

ॐ ह्रीं नमः

Akalank's

THE DELHI MUNICIPAL CORPORATION ACT, 1957

(Act No. 66 of 1957)

As amended by

**THE DELHI MUNICIPAL CORPORATION
(AMENDMENT) ACT, 2011
(Delhi Act 12 of 2011)**

Alongwith

**THE DELHI MUNICIPAL CORPORATION (AMENDMENT) ACT, 2011
(Delhi Act 12 of 2011)
DELIMITATION NOTIFICATION**



**अकालंक पब्लिकेशन्स
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A WORD FROM THE PUBLISHERS

Patrons of our Publications have encouraged us to bring out this edition of *Akalank's* THE DELHI MUNICIPAL CORPORATION ACT, 1957 (Act No. 66 of 1957) *as amended by* The Delhi Municipal Corporation (Amendment) Act, 2011 (Delhi Act 12 of 2011). This edition contains the complete amended text of The Delhi Municipal Corporation Act, 1957 and The Delhi Municipal Corporation (Amendment) Act, 2011.

All out, efforts have been made to make the book upto date and fool proof in all respects.

However, suggestions pertaining to improvement of the book are always welcome and shall be duly considered.

We trust that the book will be of immense practical utility to all Municipal Authorities, Lawyers, Courts, Residents of Delhi, inspecting authorities and all those concerned with the subject matter. Our books are widely referred and appreciated by readers in India and in other Countries.

To serve the people is our objective. We have already published the book on **Delhi Master Plans (MPD-1962, MPD-2001, MPD-2021)**, Manual of Bye-laws, Rules and Regulations including Delhi Building Bye-laws, Master Plan for NCR Delhi, New Delhi Municipal Council Act, Indian Boiler Regulations, Drugs and Cosmetics Act & Rules, Mandal Commission Report, Specifications, Environment & Pollution Control Laws, Water Supply & Treatment, Civil Accounts Manual, Statutes of India and Delhi Local Laws, Central Civil Services Rules, etc. We had also published books under special arrangements with International Code Council, USA. If our patrons have any suggestion or any compilation worth publishing, we shall, feel it our pleasure to discuss it with them for its publication.

MARCH, 2012

THE PUBLISHER

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THE DELHI MUNICIPAL CORPORATION (AMENDMENT) ACT, 2011¹

(Delhi Act 12 of 2011)

DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS

Notification

Dated, 29th December, 2011

No.F.14(12)/LA-2011/LcLaw/260.—The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the President of India on 23rd December, 2011 and is hereby published for general information:—

“THE DELHI MUNICIPAL CORPORATION (AMENDMENT) ACT, 2011

(DELHI ACT 12 OF 2011)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 1st December, 2011)

Further to amend the Delhi Municipal Corporation Act, 1957.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty-second Year of the Republic of India as follows:—

1. Short title and commencement

(1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 2011.

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

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

2. General

In the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the “principal Act”—

- (a) for the words “The Corporation” or “the Corporation”, wherever they occur, the words “A Corporation” every “Corporation”, “each Corporation”, or “Corporations”, as the case may be, shall be substituted;
- (b) for the words “Central Government” wherever occurring in different sections, the word “Government” shall be substituted except in sections 2(43), 2(51), 3(6), 9(1)(g), 22 (8), 31, 54, 90(8), 96(c), 106, 185, 195 (1), proviso to 195 (2), 485, 486, 487, 488 and 490, 490A;
- (c) for the word “Delhi” wherever occurring in sections 3(6), 36, 39, 41, 43, 70, 109, 147(1), 298, 301, 355, 394, 399 and 481, the words “the area of the Corporation” shall be substituted;

1. As Published in Delhi Gazette, Part IV(E), dt. 29.12.2011.

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

3. Amendment of section 2

In the principal Act, in section 2,—

- (a) for clause (6), the following clause shall be substituted, namely:—
“(6) “Commissioner” means the Commissioner of a Corporation;”;
- (b) for clause (7), the following clause shall be substituted, namely:—
“(7) “Corporation” means a Corporation established under this Act;”;
- (c) in clause (51), after the words “Central Government”, the words “and the Government” shall be inserted.

4. Substitution of new heading for the heading of Chapter II

In the principal Act, for the heading of Chapter II, the following heading shall be substituted, namely:—

“ESTABLISHMENT OF CORPORATIONS”.

5. Substitution Of new sub-heading for the sub-heading of Chapter II

In the principal Act, for the sub-heading of Chapter II, the following sub-heading shall be substituted, namely:—

“Constitution of Corporations”.

6. Amendment of section 3

In the principal Act, in section 3,—

- (a) for sub-section (1), the following sub-sections shall be substituted, namely:—
“(1) The Government shall, by notification in the official Gazette, establish for the purposes of this Act, three Corporations charged with the municipal government of Delhi.
(1A) The name, area and limits of the three corporations established under sub-section (1) shall be as per the fourteenth schedule;”
- (b) for sub-section (2), the following sub-section shall be substituted, namely:—
“(2) Every Corporation so established shall be a body corporate with name duly notified by the Government having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.”
- (c) for sub-section (5), the following sub-section shall be substituted, namely:—
“(5) The total number of seats of councilors and the number of seats reserved for the members of the Scheduled Castes in each Corporation, shall, at the time of establishment of such Corporation, be as determined by the Government by notification in the official Gazette”;

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(d) In sub-section (6),—

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

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

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

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

(e) in sub-section (7),—

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

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

(f) in sub-section (8),—

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

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

7. Substitution of new section for section 3A

In the principal Act, for section 3A, the following section shall be substituted, namely:—

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

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

8. Amendment of section 5

In the principal Act, in section 5,—

(a) in sub-section (1),—

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

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

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

9. Amendment of section 6

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

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

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10. Amendment of section 52

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

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11. Amendment of section 69

In the principal Act, in section 69, the word "Delhi" shall be omitted.

