

LOK SABHA

THE DELHI MUNICIPAL CORPORATION BILL, 1957

(Report of the Joint Committee)

PRESENTED ON THE 11TH NOVEMBER, 1957



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI
November, 1957

LIST OF SELECT/JOINT COMMITTEE REPORTS
PRESENTED TO LOK SABHA DURING FIRST, SECOND
AND THIRD SESSIONS OF SECOND LOK SABHA, 1957.

FIRST SESSION

S.NO. TITLE DATE OF PRESENTATION

NIL

SECOND SESSION

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| 1. | The Wealth-Tax Bill, 1957 (Report of the Select Committee) | 17 - 8 - 57 |
| 2. | The Expenditure-Tax Bill, 1957 (Report of the Select Committee) | 26 - 8 - 57 |

THIRD SESSION

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| 1. | The Navy Bill, 1957 (Report of the Joint Committee) | 11 - 11 - 57 |
| 2. | The Delhi Development Bill, 1957 (Report of the Joint Committee) | 11 - 11 - 57 |
| 3. | The Delhi Municipal Corporation Bill, 1957 (Report of the Joint Committee) | 11 - 11 - 57 |
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THE DELHI MUNICIPAL CORPORATION BILL, 1957

Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman*.

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan.
3. Shrimati Sucheta Kripalani.
4. Shri Radha Raman.
5. Choudhury Brahm Perkash.
6. Shri C. Krishnan Nair.
7. Shri Naval Prabhakar.
8. Shrimati Subhadra Joshi.
9. Shri P. Hanmanth Rao.
10. Shri Kailash Pati Sinha.
11. Shri Shree Narayan Das.
12. Shri Satis Chandra Samanta.
13. Shri Tayappa Hari Sonavane.
14. Shri Mathew Maniyangadan.
15. Pandit Jwala Prasad Jyotishi.
16. Shri Sunder Lal.
17. Shri Ram Shanker Lal.
18. Shri Sumat Prasad.
19. Shri C. Nanjappan.
20. Shri Mahadevappa Rampure.
21. Shri Jaswantraj Mehta.
22. Shri Shivram Rango Rane.
23. Shrimati Renu Chakravartty.
24. Chaudhary Pratap Singh Daulta.
25. Shri Surendranath Dwivedy.
26. H. H. Maharaja Pratap Keshari Deo.
27. Shri Ignace Beck.
28. Shri Arjun Singh Bhadauria.
29. Shri D. R. Chavan.
30. Shri B. Pocker.
31. Shri B. N. Datar.

Rajya Sabha

32. Shri M. C. Shah.
33. Shri Deokinandan Narayan.
34. Shri Santosh Kumar Basu.

35. Shri Awadheshwar Prasad Sinha.
36. Shri Algu Rai Shastri.
37. Shri Hira Vallabha Tripathi.
38. Shri Onkar Nath.
39. Begum Saddiqa Kidwai.
40. Shri V. M. Surendra Ram.
41. Shri Mohamed Valiulla.
42. Dr. Raj Bahadur Gour.
43. Shri N. B. Deshmukh.
44. Shri Kishen Chand.
45. Prof. A. R. Wadia.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*
Shri A. L. Rai, *Under Secretary.*

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the *Bill to consolidate and amend the law relating to the municipal government of Delhi was referred, having been authorised to submit the report on their behalf, present this their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 7th September, 1957. The motion for reference of the Bill to a Joint Committee of the Houses (*vide* Appendix I) was moved by the Home Minister, Shri Govind Ballabh Pant, on the 9th September, 1957 and was discussed in Lok Sabha and adopted on the same day.

3. The Rajya Sabha discussed the motion on the 12th and 13th September, 1957 and concurred in the said motion on the 13th September, 1957 (*vide* Appendix II).

4. The Committee held ten sittings in all.

5. The Committee at their first and second sittings held on the 9th and 10th October, 1957, had a preliminary discussion on the provisions of the Bill.

6. At the third sitting held on the 11th October, 1957, the Committee also heard the evidence tendered by Shri R. N. Agarwala, President, Delhi Municipal Committee.

The Committee have decided to lay the evidence tendered before them on the Table of the House *in extenso*.

7. The Committee considered the Bill clause by clause at their sittings held on the 10th, 11th, 12th, 14th, 15th, 16th, 17th and 18th October, 1957.

8. Seven memoranda/resolutions/comments on the Bill were received by the Committee from different bodies as mentioned in Appendix III.

9. The Committee considered and adopted the Report on the 8th November, 1957.

10. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

*Published in Part II, Section 2 of the Gazette of India Extraordinary, dated the 7th September, 1957.

11. *Clause 2.*—

- (1) *Item (4).*—As the bye-laws will be made by publication in the official Gazette, the making of such publication has been expressly provided in this item.
- (2) *Original item (9).*—In view of the suggestion for the creation of the office of alderman, the definition of “councillor” has been omitted and a definition of “member” of the Corporation has been given in item 27 to cover both councillor and alderman.
- (3) *Item (34).*—A detailed definition has been substituted to avoid any practical difficulty.
- (4) *Item (46).*—A reference to “cess” has been inserted in the definition.
- (5) *Items (48) & (51).*—As rules and regulations will be made by publication in the official Gazette, such publication has been expressly provided in these items.
- (6) *Item (62).*—The Committee feel that the definition of “vehicle” should include specific mention of “cycle rikshaw” and “auto rikshaw”. The item has been amended accordingly.

12. *Clause 3.*—The Committee consider that the corporation should consist of both councillors and aldermen. The number of councillors at the time of the establishment of the Corporation should be eighty and of aldermen six, and out of the eighty seats of councillors, twelve should be reserved for the members of the Scheduled Castes.

The Committee however feel that if on the completion of each census it appears that the total population represented by one councillor is more than 20,000, then the number of councillors should be correspondingly increased in the proportion of one seat for not more than 20,000 of the population subject, however, to the provision that the total number of councillors should not exceed one hundred and should not be less than eighty. The number of seats reserved for scheduled castes should also be increased in proportion to the increase in their population.

The number of aldermen should, however, always remain six.

The clause has been amended accordingly.

13. *Clause 4.*—The Committee feel that the extension in the term of office of councillors and aldermen, whenever made under this clause, should cover all the members of the Corporation and

should not be confined to any individual member. The reason for the extension should be specified in the notification.

The Committee further feel that the total period of such extension should not exceed one year.

The clause has been amended accordingly.

14. *Clause 5.*—The Committee feel that the wards into which Delhi shall be divided for the purpose of election of councillors should be multi-member wards.

The clause has been amended accordingly.

15. *Clause [7—Sub-clause (1)].*—The Committee feel that only those persons who are registered as voters for election to the House of the People should be entitled to vote for election to the Corporation.

The clause has been amended accordingly.

16. *Clause 9.—Sub-clauses (1) (d) and (1) (e)* have been re-drafted to make the intention clear and consequently sub-clause (2) (b) has been omitted, being unnecessary.

In sub-clause (2) (b) it has been made clear that a person shall not be deemed to hold any office of profit under the Corporation by reason only that he is, as the Mayor or a Deputy Mayor or a member of the Corporation, in receipt of any allowances granted or in enjoyment of any facility provided by the Corporation.

The Committee have in sub-clause (1) (k) raised the period of disqualification by one year.

17. *Clause 10.—Sub-clause (2)* has been recast to make the intention clear.

18. *Clause 13—(New clause).*—This clause provides the mode of election of the six aldermen immediately after the general election of councillors. A candidate who failed to be elected as a councillor in the immediately preceding election shall not be entitled to stand as a candidate at any election of an alderman.

19. *Clause 16 (Original clause 15).*—The Committee feel that “returned candidate” should be defined.

Necessary provision has been inserted accordingly.

20. *Clause 17 (Original clause 16).*—Sub-clause (2) (b) has been omitted, being unnecessary.

21. *Clause 22 (Original clause 21).*—New items (6) and (7) have been included in the list of corrupt practices under this clause.

22. *Clause 24 (Original clause 23).*—It has been made clear that no member of the police force should do any act in furtherance of the prospects of election of a candidate.

23. *Clause 26 (Original clause 25).*—The Committee feel that offences under this clause should be made cognizable.

The clause has been amended accordingly.

24. *Clause 31 (Original clause 30).*—

(i) In item (d) after the word “refunded” the words “to candidates or forfeited to the Corporation” have been inserted.

(ii) New item (i) has been inserted in the clause for framing rules regarding the manner of election of aldermen.

(iii) The Committee consider that the nomination papers of candidates may preferably be scrutinised by a judicial officer so as to reduce improper rejection of nomination papers to the minimum and recommend that the desirability of making necessary provision in this respect in the rules may be considered by the Government.

25. *Clause 33 (Original clause 32).*—In sub-clause (2) the period upto which a councillor may be absent without permission has been reduced from six months to three months.

26. *Clause 36 (Original clause 35).*—The Committee feel that the Deputy Mayor should also get certain facilities.

The clause has been suitably amended.

27. *Clause 37 (Original clause 36).*—The clause has been amended from the drafting point of view.

28. *Clause 38 (Original clause 37).*—The Committee feel that the letter of resignation of the Mayor and the Deputy Mayor should be delivered to the Secretary and not to the Commissioner.

The clause has been amended accordingly.

29. *Clause 39 (Original clause 38).*—The Committee feel that it should be a function of the Rural Areas Committee to make recommendation to the Corporation and not simply to advise it in relation to the various matters specified in sub-clause (3) (a). The Committee also feel that the Corporation should consult the Rural Areas Committee on all matters affecting the rural areas before taking any action in relation thereto.

There should also be an Education Committee of the Corporation on which not more than three outside educational experts should be nominated.

Necessary provisions have been inserted in the clause.

30. *Clause 40 (Original clause 39).*—The Committee feel that the Corporation may be enabled to appoint Ward Area Committees for the discharge of any functions which the Corporation may entrust to them.

Necessary provision has been made in the clause.

31. *Clause 42 (Original clause 41).*—The Committee feel that the functions of laying out or maintaining public parks, gardens, etc., and of maintaining the fire brigade, which have been shown as discretionary functions of the Corporation, should be its obligatory functions and should therefore be transferred to this clause.

The Committee further feel that the maintenance of monuments or memorials already vested in the local bodies in Delhi or which may hereafter be vested in the Corporation should be an obligatory function of the Corporation

Similarly, the construction, repair and maintenance of embankments, and the supply, storage, and control of water for agricultural purposes, should be added as an obligatory function of the Corporation.

The clause has been amended accordingly.

The other amendments made in the clause are of a minor nature.

32. *Clause 43 (Original clause 42).*—

(1) *Item (a).*—It has been made clear that education includes cultural and physical education.

(2) *Original items (c) and (j).*—These items have been transferred to clause 42 and have consequently been omitted in this clause.

(3) *Original item (i).*—Establishment of theatres and cinemas has been included in this item.

(4) *Original item (l).*—Provision for the construction and maintenance of asylums for persons of unsound mind has been inserted in this item.

(5) The Committee have added 10 more items in the discretionary functions of the Corporation under this clause.

33. *Clause 45 (Original clause 44).*—The Committee feel that the membership of the standing Committee should be raised to fourteen.

The clause has been amended accordingly.

34. *Clause 50 (Original clause 49).*—The Committee feel that the number of elected members of the three Committees specified in the clause should, for the present, remain unchanged, but the Central Government may be empowered to raise it to any figure not exceeding six after the expiry of the first term of the Corporation.

- The clause has been amended accordingly.

35. *Clause 54 (Original clause 53).*—The Committee feel that the term of office of the Commissioner should not be coterminus with the term of the members and may be raised to five years.

Besides, the Commissioner should not get an extension of more than one year at a time.

Provision has also been inserted for giving a reasonable notice to the Corporation before requiring it to replace the services of the Commissioner at the disposal of the Government.

In sub-clause 3(a) the majority required for the removal of the Commissioner has been reduced to three-fifths.

The clause has been amended accordingly.

36. *Clause 56 (Original clause 55).*—The Committee feel that leave may be granted to the Commissioner by the Standing Committee.

The clause has been amended accordingly.

37. *Clause 60 (Original clause 59).*—In sub-clause (3), the majority required for the removal of the General Manager (Electricity) and the General Manager (Transport) has been reduced to three-fifths.

38. *Clause 64 (Original clause 63).*—Sub-clause (2) has been recast to make it clear that the General Manager (Transport) shall perform such other functions of the Transport undertaking as may be required by the Delhi Transport Committee and the Corporation.

39. *Clause 73 (Original clause 72).*—The Committee feel that the first meeting of the Corporation should be convened not by the Commissioner, but by the Administrator.

The clause has been amended accordingly.

40. *Clause 74 (Original clause 73).*—Provisions relating to the registered address of the members have been deleted.

41. *Clause 77 (Original clause 76).*—The amendment made in this clause is of a drafting nature.

The Committee recommend that provisions should be made in the rules for the election of Mayor by secret ballot.

42. *Clause 78 (Original clause 77).*—The number of members who may demand voting on any resolution has been reduced from five to four.

43. *Clause 80 (Original clause 79).*—The clause has been amended to make the intention clear.

44. *Clause 81 (Original clause 80).*—The Committee feel that the Commissioner need not answer a question which asks for information which has been communicated to him in confidence or if, in the opinion of the Mayor, its disclosure is not in public interest or the interest of the Corporation.

Sub-clause (6) has been amended accordingly.

45. *Clause 84 (Original clause 83).*—The Committee feel that while the Corporation should make regulations for the conduct of business at the meetings of Standing Committees and other Committees including special Committees, the *ad hoc* Committees should regulate their own procedure.

The clause has been amended accordingly.

46. *Clause 86 (Original clause 85).*—The Committee feel that the minutes of the proceedings of the meetings should be circulated to all members of the Corporation.

The clause has been amended accordingly.

47. *Clause 90 (Original clause 89).*—The Committee feel that so far as the creation of temporary posts for not more than six months is concerned, the power should be exercised by the Commissioner and the two General Managers where the minimum monthly salary is less than Rs. 250/- and in other cases the Standing or other Committees concerned.

The clause has been amended accordingly.

48. *Clause 92 (Original clause 91).*—The Committee feel that so far as appointment to posts is concerned, the power of the Commissioner and the two General Managers should be confined to posts with a minimum monthly salary of less than Rs. 350/- and that in the other cases the power should vest in the Corporation and the Committees mentioned in sub-clause (a) (i).

The Committee further feel that the claims of members of the Scheduled Castes should be taken into consideration consistently with the maintenance of efficiency of administration, in making of appointment to services and posts in the Corporation.

The clause has been amended accordingly.

49. *Clause 95 (Original clause 94).*—The amendment made in this clause is of a clarificatory nature.

50. *Clause 96 (Original clause 95).*—The Committee feel that the appointment to the posts of General Manager (Electricity) and the General Manager (Transport) should also be made in consultation with the Union Public Service Commission.

The clause has been amended accordingly.

51. *Clause 98 (Original clause 97).*—The Committee feel that regulations prescribing the manner of selection for appointment to posts carrying a minimum monthly salary of less than Rs. 350/- should be made in consultation with the Union Public Service Commission.

Suitable provision has been made in this clause accordingly. The other amendments made in this clause are clarificatory in nature.

52. *Clause 107 (Original clause 106).*—The Committee feel that deposit of the surplus money should be confined to the State Bank of India and Scheduled Banks to be selected by the Corporation.

53. *Clause 110 (Original clause 109).*—The Committee feel that the Standing Committees should be given the power to reduce the amount of a budget grant or to sanction the transfer of any amount within the grant subject to the condition that when a reduction exceeds Rs. 500/- it should be reported to the Corporation.

The Committee also feel that the Commissioner should be given the power to transfer any amount not exceeding Rs. 5,000/- within a minor head if such a transfer does not involve a recurring liability, but every transfer exceeding Rs. 500/- should be reported to the Standing Committees.

The clause has been amended accordingly.

54. *Clause 114 (Original clause 113).*—The Committee feel that the Corporation should have the power to exempt any lands or buildings of which the ratable value does not exceed Rs. 100/-, from the levy of the general tax.

The clause has been amended accordingly.

55. *Clause 115 (Original clause 114).*—The amendments made in this clause are clarificatory and consequential in nature.

56. *Clause 126 (Original clause 125).*—The Commissioner should vary the assessment of ratable value only for adequate reasons.

The clause has been amended accordingly.

57. *Clause 137 (Original clause 136).*—The Committee feel that vehicles and animals belonging either to the Central Government, or to the Corporation used solely for public purposes, vehicles intended exclusively for the conveyance free of charge of the injured, the sick or the dead, and children's perambulators or tricycles, should be exempted from the levy of the tax.

The clause has been amended accordingly.

58. *Clause 140 (Original clause 139).*—The Committee feel that exemption in respect of theatre-tax should be provided on the same lines as in respect of the entertainments-tax except that no provision need be made relating to deduction of expenses for any performance or show.

The clause has been amended accordingly.

59. *Clause 144 (Original clause 143).*—The permission already granted should become void only if the advertisement is materially changed without the previous approval of the Commissioner.

The clause has been amended accordingly.

60. *Clause 157 (Original clause 156).*—The Committee feel that eating and cooking utensils should not be distrained.

The clause has been amended accordingly.

61. *Clause 164 (Original clause 163).*—The Committee feel that no remission or refund of water-tax need be allowed unless the person concerned has applied in proper time for the stoppage of water-supply to any land or building, or unless the Commission is otherwise satisfied.

A proviso has been added to the clause accordingly.

62. *Clause 171 (Original clause 170).*—The proviso to the clause has been recast to make the intention clear.

63. *Clause 174 (Original clause 173).*—The Committee feel that all cases of writing off of irrecoverable debts should be reported by the Commissioner to the Standing Committee.

The clause has been amended accordingly.

64. *Clauses 177 and 181 (Original clauses 176 and 180).*—These clauses have been amended so as to delete the provision for the exemption of any person or property or goods and have been made applicable only to any class of persons or any class of property or goods, as the case may be.

65. *Clause 178 (Original clause 177).*—The Committee feel that the Central Government should be given the power to increase the rate of terminal tax to not more than treble the rates specified in the Schedule.

The clause has been amended accordingly.

66. *Clause 200 (Original clause 199).*—The Committee feel that all cases of transaction undertaken by the Commissioner under items (a) and (b) should be reported by him to the Standing Committee and the Corporation respectively.

Suitable provision has been inserted in the clause.

The other amendments made in this clause are meant to make the intention clear.

67. *Clause 206 (Original clause 205).*—The Committee feel that the annual report of the Municipal Chief Auditor, along with a brief statement of the action taken thereon, should be submitted by the Commissioner to the Central Government.

The clause has been recast accordingly.

68. *Clause 217 (Original clause 216).*—The Committee feel that the terms and conditions under which water may be supplied for purposes other than domestic purposes should be laid down in the bye-laws.

The clause has been recast accordingly.

69. *Clause 225 (Original clause 224).*—The proviso to the clause has been omitted, being unnecessary.

70. *Clause 303 (Original clause 302).*—The Committee feel that previous sanction of the Standing Committee should be obtained before the Commissioner prohibits access to premises from any particular public street carrying high speed vehicular traffic.

The clause has been amended accordingly.

71. *Clause 334 (Original clause 333).*—Sub-clause (1) (f) has been omitted, being unnecessary.

72. *Clause 337 (Original clause 336).*—The Committee feel that in the case of an application for the re-erection of building etc., which comes within the purview of clause 331 (b), the sanction of the Commissioner should be communicated within a period of thirty days.

The clause has been amended accordingly.

73. *Clause 341 (Original clause 340).*—The proviso has been omitted, being unnecessary.

74. *Clause 358 (Original clause 357).*—The words “for any reason whatsoever” are unnecessary and have been omitted.

75. *Clause 369 (New clause).*—The Committee feel that the Commissioner should be empowered to take suitable action for preventing construction of insanitary huts or sheds.

The clause has been inserted accordingly.

76. *Clause 373 (Original clause 371).*—The Committee feel that disinfection by plastering of building should also be provided.

The clause has been amended accordingly.

77. *(Original clauses 375 and 376).*—The Committee feel that the provisions of these clauses may cause unnecessary hardship to washermen.

The clauses have, therefore, been omitted.

