority" shall be omitted.

Amendment of section 476.

118. In section 476 of the principal Act,—

(*a*) in sub-section (*1*), in clause (*i*), after the words "Standing Committee", the words "or the Wards Committee" shall be inserted;

(*b*) sub-section (*2*), shall be omitted.

Amendment of section 479.

119. In section 479 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

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

Amendment of section 481.

120. In section 481 of the principal Act, in sub-section (*1*),—

(*a*) the paragraph "B. Bye-laws relating to water supply, drainage and sewage disposal" and the entries occurring thereunder shall be omitted;

(*b*) the paragraph "C. Bye-laws relating to electric supply" and the entry occurring thereunder shall be omitted;

(*c*) the paragraph "F. Bye-laws relating to buildings" and entries occurring thereunder shall be omitted;

(*d*) in paragraph "L. Bye-laws relating to miscellaneous matters" entry 1 shall be omitted.

Amendment of section 483.

121. In section 483 of the principal Act the word "Central" wherever it occurs, shall be omitted.

Amendment of sections 485 and 486.

122. In sections 485 and 486 of the principal Act, after the words "Central Government", wherever they occur, the words "or the Government" shall be inserted.

Amendment of section 487.

123. In section 487 of the principal Act,—

(*a*) in sub-section (*1*), for the words "whether on receipt of", the words "whether on receipt of a report or on receipt of" shall be substituted;

(*b*) sub-sections (*2*) and (*3*) shall be omitted.

Substitution of new section for section 490.

124. For section 490 of the principal Act, the following section shall be substituted, namely:—

Dissolution of the Corporation.

"490. (*1*) If, in the opinion of the Central Government, the Corporation persistently makes default in the performance of the duties imposed on it by or under this Act or exceeds or abuses its powers, the Central Government may by an order published, together with a statement of reasons therefor, in the Official Gazette, dissolve the Corporation:

Provided that the Corporation shall be given a reasonable opportunity of being heard before its dissolution.

(*2*) When the Corporation is dissolved by an order under sub-section (*1*),—

(*a*) all councillors shall, on the date of the dissolution, vacate their office as such councillors and the persons referred to in clause (*b*) of sub-section (*3*) of section 3 shall cease to be represented in the Corporation;

(*b*) during the period of dissolution of the Corporation, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law, shall be exercised and performed by such officer or authority as the Central Government may appoint in that behalf;

(*c*) all property vested in the Corporation shall, until it is re-constituted, vest in the Central Government.

(*3*) An election to constitute the Corporation shall be completed before the expiration of a period of six months from the date of its dissolution.

(*4*) An order of dissolution made under this section together with a statement of the reasons therefor shall be laid before each House of Parliament and the Legislative Assembly of the National Capital Territory of Delhi as soon as may be, after it has been made.".

Insertion of new section 490A.

125. In Chapter XXV of the principal Act, after the Chapter heading "MISCELLANEOUS" and before section 491, the following section shall be inserted, namely:—

Delegation of power by the Central Government.

"490A. The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification be exercisable by the Government or any of its officers or by the Commissioner or any other authority.".

Amendment of section 499.

126. In section 499 of the principal Act, in sub-section (*1*),—

(*a*) for the words and brackets "Every councillor and alderman, the Commissioner, the General Manager (Electricity)," the words, brackets, letter and figures "Every councillor and every person referred to in clause (*b*) of sub-section (*3*) of section 3, the Commissioner," shall be substituted;

(*b*) the word "Central" in both the places where it occurs shall be omitted.

Amendment of section 500.

127. In section 500 of the principal Act, for the words and brackets "Every councillor and alderman, the Commissioner, the General Manager (Electricity)," the words, brackets, letter and figures "Every councillor and every person referred to in clause (*b*) of sub-section (*3*) of section 3, the Commissioner," shall be substituted.

Amendment of section 501.

128. In section 501 of the principal Act, in sub-sections (*1*) and (*2*), the word "Central" shall be omitted.

Amendment of section 504.

129. In section 504 of the principal Act, sub-section (*1*) shall be omitted.

Amendment of section 507.

130. In section 507 of the principal Act, the word "Central", wherever it occurs, shall be omitted.

Insertion of new section 508A.

131. In Chapter XXV of the principal Act, after section 508, the following section shall be inserted, namely:—

Corporation to undertake work on agency basis.

"508A. Notwithstanding anything contained in any other provision of this Act, the Corporation may on such terms and conditions as may be determined by agreement between the Corporation and any authority, body or person, carry out any work which is not connected with its functions on agency basis.".

Omission of section 509.