12. Insertion of new section 90A

In the principal Act, after section 90, the following section shall be inserted, namely:

16. /

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

be s

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

- (a) the officers and employees of the erstwhile Corporation at the ward and zonal level shall become officers and employees of the respective new Corporations;
- (b) the officers and employees of the erstwhile Corporation, other than those covered under clause (a), shall be divided amongst the new Corporations by the Director of Local Bodies in consultation with the Commissioner of the erstwhile Corporation.

17.

13. Amendment of section 99

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

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

14. Substitution of section 100

In the principal Act, for section 100, the following section shall be substituted, namely:—

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

15. Amendment of section 203

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

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

16. Amendment of section 298

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

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

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

17. Amendment of section 479

In the principal Act, in section 479,—

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

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

"(3) Every rule made under this Act, except rules made under section 22(8) and section 31 of this Act, every notification issued under sub-section (2) of section 3A and sub-section (2) of section 52 and bye-law made by the Government under section 349A shall be laid, as soon as may be after it is made or issued, before the Legislative Assembly of Delhi, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the

Legislative Assembly agrees in making any modification in the rule, bye-laws or notification or the Legislative Assembly agrees that the rule or bye-laws or notification should not be made or issued, the rule or bye-laws or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law or notification."

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18. Substitution of new section for section 481A

In the principal Act, for section 481A, the following section shall be substituted, namely:—

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

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19. Insertion of new section 484A

In the principal Act, in Chapter XXIV, after the heading thereof, and before section 485, the following section shall be inserted, namely:—

22. S

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

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

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

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

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

20. Insertion of new section 490B

In the principal Act, after section 490A, the following section shall be inserted, namely:—

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

21. Insertion of new section 514B

In the principal Act, after section 514 A, the following section shall be inserted,:

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

22. Substitution of Fourteenth Schedule

In the principal Act, for the Fourteenth Schedule, the following schedule shall be substituted, namely:—

THE FOURTEENTH SCHEDULE (See section 3A)

THE NAME, AREAS AND LIMITS OF CORPORATIONS

S. No.	Name of the Corporations	Ward No.	Name of the Ward	Name of the zone
1.	North Delhi Municipal Corporation	1	Narela	Narela
		2	Bankner	
		3	Alipur	
		4	Bakhtawar Pur	
		5	Bhalswa Jahangir Puri	Civil Lines
		6	Mukund Pur	

		7	Burari	Civil Lines
		8	Jharoda	
		9	Malka Ganj	
		10	Timar Pur	
		11	Mukherjee Nagar	
		12	G.T.B. Nagar	
		13	Dhir Pur	
		14	Adarsh Nagar	
		15	Sarai Pipal Thala	
		16	Jahangir Puri-I	
		17	Samaypur Badli	
		18	Libas Pur	
		19	Bhalswa	
		20	Jahangir Puri-II	
		21	Rohini	
		22	Rithala	
		23	Budh Vihar	
		24	Vijay Vihar	
		25	Pooth Kalan	
		26	Sahibabad Dault Pur	
		27	Begampur	Narela
		28	Bawana	
		29	Karala	
		30	Mundaka	Najafgarh
		31	Nangloi Jat West	
		32	Nilothi	Narela
		33	Pratap Nagar	Rohini
		34	Nithari	
		35	Kirai Suleman Nagar	
		36	Prem Nagar	
		37	Sultanpuri East	
		38	Mangol Puri North	
		39	Sulanpur Majra	
		40	Sultanpuri South	

		41	Guru Harikishan Nagar	West
		42	Peeragarhi	
		43	Nangloi East	
		44	Quammruddin Nagar	
		45	Rohini south	Rohini
		46	Mangolpuri East	
		47	Mangolpuri	
		48	Mangolpuri West	
		49	Rohini North	
		50	Rohini Central	
		51	Rohini East	
		52	Naharpur	Rohini
		53	Pitampura South	
		54	Pitampura North	
		55	Shalimar Bagh North	
		56	Shalimar Bagh South	West
		57	Paschim Vihar South	
		58	Paschim Vihar North	Rohini
		59	Rani Bagh	
		60	Saraswati Vihar	
		61	Tri Nagar	
		62	Rampura	
		63	Kohat Enclave	
		64	Shakur Pur	
		65	Nimri Colony	
		66	Sawan Park	
		67	Wazirpur	
		68	Ashok Vihar	Civil Lines
		69	Kamla Nagar	
		70	Rana Partap Bagh	
		71	Sangam Park	
		72	Model Town	S.P. Zone
		73	Shastri Nagar	

		74	Inder Lok Colony	Karol Bagh Zone
		75	Kihan Ganj	
		76	Deputy Ganj	
		77	Kashmere Gate	Civil Lines
		78	Majnu Ka Tilla	
		79	Jama Masjid	City
		80	Chandni Chowk	
		81	Minto Road	
		82	Kucha Pandit	
		83	Bazaar Sita Ram	
		84	Turkman Gate	
		85	Idgah Road	S.P. Zone
		86	Ballimaran	City
		87	Ram Nagar	S.P. Zone
		88	Qasabpura	
		89	Paharganj	
		90	Model Basti	
		91	Karol Bagh	Karol Bagh Zone
		92	Dev Nagar	
		93	Baljit Nagar	
		94	West Patel Nagar	
		95	East Patel Nagar	
		96	New Ranjit Nagar	
		97	Kirti Nagar	West
		98	Mansarovar Garden	
		99	Moti Nagar	
		100	Karam Pura	
		149	Rajinder Nagar	Karol Bagh Zone
		150	Pusa	
		151	Inderpuri	
		152	Naraina	
2.	South Delhi Municipal Corporation	101	Raja Garden	West
		102	Raghubir Nagar	