78. *Clause 407.*—In sub-clause 2 (a) the word “religious” has been added before the word “festival”.

79. *Clause 411.*—The clause has been recast so as to make a provision to the effect that no animal or article shall be sold within a distance of one hundred yards of any market without the permission of the Commissioner.

80. *Clause 433.*—The Committee feel that if it becomes necessary for a person authorised by the Municipal Authorities to enter any place by breaking open a door, gate, etc., he may do so, but he should be accompanied by two witnesses of the locality, and all such cases should be reported to the Standing Committee.

The clause has been recast accordingly.

81. *Clause 435.*—The clause has been amended so as to apply only if the slaughter is in contravention of the provisions of the Act or any bye-law made thereunder.

82. *Clause 463.*—As the clause creates a penal offence, the Committee feel that it should specify the punishment also.

The clause has been recast accordingly.

83. *Clause 469.*—The Committee are of the view that the magistrates should have the power to try offences under the other laws also.

The clause has been amended accordingly.

84. *Clause 473.*—The amendment made in this clause is of a drafting nature.

85. *Clause 475.*—The clause has been amended to cover attempts to commit offences.

86. *Clause 478.*—Sub-clause (2) has been omitted, being unnecessary.

87. *Clause 490.*—The Committee feel that the order for the supersession of the Corporation should be laid on the Table of Parliament and the wordings of sub-clause (2) (d) should be so amended as to provide that the elections may be held before the expiration of that period of supersession.

The clause has been amended accordingly.

88. *Clause 507.*—Item (c) has been revised to provide that only such portion of the proceeds of the property tax shall be payable to the gaon panchayat as the Corporation may determine, after deducting the cost of collection.

89. *Clause 510.*—The Committee feel that the terms and conditions of service of any employee transferred under this clause should not be altered to his disadvantage without the previous approval of the Central Government.

The clause has been suitably amended.

90. *The Third Schedule.*—The Committee feel that the amount of tax leviable in respect of certain items is high and it has been reduced in respect of two-wheeled labour carts, cycle rikshaw, bicycle, camel, donkey, pig, she-buffalo and cows kept for milking. The tax in respect of four-wheeled labour carts has been increased.

91. *The Fourth Schedule.*—The Committee feel that the classification of cinema theatres into class I and class II should be made by bye-laws made in this behalf.

“Circus” has been transferred to item 3.

The Schedule has been amended accordingly.

92. *The Sixth Schedule.*—The Committee consider that if any building application is rejected, only five per cent. of the tax should be retained and the balance should be refunded.

The Schedule has been amended accordingly.

93. *The Ninth Schedule.*—The period for the payment of the arrears of tax after the receipt of the notice of sale, has been raised to 10 days.

94. *The Tenth Schedule.*—The Committee feel that the rates of terminal tax on goods had not been fixed on any rational basis and recommend that the Government may take early action to revise them.

95. *The Eleventh Schedule.*—The Committee feel that no licence should be required for use of any premises for purposes of carrying out any trade without the aid of mechanical or electrical power relating to cloth yarn or leather printing, keeping of pan shop, tailoring shop, carrying on trade of book-binding, cane working, cycle repairing etc.

The Schedule has been amended accordingly.

96. The Joint Committee recommend that the Bill as amended be passed.

GOVIND BALLABH PANT,

NEW DELHI ;

Chairman,

The 11th November, 1957.

Joint Committee.

Minutes of Dissent

I

The States Reorganisation Commission recommended Municipal Autonomy in the form of a Corporation as "the right and in fact the only solution of the problem of Delhi State."

The Delhi Municipal Corporation Bill, neither ensures autonomy to the proposed Corporation nor extends its jurisdiction to the whole of Delhi State.

Planned development of the state has been denied to the proposed body and is to be undertaken by a nominated body of the Central Government.

While the Mayor and Deputy Mayor, elected from amongst the councillors have no more than decorative functions, the Commissioner, a nominee of the Central Government, is sought to be entrusted the entire executive power for the purpose of carrying out the provisions of the proposed Act.

The powers acquired by the Central Government for direction and control of the Corporation are to say the least arbitrary. That this is sought to be done over and above the power to nominate the chief executive, and to require of him not to undertake any work unconnected with his office without the sanction of not only the Corporation but also the Central Government, makes the autonomy of the Corporation a farce.

In spite of loud homages that are paid by the Government to the concept of decentralisation of power and the need to develop initiative at the roots, the proposed bill is an essay in centralism. No provision has been made for ward councils whereby the citizens of a ward could have direct say in the direction of their own municipal needs and affairs. The Gram Sabhas could meet this need in the rural areas. These bodies could not only give better practical advice but also undertake and execute the Corporation programmes for their respective areas.

To meet the deficiencies of the bill and to make it a democratic measure that would bring out the best of the residents of the Delhi State, the following provisions must be made and the bill amended accordingly:—

1. New Delhi and the Cantonment area should be included in the jurisdiction of the Corporation.

2. All the functions of the proposed D.D.A. should be transferred to the Corporation. A committee of the Corporation can carry on this task, with the help of experts who may be appointed by the Central Government.
3. The Mayor should be empowered to execute all directions of the Corporation, and all work be carried on in his name. The Commissioner be appointed by the Mayor, and the terms of his service etc., be fixed by the Corporation. As a safeguard it may be made obligatory that the appointment be confirmed by U.P.S.C. The Commissioner may be dismissed by a majority vote of the Corporation.
4. That the Corporation be free to undertake any programme not against the provisions of this Act without the sanction of the Central Government.
5. That control on the Corporation be exercised through the Parliament.
6. Provision be made for the Ward Councils and their election take place simultaneously with the election of councillors.
7. Advice of Rural Committee be binding as regards taxes distinctly pertaining to the rural area.
8. All villages whether at present under District Board, or Municipality or Notified Area Committee be included in rural area for the purposes of the proposed Corporation.

NEW DELHI;

ARJUN SINGH BHADAURIA.

The 8th November, 1957.

II

I am sorry that I have to submit this note of dissent on the report of the Joint Committee on the Delhi Municipal Corporation Bill, 1957 and also The Delhi Development Bill, 1957. I believe that on matters like the civic administration, there should be no room for political considerations and we should approach the question only from the point of view of giving more and more power to the people so that they may play a dominant role in moulding the civic life of the area concerned. This does not mean that the question of efficient administration should be ignored. But in a democracy, where ultimately the will of the people prevails, there is no reason to feel that

if their representatives in larger sphere can discharge their duties and responsibilities efficiently, the people at a lower level would not be able to rise equal to the expectation.

I approach the problem entirely from this point of view. I am glad to note that in the Joint Committee, full scope was given for discussion of all suggestions, but still I am unable to agree on some important matters. Following is a brief note indicating my disagreement on some main points:—

(1) **Exclusion of New Delhi.**—There is no justification to exclude some portions of New Delhi from the jurisdiction of the proposed Corporation. Even a proposal to limit it only to an area adjoining the Rashtrapati Bhawan, Parliament House, and the Secretariat, if at all it was needed, was not acceptable. It is argued that in the beginning the Corporation should not be handicapped by carrying a burden such as the Government buildings in this area which will not be liable to taxation. This can very well be met by a suitable grant from the Central Government instead of depriving all inhabitants the right to participate in civic affairs.

In this connection I want to quote here the view of the States Reorganisation Commission; on page 160 of the report they say:—

“Delhi is now an integrated and vast metropolis with urban population of nearly a million and a half. From the point of view of law and order, the social life of the people, trade and commerce and common public utility services, Old Delhi and New Delhi constitute an integrated unit and it will be wholly unrealistic to draw a line between the two.”

I am sorry that this important aspect has thoroughly been overlooked and extraneous matters are brought into consideration. Without the inclusion of the entire New Delhi into the Delhi Corporation, I think the Corporation will be regarded as “truncated” and “moth-eaten” and a feeling is bound to grow that a distinction is being made even amongst the citizens of one city and some privileged sections are being protected. This will not be a happy development.

(2) **Aldermen.**—I am opposed to the introduction of aldermen into the Corporation. This way of bringing men into elected bodies through indirect methods of election ought to be discouraged in all spheres more specially in civic matters where a representative is required to come into direct contact with the people and has to look to the day-to-day needs of his constituency. I also do not see any ground to believe that men of outstanding ability will not be chosen

by the people nor do I want to subscribe to the theory that persons who are afraid of approaching the people, for that matter direct election, should be given any weightage like the one proposed to be given in the bill. The alderman, as proposed in this bill, will enjoy all rights of a councillor, even can be elected as a Mayor without being responsible to the electorate. This practice which is a carry over of the British administration should be stopped. This is hardly a substitute for the demand to increase the strength of the Corporation to 100.

(3) Plural Member Constituencies.—It is proposed to introduce plural member constituencies for the election of councillors, with single distribution vote. While I have no serious objection to plural constituencies in principle, I think that without cumulative vote, it will be a negation of democracy and all sections of the community might not get representation. Therefore I would advocate for cumulative system of vote. If that is not acceptable, I would prefer single member constituencies as is generally in vogue in the matter of assembly and Parliament elections.

(4) Mayor and Deputy Mayor.—Although the term of the Mayor and the Deputy Mayor is proposed to be one year, there is no ban on the same person being elected to these posts again and again. It will be a sound principle in democracy to give opportunities to more and more persons. I would therefore suggest an amendment to the effect that no person can be elected as the Mayor or the Deputy Mayor for more than two consecutive terms.

(5) Elected Ward Councils.—Although the Select Committee has agreed to provide ward area committees in clause 39 (40) of the bill, I feel that it does not serve any purpose. I am of the opinion that municipal administration should be brought as closer to the people as possible and the people should be associated with the civic affairs in all possible spheres. This would not only facilitate proper discharge of civic duties, but would go a great way in creating civic consciousness among the people. I had therefore suggested constitution of elected ward councils of an advisory nature comprising of more than one ward.

I had made it clear that it would have no executive authority, but the elected representatives of a still smaller population might sit together along with the elected councillor of the area concerned to discuss their problems in particular and the problems of the corporation as a whole and their views might be given such consideration as may be thought necessary. This is all the more necessary in Delhi, since in area, this will be the biggest corporation in our country and

further because Delhi has been deprived of a State administration
The S.R.C. also suggested:—

“Municipal autonomy in the form of a Corporation which will provide greater local autonomy than is the case in some of the important federal capitals is the right and in fact the only solution of the problem of Delhi State.”

In view of these, it is essential that such councils be provided in the bill which will be a model not only to other federal capitals, but even to other corporations in our country.

(6) **Adult Education and Removal of Illiteracy.**—I feel that a municipality should take upon itself the responsibility of adult education and removal of illiteracy within a limited period of time and it should be one of its obligatory functions. I want to amend clause 42 accordingly. At present, this is included as one of its discretionary functions. I think a beginning should have been made in Delhi where all other facilities are available to make such venture a success.

(7) **Delhi Development Authority.**—Since the Central Government will have supervisory power and even give direction in matters connected with the administration of Delhi Corporation, I am not satisfied with the idea of a separate Development authority.

NEW DELHI;
The 9th November, 1957.

S. N. DWIVEDY.

III

The Delhi Municipal Corporation Bill as it has emerged from the Select Committee is doubtless largely improved as compared to the original. We also agree with our colleagues on the Committee that the Corporation contemplated by the Bill shall be a great improvement on the present situation of local self-government in Delhi areas which is none too happy.

Nonetheless we are constrained to disagree with certain features of the Bill. Looking from the angle of local self-government as it at present exists in the Union territory of Delhi, we may feel that the Bill makes a big advance. But when one looks at it from the angle that the people of Delhi have till recently enjoyed a legislature and a Government of their own, which they were deprived of, consequent upon reorganisation of States; one cannot escape the feeling that the contemplated Corporation does not rise to either the expectations so long nursed by the people or the promises made to them at the time of reorganisation.

The States Reorganisation Commission was of the firm opinion that—

“ . . . municipal autonomy in the form of a Corporation, which will provide greater local autonomy than is the case in some of the important federal capitals, is the right and in fact the only solution of the problem of Delhi State.”

(S.R.C. Report, para 593, page 161.)

Delhi was denied a democratic set-up, but was promised a Corporation with “greater local autonomy than is the case in some of the important federal capitals”.

This basic factor governs our disagreement with certain features of the Bill. Hence this note.

Jurisdiction of the Corporation

The exclusion of Delhi Cantonment and New Delhi areas from the jurisdiction of the contemplated Corporation and more particularly the separation of New Delhi area has not only no rationale behind it but is positively harmful to the growth of civic life. All authorities are agreed that this separation is artificial and should be done away with. The S.R.C. Report says:

“From the point of view of law and order, the social life of the people, trade and commerce and common public utility services, Old Delhi and New Delhi now constitute one integrated unit and it will be wholly unrealistic to draw a line between the two.”

(S.R.C. Report, para 588, page 160.)

The Jaundice Committee, appointed in 1956 to enquire into the causes of the outbreak of jaundice in that year, says the following:

“For the satisfactory and efficient maintenance of public utilities like roads, sewers, distribution system for water, and in the interest of comprehensive and economic planning in all spheres of civic activities, a unitary authority, having control over the whole area, will certainly be able to do much more than what each unit of several authorities can accomplish with limited resources and inadequate technical personnel.”

(Jaundice Committee Report, para 90, page 41.)

Even the Delhi Municipal Organisation Enquiry Committee (1946) recommended the establishment of a Corporation including New Delhi.

The Government argument is two-fold that the area is largely occupied by Government employees and that here largely Government property is situated. It will not fetch much income to the Corporation and the Government employees shall not be able to contest. But neither argument is convincing.

Alongside of the Government property with an assessed tax of Rs. 75 lakhs there are private buildings in New Delhi whose assessed tax amounts to Rs. 18 lakhs.

As regards Government employees, they have regular colonies in the area under the contemplated Corporation. They will all exercise vote without presumably the right to contest. And when Government employees exercise their vote in Parliamentary elections without of course any right to contest and when under clause 506 of the contemplated Bill they will vote for persons of their choice for the electoral college to elect members of Rajya Sabha; we do not understand why they should be deprived of a vote of civic elections even though they might not contest the elections.

We therefore strongly feel that this separation of New Delhi is artificial and unjustified. We recommend a unified local authorities for the entire area.

Powers of the Corporation

Here again we cannot reconcile with the obvious contradiction in the approach that concedes the transport and the electricity undertakings to the contemplated Corporation while certain other social service departments are denied to it. We do not consider that Delhi Municipal Corporation is merely a 'local body', we want that it should be the "metropolitan authority" of the capital of a great country in the world.

Even the States Reorganisation Commission contemplated that "slum clearance, reconstruction, city planning, recreation, transportation, and primary and secondary education" all fall in the domain of municipal enterprise.

And above all the Corporation of a great city that has been deprived of a democratic state set-up could and in our opinion should be entrusted with more powers.

There was a suggestion that such departments like weights and measures and shops and establishments should be handed over to the Corporation. We think there should be no difficulty in doing that.

But we feel that Secondary Education and Health Administration should also be integrated with the primary education and sanitation under the Corporation. If the Government of India only divert the finances to the Corporation that they are at present

spending on Health, Administration and Secondary Education, there is no reason why the Corporation should not be able to manage the affairs.

We are afraid that in the name of, we do not know what, an attempt is made to bifurcate the Primary and Secondary Education, sanitation and medical aid and city improvement and city development. If Primary Education, sanitation and city improvement or slum clearance are with the Corporation, Secondary Education, medical aid and Delhi development are under different authorities under the Union Government. As regards Delhi Development Authority, our views are contained in the note on the report on that Bill separately. This bifurcation specially in the field of health services is really harmful. That is why even the Bhole Committee (1946) suggested a scheme for "modern health administration for a Municipal Corporation such as Calcutta, Bombay, etc." (See Vol. III, page 107). This model scheme unified within the Corporation all the branches of health and sanitation including hospitals and dispensaries, public health, engineering, environmental hygiene, maternity and child welfare, school health, industrial health, water supply, sewage disposal, regulation of markets and eating houses, roads and lighting, special health services like control of venereal diseases, Malaria, Tuberculosis and mental hygiene, notification and control of communicable diseases and even administration of auxiliary services.

Such is the integrated scheme of modern health administration for a Corporation.

Why could it not be tried in the metropolis of India? To those 'critics' of Local Self-Government who only apprehend inefficiency if Corporation is to look after the civic health we commend the note of Shri P. N. Saprú (now our distinguished colleague in Rajya Sabha) to the Bhole Committee Report (Vol. II, page 334). In his stout defence of the local self-government he asserts emphatically that "an experiment should not be tried which would strike at the very foundations of local self-government." He has suggested for Delhi an "autonomous Corporation" as the "supreme governing body for the area concerned" with a "Standing Health Committee" and such other committees with delegated powers.

We are also unable to see our way to appreciate the more or less complete bifurcation of the executive and deliberative functions of the Corporation. We find the Commissioner to be the supreme executive officer and the Mayor only a titular dignitary. While the Corporation is directly responsible to the people by virtue of the councillors being elected on adult franchise, it has no direct executive control over the affairs. This must cause friction and lead to inefficiency.

We strongly feel that neither the combination of executive and deliberative functions in the older set up in Delhi was the cause of all the ills of municipal administration nor the contemplated more or less complete separation of the two will be the remedy for those ills. A balance has to be struck in the interest of both democracy and efficiency.

Tokyo's metropolitan authority eloquently suggests that the Mayor could be the executive head, and the two functions in spite of their so-called distinct nature are not really so much separate or divorced in character as to necessitate a sort of bifurcation. Democracy and bureaucracy could not be equated and assigned more or less different fields of activity. Democracy has to be the governing authority.

We, therefore, feel that the Bill needs revision in this respect. Even if the Mayor is to continue as the titular dignitary, the Chairman of the Standing Committee could be made the executive head of the Corporation.

Authorities under the Corporation

We very strong feel that the Education Committee, the Health Committee and the Rural Areas Committee should be authorities under the Corporation. These Committees have distinct and major civic functions to discharge. Only when they are raised to the status of authorities under the Corporation, will they have sufficient scope and power to discharge the respective obligations.

Even as regards the composition of the Transport, the Electricity and Water supply and Sewage Committee we have to differ with some of our colleagues on the Committee. While we concede the indispensability of the expert official element in this Committee, we strongly feel that the representation of the Corporation on these Committees should be increased substantially. We are not satisfied with the amended position that after the second municipal election the Central Government may review the position with an aim to increase the elected representation upto six among a total of 9 members.

Aldermen and Mode of Election

We are unable to reconcile ourselves to the proposal of introducing indirectly elected element in an otherwise directly elected Corporation. When the democratic method is approved to be the best judge of talent, why have the provision for aldermen. Much more so are we not agreeable to the indirectly elected element being treated on an equal footing with the directly elected Committees.

As regards the mode of election we stand for the system of plural Constituencies and cumulative voting as obtaining in

Bombay Corporation. The Committee have accepted Plural wards but are not agreeable to cumulative vote. We feel that cumulative voting system is next best after the proportional representation on the basis of single transferable vote. This system has worked very well in Bombay and could with benefit be introduced in Delhi.

Municipal Funds and Taxation

In this connection we appreciate the fact that the Committee has been guided by the desire to provide as many funds as possible to the Corporation. That is why they have suggested a rational terminal tax structure to be worked out later and also allocation of funds from the returns of stamp duty and so on. Nevertheless we feel that the Tax structure needs a revision from the point of view of progressive taxation and relief to the lower income groups. Even the Local Finance Enquiry Committee (1951) is in favour of a progressive scale for property tax adoptable at the discretion of the Corporation concerned. (Paragraph 181, page 74). As regards exemptions to lower income groups even the Taxation Enquiry Committee recommended such an exemption firstly on the basis of a standard of living that deserves exemption and secondly because in these cases the cost of collection is out of proportion to the actual yield of collection. We see that property with an assessment of a hundred rupees might be exempted according to the amended bill, but we feel the exemption limit is very low.

We also feel that the other taxes like the Professional Tax should be graduated with exemptions for lower income groups. Only a graduated tax is rational in a society that allows major unevenness in incomes and standards.