132. Section 509 of the principal Act shall be omitted.

Insertion of new sections 511A and 511B.

133. After section 511 of the principal Act, the following sections shall be inserted, namely:—

Temporary provision with respect to electricity, water, sewage, etc.

"511A. Notwithstanding the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993, all the provisions existing in the principal Act before such commencement relating to—

(*a*) water supply, drainage and sewage disposal;

(*b*) electric supply; and

(*c*) prevention and extinguishing of fire,

and matters connected therewith or incidental thereto shall be deemed to continue in operation till such date as the Central Government may, by notification in the Official Gazette, specify and different dates may be specified by the Central Government for any of the aforementioned different matters.

Special provision as to transferred functions.

511B. (*1*) In this section, "transferred functions" means such functions of the Corporation which immediately before the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993 were the functions of the Corporation but as from such commencement become the functions of any other authority or functionary hereinafter called the "new authority".

(*2*) On and from such commencement,—

(*a*) all lands and buildings (together with all interests of whatsoever nature and kind therein) vested in the Corporation immediately before such commencement and used for the purposes of "transferred functions" shall pass to and vest in the new authority concerned;

(*b*) all stores, articles and other movable properties belonging to the Corporation immediately before such commencement and utilised for or in connection with the "transferred functions" shall pass to and vest in the new authority concerned;

(*c*) all appointment, notifications, orders, schemes, rules forms, notices or bye-laws made or issued or any licence or permissions granted by the Corporation immediately before such commencement in connection with the "transferred functions" shall continue in force and be deemed to have been made, issued or granted by the new authority concerned unless and until they are superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted by the new authority concerned;

(*d*) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the Corporation immediately before such commencement for or in connection with the "transferred functions" shall be deemed to have been incurred, entered into, engaged to be done by, with or for, the new authority concerned;

(*e*) all assessments, valuations, measurements or divisions made by the Corporation immediately before such commencement in or in connection with the "transferred functions" shall continue in force and be deemed to have been made by the new authority concerned unless and until they are superseded by any assessment, valuation, measurement or division made by that authority;

(*f*) all rates, taxes, fees, rents and other sums of money due to the Corporation in relation to the "transferred functions" immediately before such commencement shall be deemed to be due to the new authority concerned;

(*g*) all rates, fees, rents and other charges leviable in, or in relation to, the "transferred functions" shall, unless and until they are varied by the new authority concerned continue to be levied at the same rate at which they were being levied by the Corporation immediately before such commencement;

(*h*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Corporation immediately before such commencement for any matter in relation to the "transferred functions" may be continued or instituted by or against the new authority concerned;

(*i*) every officer and other employee serving under the Corporation immediately before such commencement in connection with the "transferred functions" shall be transferred to and become an officer or other employee of the new authority concerned with such designation as such authority may determine and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same is the new authority concerned had not been established and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by that authority:

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Central Government:

Provided further that any service rendered by any such officer or other employee before such commencement shall be deemed to be service rendered under the new authority concerned:

Provided also that the new authority concerned may employ any such officer or other employee in the discharge of such functions as it may think proper and every such officer or other employee shall discharge those functions accordingly.

(*3*) As soon as may be after the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993, the Central Government shall decide,—

(*a*) which stores, articles and other movable properties referred to in clause (*b*) of sub-section (*2*) have been utilised by the Corporation for or in connection with the "transferred functions";

(*b*) which debts, obligations, liabilities, contracts, matters and things referred to in clause (*d*) of the said sub-section have been incurred, entered into or engaged to be done by, with or for the Corporation for or in connection with the "transferred functions";

(*c*) which officers and other employees referred to in clause (*i*) of that sub-section served under the Corporation in connection with the "transferred functions".

(*4*) In case of any dispute in relation to any of the matters referred to in the various clauses of sub-section (*2*) other than clauses (*b*), (*d*) and (*i*), the dispute may be referred to the Central Government by the Corporation or the new authority concerned and the decision of that Government shall be final.".

Insertion of new section 514A.

134. After section 514 of the principal Act, the following section shall be inserted, namely:—

Transitory provision.

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

Amendment of Twelfth Schedule.

135. In the Twelfth Schedule to the principal Act, all the entries with respect to sections 214 to 278 (both inclusive) shall be omitted.