		103	Punjabi Bagh	West
		104	Madipur	
		105	Rajouri Garden	
		106	Tagore Garden	
		107	Vishnu Garden	
		108	Khyala	
		109	Janak Puri North	
		110	Nangal Raya	
		111	Hari Nagar	
		112	Subash Nagar	
		113	Mahavir Nagar	
		114	Tilak Nagar	
		115	Major Bhupinder Singh Nagar	
		116	Vikaspuri East	
		117	Janakpuri West	
		118	Janakpuri South	Najafgarh
		119	Milap Nagar	
		120	Sitapuri	West
		121	Kanwar Singh Nagar	
		122	Hastal	
		123	Vikaspuri	
		124	Vikas Nagar	
		125	Mohan Garden	
		126	Nawada	
		127	Uttam Nagar	
		128	Bindapur	Najafgarh
		129	Dabri	
		130	Manglapuri	
		131	Sagarpur	
		132	Sagarpur West	
		133	Chhawla	
		134	Nangli Sakravati	
		135	Kakraula	

		136	Matiala	Najafgarh
		137	Roshanpura	
		138	Najafgarh	
		139	Dichaon Kalan	
		140	Khera	
		141	Bijwasan	
		142	Raj Nagar	
		143	Kapashera	
		144	Mahipalpur	
		145	Palam	
		146	Sadh Nagar	
		147	Mahavir Enclave	
		148	Madhu Vihar	
		153	Darya Ganj	City
		154	Nizamuddin	
		155	Lajpat Nagar	Central
		156	Bhagal	
		157	Kasturba Nagar	
		158	Kotla Mubarakpur	
		159	Andrews Ganj	
		160	Amar Colony	
		161	Malviya Nagar	South
		162	Village Hauz Rani	
		163	Safdarjung Enclave	
		164	Hauz Khas	
		165	Vasant Vihar	
		166	Munirka	
		167	R.K. Puram	
		168	Nanak Pura	
		169	Lado Sarai	
		170	Mehrauli	
		171	Vasant Kunj	Najafgarh
		172	Kishangarh	

		173	Said ul Ajaib	South
		174	Chhatarpur	
		175	Aya Nagar	
		176	Bhati	
		177	Sangam Vihar	
		178	Deoli	
		179	Tigri	
		180	Dakshin Puri Extn.	
		181	Khanpur	
		182	Ambedkar Nagar	
		183	Madangir	
		184	Pushp Vihar	
		185	Tuglakabad Extn.	Central
		186	Sangam Vihar West	
		187	Sangam Vihar Central	
		188	Sangam Vihar East	
		189	Chiragh Delhi	South
		190	Chittaranjan Park	Central
		191	Shahpur Jat	South
		192	Greater Kailash-I	Central
		193	Sriniwas Puri	
		194	East of Kailash	
		195	Govind Puri	
		196	Kalkaji	
		197	Tughlakabad	
		198	Pul Pehlad	
		199	Teh Khand	
		200	Harkeshnagar	
		201	Jaitpur	
		202	Meetha Pur	
		203	Badarpur	
		204	Molarband	
		205	Zakir Nagar	
		206	Okhla	

		207	Madanpur Khadar	Central
		208	Sarita Vihar	
3.	East Delhi Municipal Corporation	209	Mayur Vihar Ph-I	Shahdara South
		210	Dallupura	
		211	Trilok Puri	
		212	New Ashok Nagar	
		213	Kalyan Puri	
		214	Khichripur	
		215	Kondli	
		216	Gharoli	
		217	Vinod Nagar	
		218	Mandawali	
		219	Mayur Vihar Ph-II	
		220	Patparganj	
		221	Kishan Kunj	
		222	Laxmi Nagar	
		223	Shakarpur	
		224	Pandav Nagar	
		225	Anand Vihar	
		226	Vishwash Nagar	
		227	I.P. Extension	
		228	Preet Vihar	
		229	Krishna Nagar	
		230	Geeta Colony	
		231	Ghondli	
		232	Anarkali	
		233	Dhara Pura	
		234	Gandhi Nagar	
		235	Azad Nagar	
		236	Raghubar Pura	
		237	Shahadara	
		238	Jhilmil	
		239	Vivek Vihar	

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

STATEMENT OF OBJECTS AND REASONS

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

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

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

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

Hence, this Bill.

FINANCIAL MEMORANDUM

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

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

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

THE DELHI MUNICIPAL CORPORATION ACT, 1957

(Act No. 66 of 1957)

[28th December, 1957]

An Act to consolidate and amend the law relating to the Municipal Government of Delhi.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement

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

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

(3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date¹ as the ²[Government] may, by notification in the Official Gazette, appoints:

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

2. Definitions

In this Act, unless the context otherwise requires,—

³[(1) "Administrator" means the Lieutenant Governor of the National Capital Territory of Delhi;]

⁴[(1A) "annual value" means the annual value of any vacant land or covered space of any building determined under section 116E;]

1. Sec. 2, Chapter II, Sections 54, 55, 56, 57, 58, 59, 89 and 97, Chapter XXIII, sections 485, 487, 488, 491, 500, 509, 513 and 515 came into force on 2nd January, 1958, see Notification No. F. 20/3/58/SR (R), dated the 31st December, 1957, Government of India (Delhi Gazette) Extraordinary, Part IV, Page 19.