The other point that we wish to make in this connection is that complete immunity from taxation enjoyed by Government property looks a bit incongruous with the democratic set up in the country. Even the Local Finance Enquiry Committee was opposed to this in principle while conceding that if the Union Government property is to continue to enjoy the immunity an equivalent grant has to be provided to the local body. (Paras. 560 and 561, page 197).

The Local Finance Enquiry Committee has also objected to the exemption, of Central Govt. property from betterment charge. If this is to continue, the Committee wants it to be compensated by an equivalent grant. (Para 563, page 198).

Another point that we wish to make out in this regard is that the experience is that every time only new taxes are levied and old

ones are not reviewed. The taxes are thus piled up to the disadvantage of lower groups. Even the scheme of the present Bill suggests fresh taxes like say the Fire Tax that will be an obligatory tax.

What we suggest is that a periodical enquiry and review and ~~most~~ certainly one immediately, is very necessary to go into the tax structure as a whole, the returns from various strata, the difficulties of the poor and the capacities of the rich, the collection machinery, its cost and its defects etc. On the basis of such an enquiry the adjustments in the rates should be made even in the case of old taxes so that the poor strata do not feel the burden and the more 'fortunate' ones contribute effectively for the development of the civic life and amenities.

Such are our views concerning some of the aspects of the very scheme of the Bill.

We commend them for the consideration of the two Houses of Parliament.

NEW DELHI;
The 9th November, 1957.

PRATAP SINGH DAULATA.
RENU CHAKRAVARTTY.
RAJ BAHADUR GOUR.
NARSING RAO DESHMUKH.

IV

The Delhi Municipal Corporation Bill as it has come out of the Joint Committee, has fallen short of the expectations of all concerned particularly the people of Delhi.

The States Reorganization Commission most emphatically suggested a unified high powered democratic Corporation both for Delhi and New Delhi. To exclude New Delhi from the purview of the Corporation on the ground that there are large number of Government buildings and that mostly Government officials reside there does not appeal to me. It is not the Government servants alone that form the population of New Delhi. There are the family members of the Government Officials and their servants besides shop keepers, businessmen and others doing various jobs. To disfranchise them for the purpose of civic administration is most undemocratic, when they exercise their voting right in the General Election while electing their representatives to the Parliament.

When New Delhi will have to depend on the Corporation for its supply of water and electricity and when a common transport system would be working, it will not be wise to exclude New Delhi

from the orbit of the Corporation. After all, New Delhi and Old Delhi form one city. After the old Moghul walls are demolished, it is difficult to distinguish where where New Delhi ends and where old Delhi begins. For all purposes both together should be called 'Delhi', as we are so proud of its name. "New Delhi" is an imperial coinage and reminds our bondage.

The proposal to set up a separate statutory body for the development of Delhi as proposed by the Delhi Development bill is a retrograde measure in my opinion. It will create good deal of confusion and conflict of authority. Development of Delhi should be a part of the various activities of the Delhi Corporation. The argument that burdening the Corporation with this work will stunt its growth, is not convincing; on the other hand it will create great enthusiasm which is so much needed for the successful working of the Corporation.

NEW DELHI;

The 11th November, 1957.

P. K. DEO

V

Ever since the abolition of Democratic Set-Up in Delhi, there has been general disappointment and frustration among the people of Delhi. They have been, however, looking forward with high expectations towards the formation of a full-fledged integrated and democratic civic administration though it could not be a substitute for a democratic set-up at State level. This disappointment of all concerned has become even more marked after the introduction of the Corporation Bill which does not at all fulfil the aspirations of the people either in respect of composition, jurisdiction or in regard to powers and functions. The utility, scope and powers of the various provisions of the Bill have, in the absence of legislature to be considered in a different context from a corporation coming in an ordinary way. Even the Territorial Council Bill for the territory of Himachal Pradesh and Manipur is better, at least in its scope, powers and functions. I am sorry to observe that the Bill is suffering from major defects in certain respects and is rather antiquated and bureaucratic in approach and is not consonant with the spirit of the report of the States Reorganisation Commission.

Some of the areas of New Delhi and the whole of cantonment have been excluded from the limits of Corporation for no valid reasons. Apprehensions of fall in the standard of services and inadequacy of funds appear to be the sole consideration for resorting to such a

retrograde step. The fears are more imaginary than real. Maintenance of essential services, e.g. water, sewage and electricity will largely depend upon the efficient working of the controlling authority, e.g. Joint Water and Sewage Board and Delhi State Electricity Board which will form part of the proposed Corporation. Similarly the Union Government will be subsidising the New Delhi Municipal Committee which will obviously be a liability. The Union Government can easily or conveniently pay a specific grant to the Corporation for defraying the expenditure on municipal services in the area now proposed to be excluded, and the Corporation will naturally require much less financial support than a small body for this purpose. Consistent with the avowed policy of integrated administration, economy and efficiency and principal of local democracy, it was expected that no area of the Union Territory and the work of Development would be excluded from the purview of the Corporation.

3. The existence of Delhi Development Authority as a separate body working along side the Corporation has not been liked by anybody. I can easily foresee that it would be rather difficult for the Delhi Development Authority to function smoothly to achieve their object when the services on which development plans will hinge will be controlled and administered by the Corporation. I am unable to understand the utility of a separate Authority when the basic function of preparing a Master Plan will continue to be performed by the Union Government and also when Development projects will largely be carried out by the Central Public Works Department directly. Even the States Reorganisation Commission report, the shelter of which was taken to abolish the democratic set up in Delhi, had recommended that urban problems such as Slum Clearance, Reconstruction and City Planning all fall within the domain of Municipal enterprise. Abolition of all other authorities to establish an unified administration in the interests of economy and efficiency could only be the practical approach. It is argued that Development will involve heavy financial burden which the Corporation may not be able to bear. This appears to be a falacious argument. The correct answer lies in setting up a Statutory Improvement and Development Committee under the Corporation on the lines of the Electricity and Transport authorities and the Union Government can conveniently advance loans/grants to the Corporation instead of to the Delhi Development Authority for the specific purpose. This will not only be legitimate but also ensure coordination and smooth progress of the development projects. Delays which have an adverse psychological effect on the municipal populations and their representatives and thus engender in them a spirit of apathy and helplessness will be inevitable, rather the order of the day, if

the Delhi Development Authority is allowed to function as a separate body.

4. The provision of Medical and Health Services and preuniversity education should be the function and responsibility of the Corporation as these facilities concern and relate to the daily life and needs of the people. Had there been a democratic set-up at the State level, the position would have been different. In the absence of any such popular set-up, it is but essential that all such functions as contribute to the people's welfare should be entrusted to a representative body responsible to the people, and not to a bureaucratic machinery.

5. To meet the running expenditure resulting from the above mentioned additional functions, the sources of revenues like Stamps, Registration, Sales Tax, Land Revenue should also be made available to the Corporation as the income derived therefrom should legitimately be spent on the health and welfare of the people of Delhi.

6. To avoid wasteful expenditure on the collection by levy of taxes like Motor Vehicles, Entertainment and Betting Taxes, which will be done by the Government, the responsibility should be entrusted to the Corporation as it is envisaged to pass on the entire proceeds to the Corporation. This will not only be an economical and efficient arrangement but also ensure a more proper and effective control and collection of the legitimate dues.

7. I am constrained to observe that even the Bombay Corporation Model has not been strictly followed in the matter of formation of Committees for such important and basic functions as Education, City Improvement, Health. Unless they are given statutory character as in Bombay, it will be wishful thinking to expect effective and better results from them. On the same analogy Rural Areas Committee should be given a statutory status. It is really strange that this Committee has been specifically mentioned in the Bill but no powers and responsibilities have been assigned to it like other Statutory Committees. In fact this Committee should be given a statutory character and be made responsible for all matters relating to rural areas, including the work of Development and the administration of Panchayat Raj etc.

8. Above all, provision of nominations by the Government on the Statutory Bodies like, Electricity, Water Supply and Sewage and Transport Committees has negated elected representatives on them. This is not only a retrograde step but an indefensible provision

which does not exist even in Bombay Corporation Act which is the model adopted in framing the Delhi Corporation Bill.

9. It is also suggested that the administration of Acts like Shops & Establishment, Weights and Measures should be entrusted to the Corporation as they relate to subjects a kin to licensing of trades, regulation of markets etc.

10. Last but not the least important is the concentration of powers in the hands of the Municipal Commissioner. The chief elected representatives i.e. Mayor/Deputy Mayor and Chairmen of various Committees have been reduced to mere figure-heads. The least that can be said about this is that in the present age of democracy it is an anachronism which should be removed. It is inconsistent to combine universal adult suffrage and autonomy with any high degree of regulation, control and interference by bureaucracy. The ultimate success of democracy will depend on the successful establishment and operation of virile and really democratic institutions at the local level, the growth of which is bound to be impeded if a distrust in the elected representative is displayed in this manner.

In the present political situation obtaining in Delhi, the proposed Corporation will, in a nut-shell, be a mere show-piece of democracy and will in no way fulfil the aspirations of the people of Delhi among whom feelings of frustration and disappointment have already set in.

NEW DELHI,
The 9th November, 1957.

BRAHM PERKASH

THE DELHI MUNICIPAL CORPORATION BILL, 1957

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THE DELHI MUNICIPAL CORPORATION BILL, 1957

(AS AMENDED BY THE JOINT COMMITTEE)

(Words underlined or side-lined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

**A
BILL**

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

5 1. (1) This Act may be called the Delhi Municipal Corporation Act, 1957. Short title
extent and
commence-
ment.

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

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

15 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.

Definition.

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

(1) "Administrator" means the Administrator of the Union territory of Delhi;

(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, outhouse, 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 vācancy" 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;

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

(7) "Corporation" means the Municipal Corporation of Delhi 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;

(12) "Delhi Electric Supply Undertaking" means all undertakings vested in or acquired and organised, constructed, main-

tained, extended, managed or conducted by the Corporation for the purposes of generating or acquiring supplies of electricity and providing supplies (including bulk supplies) of electricity for licensees and persons other than licensees and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

(13) "Delhi Transport Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the purposes of providing road transport services and any ancillary service and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

(14) "Delhi Water Supply and Sewage Disposal Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the purposes of providing filtered and unfiltered water supply and for the purposes of collection, treatment and disposal of sewage and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

(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;

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

63 of 1948.

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

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

(19) "General Manager (Electricity)" means the General Manager of the Delhi Electric Supply Undertaking,

(20) "General Manager (Transport)" means the General Manager of the Delhi Transport Undertaking;

(21) "goods" includes animals;

(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; 5

(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; 10

(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; 15

(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; 20

(27) "member" in relation to the Corporation means a councillor or an alderman thereof; 25

(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

(30) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(31) "municipal water works" means water works vested in the Corporation;

(32) "New Delhi" means the area within the boundaries described in the First Schedule; 35

(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; 40

(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;

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

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

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

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

(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; and

(b) the estate officer to the Government of India, the secretary of the Delhi Development * Authority, constituted under the Delhi Development Act, 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 outhouses, 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;

(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 vests in the Corporation or which under the provisions of this Act becomes, or is declared to be, a public street;

(45) "railway administration" has the meaning assigned to it in the Indian Railways Act, 1890;

9 of 1890.

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

20

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

(48) "regulation" means a regulation made 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;

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

5 (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, 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;

10 (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;

15 (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;

20 (56) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

25 (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 roadway or footway over any bridge or causeway;

30 (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;

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

(61) "urban areas" means the areas of Delhi which are not rural areas;

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

(63) "ward" means a municipal ward provided by order made under section 5 for the purpose of election of councillors;

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

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

(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.

CHAPTER II

THE CORPORATION

20

Constitution of the Corporation

Establishment of the Corporation

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

25

(2) The Corporation shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

(3) The Corporation shall be composed of councillors and aldermen.

(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; and aldermen shall be chosen by the councillors from among persons who are qualified to be councillors but are not councillors themselves.

35

(5) The total number of councillors shall at the establishment of the Corporation be eighty:

Provided that twelve out of the eighty seats of councillors shall be reserved for the members of the Scheduled Castes.

5 (6) Upon the completion of each census after the establishment of the Corporation, the number of councillors shall be on the basis of the population of Delhi as ascertained at that census and shall be determined by the Central Government by notification in the Official Gazette on a scale of one councillor for not more than twenty
10 thousand of the population and the number of councillors 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 councillors as the population of the Scheduled Castes bears to the total population of Delhi:

15 Provided that the total number of councillors shall in no case be more than one hundred or less than eighty:

Provided further that the determination of numbers as aforesaid shall not affect the then composition of the Corporation until the expiry of the term of office of the councillors then holding office.

20 (7) The total number of aldermen shall always be six.

4. (1) Save as otherwise provided in this section, the term of office of a councillor or an alderman shall be four years and shall commence on the date of publication of the result of his election under section 14:

Term of office of councillors and aldermen.

25

* * * * *

Provided * that the Central Government may, by notification in the Official Gazette, extend for reasons to be specified in the notification, the term of office of all the councillors and aldermen by such period as it thinks fit, so, however, that the total period so extended
30 shall never exceed one year.

(2) The term of office of a councillor or an alderman elected to fill a casual vacancy shall continue so long only as the councillor or alderman in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

35 (3) An out-going councillor or alderman shall continue in office until the result of the election of his successor is published under section 14.

Election of councillors and aldermen.

Delimitation
of wards.

5. (1) For the purposes of election of councillors Delhi shall be divided into multi-member wards.

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

- (a) the number of wards;
- (b) the extent of each ward;
- (c) the number of seats allotted to each ward; and
- (d) the number of seats, if any, reserved for the Scheduled Castes in each ward.

Power to
alter or
amend de-
limitation
orders.

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

Electors
and electoral
rolls

7. (1) The persons entitled to vote at elections of councillors shall be the persons registered, by virtue of the provisions of the Constitu-
tion and the Representation of the People Act, 1950, * * *
as voters at elections to the House of the People. 43 of 1950

(2) So much of the electoral roll for any parliamentary constituency for the time being in force as relates to the areas comprised within a ward shall be deemed to be the electoral roll for that ward for the purposes of this Act. 20

Explanation.—In sub-section (2), the expression “parliamentary constituency” has the meaning assigned to it under the Representation of the People Act, 1950. 43 of 1950.

Qualifications
for council-
lorship.

8. A person shall not be qualified to be chosen as a councillor unless his name is registered as an elector in the electoral roll for a ward: 25

Provided that in the case of a seat reserved for the Scheduled Castes, a person shall not be so qualified unless he is also a member of any of the said castes.

Disqualifica-
tions for
membership
of Corpora-
tion.

9. (1) A person shall be disqualified for being chosen as, and for being, a councillor, or an alderman— 30

- (a) if he is of unsound mind and stands so declared by a competent court;
- (b) if he is an undischarged insolvent;

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

5 (d) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of—

(i) any corrupt practice, or

45 of 1860.

(ii) any offence punishable under section 171E or section 171F of the Indian Penal Code or any offence punishable under section 29 or clause (a) of sub-section (2) of section 30
10 of this Act,

unless a period of five years has elapsed since the date of the finding or the disqualification has been removed either retrospectively or prospectively by the Central Government;

15 (e) if he has been sentenced on conviction by a criminal court to imprisonment * * * for any of the offences referred to in clause (d) or to imprisonment for a term of not less than two years for any other offence unless in each case a period of five years has elapsed since the date of the conviction or the disqualification has been removed either retrospectively
20 or prospectively by the Central Government;

(f) if he holds any office of profit * * * under the Corporation;

* * * * *

(g) if he holds any office of profit under the Government;

25 (h) if he is a licensed architect, draughtsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner;

30 (i) if he is interested in any subsisting contract made with, or any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company or as a member of a co-operative society;

35 (j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Corporation or any of the municipal authorities is interested or concerned;

(k) if he, having held any office under the Government, the Corporation or any other authority, has been dismissed for corruption or disloyalty to the State unless a period of four years has elapsed since his dismissal or the disqualification has been removed by the Central Government; 5

(l) if he fails to pay any arrear of any kind due by him, otherwise than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has been served upon him.

(2) Notwithstanding anything contained in sub-section (1),— 10

(a) a disqualification under clause (e) of that sub-section shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of; 15

* * * * *

(b) a person shall not be deemed to have incurred any disqualification under clause (f) or clause (g) of that sub-section by reason only of his receiving—

(i) any pension; or 20

(ii) any allowance or facility for serving as the Mayor or Deputy Mayor or as a councillor or an alderman; or

(iii) any fee for attendance at meetings of the Delhi Electric Supply Committee or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee or any other committee of the Corporation; 25

(c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of that sub-section by reason only of his having a share or interest in—

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or 30

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or 35

(iv) the sale to the Corporation or to any municipal authority or any officer or other employee of the Corporation on behalf of the Corporation, of any article in which he regularly trades or the purchase from the Corporation

or from any such authority, officer or other employee on behalf of the Corporation, of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work; or

5 (v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or

10 (vi) any agreement or contract with the Corporation or any municipal authority for taking water or electricity or for hiring buses or any other thing which the Corporation may generally supply.

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

20 10. (1) Every person whose name is, for the time being entered in the electoral roll for a ward shall be entitled to vote at the election of a councillor from that ward. Right to vote.

(2) In every ward an elector shall have as many votes as there are councillors to be elected from that ward but no elector shall at any election give more than one vote to any one candidate.

25 11. (1) A general * election of councillors shall be held for the purpose of constituting the Corporation under section 3. General elections of councillors.

(2) A general * election shall also be held for the purpose of filling the vacancies arising by efflux of time in the office of the councillors.

30 (3) For the aforesaid purposes the Commissioner shall, by one or more notifications published in the Official Gazette, call upon all the wards to elect councillors in accordance with the provisions of this Act and the rules and orders made thereunder before such date or dates as may be specified in the notification or notifications:

35 Provided that where in any ward a seat has been reserved for the Scheduled Castes, such notification or notifications shall specify that the person to fill that seat shall belong to one of the said castes.

12. (1) When a casual vacancy occurs in the office of a councillor the Commissioner shall, as soon as may be after the occurrence of such vacancy and subject to the provisions of sub-section (2), by a notification in the Official Gazette, call upon the ward concerned to Filling of casual vacancies in councillorship.

elect a person for the purpose of filling the vacancy in accordance with the provisions of this Act and the rules and orders made thereunder before such date as may be specified in the notification:

Provided that no election shall be held to fill a casual vacancy occurring within four months prior to the holding of a general election under section 11. 5

(2) If the vacancy be a vacancy in a seat reserved for the Scheduled Castes the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to one of the Scheduled Castes. 10

Election of
alderman.

13. (1) The six aldermen referred to in sub-section (7) of section 3 shall be elected at a meeting of the councillors immediately after the publication of the results of the general election of councillors under section 14.

(2) No person shall be entitled to stand as a candidate at any election of an alderman if at any election of a councillor immediately preceding the election of any alderman he stood as a candidate and failed to be elected as a councillor. 15

(3) In the case of an equality of votes at any election of an alderman the person presiding at the meeting whether or not entitled to vote in the first instance shall have and exercise a casting vote. 20

(4) As many persons as there are vacancies to be filled being persons who have the largest number of votes shall be declared by the person presiding at the meeting to be elected. 25

(5) As soon as may be after the occurrence of any casual vacancy in the office of an alderman election shall be held to fill such casual vacancy.

(6) Election of aldermen shall be held in accordance with rules made in this behalf. 30

Publication
of results of
elections.

14. The names of all persons elected as councillors or aldermen shall, as soon as may be, after such election, be published by the Commissioner in the Official Gazette :

Provided that the names of all the councillors elected at a general election shall be so published as far as possible simultaneously and the names of all the aldermen elected at a meeting of the councillors after such general election shall also be so published as far as possible simultaneously. 35

Disputes regarding elections

15. (1) No election of a councillor or an alderman shall be called in question except by an election petition presented to the court of the district judge of Delhi within fifteen days from the date of the publication of the result of the election under section 14. Election petitions.

(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 17—

(a) by any candidate at such election, or

10 (b) (i) in the case of an election of a councillor, by any elector of the ward concerned,

(ii) in the case of an election of an alderman, by any councillor.

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

20 (b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

5 of 1908. (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

16. (1) A petitioner may claim—

25 (a) a declaration that the election of all or any of the returned candidates is void, and

(b) in addition thereto, a further declaration that he himself or any other candidate has been duly elected.