Insertion of Fourteenth and Fifteenth Schedules

136. After the Thirteenth Schedule to the principal Act, the following Schedules shall be inserted, namley :—

"THE FOURTEENTH SCHEDULE

(*See* section 3A)

THE NUMBER, NAMES AND AREAS OF VARIOUS ZONES

Sl.No.	Name	Area of the Zone*/ Number and name of the municipal ward
(1)	(2)	(3)
1.	City	1 Minto Road
		2 Darya Ganj
		66 Shardhanand Bazar
		67 Dariba
		68 Maliwara
		69 Ballimaran
		70 Farash Khana
		71 Ajmeri Gate
		72 Kucha Pati Ram
		73 Lal Darwaza
		74 Matia Mahal
		75 Sui Walan
2.	Central	3 Nizam-ud-din
		4 Jang Pura
		5 Sewa Nagar
		6 Kotla Mubarakpur
		7 Lajpat Nagar
		8 Amar Colony
		9 Okhla
		11 Kalkaji

Sl.No.	Name	Area of the Zone*/ Number and name of the municipal ward
(1)	(2)	(3)
3.	South	10 Kailash
		12 Malviya Nagar
		13 Hauz Khas
		14 Munirka
		15 Mohammad Pur
		16 R.K. Puram
		44 Mehrauli
		45 Madangir
		46 Tughlakabad
4	Karol Bagh	17 Rajender Nagar
		18 Narayana
		92 Motia Khan
		93 Tibbia College
		94 Rahgarpura
		95 Dev Nagar
		96 East Patel Nagar
		97 West Patel Nagar
		98 Sat Nagar
		99 Anand Parvat
		100 Baljit Nagar
5.	Sadar Pahar Ganj	76 Paharganj
		77 Dariba Pan
		78 Ram Nagar
		79 Qadam Sharif
		80 Basti Julahan
		81 Kasab Pura
		82 Deputy Ganj
		83 Teliwara
		84 Arya Pura
		86 Pratap Nagar
		90 Sarai Rohilla
		91 Manakpura
6.	West Zone	19 Nangal Raya
		20 Ashok Nagar
		21 Tilak Nagar
		22 Tagore Garden
		23 Subhash Nagar
		24 Rajouri Garden
		25 Ramesh Nagar
		26 Moti Nagar
		39 Madi Pur
		40 Vishnu Garden

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Sl.No.	Name	Area of the Zone*/ Number and name of the municipal ward
(1)	(2)	(3)
7.	Civil Lines	32 Wazirabad
		59 Mori Gate
		60 Civil Lines
		61 Timar Pur
		62 Kingsway Camp
		63 Model Town
		64 Vijay Nagar
		65 Jawahar Nagar
		85 Sohan Ganj
		87 Shakti Nagar
8.	Shahdara—South	47 Geeta Colony
		48 Lakshmi Nagar
		49 Gandhi Nagar
		50 Dharampura
		51 Krishna Nagar
		52 Patparganj
		53 Vishwas Nagar
		54 Shahdara
9.	Shahdara—North	55 Rohtas Nagar
		56 Naveen Shahdara
		57 Ghonda
		58 Usmanpur
10.	Rural Narela	33 Alipur
		34 Narela
		35 Bawana
		36 Kanjhawala
11.	Rural Najafgarh	37 Nangloi
		38 Najafgarh
		41 Isapur
		42 Palam
		43 Mahipalpur
12.	Rohini	27 Shakur Basti
		28 Badli
		29 Rampura
		30 Onkar Nagar
		31 Wazir Pur
		88 Shastri Nagar
		89 Karam Pura

NOTE: *The area is indicated in terms of the extent of the municipal wards as they existed on the date of the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993.

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THE FIFTEENTH SCHEDULE

(*See* section 52)

POWERS AND FUNCTIONS OF THE WARDS COMMITTEE

(*1*) Sanction estimates and plans for municipal works to be carried out within the Zone costing up to rupees one crore, other than works taken up and executed for Delhi as a whole or those covering more than one Zone, provided that specific provision exists therefor in the budget sanctioned by the Corporation.

(*2*) Call for any report, return, plan, estimate, statement, account or statistics from the Commissioner, connected with matter pertaining to the municipal administration in the Zone.

(*3*) Scrutinize monthly statements of receipts and disbursements and of the progress reports in the collection of revenue in the Zone.

(*4*) Consider and make recommendations on the proposals regarding estimates of revenue and expenditure pertaining to the Zone under different heads of account of the budget before being forwarded to the Commissioner.

(*5*) Report or advice upon any matter which the Corporation may refer to it under the Act.

(*6*) Deal with such other matters as may be delegated by the Corporation to the Wards Committee.

(*7*) In general, exercise all such municipal powers and functions of the Corporation as are to be performed exclusively in the Zone concerned other than those relating to Delhi as a whole or involving two or more Zones.".

K. L. MOHANPURIA,
Secy. to the Govt. of India.

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