Sec. 510 came into force on 15th February, 1958, see Notification No. F. 20/3/58/SR(R), dated the 11th February, 1958, Government of India (Delhi Gazette) Extraordinary, Part IV, Page 77.

All the provisions of the Act (other than those which have already been brought into (force) came into force on 7th April, 1958, see Notification No. F. 20/3/58/SR (R), dated the 5th April, 1958, Government of India (Delhi Gazette) Extraordinary, Part IV, page 135.

2. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

3. Subs. by Act 67 of 1993, s. 2(a), w.e.f. 1.10.1993.

4. Ins. by Delhi Act 6 of 2003, s. 3, w.e.f. 1.8.2003.

Sec. 2(c) of Delhi Act 12 of 2011:—

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

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

¹[(1B)] "Appellate Tribunal" means an Appellate Tribunal constituted under section 347A;]

(2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the corporation 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;

(3) "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;

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

(5) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or an alderman or in any other elective office;

³[(6) "Commissioner" means the Commissioner of a Corporation;]

⁴[(7) "Corporation" means a Corporation established under this Act;]

(8) "corrupt practice" means any of the practices specified in section 22;

(9) "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 Commissioner may, by notification in the Official Gazette, declare to be a dangerous disease for the purposes of this Act;

(10) "Delhi" means the entire area of the Union territory of Delhi except New Delhi and Delhi Cantonment;

(11) "Delhi Cantonment" means the area for the time being within the local limits of the Delhi Cantonment Board;

⁵ [* * * * *]

1. Ins. by Act 42 of 1984, s.2, w.e.f. 10.12.85.

2. Original clause (1A) renumbered as clause (1B) by Delhi Act 6 of 2003, s. 3, w.e.f. 1.8.2003.

Note: The words "rateable value" has been substituted by "annual value" wherever they have occurred in the Act by Delhi Act 6 of 2003, s. 2, w.e.f. 1.8.2003.

3. Subs. by Delhi Act 12 of 2011, s. 3(a).

4. Subs. by Delhi Act 12 of 2011, s. 3(b).

5. Clauses 12, 14 & 14A omitted by Act 67 of 1993, s. 2(b), w.e.f. 1.10.1993; cl. 14A was ins. by Act 55 of 1974, s.2, w.e.f. 10.1.1975, and cl. 13 omitted by Act 71 of 1971, s.7 and Sch., w.e.f. 3.11.1971.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, vide [Delhi Act 12 of 2011, s. 2(a)].

(15) "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;

¹[(15A) "Election Commission" means the Election 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;]

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

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

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

²[* * * * *]

³[* * * * *]

(21) "goods" includes animals;

⁴[(21A) "Government" means the Government of the National Capital Territory of Delhi;]

(22) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised 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 employees or other persons employed in the cleansing thereof or in the removal of such matter therefrom;

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

(24) "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;

1. Cl. 15A & 15B ins. by Act 67 of 1993, s.2(c), w.e.f. 1.10.1993.

2. Cl. 19 omitted by Act 67 of 1993, s.2(d), w.e.f. 1.10.1993.

3. Cl. 20 omitted by Act 71 of 1971, s.7 and Sch. II, w.e.f. 3.11.1971.

4. Ins. by Act 67 of 1993, s.2(e), w.e.f. 1.10.1993.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (25) "licensed architect", "licensed draughtsman", "licensed engineer", "licensed plumber", "licensed surveyor" and "licensed town planner" mean respectively a person licensed under the provisions of this Act as an architect, draughtsman, engineer, plumber, surveyor and town planner;
- (26) "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 food or any other articles of human food 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 persons frequenting, the market by the owner of the place or by any other person;
- (27) "member" in relation to the corporation means a councillor ¹[***];
- (28) "municipal authority" means any of the municipal authorities specified in section 44;
- (29) "municipal market" means a market vested in or managed by the corporation;
- (30) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;
- ²[(30A) "Municipal Taxation Tribunal" means the Municipal Taxation Tribunal constituted under section 169;
- (30B) "Municipal Valuation Committee" means the Municipal Valuation Committee constituted under section 116;]
- ³[* * * * *]
- (32) "New Delhi" means the area within the boundaries described in the First Schedule;
- (33) "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 injurious to health or property;
- (34) "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;

1. The words "or an alderman thereof" omitted by Act 67 of 1993, s. 2(f), w.e.f. 1.10.1993.

2. Cls. (30A) and (30B) ins. by Delhi Act 6 of 2003, s. 3, w.e.f. 1.8.2003.

3. Cl. 31 omitted by Act 67 of 1993, s. 2(g), w.e.f. 1.10.1993.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (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 the owner damages for the use and occupation of any land or building;
- (35) "offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances other than sewage;
- (36) "Official Gazette" means the Official Gazette of the Union Territory of Delhi;
- (37) "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 (61 of 1957); the General Manager of a railway and the head of a Government department, in respect of properties under their respective control;
- (38) "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;
- (39) "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;
- (40) "private market" means a market which is not a municipal market;
- (41) "private slaughter house" means a slaughter house which is not a municipal slaughter house;