Relief that may be claimed by the petitioner.

(2) The expression “returned candidate” means a candidate whose name has been published in the Official Gazette under section 14.

17. (1) Subject to the provisions of sub-section (2) if the court of the district judge is of opinion—

35 (a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor or, as the case may be, as an alderman under this Act, or

Grounds for declaring elections to be void.

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or

(c) that any nomination paper has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent, or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void, or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty by an agent of any corrupt practice, but the court is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;

* * * * *

(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents; then, the court may decide that the election of the returned candidate is not void.

Procedure to be followed by the district judge. 18. The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed by the court of the district judge as far as it can be made applicable, in the trial and disposal of an election petition under this Act. 5 of 1908

Decision of the district judge. 19. (1) At the conclusion of the trial of an election petition, the court of the district judge shall make an order—

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

5 (c) declaring the election of all or any of the returned candidates to be void and the petitioner and any other candidate to have been duly elected.

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed declaration that he himself or any other candidate has been duly elected and the court of the district judge is of opinion—

10 (a) that in fact the petitioner or such other candidate received a majority of the valid votes, or

(b) that but for the votes obtained by the returned candidate the petitioner or such other candidate would have obtained a majority of the valid votes,

15 the court * * * shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

20 20. If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then, the court of the district judge shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote. Procedure in case of equality of votes.

25 21. (1) An order of the court of the district judge on an election petition shall be final and conclusive. Finality of decisions.

(2) An election of a councillor or an alderman not called in question in accordance with the foregoing provisions shall be deemed to be a good and valid election.

Corrupt practices and electoral offences

30 22. The following shall be deemed to be corrupt practices for the purposes of this Act:— Corrupt practices.

(1) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951.

35 (2) Undue influence as defined in clause (2) of the said section.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to,

religious symbols or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election. 10

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act: 15

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power: 20

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause. 25

Explanation.—In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise. 30

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof. 35

(8) Any other practice which the Central Government may by rules specify to be a corrupt practice.

23. (1) Every officer or clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy. Maintenance of secrecy of voting.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

10 24. (1) No person who is a returning officer, or an assistant returning officer or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election or a member of a police force shall in the conduct or management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate. Officers, etc. at elections not to act for candidates or to influence voting.

(2) No such person as aforesaid * * * shall endeavour—

(a) to persuade any person to give his vote at an election; or

20 (b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

25 (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

30 25. (1) No person shall, on the date or dates on which the poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :— Prohibition of canvassing in or near polling station and of public meeting on election day.

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

35 (d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) No person shall convene, hold or attend any public meeting within any ward on the date or dates on which a poll is taken for an election in that ward.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to two hundred and fifty rupees. 5

(4) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling station.

26. (1) No person shall, on the date or dates on which a poll is taken at any polling station—

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or 10

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof; 15

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both. 20

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him. 25

(4) Any police officer may take such step and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention. 30

(5) An offence punishable under this section shall be cognizable.

Penalty for misconduct at the polling station.

27. (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer. 35

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at

a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station, re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

28. (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

Breaches of official duty in connection with election:

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the election; and the expression "official duty" shall for the purposes of this section be construed accordingly.

29. (1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Removal of ballot papers from polling station to be an offence.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Other offences and penalties therefor.

30. (1) A person shall be guilty of an electoral offence if at any election he—

(a) fraudulently defaces or destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the returning officer; or

(c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall—

(a) if he is a returning officer or an assistant returning officer or a presiding officer or a polling officer or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

(5) No court shall take cognizance of any offence under section 24, or under section 28, or under clause (a) of sub-section (2) of this section unless there is a complaint made by order of, or under authority from, the Commissioner.

5

Power to make rules

31. (1) The Central Government may make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of councillors and aldermen under this Act, namely:—

Power to make rules regulating the election of councillors, and aldermen.

- 10 (a) the manner of the splitting up of electoral rolls for parliamentary constituencies into parts for the purpose of constituting one or more of such parts into the electoral roll for a ward; and the officer or authority by whom such splitting up is to be carried out;
- 15 (b) the appointment of returning officers, assistant returning officers, presiding officers and polling officers for the conduct of elections;
- (c) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations;
- 20 (d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the Corporation;
- (e) the withdrawal of candidatures;
- 25 (f) the appointment of agents of candidates;
- (g) the procedure in contested and uncontested elections and the special procedure at elections in wards where any seat is reserved for the Scheduled Castes;
- 30 (h) the date, time and place for poll and other matters relating to the conduct of elections including—
- (i) the appointment of polling stations for each ward,
- (ii) the hours during which the polling station shall be kept open for the casting of votes,
- (iii) the printing and issue of ballot papers,
- 35 (iv) the checking of voters by reference to the electoral roll,

(v) the marking with indelible ink of the left forefinger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters, 5

(vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability,

(vii) the procedure to be followed in respect of challenged votes and tendered votes, 10

(viii) the scrutiny of votes, counting of votes, the declaration of the results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one ward,

(ix) the custody and disposal of papers relating to elections, 15

(x) the suspension of polls in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll,

(xi) the holding of a fresh poll in the case of destruction of or tampering with ballot boxes before the count, 20

(xii) the countermanding of the poll in the case of the death of a candidate before the poll;

(i) the manner of, and other matters connected with, the election of aldermen; 25

(j) the fee to be paid on an election petition;

(k) any other matter relating to elections or election disputes in respect of which the Central Government deems it necessary to make rules under this section or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary. 30

(2) In making any rule under this section the Central Government may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees. 35

Councillors and aldermen

32. (1) Every councillor and every alderman shall, before taking his seat, make and subscribe at a meeting of the Corporation an oath or affirmation according to the following form, namely:—

Oath or affirmation by councillors and aldermen.

5 "I, A.B., having been elected a ^{councillor} _{an alderman} of the Municipal Corporation of Delhi do ^{swear in the name of God} _{solemnly affirm}

that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

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

15 33. (1) If a councillor or an alderman—

Vacation of seats.

(a) becomes subject to any of the disqualifications mentioned in section 9, or

(b) resigns his seat by writing under his hand addressed to the Mayor and delivered to the Commissioner,

20 his seat shall thereupon become vacant.

(2) If during three successive months, a councillor or an alderman is, without permission of the Corporation, absent from all the meetings thereof, the Corporation may declare his seat vacant.

25 (3) If any question arises as to whether a councillor or an alderman has become subject to any of the disqualifications mentioned in section 9, the Commissioner shall refer the question to the district judge of Delhi for his decision and the decision of the district judge shall be final.

30 34. The councillors and aldermen shall be entitled to receive allowances for attendance at meetings of the Corporation and of any of its committees at such rate as may be determined by rules made in this behalf.

Payment of allowances to councillors and aldermen.

Mayor and Deputy Mayor

35 35. (1) The Corporation shall at its first meeting in each year elect one of its members to be the Mayor and another member to be the Deputy Mayor of the Corporation.

Annual election of Mayor and Deputy Mayor.

(2) On the occurrence of any vacancy in the office of the Mayor or the Deputy Mayor, the Corporation shall within one month of the occurrence of such vacancy elect one of its members as Mayor or Deputy Mayor, as the case may be.

Term of office of the Mayor and Deputy Mayor and facilities and privileges of the Mayor.

36. (1) The Mayor or the Deputy Mayor shall hold office from the time of his election until the election of his successor in office, unless in the meantime he resigns his office as Mayor or Deputy Mayor or his term of office as a member of the Corporation terminates in any manner or unless in the case of the Deputy Mayor he is elected as Mayor. 5 10

(2) The Mayor or the Deputy Mayor may be given such facilities in respect of residential accommodation, conveyance and the like as may be determined in each case by rules made in this behalf.

(3) The Mayor shall have full access to all the records of the Corporation and may obtain reports— 15

(a) from the Commissioner on any matter connected with the municipal government of Delhi;

(b) from the General Manager (Electricity) and the General Manager (Transport) on any matter connected respectively with the administration of the Delhi Electric Supply Undertaking and the administration of the Delhi Transport Undertaking.

Discharge of functions of the Mayor by the Deputy Mayor.

37. (1) When the office of the Mayor is vacant, the Deputy Mayor shall act as Mayor until a new Mayor is elected.

(2) When the Mayor is absent from his duty on account of illness or any other cause, the powers, duties and functions of the Mayor shall be exercised and performed by the Deputy Mayor * * *

(3) The Mayor may by order in writing delegate any of his powers, duties and functions to the Deputy Mayor.

Resignation of Mayor and Deputy Mayor.

38. (1) The Mayor may, by writing under his hand addressed to the Deputy Mayor and delivered to the Secretary, resign his office. 25 30

(2) The Deputy Mayor may, by writing under his hand addressed to the Mayor and delivered to the Secretary, resign his office.

(3) A resignation under sub-section (1) or sub-section (2) shall take effect from the date on which it is delivered. * * * 35

Committees of the Corporation

39. (1) In addition to the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee referred to in section 44, there shall be a Rural Areas Committee and an Education Committee of the Corporation. Rural Areas
Committee
and Educa-
tion
Committee.

(2) The Rural Areas Committee shall consist of all the councillors elected from the wards situated within the rural areas.

(3) It shall be the duty of the Rural Areas Committee—

(a) to make recommendations to the Corporation—

(i) in relation to the functions of the Corporation which may be discharged within the rural areas and questions of policy and schemes relating to the development of such areas;

(ii) in relation to taxes which the Corporation proposes to levy in the rural areas; and

(iii) generally in relation to the expenditure that may be incurred by the Corporation for the municipal government in those areas;

(b) to review the progress of work of the Corporation in the rural areas;

(c) to bring to the notice of the appropriate municipal authorities deficiencies in the rural areas and make proposals to those authorities for the removal of such deficiencies ;

(d) to discharge such other functions in relation to the rural areas as may be assigned to it by resolution made by the Corporation or by regulations made under this Act.

(4) The Corporation or any of the municipal authorities specified in section 44 shall not take any action, in relation to the rural areas except in consultation with the Rural Areas Committee.

(5) The Education Committee shall consist of seven members of whom such number not exceeding three as may be determined by the Corporation, shall be nominated by the Corporation from among experts in education who are not members of the Corporation and the rest shall be elected by the members of the Corporation from among themselves at the first meeting of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto.

(6) The Education Committee shall exercise and perform such powers, duties and functions in relation to education in Delhi as may be determined by regulations made in this behalf.

(7) The Rural Areas Committee as well as the Education Committee shall at its first meeting in each year elect one of its members to be the Chairman and another member to be the Deputy Chairman. 5

Special and
ad hoc com-
mittees and
ward com-
mittees, etc.

40. (1) The Corporation may constitute as many special and *ad hoc* committees as it thinks fit for the exercise of any power or discharge of any function which the Corporation may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Corporation may refer to them. 10

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

Provided that an *ad hoc* committee may with the sanction of the Corporation co-opt not more than three persons who are not members of the Corporation but who in the opinion of the Corporation possess special qualifications for serving on such committee. 15

(3) The Corporation may constitute a ward committee for each ward or for each group of wards comprising so many wards as the Corporation may determine. 20

(4) Each ward committee shall consist of—

(a) all the councillors elected from the ward or, as the case may be, from the group of wards; and

(b) such number of other persons not exceeding three as may be determined by the Corporation elected by the councillors referred to in clause (a) from among persons registered in the electoral roll for the time being in force for the ward or, as the case may be, registered in the electoral rolls for the time being in force for the wards comprised in the group. 25

(5) A ward committee shall perform such functions in relation to the ward or, as the case may be, the group of wards as the Corporation may require it to perform or as may be determined by regulations made in this behalf. 30

(6) Each committee constituted under this section shall elect one of its members as the Chairman and another member as the Vice-Chairman. 35

(7) Any matter relating to each of the committees constituted under section 39 or this section, not expressly provided in this Act may be provided by regulations made in this behalf.

CHAPTER III

FUNCTIONS OF THE CORPORATION

41. (1) Subject to the provisions of this Act and the rules, regulations and bye-laws made thereunder the municipal government of Delhi shall vest in the Corporation. General powers of the Corporation.

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

42. It shall be incumbent on the Corporation to make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:— Obligatory functions of the Corporation.

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

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

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

(d) the construction or purchase, maintenance, extension, management and conduct of—

(i) any undertaking for the generation or supply and distribution of electricity to the public,

(ii) any undertaking for providing road transport services by mechanically propelled vehicles, and

(iii) any undertaking for providing a sufficient supply of pure and wholesome water;

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

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

(g) the registration of births and deaths;

(h) public vaccination and inoculation;

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

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

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

(l) the regulation and abatement of offensive or dangerous trades or practices; 5

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

(n) the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like; 10

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

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

(q) the naming and numbering of streets and premises; 15

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

(s) the maintenance of municipal offices;

(t) the laying out or the maintenance of public parks, 20 gardens or recreation grounds;

(u) the maintenance of a fire-brigade and the protection of life and property in the case of fire;

(v) the maintenance of monuments and memorials vested in any local authority in Delhi immediately before the commencement of this Act or which may be vested in the Corporation after such commencement; 25

(w) the maintenance and development of the value of all properties vested in or entrusted to the management of the Corporation; and 30

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

Discretionary
functions of
the Corporation.

43. The Corporation may in its discretion provide either wholly or in part for all or any of the following matters, namely:—

(a) the furtherance of education including cultural and 35 physical education, by measures other than the establishment and maintenance of, and aid to, schools for primary education;

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

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

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

(e) the surveys of buildings and lands;

(f) the registration of marriages;

10 (g) the taking of a census of population;

(h) the civic reception to persons of distinction;

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

15 (j) the organisation and management of fairs and exhibitions;

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

(l) the construction and maintenance of—

(i) rest-houses,

(ii) poor-houses,

25 (iii) infirmaries,

(iv) children's homes,

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

(vi) shelters for destitute and disabled persons;

30 (vii) asylums for persons of unsound mind,

(m) the construction and maintenance of cattle pounds;

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

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

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

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

(r) the establishment and maintenance of veterinary hospitals;

(s) the organisation, construction, maintenance and management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;

(t) the organisation and management of farms and dairies within or without Delhi for the supply, distribution and processing of milk and milk products for the benefit of the residents of Delhi;

(u) the organisation and management of cottage industries, handicraft centres, and sales emporia;

(v) the construction and maintenance of warehouses and godowns;

(w) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers;

(x) the provision for unfiltered water supply;

(y) the improvement of Delhi in accordance with improvement schemes approved by the Corporation;

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

(za) any measure not hereinbefore specifically mentioned, likely to promote public safety, health, convenience or general welfare.

CHAPTER IV

MUNICIPAL AUTHORITIES UNDER THE CORPORATION

Municipal authorities

Enumeration
of municipal
authorities.

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

(a) the Standing Committee;

(b) the Delhi Electric Supply Committee;

- (c) the Delhi Transport Committee;
- (d) the Delhi Water Supply and Sewage Disposal Committee;
- (e) the Commissioner;
- (f) the General Manager (Electricity); and
- 5 (g) the General Manager (Transport).

The Standing Committee

45. (1) The Standing Committee shall consist of fourteen members Constitution
of the
Standing
Committee who shall be elected by the councillors and aldermen from among themselves at the first meeting of the Corporation after each general
10 election or as soon as possible at any other meeting subsequent thereto.

(2) On and from the date of such election the Standing Committee shall be deemed to have been constituted.

(3) One-half of the members of the Standing Committee shall
15 retire on the expiration of one year from the date of its constitution and for that purpose they shall be selected by lot before the said expiration in such manner as the Chairman of the Standing Committee may determine.

(4) During each succeeding year the members who have been
20 longest in office shall retire therefrom:

Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of this sub-section be computed from the date of his re-election.

(5) The Corporation shall in an ordinary meeting held before
25 the occurrence of the vacancies caused by the retirement of the members under sub-section (3) or sub-section (4), elect the requisite number of members from amongst the councillors and aldermen to fill up those vacancies.

(6) Any councillor or alderman who ceases to be a member of
30 the Standing Committee shall be eligible for re-election.

46. (1) When a casual vacancy occurs in the office of a member Casual
vacancies. of the Standing Committee, the Corporation shall fill up the vacancy, as soon as may be after, and in any case within one month of, the occurrence of the vacancy, by the election of another councillor or
35 alderman.

(2) A member elected to fill a casual vacancy shall be elected to serve for the remainder of his predecessor's term of office.

Chairman
and Deputy
Chairman
of the
Standing
Committee.

47. (1) The Standing Committee shall at its first meeting in each year elect one of its members to be the Chairman and another member to be the Deputy Chairman.

(2) The Chairman or the Deputy Chairman of the Standing Committee shall hold office from the date of his election until the election of his successor in office unless in the meantime he resigns his office as Chairman or Deputy Chairman or his term of office as member of the Standing Committee is in any manner determined or unless in the case of the Deputy Chairman he is elected as Chairman.

(3) On the occurrence of any casual vacancy in the office of the Chairman or the Deputy Chairman, the Standing Committee shall within one month of the occurrence of such vacancy elect one of its members as Chairman or Deputy Chairman, as the case may be, and the Chairman or the Deputy Chairman so elected shall hold office for the remainder of his predecessor's term.

Resignation
of Chairman
and mem-
bers of the
Standing
Committee.

48. (1) Any member of the Standing Committee may resign his office by writing under his hand addressed to the Chairman; and the Chairman may resign his office by writing under his hand addressed to the Mayor.

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in the writing referred to in that sub-section, or if no such date is specified, from the date of its receipt by the Chairman or the Mayor, as the case may be.

Functions of
the Stand-
ing Com-
mittee.

49. The Standing Committee shall exercise such powers and perform such functions as are specifically conferred or imposed upon it by or under this Act.

The Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee

Constitution
of the Delhi
Electric
Supply
Committee,
etc.

50. (1) The Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee shall each consist of seven members of whom four shall be elected by the councillors and aldermen from among themselves at the first meeting of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto:

Provided that at any time after the second general election of councillors the Central Government may, if in its opinion it is necessary or expedient so to do, increase the total number of members and the number of elected members so, however, as not to exceed nine and six respectively.

(2) The remaining three members of each such committee shall be nominated by the Central Government from among persons having knowledge and experience of administration and industrial, commercial, financial or labour matters and having also knowledge and experience of—

(a) electrical engineering or management of any electric supply undertaking, in the case of the Delhi Electric Supply Committee;

10 (b) management of any transport undertaking, in the case of the Delhi Transport Committee;

(c) management of any water supply or sewage disposal undertaking, in the case of the Delhi Water Supply and Sewage Disposal Committee.

15 (3) The nomination of the members of each such committee shall be made and communicated by the Central Government to the Commissioner before the election by the Corporation of the other members of that committee.

(4) Every such committee shall be deemed to have been constituted on and from the date of the election of those members thereof who are to be elected by the Corporation.

(5) One-half of the elected members of each such committee shall retire on the expiration of one year from the date of its constitution and for that purpose they shall be selected by lot before the said expiration in such manner as the chairman of that committee may determine.

(6) During each succeeding year the elected members who have been longest in office shall retire therefrom:

Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of this sub-section be computed from the date of his re-election.

(7) The Corporation shall in an ordinary meeting held before the occurrence of the vacancies caused by the retirement of the elected members under sub-section (5) or sub-section (6) elect the requisite number of members from among the councillors and aldermen to fill up those vacancies.

(8) A nominated member shall hold office for such period as the Central Government may determine in each case and shall be entitled to receive allowances for attendance at meetings of the committee at such rate as may be determined by rules made in this behalf.

(9) Notwithstanding anything contained in the foregoing provisions of this section, no person shall be elected at the same time as a member of more than one of the committees constituted under this section.

Filling up
of vacancies.

51. (1) When a vacancy occurs in the office of a member of any 5
of the committees constituted under section 50, the vacancy shall
be filled up as soon as may be after, and in any case within one
month of, the occurrence thereof, by the Corporation by the election
of a councillor or an alderman or as the case may be, by the Central
Government by the nomination of a suitable person as a member. 10

(2) A member elected to fill a casual vacancy shall be elected
to serve for the remainder of his predecessor's term of office.

Application
of sections
47 and 48.