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (42) "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;
- (43) "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 or Madras Municipal Corporation;
- (44) "public street" means any street which vests in the corporation as a public street or the soil below the surface of which vest in the corporation or which under the provisions of this Act becomes, or is declared to be, a public street;
- ¹[(44A) "public utilities" include water-supply, sewerage and drainage, solid waste management, energy and telecommunication services, gas distribution system, and public transport system, whether managed by Government or otherwise;
- (45) "railway administration" has the meaning assigned to it in the Indian Railway Act, 1890, (9 of 1890);
- (46) "rate layer" means a person liable to pay any rate, tax, cess or licence fee under this Act;
- ²[(47) * * * * *]
- (48) "regulation" means a regulation made ³[by the corporation] under this Act, by notification in the Official Gazette;
- (49) "reside"—
- (a) a person shall be deemed to "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 at any time and no abandonment of the intention of returning to it;
- (50) "rubbish" includes ashes, broken bricks, broken glass, dust, malba mortar and refuse of any kind which is not filth;

1. Cl. (44A) ins. by Delhi Act 6 of 2003, s. 3, w.e.f. 1.8.2003.

2. Omitted by Delhi Act 6 of 2003, s. 3, w.e.f. 1.8.2003.

3. Ins. by Act 42 of 1961, s.2, w.e.f. 12.9.1961.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (51) "rule" means a rule made by the Central Government ¹[and the Government] under this Act, by notification in the Official Gazette;
- (52) "rural areas" means the areas of Delhi which immediately before the establishment of the corporation are situated within the local limits of the District Board of Delhi established under the Punjab District Boards Act, 1883 (Punjab Act 20 of 1883), but shall not include such portion thereof as may, by virtue of a notification under section 507, cease to be included in the rural areas as herein defined;
- (53) "Scheduled Caste" means any of the Scheduled Castes specified in Part I of the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951;
- (54) "sewage" means night-soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;
- (55) "shed" means a slight or temporary structure for shade or shelter;
- (56) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;
- (57) "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 roadways or footway over any bridge or causeway;
- (58) "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 include domestic sewage;
- (59) "trade premises" means any premises used or intended to be used for carrying on any trade or industry;
- (60) "trade refuse" means the refuse of any trade or industry;
- (61) "urban areas" means the areas of Delhi which are not rural areas;
- ²[(61A) "vacant land" means the land within a premises excluding the land occupied by the plinth of any building erected thereon;]

1. Ins. by Delhi Act 12 of 2011, s. 3(c).

2. Ins. by Delhi Act 6 of 2003, s. 3, w.e.f. 1.8.2003.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (62) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-rikshaw, auto-rikshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;
- ¹[(62A) "Voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be constructed as including a reference to such voting machine wherever such voting machine is used at any election;
- (63) "ward" means a municipal ward provided by order made under section 5 for the purpose of election of councillors;
- ²[(63A) "Wards Committee" means the Wards Committee referred to in section 50;]
- (64) "water course" includes any river, stream or channel whether natural or artificial;
- ³[* * * * *]
- (66) "workshop" means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried on;
- (67) "year" means a year commencing on the 1st day of April;
- ⁴[(68) "Zone" means a Zone referred to in section 3A.]

CHAPTER II

⁵[ESTABLISHMENT OF CORPORATIONS]

⁶[*Constitution of Corporations*]

3. Establishment of the corporation

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

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

1. Ins. by Delhi Act 10 of 2002, s. 2, w.e.f. 1.7.2002.
2. Ins. by Act 67 of 1993, s.2(h), w.e.f. 1.10.1993.
3. Cl. 65 omitted by Act 67 of 1993, s.2(i), w.e.f. 1.10.1993.
4. Ins. by Act 67 of 1993, s.2(j), w.e.f. 1.10.1993.
5. Heading subs. by Delhi Act 12 of 2011, s. 4.
6. Sub-heading subs. by Delhi Act 12 of 2011, s. 5.
7. Subs. by Delhi Act 12 of 2011, for sub-sec. 1, s. 6(a).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

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

²[(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.]

(4) Councillors shall be chosen by direct election on the basis of adult suffrage from various wards into which Delhi shall be divided in accordance with the provisions of this Act; ³[***].

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

1. Subs. by Delhi Act 12 of 2011, for sub-sec. 2, s. 6(b).

2. Subs. by Act 67 of 1993, s. 3(i), w.e.f. 1.10.1993.

3. Words omitted by Act 67 of 1993, s.3(ii), w.e.f. 1.10.1993.

4. Subs. by Delhi Act 12 of 2011, for sub-sec. 5, s. 6(c).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

¹[(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 ²[the area of the corporation] as ascertained at the 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:

³[Provided that the total number of seats in all the corporations in Delhi shall in no case be more than two hundred and seventy two and the number of seats in each Corporation shall be determined by the Government at the time of establishment of such Corporations:]

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

⁴[Provided also that for the first election to the corporations to be held immediately after the commencement of the Delhi Municipal Corporation (Amendment) Act, 2011, the population figures of every such Corporation as published in relation to 2001 census shall be deemed to be the population thereof as ascertained in that census:]

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.]

⁵[(7) Seats shall be reserved for women belonging to the Scheduled Castes, from among the seats for the Scheduled Castes, the number of such seats being determined by the ⁶[Government] by order published in the Official Gazette which shall not be less than ⁷[one-half] of the total number of seats reserved for the Scheduled Castes.]

⁸[(8) Seats shall be reserved for women, the number of such seats being determined by order published in Official Gazette by the ⁹[Government] which shall not be less than the ¹⁰[one-half] of total number of seats other than those reserved for the Scheduled Castes:

1. Subs. by Act 67 of 1993, s.3(iii), w.e.f. 1.10.1993.
2. Subs. by Delhi Act 12 of 2011, for "Delhi", s. 2(c).
3. Subs. by Delhi Act 12 of 2011, s. 6(d)(i).
4. Subs. by Delhi Act 12 of 2011, s. 6(d)(ii).
5. Subs. by Act 67 of 1993, s.3(iv), w.e.f. 1.10.1993.
6. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 6(e)(i).
7. Subs. by Delhi Act 12 of 2011, for "one-third", s. 6(e)(ii).
8. Ins. by Act 67 of 1993, s. 3(v), w.e.f. 1.10.1993.
9. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 6(f).
10. Subs. by Delhi Act 12 of 2011, for "one-third", s. 6(f).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

Provided that such seats reserved for women shall be allotted by rotation to different wards in such manner as the ¹[Government] may, by order published in the Official Gazette, direct in this behalf.]