52. The provisions contained in sections 47 and 48 shall apply in
relation to the Delhi Electric Supply Committee, the Delhi Transport
Committee and the Delhi Water Supply and Sewage Disposal 15
Committee as they apply in relation to the Standing Committee.

Functions
of the Delhi
Electric
Supply Com-
mittee, the
Delhi Trans-
port Com-
mittee and
the Delhi
Water Sup-
ply and
Sewage Dis-
posal Com-
mittee.

53. The Delhi Electric Supply Committee, the Delhi Transport
Committee and the Delhi Water Supply and Sewage Disposal
Committee shall respectively be responsible for the conduct and
management of the Delhi Electric Supply Undertaking, the Delhi 20
Transport Undertaking and the Delhi Water Supply and Sewage
Disposal Undertaking and for the efficient discharge of such
responsibility shall exercise such powers and perform such functions
as are conferred or imposed by or under this Act.

The Commissioner

25

Appoint-
ment, etc., of
the Commis-
sioner.

54. (1) The Central Government shall, by notification in the
Official Gazette, appoint a suitable person as the Commissioner of
the Corporation.

(2) The Commissioner so appointed shall hold office for a term
of five years in the first instance: 30

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

Provided further that where the Commissioner holds a lien on
any service under the Government, the Central Government may at
any time after reasonable notice to the Corporation * replace his 35
services at the disposal of that Government.

(3) The Central Government—

(a) shall remove the Commissioner from office if at a special meeting of the Corporation called for the purpose a resolution for such removal has been passed by a majority of not less than three-fifths of the total number of members;

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

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

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

Salary and allowances of the Commissioner.

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

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

Leave of absence of Commissioner.

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

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

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

58. (1) If the Commissioner is an officer in the service of the Government, the Corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government, to be paid by him or for him, as the case may be.

Service regulations of Commissioner.

(2) If the Commissioner is not an officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the Municipal Fund shall be governed by rules: 5

Provided that—

(a) the amount of any such leave and leave allowances, gratuity or pension shall in no case, without the special sanction of the Central Government, exceed what would be admissible in the case of Government servants of similar standing and 10 status; and

(b) the conditions under which such allowances, gratuity or pension are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Govern- 15 ment servants.

Functions
of the
Commis-
sioner.

59. Save as otherwise provided in this Act, the entire executive power for the purpose of carrying out the provisions of this Act other than those pertaining to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking and of any other Act for the 20 time being in force which confers any power or imposes any duty on the Corporation, shall vest in the Commissioner who shall also—

(a) exercise all the powers and perform all the duties specifically conferred or imposed upon him by this Act or by 25 any other law for the time being in force;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and other municipal employees other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and other municipal employees immediately subordinate 30 to them and subject to any regulation that may be made in this behalf, dispose of all questions relating to the service of the said officers and other employees and their pay, privileges, allowances and other conditions of service;

(c) on the occurrence or threatened occurrence of any 35 sudden accident or any unforeseen event or natural calamity involving or likely to involve extensive damage to any property of the Corporation, or danger to human life, take such immediate action as he considers necessary and make a report forthwith

to the Standing Committee and the Corporation of the action he has taken and the reasons for the same as also of the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget-grant;

- 5 (d) exercise the powers and perform the duties conferred or imposed by or under this Act upon the General Manager (Electricity) or the General Manager (Transport) in his absence or on failure by him to exercise or perform the same.

10 *The General Manager (Electricity) and the General Manager (Transport)*

60. (1) The Corporation shall, with the approval of the Central Government, appoint two suitable persons respectively as the General Manager (Electricity) and the General Manager (Transport). Appointment, etc., of the General Managers.

- 15 (2) Each of the two General Managers shall be appointed for a term of five years in the first instance but such appointment may be renewed from time to time with the approval of the Central Government for a term not exceeding five years at a time.

20 (3) The Corporation shall remove from office any of the General Managers if at a special meeting of the Corporation called for the purpose a resolution for such removal is passed by a majority of not less than three-fifths of the total number of members on the ground of neglect or misconduct or incapacity for the duties of his office, on the part of such General Manager.

25 (4) Any of the General Managers shall not undertake any work unconnected with his office without the sanction of the Corporation.

61. Each of the General Managers shall be paid out of the Municipal Fund such monthly salary and such allowances, if any, as may from time to time be fixed by the Corporation with the approval of the Central Government. Salary and allowances of General Managers.

30 62. (1) Leave may be granted with the approval of the Corporation—

(a) to the General Manager (Electricity) by the Delhi Electric Supply Committee;

35 (b) to the General Manager (Transport) by the Delhi Transport Committee.

(2) Whenever any such leave is granted to any of the General Managers, the Corporation shall appoint another person to officiate in his place.

Leave of absence to the General Managers, etc.

(3) If any vacancy occurs in the office of any of the General Managers on account of death, resignation or removal, the Corporation may appoint another person to officiate in his place:

Provided that no appointment under sub-section (2) or sub-section (3) for a period exceeding three months shall be made except with the approval of the Central Government.

Service regulations of the General Managers.

63. The Corporation may make regulations relating to the conditions of service of the two General Managers.

Functions of the General Managers.

64. (1) Save as otherwise provided in this Act,—

(a) the entire executive power for the purpose of carrying out the provisions of this Act pertaining to the Delhi Electric Supply Undertaking shall vest in the General Manager (Electricity) who shall also—

(i) exercise all the powers and perform all the duties specifically conferred or imposed upon him by or under this Act and perform such other functions in connection with the Delhi Electric Supply Undertaking as may be required of him by the Delhi Electric Supply Committee and the Corporation;

(ii) prescribe the duties of, and exercise supervision and control over all acts and proceedings of, all municipal officers and other municipal employees employed in connection with the Delhi Electric Supply Undertaking and subject to such regulations as may be made in this behalf, dispose of all matters relating to the service of the said officers and other employees and their pay, privileges, allowances and other conditions of service;

(iii) on the occurrence or threatened occurrence of any sudden accident or any unforeseen event or natural calamity involving or likely to involve extensive damage to any property of the Corporation pertaining to the Delhi Electric Supply Undertaking or danger to human life arising from or in connection with any part of that Undertaking, take such immediate action as may appear necessary to him and after such action has been taken, make a report forthwith to the Delhi Electric Supply Committee and the Corporation of the action he has taken and the reasons for the same as also the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a budget-grant;

(b) the entire executive power for the purpose of carrying out the provisions of this Act pertaining to the Delhi Transport Undertaking shall vest in the General Manager (Transport).

(2) The General Manager (Transport) shall exercise the same powers and perform the same duties in connection with the Delhi Transport Undertaking as are exercised and performed by the General Manager (Electricity) in connection with the Delhi Electric Supply Undertaking under sub-clauses (i), (ii) and (iii) of clause (a) of sub-section (1):

10 Provided that any reference in those sub-clauses to the Delhi Electric Supply Committee shall be construed as a reference to the Delhi Transport Committee.

Miscellaneous provisions relating to the various municipal authorities

15 65. (1) The Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee may appoint from among its own members any sub-committee consisting of such number as that committee may think fit for exercising any power or performing
20 any function of that committee under this Act or for inquiring into or reporting or advising upon any matter which that committee may refer to such sub-committee.

Appointment of sub-committees by the various committees.

(2) Every such sub-committee shall conform to such instructions as may be given to it by the committee by which it has been
25 appointed.

66. (1) A person shall be disqualified for being appointed as the Commissioner, the General Manager (Electricity) or the General Manager (Transport) who has, directly or indirectly, by himself or by a partner, or any other person, any share or interest in any
30 contract made with, or any work being done for, the Corporation other than as such Commissioner, or General Manager, as the case may be.

Commissioner and General Managers not to be interested in any contract, etc., with the Corporation.

(2) If the Commissioner, or any of the General Managers, acquires directly or indirectly, by himself or by his partner, or any other
35 person, any share or interest in any such contract or work as is referred to in sub-section (1), he shall, unless the Corporation in any particular case otherwise decides, be liable to be removed from his

office by the order of the authority competent to remove him under the provisions of this Act:

Provided that before an order of removal is made, the Commissioner or such General Manager shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. 5

Vacation of seats by members of committees.

67. (1) If an elected member of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee ceases to be a councillor or an alderman he shall cease to be a member of that committee and his seat shall thereupon become vacant. 10

(2) If a member of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee, absents himself during three successive months from the meetings of the committee except on account of illness or any other cause approved by the committee, or absents himself during six successive months from the meetings of the committee on account of any cause whatsoever, whether approved by the committee or not, he shall cease to be a member of the committee and his seat shall thereupon become vacant. 15 20

Committees to continue in office till new committees are constituted.

68. The Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee shall continue to function until a new committee is constituted in accordance with the provisions of this Act notwithstanding that the members or some of the members of such committee have ceased to be councillors or aldermen. 25

Power of Corporation to call for extracts of proceedings from the committees.

69. The Corporation may at any time call for any extract of any proceedings of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee, the Delhi Water Supply and Sewage Disposal Committee, the Delhi Rural Areas Committee, the Education Committee or of any other committee or sub-committee constituted or appointed under this Act and for any return, statement, account or report concerning or connected with any matter with which any such committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by any such committee or sub-committee without any unreasonable delay. 30 35

70. (1) The Corporation may at any time require the Commissioner—

Power of Corporation to require the Commissioner, etc., to produce documents and furnish returns, reports, etc.

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

10 (b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter pertaining to the administration of this Act or the municipal government of Delhi except in regard to the Delhi Electric Supply Undertaking, or the Delhi Transport Undertaking;

15 (c) to furnish a report by himself or to obtain from the head of any department subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of Delhi except in regard to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking.

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

25 Provided that the Commissioner shall not be bound to comply with any such requisition if with the previous approval of the Mayor he makes a statement that such compliance would be prejudicial to public interest or to the interests of the Corporation.

30 (3) In their application to matters relating to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking, the provisions of sub-sections (1) and (2) shall have effect as if for the word "Commissioner", the words and brackets "General Manager (Electricity)", or as the case may be, the words and brackets "General Manager (Transport)" had been substituted.

35 **71.** Save as otherwise provided in this Act, the exercise of any power or the performance of any duty conferred or imposed upon the Corporation or any municipal authority by or under this Act, which will involve expenditure, shall be subject to the following conditions, namely:—

Exercise of powers to be subject to sanction.

40 (a) that such expenditure, in so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget-grant; and

(b) that if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, such expenditure shall not be incurred without the sanction—

(i) of the Standing Committee or, as the case may be, the Delhi Electric Supply Committee or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee, if it is incurred in the year next following such year, or

(ii) of the Corporation, if it is incurred at any time after the next following year.

CHAPTER V

PROCEDURE

Transaction of business by the Corporation

Meetings. 72. (1) The Corporation shall ordinarily hold at least one meeting in every month for the transaction of business.

(2) The Mayor or in his absence the Deputy Mayor may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the total number of councillors and aldermen, convene a special meeting of the Corporation.

(3) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

First meeting of the Corporation after general election. 73. The first meeting of the Corporation after a general election shall be held as early as possible after the publication of the results of the election of aldermen under section 14 and shall be convened by the Administrator.

Notice of meetings and business. 74. A list of the business to be transacted at every meeting except at an adjourned meeting shall be sent to the * address of each councillor and alderman at least seventy-two hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which a notice has been so given:

Provided that any councillor or alderman may send or deliver to the Municipal Secretary notice of any resolution going beyond the matters mentioned in the notice given of such meeting so as to reach him at least forty-eight hours before the date fixed for the

meeting and the Municipal Secretary shall with all possible despatch take steps to circulate such resolution to every councillor and alderman in such manner as he may think fit.

* * * * *

5 75. (1) The quorum necessary for the transaction of business at Quorum, a meeting of the Corporation shall be one-fifth of the total number of members.

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

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

76. (1) The Mayor or in his absence, the Deputy Mayor, shall
preside at every meeting of the Corporation. Presiding officer.

(2) In the absence of both the Mayor and Deputy Mayor from the meeting, the members present shall elect one from among their
20 own number to preside.

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

25 77. Notwithstanding anything contained in section 76—

(a) at a meeting for the election of a Mayor the Administrator shall nominate a councillor or an alderman who is not a candidate for such election to preside over the meeting; Presiding Officer at meeting for the election of Mayor.

(b) if during the election of Mayor it appears that there is an equality of votes between any candidates at such election
30 and that the addition of a vote would entitle any of those candidates to be elected as Mayor, then, the person presiding over the meeting shall decide between them by lot to be drawn in the presence of the candidates and in such manner as he may determine, and the candidate on whom the lot falls shall be
35 deemed to have received an additional vote.

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

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

(3) At any meeting, unless voting be demanded by at least four members a declaration by the presiding officer at such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of the proceedings shall, for the purposes of this Act, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(4) If voting as aforesaid is demanded, the votes of all the members present who desire to vote shall be taken under the direction of the presiding officer at the meeting and the result of the voting shall be deemed to be the resolution of the Corporation at such meeting.

Maintenance of order at, and admission of public to, meetings; withdrawal and suspension of councillors and aldermen.

79. (1) The Mayor or the person presiding over a meeting shall preserve order thereat and shall have all powers necessary for the purpose of preserving such order.

(2) The Mayor or the person presiding over a meeting may direct any councillor or alderman whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting, and any councillor or alderman so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.

(3) If any councillor or alderman is ordered to withdraw a second time within fifteen days, the Mayor or the person presiding may suspend such councillor or alderman from attending the meetings of the Corporation for any period not exceeding fifteen days and the councillor or alderman so suspended shall absent himself accordingly:

Provided that the Mayor may at any time decide that such suspension be terminated:

Provided further that such suspension shall not debar the suspended councillor or alderman from serving on any committee of the Corporation of which he is a member.

(4) Subject to sub-section (5) every meeting shall be open to the public, unless a majority of the members present at the meeting decide that any inquiry or deliberation pending before the Corporation shall be held in private.

(5) The Corporation may make regulations for the purpose of admission of the members of the public to its meetings and for the removal by force, if necessary, of any member of the public admitted to a meeting for interrupting or disturbing the proceedings of the meeting.

(6) In the case of grave disorder arising in a meeting the Mayor or the person presiding may, if he thinks it necessary to do so, adjourn the meeting to a date specified by him.

10 80. No councillor or alderman shall vote at a meeting of the Corporation or of any committee thereof on any question relating to his own conduct or vote or take part in any discussion on any matter (other than a matter affecting generally the residents of Delhi or of any particular ward), which affects his pecuniary interest or any property in respect of which he is directly or indirectly interested, or any property of or for which he is a manager or agent.

Councillors or aldermen not to vote on matter in which they are interested.

15 81. (1) The Commissioner or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Corporation or any of its committees; and the General Manager (Electricity) or any municipal officer authorised by him in this behalf and the General Manager (Transport) or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Delhi Electric Supply Committee and the Delhi Transport Committee respectively, but none of the persons specified herein shall by virtue of this sub-section be entitled to vote in any such meeting.

Right to attend meetings of the Corporation and its committees, etc., and right of councillors and aldermen to ask questions in relation to the municipal government of Delhi.

20 (2) A councillor or alderman may, subject to the provisions of sub-section (3), ask the Commissioner questions on any matter relating to the municipal government of Delhi or the administration of this Act or the functions of any of the municipal authorities.

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

(a) not less than seven clear days' notice in writing specifying the question shall be given to the Municipal Secretary;

30 (b) no question shall—

(i) bring in any name or statement not strictly necessary to make the question intelligible,

(ii) contain arguments, ironical expressions, imputations, epithets or defamatory statements,

(iii) ask for an expression of opinion or the solution of a hypothetical proposition,

(iv) ask as to the character or conduct of any person except in his official or public capacity,

(v) relate to a matter which is not primarily the concern of the Corporation or of any of the municipal authorities,

(vi) make or imply a charge of a personal character,

(vii) raise questions of policy too large to be dealt with within the limits of an answer to a question,

(viii) repeat in substance questions already answered or to which an answer has been refused,

(ix) ask for information on trivial matters,

(x) ordinarily ask for information on matters of past history,

(xi) ask for information set-forth in accessible documents or in ordinary works of reference,

(xii) raise matters under the control of bodies or persons not primarily responsible to the Corporation,

(xiii) ask for any information on matter which is under adjudication by a court of law.

(4) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (3).

(5) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (3), the Mayor shall decide the point and his decision shall be final.

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

(7) Unless otherwise directed by the Mayor or the presiding officer of the meeting, every question shall be answered by the Commissioner at a meeting of the Corporation.

(8) The General Manager (Electricity) and the General Manager (Transport) shall without unreasonable delay furnish the Commissioner with such information relating respectively to the Delhi Electric Supply Undertaking and the Delhi Transport Undertaking as the Commissioner may require for the purpose of answering any question under this section.

82. The Corporation may make regulations for the transaction of business at its meeting: Power to make regulations.

5 Provided that the time, place and procedure for the first meeting after the constitution of the Corporation under section 3 shall be determined by the Administrator.

Transaction of business by Standing and other committees

83. (1) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee and the Presiding officers at meetings of the Standing and other committees,
10 Delhi Water Supply and Sewage Disposal Committee or any other committee of the Corporation.

(2) In the absence of the Chairman and the Deputy Chairman from any meeting the members of any such committee shall choose one of their number to preside over the meeting.

15 84. The Corporation may make regulations for the procedure and the conduct of business at meetings, of the Standing Committee and all other committees except *ad hoc* committees which shall regulate their own procedure. Conduct of business at meetings of Standing and other committees.

Minutes and reports of proceedings

20 85. Minutes, in which shall be recorded the names of the members present at, and the proceedings of each meeting of the councillors for the election of any alderman and of each meeting of the Corporation and of the Standing Committee and every other committee of the Corporation, shall be drawn up and recorded in a book to be kept Keeping of minutes and proceedings.
25 for that purpose, and shall be laid before the next ensuing meeting of the Corporation or of such committee, as the case may be, and signed at such meeting by the presiding officer thereof.

30 86. (1) Minutes of the proceedings of each meeting of the Corporation shall be circulated to all the members of the Corporation and shall at all reasonable times be available at the municipal office for inspection by any other person on payment of a fee of eight annas. Circulation of minutes and Inspection of minutes and reports of proceedings.

(2) Full reports, if any, of such proceedings shall similarly be available for inspection by any member of the Corporation without charge and by any other person on payment of a fee of eight annas.

35 87. (1) The Municipal Secretary shall forward to the Administrator a copy of the minutes of the proceedings of each meeting of the Corporation, within ten days from the date on which the minutes of the proceedings of such meeting were signed under section 85. Forwarding minutes and reports of proceedings to the administrator.

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

(3) The Municipal Secretary shall also forward to the Administrator as soon as may be after the date referred to in sub-section (1), a full report of the proceedings of each meeting of the Corporation, if any such report be prepared. 5

Validation

Validation of proceedings, etc. 88. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of— 10

(a) the seat of any councillor or alderman remaining unfilled from any cause whatsoever;

(b) the existence of any vacancy in, or any defect in the constitution of, the Corporation, or in any committee thereof; 15

(c) any councillor having voted or taken part in any proceedings in contravention of section 80;

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

(2) Every meeting of the councillors for the election of any alderman or of the Corporation or of any committee thereof, the minutes of the proceedings of which have been duly drawn up and signed * * * * shall be deemed to have been duly convened and to be free from all defects and irregularities. 20

CHAPTER VI

25

MUNICIPAL OFFICERS AND OTHER MUNICIPAL EMPLOYEES

Appointment of certain officers.

89. (1) The Corporation shall appoint suitable persons to be respectively the Chief Engineer (Water Supply), the Municipal Engineer, the Municipal Health Officer, the Education Officer, the Municipal Chief Accountant, the Municipal Secretary and the Municipal Chief Auditor and may appoint one or more Deputy Commissioners and such other officer or officers of a status equivalent to or higher than the status of any of the officers specified earlier in this sub-section as the Corporation may deem fit on such monthly salaries and such allowances, if any, as may be fixed by the Corporation. 30

(2) The appointment of the Municipal Chief Auditor shall be made with the previous approval of the Central Government and every other appointment referred to in sub-section (1) except that 35

of the Municipal Chief Accountant and the Municipal Secretary shall be subject to confirmation by that Government:

Provided that the Municipal Chief Auditor shall not be eligible for any other office under the Corporation after he has ceased to hold his office.

90. (1) The appropriate authority shall from time to time prepare and lay before the committee concerned two schedules of posts other than those specified in sub-section (1) of section 89 setting forth the designations and grades of municipal officers and other municipal employees who should be maintained permanently in the service of the Corporation indicating therein the salaries, fees and allowances which are proposed to be paid to such officers and other employees.

Schedule of permanent posts and creation of temporary posts

(2) Of the two schedules referred to in sub-section (1), the first schedule shall deal with posts with a minimum monthly salary of not less than three hundred and fifty rupees and the second with posts with a minimum monthly salary of less than three hundred and fifty rupees.

(3) The committee concerned shall lay the first schedule with its comments thereon before the Corporation for its consideration and approval and shall sanction the second either without modifications or with such modifications as it thinks fit and thereafter may amend it either on its own motion after ascertaining the views of the appropriate authority or at the instance of such authority.

(4) The Corporation shall after considering the comments of the committee concerned, sanction the first schedule either without modifications or with such modifications as it thinks fit and thereafter may amend it either on its own motion after ascertaining the views of the appropriate authority and the committee concerned or at the instance of such authority or committee.

(5) The appropriate authority may create for a period not exceeding six months any post carrying a minimum monthly salary (exclusive of allowances) of less than two hundred and fifty rupees:

Provided that no such post shall be continued beyond the said period without the previous approval of the committee concerned.

(6) The committee concerned may, on the recommendation of the appropriate authority, create for a period not exceeding six months any post carrying a minimum monthly salary (exclusive of allowances) of two hundred and fifty rupees or more;

Provided that no such post shall be continued beyond the said period without the previous approval of the Corporation.

(7) In this section, "appropriate authority" and "committee concerned" mean respectively,—

(i) in relation to officers and other employees appointed in connection with the affairs of the Delhi Electric Supply Undertaking, the General Manager (Electricity) and the Delhi Electric Supply Committee;

(ii) in relation to officers and other employees appointed in connection with the affairs of the Delhi Transport Undertaking, the General Manager (Transport) and the Delhi Transport Committee; 10

(iii) in relation to officers and other employees appointed in connection with the affairs of the Delhi Water Supply and Sewage Disposal Undertaking, the Commissioner and the Delhi Water Supply and Sewage Disposal Committee;

(iv) in relation to all other officers and employees in the service of the Corporation, the Commissioner and the Standing Committee. 15

Restriction on employment of permanent officers and other employees.

91. No permanent officer or other employee shall be entertained in any department of the municipal administration unless he has been appointed under sub-section (1) of section 89 or his office and emoluments are included in one of the schedules for the time being in force prepared and sanctioned under section 90. 20

Power to make appointments.

92. (1) Subject to the provisions of section 89 the power of appointing municipal officers and other municipal employees, whether temporary or permanent,— 25

(a) to posts carrying a minimum monthly salary (exclusive of allowances) of three hundred and fifty rupees or more shall vest—

(i) in the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee respectively in the case of officers and other employees appointed in connection with the affairs of the Delhi Electric Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewage Disposal Undertaking, 35

(ii) in the Corporation in the case of all other municipal officers and employees;

(b) to posts carrying a minimum monthly salary (exclusive of allowances) of less than three hundred and fifty rupees, shall vest in the General Manager (Electricity), the General Manager (Transport), or the Commissioner, as the case may be:

5 Provided that the power of appointing officers and other employees immediately subordinate to the Municipal Secretary or the Municipal Chief Auditor, whose minimum monthly salary (exclusive of allowances) is less than three hundred and fifty rupees, shall vest in the Standing Committee:

10 Provided further that the Standing Committee may delegate to the Municipal Secretary or the Municipal Chief Auditor the power of appointing officers and other employees immediately subordinate to such Secretary or Auditor, whose minimum monthly salary (exclusive of allowances) is not more than two hundred and fifty rupees.

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

20 93. No municipal officer or other municipal employee shall undertake any work unconnected with his duties under this Act except with the permission of the Corporation.

Officers and other employees not to undertake any extraneous work.

25 94. (1) A person shall be disqualified for being appointed as a municipal officer or employee if he has, directly or indirectly, by himself or by a partner or any other person any share or interest in any contract made with, or any work being done for, the Corporation other than as such officer or employee.

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

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

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

Punishment
for municipal
officers
and other
employees.

95. (1) Every municipal officer or other municipal employee shall be liable to have his increments or promotion withheld or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed by regulations: 5

Provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired, removed or dismissed by any authority subordinate to that by which he was appointed:

Provided further that the Corporation may by regulations provide that municipal employees belonging to such classes or categories as may be specified in the regulations shall be liable also to be fined by such authority as may be specified therein. 10

(2) No such officer or other employee shall be punished under sub-section (1) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him: 15

Provided that this sub-section shall not apply—

(a) where an officer or other employee is removed or dismissed on the ground of conduct which had led to his conviction on a criminal charge; or 20

(b) where the authority empowered to remove or dismiss such officer or other employee is satisfied that for some reason to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause. 25

(3) If any question arises whether it is reasonably practicable to give to any officer or other employee an opportunity of showing cause under sub-section (2), the decision thereon of the authority empowered to remove or dismiss such officer or other employee shall be final. 25

(4) An officer or other employee upon whom a punishment has been inflicted under this section may appeal to such officer or authority as may be prescribed by regulations. 30

Consultation
with the
Union
Public Service
Commission.

96. No appointment to the post of the General Manager (Electricity) or the General Manager (Transport) or to any post carrying a minimum monthly salary of three hundred and fifty rupees or more (exclusive of allowance) shall be made except after consultation with the Union Public Service Commission (hereafter in this Chapter referred to as "the Commission"): 35

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment— 40

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

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

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

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

15 **97. (1)** The Commission may after consultation with the Corporation make regulations for the following matters, namely:—

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

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

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

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

98. (1) The Corporation may make regulations to provide for any one or more of the following matters, namely:—

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

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

35 (c) the qualifications of candidates for appointment to posts specified in sub-section (1) of section 89 and to posts dealt with in the first schedule of posts referred to in sub-section

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

Power of Corporation to make regulations.

(2) of section 90 and the manner of selection, for appointments to posts dealt with in the Second Schedule of posts referred to in that sub-section;

(d) the procedure to be followed in imposing any penalty under sub-section (1) of section 95, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspension may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;

(e) any other matter which is incidental to, or necessary for, 10 the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Corporation and any other matter for which in the opinion of the Corporation provisions should be made by regulations.

(2) No regulation under clause (c) of sub-section (1) * * * 15
* * shall be made except after consultation with the Commission.

CHAPTER VII

REVENUE AND EXPENDITURE

The Municipal Fund

20

Constitution
of the Muni-
cipal Fund.

99. (1) Save as otherwise provided in this Act,—

(a) all funds which immediately before the establishment of the Corporation vested in any body or local authority specified in the Second Schedule;

(b) all moneys received by or on behalf of the Corporation 25 under the provisions of this Act or of any other law for the time being in force, or under any contract;

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

(d) all rents accruing from any property of the Corporation; 30

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

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

(g) all moneys received by or on behalf of the Corporation 35 from the Government or any individual or association of individuals by way of grant or gift or deposit;

(h) all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewage Disposal Undertaking;

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

10 (j) all moneys received by or on behalf of the Corporation from any other source whatsoever,

shall form one Fund to be entitled the Municipal Fund of Delhi (hereafter in this Act referred to as "the Municipal Fund").

(2) The Municipal Fund shall be held by the Corporation in trust for the purposes of this Act subject to the provisions herein contained 15 and shall be maintained in the following four accounts, namely:—

(a) the Electric Supply Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking;

20 (b) the Transport Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Transport Undertaking;

(c) the Water Supply and Sewage Disposal Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Water Supply and Sewage 25 Disposal Undertaking; and

(d) the General Account relating to all moneys received by or on behalf of the Corporation other than those specified in clause (a) or clause (b) or clause (c).

100. (1) All moneys payable to the credit of the Municipal Fund 30 in the Water Supply and Sewage Disposal Account and the General Account shall be received by the Commissioner and shall be forthwith paid into the State Bank of India to the credit of the said Accounts which shall be respectively entitled "The Water Supply and Sewage Disposal Account of the Municipal Fund of Delhi" and "The General 35 Account of the Municipal Fund of Delhi".

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

(2) All moneys payable to the credit of the Municipal Fund in the Electric Supply Account shall be received by the General Manager (Electricity) and shall be forthwith paid into the State Bank of India to the credit of the Electric Supply Account which shall be entitled 40 "The Electric Supply Account of the Municipal Fund of Delhi".

(3) All moneys payable to the credit of the Municipal Fund in the Transport Account shall be received by the General Manager (Transport) and shall be forthwith paid into the State Bank of India to the credit of the Transport Account which shall be entitled "The Transport Account of the Municipal Fund of Delhi". 5

Operation of
the Accounts.

101. (1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India out of the Municipal Fund except on a cheque signed by both—

(a) the Chief Accountant or an officer subordinate to him authorised by the Standing Committee in this behalf; and 10

(b) (i) the Commissioner or a Deputy Commissioner or an officer subordinate to the Commissioner authorised by the Standing Committee in this behalf, in the case of the General Account, or

(ii) the General Manager (Electricity) or an officer subordinate to him authorised by the Delhi Electric Supply Committee in this behalf, in the case of the Electric Supply Account, or 15

(iii) the General Manager (Transport) or an officer subordinate to him authorised by the Delhi Transport Committee in this behalf, in the case of the Transport Account, or 20

(iv) the Commissioner or the Chief Engineer (Water Supply) or an officer subordinate to the Commissioner authorised by the Delhi Water Supply and Sewage Disposal Committee in this behalf in the case of the Water Supply and Sewage Disposal Account. 25

(2) Payment of any sum due by the Corporation in excess of one hundred rupees shall be made by means of a cheque signed in accordance with sub-section (1) and not in any other way. 25

(3) Payments not covered by sub-section (2) may be made in cash. 30

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

102. No payment of any sum out of the Municipal Fund shall be made unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under the provisions of this Act: 35

Provided that this section shall not apply to payments made in the following classes of cases, namely:—

(a) refund of taxes and other moneys which are authorised under this Act;

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

(c) sums payable in any of the following circumstances—

5 (i) under orders of the Central Government on failure of the Corporation to take any action as required by that Government; or

(ii) under any other enactment for the time being in force; or

10 (iii) under the decree or order of a civil or criminal court passed against the Corporation; or

(iv) under a compromise of any claim, suit or other legal proceedings; or

15 (v) on account of cost incurred in taking immediate action by the Corporation or any of the municipal authorities to avert a sudden threat of danger to the property of the Corporation or to human life;

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

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

(f) expenses incurred by the Corporation on special measures taken on the outbreak of dangerous diseases.

103. Before any person signs a cheque in accordance with section 101, he shall satisfy himself that the sum for which the cheque is drawn is either— Duty of persons signing cheques.

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

30 (b) required for any payment referred to, or specified in section 102.

104. Whenever any sum is expended under clauses (c), (e) or (f) of the proviso to section 102 the Commissioner, or as the case may be, the General Manager (Electricity) or the General Manager (Transport) shall forthwith communicate the circumstances to the Standing Committee, or the Delhi Water Supply and Sewage Disposal Procedure when money not covered by a budget-grant is expended.

Committee, or as the case may be, the Delhi Electric Supply Committee or the Delhi Transport Committee which may take, or recommend to the Corporation to take, such action under the provisions of this Act as shall, in the circumstances appear possible and expedient for covering the amount of the additional expenditure. 5

Application
of Municipal
Fund.

105. (1) The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the provisions of this Act, and of the rules, regulations and bye-laws made thereunder, or of which payment is duly directed, sanctioned or required by or under any of the 10 provisions of this Act.

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

Temporary
payments
from the
Municipal
Fund for
works ur-
gently re-
quired for
the public
service.

106. (1) On the written requisition of a Secretary to the Central 15 Government, the General Manager (Electricity) in the case of any work in connection with the Delhi Electric Supply Undertaking, the General Manager (Transport) in the case of any work in connection with the Delhi Transport Undertaking and the Commissioner in the 20 case of any other work, may at any time undertake the execution of any work certified by such Secretary to be urgently required in public interest, and for this purpose may temporarily make payments from the Municipal Fund so far as the same can be met without unduly interfering with the regular work of the municipal government. 25

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

(3) On the receipt of any requisition under sub-section (1) the Commissioner or as the case may be, the General Manager (Electricity) or the General Manager (Transport) shall forthwith forward 30 a copy thereof to the Corporation together with a report of the steps taken by him in pursuance of the same.

Transfer of
surplus
moneys from
one account
to another
and invest-
ment there-
of.

107. (1) Surplus moneys standing at the credit of any of the 35 accounts of the Municipal Fund which cannot immediately or at an early date be applied for the purposes specified in section 105 may be transferred by the Corporation either in whole or in part to any other account of that Fund:

Provided that no such money shall be transferred permanently from any of the accounts (other than the Water Supply and Sewage 40

Disposal Account) to any other of the said accounts without the previous approval of the Central Government.

(2) Surplus moneys which are not transferred under sub-section (1) shall be deposited in the State Bank of India or in such Scheduled bank or banks as the Corporation may select or be invested in public securities.

(3) The loss, if any, arising from such deposit or investment shall be debited to the account concerned of the Municipal Fund.

Special funds

10 108. (1) The Corporation shall constitute such special fund or funds as may be prescribed by regulations and such other funds necessary for the purposes of this Act as may be so prescribed. Constitution of special funds.

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

15 *Budget estimates*

109. (1) The Corporation shall, on or before the 31st day of March of every year, adopt for the ensuing year the following budget estimates, namely:— Adoption budget estimates.

20 (a) budget estimate (general) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the municipal government of Delhi;

(b) budget estimate (electric supply) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Electric Supply Undertaking;

25 (c) budget estimate (transport) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Transport Undertaking; and

30 (d) budget estimate (water supply and sewage disposal) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Water Supply and Sewage Disposal Undertaking.

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

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

Power of Corporation to alter budget estimates.

110. (1) On the recommendation of— 5

(a) the Standing Committee in respect of the budget estimate (general),

(b) the Delhi Electric Supply Committee in respect of the budget estimate (electric supply),

(c) the Delhi Transport Committee in respect of the budget estimate (transport), and

(d) the Delhi Water Supply and Sewage Disposal Committee in respect of the budget estimate (water supply and sewage disposal),

the Corporation may from time to time during the year— 15

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

(ii) make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year, 20

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

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

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

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

(3) The Standing Committee may from time to time during the year—

(a) reduce the amount of a budget-grant, or 35

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

Provided that every reduction if it exceeds five hundred rupees shall be reported forthwith by Standing Committee to the Corporation and the Standing Committee and the Commissioner shall give effect to any order that may be passed by the Corporation in relation thereto.

(4) The Commissioner may from time to time during the year sanction the transfer of any amount not exceeding five thousand rupees within a minor head if such transfer does not involve a recurring liability:

Provided that every such transfer, if it exceeds five hundred rupees, shall be reported forthwith by the Commissioner to the Standing Committee and the Commissioner shall give effect to any order that may be passed by that Committee in relation thereto.

(5) In sub-section (3) or in sub-section (4),—

(a) any reference to the Standing Committee and the Commissioner shall be construed as a reference respectively to—

(i) the Delhi Electric Supply Committee and the General Manager (Electricity) if the reduction or transfer is in relation to the budget estimate (electric supply);

(ii) the Delhi Transport Committee and the General Manager (Transport) if the reduction or transfer is in relation to the budget estimate (Transport); and

(b) any reference to the Standing Committee shall be construed as a reference to the Delhi Water Supply and Sewage Disposal Committee if the reduction or transfer is in relation to the budget estimate (water supply and sewage disposal).

111. (1) If at any time during the year it appears to the Corporation that, notwithstanding any reduction of budget-grant that has been made under section 110 the income of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year and to leave at the close of the year the cash balance specified in or determined under the proviso to sub-section (1) of section 110, then, it shall be incumbent on the Corporation to sanction forthwith any measures which it may consider necessary for adjusting the year's income to the expenditure.

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

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year so far as it may be possible so to do with regard to all the requirements of this Act, or have recourse to supplementary taxation under section 151 or to an increase of the rates of cesses, fees, fares and other charges 5 leviable under this Act, or to adopt all or any of those methods.

Provisions as
to unex-
pended
budget
grant.

112. If the whole or any part of any budget-grant included in the budget estimates for a year remains unexpended at the close of that year, and the amount thereof has not been taken into account in the opening balance entered in the budget estimates of any of the next 10 two following years, the Standing Committee or, as the case may be, the Delhi Electric Supply Committee, or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee may sanction the expenditure of such budget-grant or the unexpended 15 portion thereof during the next two following years for the completion of the purpose or object for which the budget-grant was originally made and not for any other purpose or object.

CHAPTER VIII

TAXATION

Levy of taxes

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Taxes to be
imposed by
the Corpo-
ration under
this Act.

113. (1) The Corporation shall, for the purposes of this Act, levy the following taxes, namely :—

- (a) property taxes;
- (b) a tax on vehicles and animals;
- (c) a theatre tax; 25
- (d) a tax on advertisements other than advertisements published in the newspapers;
- (e) a duty on the transfer of property; and
- (f) a tax on buildings payable along with the application for sanction of the building plan. 30

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

- (a) an education cess;
- (b) a local rate on land revenues; 35
- (c) a tax on professions, trades, callings and employments;
- (d) a tax on the consumption or sale of electricity;
- (e) a betterment tax on the increase in urban land values caused by the execution of any development or improvement work; 40

- (f) a tax on boats; and
(g) tolls.

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

Property taxes

114. (1) Save as otherwise provided in this Act, the property taxes shall be levied on lands and buildings in Delhi and shall consist of the following, namely :—

Components
and rates of
property
taxes.

10 (a) a water tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing water supply in Delhi;

15 (b) a scavenging tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing for the collection, removal and disposal by municipal agency of all filth and polluted and obnoxious matter from latrines, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such filth or polluted
20 and obnoxious matter;

(c) * * * a fire tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing for the expense necessary for the conduct and management of the Fire Service Undertaking and for the
25 protection of life and property in the case of fire;

(d) a general tax—

(i) of not less than ten and not more than twenty per cent. of the rateable value of lands and buildings within the urban areas, and

30 (ii) on lands and buildings within the rural areas at such lower rates and with effect from such date as may be determined by the Corporation:

35 Provided that the Corporation may, when fixing the rate at which the general tax shall be levied during any year, determine that the rate leviable in respect of lands and buildings or portions of lands and buildings in which any particular class of trade or business is carried on shall be higher than the rate determined in respect of other lands and buildings or portions of other lands and buildings by an amount not exceeding one-half of the rate so fixed.

Explanation.—Where any portion of a land or building is liable to a higher rate of the general tax such portion shall be deemed to be a separate property for the purpose of municipal taxation.

(2) The Corporation may exempt from the general tax lands and buildings of which the rateable value does not exceed one hundred rupees. 5

Premises in respect of which property are to be levied.

115. (1) Save as otherwise provided in this Act, the water tax shall be levied only in respect of lands and buildings—

(a) to which a water supply is furnished from, or which are connected by means of pipes with, municipal water works; or 10

(b) which are situated in any portion of Delhi in which the Commissioner has given public notice that sufficient water is available from municipal water works for a reasonable supply to all the lands and buildings in the said portion.

(2) Save as otherwise provided in this Act, the scavenging tax 15 shall be levied only in respect of lands and buildings—

(a) in which there is a latrine, urinal, cesspool, bathing place or cooking place connected with a municipal drain; or

(b) which are situated in any portion of Delhi in which the Commissioner has given public notice that the collection, 20 removal and disposal of all filth and polluted and obnoxious matter from latrines, urinals and cesspools will be undertaken by municipal agency:

Provided that the said tax shall not be levied in respect of any land or building, in or upon which, in the opinion of the Commis- 25 sioner, no filth or polluted and obnoxious matter accumulates or is deposited.