²[3A. Division of the area of a Corporation into zones and wards

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

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

³[4. Duration of the corporation

(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.]

Election of Councillors and Alderman

⁴[5. Delimitation of wards

⁵[(1) For the purposes of election of councillors, ⁶[the area of a Corporation] shall be divided into single-Member wards in such manner that the population of each of the wards shall, so far as practicable, be the same throughout ⁷[the area of that Corporation].]

(2) The ⁸[Government] shall, by order in the Official Gazette, determine,—

(a) the number of wards;

1. Sec. 3A, subs. by Delhi Act 12 of 2011, s. 6(f).

2. Subs. by Delhi Act 12 of 2011, s. 7.

3. Subs. by Act 67 of 1993, s. 5, w.e.f. 1.10.1993.

4. Subs. by Act 42 of 1961, s. 3, w.e.f. 12.9.1961, for the original section.

5. Subs. by Act 55 of 1974, s. 4, for sub-section (1), w.e.f. 10.1.1975.

6. Subs. by Delhi Act 12 of 2011, s. 8(a)(i).

7. Subs. by Delhi Act 12 of 2011, s. 8(a)(ii).

8. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 8(b).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

(b) the extent of each ward; ¹[***]

(c) the wards in which seats shall be reserved for the Scheduled Castes;]

²[(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.]

³[* * * * *]

6. Power to alter or amend delimitation orders

⁴[A Corporation, with the previous approval of the Government,] may, from time to time by order in the Official Gazette, alter or amend any order made under section 5.

⁵[7. Elections to the corporation

(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 (6) 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)].

⁶[7A. Electoral roll for every ward

For every ward there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and the rules made thereunder.]

1. Omitted by Act 67 of 1993, s. 6(i), w.e.f. 1.10.1993.

2. Ins. by Act 67 of 1993, s.6(ii), w.e.f. 1.10.1993.

3. Sec. 5A omitted by Act 67 of 1993, s. 7, w.e.f. 1.10.1993.

4. Subs. by Delhi Act 12 of 2011, s. 9.

5. Subs. by Act 67 of 1993, s. 8, w.e.f. 1.10.1993 (sec. 7 previously subs. by Act 55 of 1974, s.5, w.e.f. 10.1.1975).

6. Subs. by Act 55 of 1974, s.5 for s. 7, w.e.f. 10.1.1975.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

330. Prohibition of removal, etc., of lamps

(1) No person shall, without lawful authority, take away or wilfully 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;
- (c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of 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 XVI

BUILDING REGULATIONS

¹[330A. General superintendence etc., of the ²[Government]

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 ³[Government].]

331. Definition

In this Chapter, unless the context otherwise requires, the expression "to erect a building" means—

- (a) to erect a new building on any site whether previously built upon or not;
- (b) to re-erect—
 - (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

1. Ins. by Act 67 of 1993, s.98, w.e.f. 1.10.1993.

2. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

3. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (iii) any frame building of which more than half of the number of the posts or beams 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 as 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 dwelling house any building which has been discontinued as or appropriated for any purpose other than a dwelling house.

332. Prohibition of building without sanction

No person shall erect or commence to erect any building, or execute any of the works specified in section 334 except with the previous sanction of the Commissioner, not otherwise than in accordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

333. Erection of building

(1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner 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.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

334. Applications for additions to, or repairs of, buildings

(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 feet;
- (c) to make any alteration or repairs to a frame building involving the removal or re-erection of more than one-half of the 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 feet;
- (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 space in such building into a room or rooms;
- (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 Commissioner 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.

335. Conditions of valid notice

(1) A person giving the notice required by section 333 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 334 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.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required by bye-laws made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.

336. Sanction or refusal of building or work

(1) The Commissioner shall sanction the erection of a building or the execution of a work unless such building or work would contravene any of the provisions of sub-section (2) of this section or the provisions of section 340.

(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 in 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 or order made under such other law;
- (b) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the bye-laws made in this behalf;
- (c) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished;
- (d) that in cases falling under section 312, lay-out plans have not been sanctioned in accordance with section 313;
- (e) that the building or work would be an encroachment on Government land or land vested in the corporation;
- (f) that the site of the building or work does not abut 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 path-way appertaining to such site.

(3) The Commissioner shall communicate the sanction to the person who has given the notice; and where he refuses sanction on any of the grounds specified in sub-section (2) or under section 340 he shall record a brief statement of his reasons for such refusal and communicate the refusal along with the reasons therefor 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.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

337. When building or work may be proceeded with

(1) Where within a period of sixty days, or in cases falling under clause (b) of section 331 within a period of thirty days, after the receipts of any notice under section 333 or section 334 or of the further information, if any, required under section 335 the Commissioner 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 Commissioner 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 Commissioner 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 Commissioner 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-section 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 Commissioner 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 this Act or any other law or of any 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 333 or, as the case may be under section 334 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 in 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 Commissioner 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.

338. Sanction accorded under misrepresentation

If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

any material misrepresentation or fraudulent statement contained in the notice given or information further under sections 333, 334 and 335 he may be 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 Commissioner shall give reasonable opportunity to the person affected as to why such order should not be made.

339. Buildings at corners of streets

The Commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such 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.

340. Provisions as to buildings and works on either side of new streets

(1) The erection of any building on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and wherever in the opinion of the Commissioner practicable, metalled or paved, drained, lighted and laid with a water main to his satisfaction.

(2) The erection of any such building or the execution of any such work may be refused by the Commissioner 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 Commissioner but which has not been actually constructed or if such building or any portion thereof or such work is contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

341. Period for completion of building or work

The Commissioner, 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 within which the building or work is to be completed and 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 Commissioner on application made therefor has allowed an extension of that period.

342. Prohibition against use of inflammable materials for building, etc. without permission

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 Commissioner, nor shall any such roof,

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

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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.

[343. Order of demolition and stoppage of buildings and works in certain cases and appeal.

(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 336 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 Commissioner 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 therefor 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 Commissioner 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 Commissioner 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 any appeal against the order of demolition, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may prefer an appeal against the order to ²[the 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, ³[the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 347C] 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 completed 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 ⁴[the

1. Subs. by Act 42 of 1961, s.16 for the original section, w.e.f. 12.9.1961.
2. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.
3. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.
4. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

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.

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(4) ¹[No court] shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) ²[Subject to an order made by the Administrator on appeal under section 347D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Administrator and the Appellate Tribunal on appeal] the order of demolition made by the Commissioner shall be final and conclusive.

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(6) Where no appeal has been preferred against an order of demolition made by the Commissioner under sub-section (1) or where an order of demolition made by the Commissioner under that sub-section ³[has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Administrator in a case where an appeal has been preferred against the order of ⁴[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 ⁵[The Appellate Tribunal or the Administrator] on appeal and on the failure of the person to comply with the order within such period, the Commissioner 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].

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344. Order of stoppage of buildings or works in certain cases

(1) Where the erection of any building or execution of any work has been commenced or is being carried on (but has not been completed) without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or bye-laws made thereunder, the Commissioner may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

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1. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.

2. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.

3. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.

4. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.

5. Subs. by Act 42 of 1984, s.3, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

(2) ¹[If an order made by the Commissioner under section 343 or under sub-section (1) of this section directing any person to stop the erection of any building or execution of any work is not complied with], the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises ²[or to seize any construction material, tool, machinery, scaffolding or other things used in the erection of any building or execution any work] within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(2A) ³[Any of the things caused to be seized by the Commissioner under sub-section (2) shall be disposed of by him in the manner specified in section 326].

(3) After the requisition under sub-section (2) has been complied with, the Commissioner may, if he thinks fit, depute by a written order a police officer or a municipal officer or other municipal employee to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(4) Where a police officer or a municipal officer or other municipal employee has been deputed under sub-section (3) 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.

345. Power of Commissioner to require alteration of work

(1) The Commissioner may at any time during the erection of any building or execution of any work or at any time ⁴[after the completion thereof by a written notice of not less than seven days] specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 336 or is in contravention of any condition of such sanction or any of the provisions of this Act or any bye-laws made thereunder and require the person who give the notice under section 333 or section 334 or the owner of such building or work either—

- (a) to make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or
- (b) to show cause why such alterations should not be made, within a period stated in the notice.

1. Subs. by Act 42 of 1961, s.17, for the words "If such order is not complied with with", w.e.f. 12.9.1961.

2. Ins. by Act 42 of 1984, s.4, w.e.f. 10.12.1985.

3. Ins. by Act 42 of 1984, s.4, w.e.f. 10.12.1985.

4. Subs. by Act 42 of 1984, s.5, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

(2) If the person or the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If the person or the owner shows cause as aforesaid, the Commissioner shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

¹[345A. Power to seal unauthorised constructions

(1) It shall be lawful for the Commissioner, at any time, before or after making an order of demolition under section 343 or of the stoppage of the erection of any building or execution of any work under section 343 or under section 344, 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 Commissioner 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 Commissioner under sub-section (2); or
- (b) under an order of an Appellate Tribunal or the Administrator, made in an appeal under this Act.]

346. Completion certificates

(1) Every person who employs a licensed architect or engineer or a person approved by the Commissioner 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 Commissioner 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 Commissioner 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 Commissioner in this behalf in accordance with bye-laws made under this Act:

Provided that if the Commissioner fails within a period of thirty days after the receipt of the notice of completion to communicate his refusal to grant such permission, such permission shall be deemed to have been granted.

1. Ins. by Act 42 of 1984, s.6, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

347. Restrictions on uses of buildings

No person shall, without the written permission of the Commissioner, 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 authorised to be used for that purpose or not used for that purpose before 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.

¹[347A. Appellate Tribunal]

(1) The ²[Government] shall, by notification in the Official Gazette, constitute one or more Appellate Tribunals with headquarters at Delhi, for deciding appeals preferred under section 343 or section 347B.

(2) An Appellate Tribunal shall consist of one person to be appointed by the ³[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 ⁴[Government] may, if it so thinks fit, appoint one or more persons having special knowledge of, or experience in, the matters involved in such appeals, to act as assessors to advise the Appellate Tribunal in the proceedings before it, but no advice of the assessors shall be binding on the Appellate Tribunal.

(5) The ⁵[Government] shall, by notification in the Official Gazette, define the territorial limits within which an Appellate Tribunal shall exercise its jurisdiction, and where different Appellate Tribunals have jurisdiction over the same territorial limits, the ⁶[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:

1. Sec. 347A to 347E ins. by Act 42 of 1984, s.7, w.e.f. 10.12.1985.
2. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).
3. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).
4. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).
5. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).
6. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

Provided that the Registrar and staff may be employed jointly for all or any number of such Tribunals in accordance with the rules.]