(3) * * * * * The fire tax shall be levied in respect of all lands and buildings in Delhi in respect of which the general tax is levied or would have been levied but for the exemption specified in sub- 30 section (4) :

Provided that the fire tax shall not be levied in any rural area until the Commissioner has given public notice that the Corporation has undertaken to render fire service in that area through the agency of the municipal fire-brigade. 35

(4) Save as otherwise provided in this Act, the general tax shall be levied in respect of all lands and buildings in Delhi except—

(a) lands and buildings or portions of lands and buildings exclusively occupied and used for public worship or by a society or body for a charitable purpose : 40

Provided that such society or body is supported wholly or in part by voluntary contributions, applies its profits, if any, or other income in promoting its objects and does not pay any dividend or bonus to its members.

5 *Explanation.*—“Charitable purpose” includes relief of the poor, education and medical relief but does not include a purpose which relates exclusively to religious teaching;

10 (b) lands and buildings vested in the Corporation and not used or intended to be used exclusively for the purposes of the Delhi Electric Supply Undertaking, or the Delhi Transport Undertaking, or the Delhi Water Supply and Sewage Disposal Undertaking, in respect of which the said tax, if levied, would under the provisions of this Act be leviable primarily on the Corporation;

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

(5) Lands and buildings or portions thereof shall not be deemed to be exclusively occupied and used for public worship or for a charitable purpose within the meaning of clause (a) of sub-section 20 (4), if any trade or business is carried on in such lands and buildings or portions thereof or if in respect of such lands and buildings or portions thereof, any rent is derived.

(6) Where any portion of any land or building is exempt from the general tax by reason of its being exclusively occupied and used 25 for public worship or for a charitable purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

30 116. (1) The rateable value of any land or building assessable to property taxes shall be the annual rent at which such land or building might reasonably be expected to let from year to year less—

(a) a sum equal to ten per cent. of the said annual rent which shall be in lieu of all allowances for costs of repairs and insurance, and other expenses, if any, necessary to maintain the land or building in a state to command that rent, and

35 (b) the water tax or the scavenging tax or both, if the rent is inclusive of either or both of the said taxes :

40 Provided that if the rent is inclusive of charges for water supplied by measurement, then, for the purpose of this section the rent shall be treated as inclusive of water tax on rateable value and the deduction of the water tax shall be made as provided therein :

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

38 of 1952

Provided further that in respect of any land or building the standard rent of which has been fixed under the Delhi and Ajmer Rent Control Act, 1952, the rateable value thereof shall not exceed the annual amount of the standard rent so fixed.

(2) The rateable value of any land which is not built upon but is capable of being built upon and of any land on which a building is in process of erection shall be fixed at five per cent. of the estimated capital value of such land. 5

(3) All plant and machinery contained or situate in or upon any land or building and belonging to any of the classes specified from time to time by public notice by the Commissioner with the approval of the Standing Committee, shall be deemed to form part of such land or building for the purpose of determining the rateable value thereof under sub-section (1) but save as aforesaid no account shall be taken of the value of any plant or machinery contained or situated in or upon any such land or building. 10 15

Charge by measurement in lieu of water tax in certain cases.

117. (1) The Commissioner may in such cases as the Delhi Water Supply and Sewage Disposal Committee may either generally or specifically direct, instead of levying water tax in respect of any land or building liable thereto under section 115, charge for the water supplied to such land or building by measurement at such rate as shall from time to time be prescribed by that Committee in this behalf. 20

(2) The Delhi Water Supply and Sewage Disposal Committee may, for the cases in which the Commissioner charges for water supplied by measurement under sub-section (1), prescribe such conditions as it may think fit regarding the use of the water and regarding the charge to be paid for water consumed whilst a meter is out of order or under repair: 25

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any bye-law made thereunder. 30

(3) A person who is charged for water supplied by measurement shall not be liable for payment of water tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as an arrear of water tax under this Act. 35

(4) In prescribing charges for water supplied by measurement under sub-section (1), it shall be lawful for the Delhi Water Supply and Sewage Disposal Committee to prescribe different rates in respect of different classes of lands and buildings. 40

118. (1) The Commissioner may, whenever he thinks fit, fix the scavenging tax to be paid in respect of any hotel or club or any other large premises at such special rate as may be approved by the Delhi Water Supply and Sewage Disposal Committee in this behalf either generally or in any particular case, whether the service in respect of which such tax is leviable is performed by scavengers or by substituted means or appliances.

Special rates of scavenging tax in certain cases.

(2) In the cases referred to in sub-section (1), the amount of the scavenging tax shall be fixed with reference to the cost or the probable cost of the collection, removal and disposal, by municipal agency, of filth and polluted and abnoxious matter from the hotels, clubs and other large premises referred to in that sub-section.

119. Notwithstanding anything contained in the foregoing provisions of this Chapter, lands and buildings being properties of the Union shall be exempt from the property taxes specified in section 114:

Taxation of Union properties.

Provided that nothing in this section shall prevent the Corporation from levying any of the said taxes on such lands and buildings to which immediately before the 26th January, 1950, they were liable or treated as liable, so long as that tax continues to be levied by the Corporation on other lands and buildings.

120. (1) The property taxes shall be primarily leviable as follows:—

Incidence of property taxes.

- (a) if the land or building is let, upon the lessor;
- (b) if the land or building is sub-let, upon the superior lessor;
- (c) if the land or building is unlet, upon the person in whom the right to let the same vests.

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

Explanation.—The term “tenant” includes any person deriving title to the land or the building erected upon such land from the tenant whether by operation of law or by transfer *inter vivos*.

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

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

121. (1) If any land or building assessed to property taxes is let, and its rateable value exceeds the amount of rent payable in respect thereof to the person upon whom under the provisions of section 120 the said taxes are leviable, that person shall be entitled to receive from his tenant the difference between the amount of the property taxes levied upon him and the amount which would be leviable upon him if the said taxes were calculated on the amount of rent payable to him. 5

(2) If the land or building is sub-let and its rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under the sub-tenant, the tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property taxes which would be leviable in respect of the said land or building if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays. 10 15 20

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

Recovery of property taxes from occupiers.

122. (1) On the failure to recover any sum due on account of property taxes in respect of any land or building from the person primarily liable therefor under section 120, the Commissioner shall recover from every occupier of such land or building by attachment, in accordance with section 162 of the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may be, the same proportion to that sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of the land or building. 25 30

(2) An occupier from whom any sum is recovered under sub-section (1) shall be entitled to be reimbursed by the person primarily liable for the payment, and may in addition to having recourse to other remedies that may be open to him, deduct the amount so recovered from the amount of any rent from time to time becoming due from him to such person. 35

123. Property taxes due under this Act in respect of any land or building shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge—

Property taxes a first charge on premises on which they are assessed.

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

10 (b) in the case of any other land or building, upon such land or building and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to the person liable for such taxes.

Explanation.—The term “property taxes” in this section shall be deemed to include—

15 (i) charges payable under sections 117 and 118, and

(ii) the costs on recovery of property taxes and the penalty, if any, payable as specified in the bye-laws.

124. (1) Save as otherwise provided in this Act, the Corporation shall cause an assessment list of all lands and buildings in Delhi to be prepared in such form and manner and containing such particulars with respect to each land and building as may be prescribed by bye-laws.

Assessment list.

25 (2) When the assessment list has been prepared the Commissioner shall give public notice thereof and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any land or building included in the list and any authorised agent of such person, shall be at liberty to inspect the list and to take extracts therefrom free of charge.

30 (3) The Commissioner shall, at the same time, give public notice of a date, not less than one month thereafter, when he will proceed to consider the rateable values of lands and buildings and the assessments of property taxes in respect of lands and buildings, entered in the assessment list, and in all cases in which any land or building is for the first time assessed, or the assessment is

35 increased, he shall also give written notice thereof to the owner or to any lessee or occupier of the land or building.

(4) Any objection to a rateable value or assessment or any other matter as entered in the assessment list shall be made in writing to the Commissioner before the date fixed in the notice and shall

state in what respect the rateable value, assessment or other matter is disputed, and all objections so made shall be recorded in a register to be kept for the purpose.

(5) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by the Commissioner or by any officer of the Corporation authorised in this behalf by the Commissioner.

(6) When all objections have been disposed of, and the revision of the rateable value and assessment has been completed, the assessment list shall be authenticated by the signature of the Commissioner or, as the case may be, the officer authorised by him in this behalf, who shall certify that except in the cases, if any, in which amendments have been made as shown therein no valid objection has been made to the rateable values or assessments or any other matters entered in the said list.

(7) The assessment list so authenticated shall be deposited in the office of the Corporation and shall be open, free of charge during office hours to all owners, lessees and occupiers of lands and buildings comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

Evidential
value of as-
essment list.

125. Subject to such alterations as may thereafter be made in the assessment list under section 126 and to the result of any appeal made under the provisions of this Act, the entries in the assessment list authenticated and deposited as provided in section 124 shall be accepted as conclusive evidence—

(a) for the purpose of assessing any tax levied under this Act, of the rateable value of all lands and buildings to which such entries respectively relate; and

(b) for the purposes of any tax levied on lands or buildings of the amount of each such tax leviable thereon during the year to which such list relates.

Amendment
of assess-
ment list.

126. (1) The Commissioner may, at any time, amend the assessment list—

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

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

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

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

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

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

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

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the amend-
15 ment is made.

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

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

128. (1) Whenever the title of any person primarily liable for the payment of property taxes on any land or building is transferred, the
30 person whose title is transferred and the person to whom the same is transferred shall within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Commissioner.

35 (2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves, shall give notice of such devolution to the Commissioner within six months from the date of the death of the deceased.

04 (3) The notice to be given under this section shall be in such form as may be determined by bye-laws made under this Act, and the

transferee or the other person on whom the title devolves shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall; in addition to any penalty to which he may be subjected under the provisions of this Act, continue liable for the payment of all property taxes from time to time payable in respect of the land or building transferred until he gives such notice or until the transfer has been recorded in the Commissioner's book, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

(5) The Commissioner shall record every transfer or devolution of title notified to him under this section in his books and in the assessment list.

(6) On a written request by the Commissioner, the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908, shall furnish such particulars regarding the registration of instruments of transfer of immovable properties in Delhi, as the Commissioner may from time to time require.

16 of 1908.

(7) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected, or, if the Commissioner so requests, by periodical returns at such intervals as the Commissioner may fix.

Notice of
erection of
building, etc.

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

Notice of
demolition
or removal
of building.

130. (1) When any building or any portion of a building, which is liable to the payment of property taxes is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said taxes shall give notice thereof in writing to the Commissioner.

(2) Until such notice is given, the person aforesaid shall continue liable to the payment of such property taxes as he would have been liable to pay in respect of such building if the same or any portion thereof had not been demolished or removed.

40

131. (1) To enable him to determine the rateable value of any land or building and the person primarily liable for the payment of any property taxes leviable in respect thereof, the Commissioner may require the owner or occupier of such land or building, or of any portion thereof to furnish him within such reasonable period as the Commissioner fixes in this behalf, with information or with a written return signed by such owner or occupier—

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

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

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

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

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

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

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

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

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

133. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the Commissioner shall on such amalgamation assign to

Assessment in case of amalgamation of premises.

them one or more numbers and assess them to property taxes accordingly:

Provided that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises except when there is any re-valuation of any of the said 5 premises.

Power of Commissioner to assess separately outhouses and portions of buildings.

134. The Commissioner may in his discretion assess any outhouse appurtenant to a building, or any portion of a land or building separately from such building or as the case may be, from the rest of such land or building. 10

Power of Commissioner to employ valuers.

135. (1) The Commissioner may, if he thinks fit, employ one or more competent persons to give advice or assistance in connection with the valuation of any land or building, and any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorisation in writing 15 in that behalf from the Commissioner, to enter on, survey and value any land or building which the Commissioner may direct him to survey and value.

(2) No person shall wilfully delay or obstruct any such person in the exercise of any of his powers under this section. 20

Tax on vehicles and animals

Tax on certain vehicles and animals and rates thereof.

136. Save as otherwise provided in this Act, a tax at the rates not exceeding those specified in the Third Schedule shall be levied on vehicles and animals of the descriptions specified in that Schedule which are kept within Delhi. 25

The tax on whom leviable.

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

Provided that in the case of an animal generally used or employed in drawing any vehicle, the tax in respect of such animal shall be 30 leviable upon the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person:

Provided further that the tax under this section shall not be levied in respect of— 35

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

- (b) vehicles intended exclusively for the conveyance free of charge, of the injured, the sick or the dead;
- (c) children's perambulators or tricycles.

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

Tax when payable.

10 139. The Commissioner may, with the approval of the Standing Committee, compound for any period not exceeding one year at a time, with any livery stable keeper or other person keeping vehicles for hire or animals for sale or hire, for a lump sum to be paid in respect of the vehicles or animals so kept in lieu of the taxes leviable under section 136 which such livery stable keeper or other person would otherwise be liable to pay.

Power of Commissioner to compound with livery stable keepers, etc., for tax.

Theatre-tax

15 140. Save as otherwise provided in this Act, there shall be levied a tax (referred to in this Act as theatre-tax) in respect of every cinema, theatre, circus, carnival and other place of entertainment to which persons are ordinarily admitted on payment for performances or shows held or conducted thereat, at such rates not exceeding those specified in the Fourth Schedule as the Corporation may determine:

Theatre-tax.

Provided that the theatre-tax shall not be levied in respect of any performance or show if the Commissioner is satisfied—

- 25 (a) that the entire receipts from such performance or show will be devoted to philanthropic, religious or charitable purposes; or
- (b) that the performance or show is of a wholly educational character; or
- 30 (c) that the performance or show is provided for partly educational or partly scientific purposes by a society not conducted or established for profit.

141. Every proprietor, manager, or person in-charge of a theatre, cinema, circus, carnival or other place of entertainment shall be liable to pay the theatre-tax and shall pay the same in advance before 35 the commencement of the performances or shows:

Liability to pay theatre-tax.

Provided that the Commissioner may, with the approval of the Standing Committee, compound for any series of performances or shows or for any period not exceeding one month, with such proprietor, manager, or person for a lump sum to be paid for such series of performances or shows or for the performances or shows held or 5 conducted during such period.

Tax on advertisements other than advertisements published in the newspapers

Tax on advertisements.

142. (1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post or structure 10 or upon or in any vehicle any advertisement or, who displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), shall pay for every advertisement which is so erected, exhibited, fixed or retained or so displayed to 15 public view, a tax calculated at such rates not exceeding those specified in the Fifth Schedule as the Corporation may determine:

Provided that no tax shall be levied under this section on any advertisement which—

(a) relates to a public meeting, or to an election to Parlia- 20 ment or the Corporation or to candidature in respect of such election; or

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

(c) relates to the trade, profession or business carried on 25 within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon or in the same; or

(d) relates to the name of the land or building upon or over 30 which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(e) relates to the business of a railway administration and is exhibited within any railway station or upon any wall or 35 other property of a railway administration; or

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

(2) The tax on any advertisement leviable under this section shall be payable in advance in such number of instalments and in 40 such manner as may be determined by bye-laws made in this behalf.

Explanation 1.—The word “structure” in this section includes any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.—The word “advertisement” in relation to a tax on advertisement under this Act means any word, letter, model, sign, placard, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.

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

Prohibition of advertisements without written permission of the Commissioner.

(2) The Commissioner shall not grant such permission if—

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

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

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

144. The permission granted under section 143 shall become void in the following cases, namely:—

Permission of the Commissioner to become void in certain cases.

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

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

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

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

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

Presumption
in case of
contraven-
tion.

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

Power of
Commissioner in
case of con-
travention.

146. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of section 143, the Commissioner may require the owner or occupier of the land, building, wall, hoarding, frame, post or structure or vehicle upon, or over or in which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any land, building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

Duty on transfer of property

Duty on
transfer of
property and
method of
assessment
thereof.

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

(2) The said duty shall be levied—

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

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

Description of instrument.

Amount on which duty should be levied.

(i) Sale of immovable property.

The amount or value of the consideration for the sale, as set forth in the instrument. 35

(ii) Exchange of immovable property.

The value of the property of the greater value, as set forth in the instrument.

30

(3) After a resolution has come into force under sub-section (2), the Corporation may, subject to the maximum rate, pass a second resolution determining the actual rates at which the tax shall be leviable; and the tax shall come into force on the first day of the quarter of the year next following the date on which such second resolution is passed. 5

(4) After a tax has been levied in accordance with the foregoing provisions of this section, the provisions of sub-section (2) of section 109, shall apply in relation to such tax as they apply in relation to any tax imposed under sub-section (1) of section 113. 10

Supplementary taxation

Supplemen-
tary taxa-
tion.

151. Whenever the Corporation decides to have recourse to supplementary taxation under sub-section (2) of section 111 in any year, it shall do so by increasing from such date as the Corporation may determine, the rates at which any tax leviable under this Act is being levied, but every such increase shall be made subject to the maximum rate and any other limitation specified in respect of such tax. 15

Payment and recovery of taxes

Time and
manner of
payment of
taxes.

152. Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such number of instalments and in such manner as may be determined by bye-laws made in this behalf. 20

Presentation
of bill.

153. (1) When any tax has become due, the Commissioner shall cause to be presented to the person liable for the payment thereof, a bill for the amount due: 25

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

- (a) a tax on vehicles and animals;
- (b) a theatre-tax; and
- (c) a tax on advertisements. 30

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

Notice of
demand and
notice-fee.

154. (1) If the amount of the tax for which a bill has been presented under section 153, is not paid within fifteen days from the presentation thereof, or if the tax on vehicles and animals or the theatre-tax or the tax on advertisements is not paid after it has become due, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in the Seventh Schedule. 35

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

155. (1) If the person liable for the payment of any tax does not, within thirty days of the service of the notice of demand under section 154, pay the sum due and if no appeal is preferred against such tax, he shall be deemed to be in default. Penalty in case of default of payment of taxes.

10 (2) When the person liable for the payment of any tax is deemed to be in default under sub-section (1), such sum not exceeding twenty per cent. of the amount of the tax as may be determined by the Commissioner may be recovered from him by way of penalty, in addition to the amount of the tax and the notice-fee payable under sub-section (2) of section 154.

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

156. (1) If the person liable for the payment of the tax does not, within thirty days from the service of the notice of demand, pay the amount due, such sum together with all costs and the penalty provided for in section 155, may be recovered under a warrant, issued in the form set forth in the Eighth Schedule, by distress and sale of the movable property or the attachment and sale of the immovable property, of the defaulter: Recovery of tax.

25 Provided that the Commissioner shall not recover any sum the liability for which has been remitted on appeal under the provisions of this Act.

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

30 157. (1) It shall be lawful for any officer or other employee of the Corporation to whom a warrant issued under section 156 is addressed to distrain, wherever it may be found in any place in Delhi, any movable property or any standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:— Distress.

(a) the following property shall not be distrained:—

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

(ii) tools of artisans;

(iii) books of account; or

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

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Commissioner, should not have been distrained, it shall forthwith be released. 5

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in the Ninth Schedule, to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned. 10 15

Disposal
of distrained
property
and attach-
ment and
sale of im-
movable
property.

158. (1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Commissioner shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid. 20

(2) If the warrant is not in the meantime suspended by the Commissioner, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 157, be sold by public auction by order of the Commissioner. 25

(3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within fifteen days from the date of the attachment. 30

(4) Such order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the Government, in the office of the collector. 35 40

(5) Any transfer of or charge on the property attached or any interest therein made without written permission of the Commis-

sioner shall be void as against all claims of the Corporation enforceable under the attachment.

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

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

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

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

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

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

161. (1) If the tax on any vehicle or animal is not paid, then instead of proceeding against the defaulter by distress and sale of his other movable property as hereinbefore provided, the Commissioner may, at any time after the tax has become due, seize and detain the vehicle or animal or both and, if the owner or other person entitled thereto does not within seven days in respect of a vehicle and two days in respect of an animal from the date of such seizure and detention, claim the same and pay the tax due together with

Recovery from a person about to leave Delhi.

Power to institute suit for recovery.

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

the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as is required in discharge of the sum due and the charges incurred as aforesaid.

(2) The surplus, if any, remaining after the application of the 5 sale-proceeds under sub-section (1) shall be disposed of in the manner laid down in sub-sections (6) and (7) of section 158.