¹[347B. Appeals against certain orders or notices issued under the Act

(1) Any person aggrieved by any of the following orders made or notices issued under this Act, may prefer an appeal against such order or notice to the Appellate Tribunal, namely:—

- (a) an order according or disallowing sanction to a lay-out plan under section 313;
- (b) an order directing the alteration or demolition of any street under section 314;
- (c) a notice under sub-section (1) of section 315;
- (d) a notice under sub-section (2) of section 317;
- (e) an order directing the disposal of things removed under Chapter XV or seized under section 334, or an order rejecting the claim of any person for the balance of the proceeds of sale of the things so disposed of;
- (f) an order sanctioning or refusing to sanction the erection of any building or the execution of any work under section 336;
- (g) an order withholding sanction under the proviso to sub-section (1) of section 337;
- (h) an order cancelling a sanction under section 338;
- (i) an order requiring the rounding off, splaying or cutting off the height of a building intended to be erected, or for the acquisition of any portion of a site, under section 339;
- (j) an order disallowing the erection of any building or the execution of any work under section 340;
- (k) an order requiring the stoppage of any erection or work under section 344;
- (l) an order requiring the alteration of any building or work under section 345;
- (m) an order directing the sealing of unauthorised constructions under section 345A;
- (n) an order refusing to grant permission under sub-section (2) of section 346;
- (o) an order granting or refusing permission under section 347;

1. Sec. 347B, ins. by Act 42 of 1984, s.7, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (p) any such other order or notice relating to or arising out of planned development under the provisions 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 Tribunal 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 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.]

¹[347C. Procedure of the Appellate Tribunal

(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 under this Act, make an interim order (whether by way of injunction or stay) against the corporation or against any officer or servant of the corporation acting or purporting to act in his official capacity, unless an opportunity is given to the corporation 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 of fourteen days from the date on which it is made unless before the expiry of that period, the Appellate Tribunal confirms or modifies that order after giving to the corporation or its officer or servant an opportunity of being heard.

1. Sec. 347C, ins. by Act 42 of 1984, s.7, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

(4) Subject to rules that may be made by the ¹[Government] in this behalf, the awarding of damages in and the costs of, and incidental to, any appeal before an 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 powers 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 (45 of 1860), and every Appellate Tribunal shall be deemed to a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).]

²[347D. Appeal against orders of Appellate Tribunal]

(1) An appeal shall lie to the Administrator against an order of the Appellate Tribunal, made in an appeal under section 343 or section 347B, confirming, modifying or annulling an order made or notice issued under this Act.

1. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

2. Sec. 347D, ins. by Act 42 of 1984, s.7, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

(2) The provisions of sub-sections (2) and (3) of section 347B and section 347C and the rules made thereunder, shall, so far as may be, apply to the filing and disposal of an appeal under this section as they 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 the Appellate Tribunal under section 347B, 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.]

¹[347E. Bar of jurisdiction of courts

(1) After the commencement of section 7 of the Delhi Municipal Corporation (Amendment) Act, 1984, no court shall entertain any suit, application or other proceedings in respect of any order or notice appealable under section 343 or section 347B and no such order or notice shall be called in question otherwise than by preferring an appeal under those sections.

(2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceeding pending in any court immediately before the commencement of section 7 of the Delhi Municipal Corporation (Amendment) Act, 1984, in respect of any order or notice appealable under section 343 or section 347B, shall continue to be dealt with and disposed of by that court as if the said section had not been brought into force.]

348. Removal of dangerous buildings

(1) If it appears to the Commissioner 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 neighbourhood of such building, the Commissioner 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 Commissioner 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 for 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 Commissioner 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.

1. Sec. 347E, ins. by Act 42 of 1984, s.7, w.e.f. 10.12.1985.

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

(4) If the owner or occupier of the building does not comply with the order within the period specified therein, the Commissioner shall take such steps in relation to the building as to prevent all cause of danger therefrom.

(5) All expenses incurred by the Commissioner 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.

349. Power to order building to be vacated in certain circumstances

(1) The Commissioner may by order in writing direct that any building which in his opinion is in a dangerous condition or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 346 be vacated forthwith or within such period as may be specified in the order:

Provided that at the time of making such order the Commissioner shall record a brief statement of the reasons therefor.

(2) If any person fails to vacate the building in pursuance of such order the Commissioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction accordingly.

(3) The Commissioner 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.

¹[349A. Power of ²[Government] to make bye-laws

(1) The ³[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;

1. Ins. by Act 67 of 1993, s.99, w.e.f. 1.10.1993.

2. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

3. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, vide [Delhi Act 12 of 2011, s. 2(a)].

- (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 area;
- (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;

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].

- (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 ¹[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 ²[Government] may issue such directions to the Commissioner as it thinks fit, for ensuring proper implementation of the bye-laws made under this section.]

CHAPTER XVII

SANITATION AND PUBLIC HEALTH

Conservancy and Sanitation

350. Provision for daily cleansing of streets and removal of rubbish and filth

(1) For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall provide—

- (a) for the daily surface-cleansing 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 Commissioner 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.

351. Rubbish, etc., to be the property of the corporation

All matters deposited in public receptacles, depots and places provided or appointed under section 352 and all matters collected by municipal employees or

1. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

2. Subs. by Delhi Act 12 of 2011, for "Central Government", s. 2(b).

Note: For the words "The corporation" or "the corporation", wherever they occur, the words "A Corporation", "every Corporation", "each Corporation", or "Corporations", as the case may be, shall be substituted, *vide* [Delhi Act 12 of 2011, s. 2(a)].