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

162. (1) For the purposes of recovering the amount of any property tax from any occupier under section 122, the Commissioner shall cause to be served on such occupier a notice requiring him to 10 pay to the Corporation any rent due or falling due from him in respect of the land or building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

(2) Such notice shall operate as an attachment of the said rent unless the portion of the sum due shall have been paid and satisfied 15 and the occupier shall be entitled to credit in account with the person to whom such rent is due for any sum paid by him to the Corporation in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the property tax, he shall be 20 entitled to recover from the person primarily liable for the payment of such tax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may 25 be recovered from him by the Corporation * * * as an arrear of tax under this Act.

Remission and refund

Demolition,
etc., of
buildings.

163. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Commissioner may, on the appli- 30 cation in writing of the owner or occupier, remit or refund such portion of any tax assessed on the rateable value thereof as he thinks fit.

Remission
or refund of
tax.

164. If any land or building has remained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner 35 shall remit or refund, as the case may be, such portion of any tax assessed on the rateable value thereof as may be proportionate to the number of days during which the said land or building has remained vacant and unproductive of rent:

Provided that no remission or refund of the water tax shall be allowed under this section unless an application in such form as may be prescribed by bye-laws made in this behalf has been made to the Commissioner to stop the supply of water to such land or building or unless the Commissioner is satisfied that having regard to the circumstances of any case such remission or refund should be allowed.

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

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

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

166. No remission or refund under section 164 or section 165 shall be made unless notice in writing of the fact that the land, building or tenement has become vacant and unproductive of rent has been given to the Commissioner, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before delivery of such notice.

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

167. (1) For the purposes of sections 164 and 165, no land, building or tenement shall be deemed vacant if maintained as a pleasure resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

What buildings, etc., are to be deemed vacant.

(2) The burden of proving the facts entitling any person to claim relief under section 163, or section 164, or section 165, shall be upon him.

168. The owner of any land, building or tenement in respect of which a remission or refund of tax has been given under section 164, or section 165, shall give notice of the re-occupation of such land, building or tenement within fifteen days of such re-occupation.

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

Appeals

169. (1) An appeal against the levy or assessment of any tax under this Act shall lie to the court of the district judge of Delhi.

Appeal against assessment, etc.

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

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

5 of 1908.

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

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

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

Conditions
of right to
appeal.

170. No appeal shall be heard or determined under section 169 unless—

(a) the appeal is, in the case of a property tax, brought within thirty days next after the date of authentication of the assessment list under section 124, (exclusive of the time requisite for obtaining a copy of the relevant entries therein) or, as the case may be, within thirty days of the date on which an amendment is finally made under section 126, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days after the date of the presentation of the first bill or, as the case may be, the first notice of demand in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the court that he had sufficient cause for not preferring the appeal within that period;

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

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171. The order of the court confirming, setting aside or modifying an order in respect of any rateable value or assessment or liability to assessment or taxation shall be final: Finality of appellate orders.

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

Miscellaneous provisions relating to taxation

172. (1) The Commissioner may, without giving any previous notice, enter upon and make an inspection of— Power to inspect for purposes of determining rateable value or tax.

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

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

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

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

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and description of vehicles and animals owned by or in the possession or under the control of such person; and every person or servant of such person so summoned shall be bound to attend before the Commissioner and to give information 30 to the best of his knowledge and belief as to the said matters.

173. (1) The Commissioner may, with the previous sanction of the Standing Committee, allow any person to compound for any tax. Composition.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recovered as an arrear of tax under this 35 Act.

174. (1) The Commissioner may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in his opinion, irrecoverable: Irrecoverable debts.

Provided that, where the sum written off in favour of any one person exceeds one hundred rupees, the previous sanction of the Standing Committee shall be first obtained.

(2) The Commissioner shall report to the Standing Committee every case in which any sum has been written off under sub-section (1). 5

Obligation to disclose liability.

175. (1) The Commissioner may, by written notice, call upon any inhabitant of Delhi to furnish such information as may be necessary for the purpose of ascertaining—

(a) whether such inhabitant is liable to pay any tax imposed 10 by the Corporation under this Act;

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

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

(2) If any person when called upon under sub-section (1) to 15 furnish information neglects to furnish it within the period specified in this behalf by the Commissioner or furnishes information which is not true to the best of his knowledge or belief, he shall be liable, in addition to any penalty which may be imposed under this Act, to be assessed at such amount on account of tax as the Commissioner 20 may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

Immaterial error not to affect liability.

176. No assessment and no charge or demand on account of any tax shall be impeached or affected by reason only of any mistake in the name, residence, place of business or occupation of any person 25 liable to pay the tax or in the description of any property or thing, or of any mistake in the amount of the assessment, charge or demand, or by reason only of clerical error or other defect of form, if the directions contained in this Act and the bye-laws made thereunder have in substance and effect been complied with; and it shall be 30 enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

General power of exemption.

177. The Corporation may, by resolution passed in this behalf, 35 exempt either wholly or in part from the payment of any tax levied under this Act, any * class of persons or any * class of property or goods.

Terminal taxes on goods

Terminal tax on goods carried by railway, or road.

178. (1) On and from the date of the establishment of the Cor- 40 poration under section 3, there shall be levied on all goods carried by railway or road into the Union territory of Delhi from any place

outside thereof, a terminal tax at the rates specified in the Tenth Schedule.

(2) The Central Government may, by notification in the Official Gazette, vary from time to time, the rates specified in that Schedule,
 5 * * * in relation to any goods or classes of goods so, however, that where the rates are increased, the increased rates shall not be more than treble the rates so specified.

(3) The Central Government may by like notification declare that with effect from such date as may be specified in the notification, the
 10 terminal-tax levied in relation to any goods or class of goods shall, for reasons specified in the notification, cease to be levied.

179. (1) The terminal tax levied under this Act shall be payable on demand and shall be collected by the Central Government in such manner and through such agency as may be specified by noti-
 15 fication in the Official Gazette.

Recovery of terminal taxes.

(2) Such portion of the total proceeds of the terminal tax as the Central Government may determine shall be deducted to meet the cost of collection of the tax.

180. The proceeds of the terminal tax collected under this Act
 20 (which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined under sub-section (2) of section 179 shall, if Parliament by appropriation made by law in this behalf so provides, be paid by the Central Government to the Corporation and to other local authorities within the Union terri-
 25 tory of Delhi in such proportion as may from time to time be determined by the Central Government.

Payment by the Central Government to the Corporation and other local authorities.

181. The Central Government may, by notification in the Official Gazette, exempt either wholly or in part from the payment of
 terminal tax imposed by this Act any * class of goods.

Power of exemption.

30 182. Every person authorised under the provisions of this Act and the rules made thereunder to collect the terminal tax shall have, in respect of the collection of such tax and of the confiscation of goods in connection therewith, same powers as are conferred by any law for the time being in force on the Collector of Land Customs,
 35 Delhi, and the officers subordinate to him in respect of the levy and collection of land customs duties and the confiscation of goods in connection therewith and shall also be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting the terminal tax as the said Collector of Land Customs and the officers subordinate to him are subject to under any law
 40 for the time being in force relating to land customs duties.

Powers and liabilities of persons authorised to collect terminal taxes.

Power to
make rules.

183. The Central Government may make rules in relation to the levy, assessment and collection of terminal tax under this Act and may by such rules provide for the following among other matters, namely:—

(a) the examination of goods liable to payment of terminal tax; 5

(b) the inspection, weighing or otherwise examining the contents of any conveyance or package for the purpose of ascertaining whether it contains any goods in respect of which terminal tax is payable; 10

(c) the seizure and confiscation of goods liable to terminal tax in case of refusal to pay such tax;

(d) the measures to prevent evasion of terminal tax; * * *

* * * * *

(e) any other matter which is to be or may be prescribed for the levy, assessment or collection of the terminal tax. 15

Taxes on motor vehicles and taxes on entertainment and betting

Central Gov-
ernment to
pay proceeds
of motor
vehicles
tax and
entertain-
ment and
betting
taxes to
Corporation.

184. The proceeds of the tax on motor vehicles collected in Delhi under the Punjab Motor Vehicles Taxation Act, 1924, as extended to Delhi and the proceeds of the entertainment and betting taxes 20 collected in Delhi under the provisions of the U.P. Entertainment and Betting Tax Act, 1937, as extended thereto (both of which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined by the Central Government shall, if Parliament by appropriation made by law in this behalf so provides, 25 be paid to the Corporation for the performance of its functions under this Act.

CHAPTER IX

BORROWING

Power of
Corporation
to borrow.

185. (1) The Corporation may, in pursuance of any resolution 30 passed by it, borrow by way of debenture or otherwise on the security of all or any of the taxes, rates, cesses, fees and charges authorised by or under this Act, any sums of money which may be required—

(a) for acquiring any land which it has power to acquire;

(b) for erecting any building which it has power to erect; 35

(c) for the execution of any permanent work, the provision of any plant, or the doing of any other thing which it has power to execute, provide or do, if the cost of carrying out the purpose in question ought to be spread over a term of years;

5 (d) to pay off any debt due to the Government; or

(e) to repay a loan previously raised under this Act or any other Act previously in force;

(f) for any other purpose for which the Corporation is, by virtue of this Act or any other law for the time being in force, authorised to borrow:

10

Provided that—

(i) no loan shall be raised without the previous sanction of the Central Government or without previous publication of the application for sanction under the Local Authorities Loans Act, 1914, and the rules made thereunder; and

9 of 1914. 15

(ii) the amount of loan, the rate of interest and the terms including the date of floatation, the time and method of the repayment and the like shall be subject to the approval of the Central Government.

20 (2) When any sum of money has been borrowed under sub-section (1), no portion of any sum of money borrowed for any of the purposes referred to in clause (c) of sub-section (1) shall be applied to the payment of salaries and allowances to any municipal officers or other municipal employees other than those exclusively employ-
25 ed in connection with the carrying out of that purpose.

186. The time for the repayment of any money borrowed under section 185 shall in no case exceed sixty years and the time for repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Central Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

30

Time for repayment to money borrowed under section 185.

187. All debentures issued under this Chapter shall be in such form as the Corporation may, with the previous sanction of the Central Government, determine and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

35

Form and effect of debentures.

Payment to
survivors of
joint payees.

188. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such person:

9 of 1872.
5

Provided that nothing in this section shall affect any claim by the legal representative of a deceased person against such survivor or survivors.

Receipt by
joint holders
for interest
or dividend.

189. When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give to an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by the other of such persons.

Maintenance
and invest-
ment of
sinking
funds.

190. (1) The Corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay 15 every year into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on the debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested by the Commissioner in public securities and 20 every such investment shall be reported by the Commissioner to the Corporation within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section 25 (2).

(4) When any part of a sinking fund is invested in Delhi municipal debentures, or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of 30 the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application
of sinking
funds.

191. A sinking fund or any part thereof shall be applied in or 35 towards the discharge of the loan or a part of the loan for which such fund was created, and until such loan or part is wholly discharged shall not be applied for any other purpose:

Provided that when any loan or part thereof has been consolidated under section 193, the Commissioner shall transfer to the sinking 40

fund of the consolidated loan such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

5 192. (1) The Commissioner shall, at the end of every year, submit to the Corporation a statement showing—

Annual state-
ment by
Commissioner.

(a) the amount which has been invested during the year under section 190;

(b) the date of the last investment made previous to the submission of the statement;

10 (c) the aggregate amount of the securities then in his hands; and

(d) the aggregate amount which has upto the date of the statement been applied under section 191, in or towards discharging loans.

15 (2) Every such statement shall be published in the Official Gazette.

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

Power of
Corporation
to consoli-
date loans.

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

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

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

35 194. All payments due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation.

Priority of
payments for
interest and
repayment of
loans over
other pay-
ments.

Attachment of Municipal Fund for recovery of money borrowed from Government.

195. (1) If any money borrowed or deemed to have been borrowed by the Corporation from the Government or any interest or costs due in respect thereof be not repaid according to the conditions of the loan, the Government may attach the Municipal Fund or any part thereof.

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(2) After such attachment no person except an officer appointed in this behalf by the Central Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or other employee might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund was previously charged in accordance with law; and all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Power to make regulations.

196. The Corporation may make regulations to carry out the purposes of this Chapter including, in particular, the issue of duplicates in case of loss of debentures by theft, destruction or otherwise, and renewal of debentures on payment of fees prescribed in this behalf by such regulations.

25

CHAPTER X

PROPERTY AND CONTRACTS

Property

Acquisition of property.

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

Acquisition of immovable property by agreement.

198. Whenever the Corporation decides to acquire any immovable property, for the purpose of this Act, the Commissioner shall acquire such property on behalf of the Corporation by agreement on such terms and at such price as may be approved by the Standing Committee.

Procedure when immovable property cannot be acquired by agreement.

199. Whenever the Commissioner is unable to acquire any immovable property under section 198 by agreement, the Central Government may at the request of the Commissioner procure the acquisition thereof under the provisions of the Land Acquisition Act 1894, and on payment by the Corporation of the compensation

awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Corporation.

200. With respect to the disposal of property belonging to the Corporation, the following provisions shall have effect, namely:— Disposal of property.

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

(b) the Commissioner may, with the sanction of the Standing Committee,—

(i) dispose of, by sale or otherwise, any movable property belonging to the Corporation the value of which does not exceed five thousand rupees;

(ii) grant a lease (other than a lease in perpetuity) of any immovable property belonging to the Corporation; or

(iii) sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value of which does not exceed fifty thousand rupees or the annual rent of which does not exceed three thousand rupees;

(c) in cases not covered by clause (a) or clause (b), the Commissioner may, with the sanction of the Corporation, lease, sell, let out on hire or otherwise transfer any property, movable or immovable, belonging to the Corporation;

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

(e) the sanction of the Standing Committee or of the Corporation under the aforesaid clauses may be given either generally for any class of cases or specially for any particular case;

(f) subject to any conditions or limitations that may be specified in any other provisions of this Act, the foregoing

provisions of this section shall apply to every disposal of property belonging to the Corporation made under, or for any purpose of, this Act;

(g) every case of disposal of property under clause (a) and clause (b) shall be reported by the Commissioner without delay to the Standing Committee and the Corporation respectively. 5

Contracts

Contracts
by the Cor-
poration.

201. Subject to the provisions of sections 202 and 203, the Corporation shall be competent to enter into and perform any contract necessary for the purposes of this Act. 10

Procedure
for making
contracts.

202. With respect to the making of contracts, the following provisions shall have effect, namely:—

(a) every such contract shall be made on behalf of the Corporation by the Commissioner; 15

(b) no such contract, for any purpose which in accordance with any provision of this Act the Commissioner may not carry out without the approval or sanction of the Corporation or some other municipal authority, shall be made by him until and unless such approval or sanction has been duly obtained; 20

(c) no contract (other than a contract for the acquisition of immovable property) which will involve an expenditure exceeding ten thousand rupees or such higher amount as the Corporation may fix shall be made by the Commissioner unless the same is previously approved by the Standing Committee; 25

(d) every contract (other than a contract for the acquisition of immovable property) made by the Commissioner involving an expenditure exceeding two thousand rupees but not exceeding ten thousand rupees or such higher amount as may be fixed under clause (c) shall be reported by him within one month after the same has been made to the Standing Committee; 30

(e) no contract for the acquisition of immovable property shall be valid—

(i) unless the contract has been approved by the Standing Committee, where the price stipulated to be paid for such property exceeds five thousand rupees but does not exceed fifteen thousand rupees; or 35

(ii) unless the contract has been approved by the Corporation, where the price stipulated to be paid for such property exceeds fifteen thousand rupees. 40

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

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

CHAPTER XI

ACCOUNTS AND AUDIT

Scrutiny and audit of accounts

204. There shall be kept in such manner and in such form as Accounts may be prescribed by regulations four separate accounts of all receipts and expenditure of the Corporation, namely:— to be kept.

(a) the Electric Supply Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking;

(b) the Transport Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Transport Undertaking;

(c) the Water Supply and Sewage Disposal Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Water Supply and Sewage Disposal Undertaking; and

(d) the General Account, that is to say, accounts of all receipts and expenditure of the Corporation other than those specified in clause (a) or clause (b) or clause (c).

205. (1) The Municipal Chief Auditor shall conduct a monthly examination and audit of the municipal accounts and shall report thereon to the Standing Committee who shall publish monthly an abstract of the receipts and expenditure of the month last preceding, signed by not less than two members of that Committee and by the Municipal Chief Auditor. Scrutiny of accounts by Municipal Chief Auditor and by the Standing Committee.

(2) The Standing Committee may also from time to time and for such period as it thinks fit conduct independently any examination and audit of the municipal accounts.

(3) For the purpose of examination and audit of the municipal accounts the Standing Committee and the Municipal Chief Auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto and the Commissioner shall forthwith furnish to the Standing Committee or the Municipal Chief Auditor any explanation concerning any receipts or expenditure which they may call for.

Report by
the Municipal
Chief
Auditor.

206. (1) The Municipal Chief Auditor shall—

(a) report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts; 3

(b) furnish to the Standing Committee such information as that Committee may from time to time require concerning the progress of the audit.

(2) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Chief Auditor to the Standing Committee and every statement of the views of the Municipal Chief Auditor on any matter affecting the exercise and performance of the powers and duties assigned to him under this Act which the Municipal Chief Auditor may require the Standing Committee to place before the Corporation together with a report stating what orders have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to any of the matters aforesaid as the Corporation may deem necessary. 10 15

(3) As soon as may be after the commencement of each year the Municipal Chief Auditor shall deliver to the Standing Committee a report of the entire municipal accounts for the previous year. 20

(4) The Commissioner shall cause the said report to be printed and shall forward as soon as may be a printed copy thereof to each councillor and alderman. 25

(5) The Commissioner shall also forward without delay to the Central Government so many copies of the said report as may be required by that Government with a brief statement of the action, if any, taken or proposed to be taken thereon.

Special
audit at
the direction
of the Central
Government.

207. (1) The Central Government may at any time appoint an auditor for the purpose of making a special audit of any of the accounts of the Municipal Fund and of reporting thereon to the Central Government and the costs of such audit as determined by the Central Government shall be chargeable to the Municipal Fund. 30

(2) An auditor so appointed may exercise any power which the Municipal Chief Auditor may exercise. 35

Powers and duties of the Municipal Chief Auditor

Procedure
to be fol-
lowed by the
Municipal
Chief Audi-
tor.

208. (1) The Municipal Chief Auditor shall audit the accounts of the Corporation with the assistance of officers and other employees subordinate to him. 40

(2) In the discharge of his functions under this section the Municipal Chief Auditor shall—

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

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

15 (3) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the trading, manufacturing and profit and loss accounts, and the balance-sheets where such accounts are maintained under the orders of the Corporation, the Standing Committee, the Delhi Electric Supply Committee, the 20 Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee, and shall certify and report upon these accounts.

(4) The Municipal Chief Auditor shall, in consultation with the Standing Committee or, as the case may be, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi 25 Water Supply and Sewage Disposal Committee and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the prepara- 30 tion of these reports.

209. (1) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he 35 may think fit.

Power of
Municipal
Chief Audi-
tor to make
queries, etc.,
and call for
returns, etc.

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

(3) The powers of the Municipal Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by the Standing Committee in consultation with the Municipal Chief Auditor and with the approval 5 of the Corporation.

(4) If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which those accounts originate, he may require that those accounts, together with 10 all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

(5) The Municipal Chief Auditor shall have the power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him: 15

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

(6) The Municipal Chief Auditor shall have authority to frame standing orders and to give directions on all matters relating to audit, and particularly in respect of the method and the extent of 20 audit to be applied and the raising and pursuing of objections.

(7) Expenditure sanctioned by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

CHAPTER XII

WATER SUPPLY, DRAINAGE AND SEWAGE DISPOSAL 25

General

Definitions. 210. In this Chapter, unless the context otherwise requires, the following words and expressions in relation to water supply shall have the respective meanings given below, namely:—

(1) "communication pipe" means,— 30

(a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the 35 boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

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

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

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

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

15 (3) "service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

(4) "supply pipe" means so much of any service pipe as is not a communication pipe;

20 (5) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

25 (6) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

211. The Central Government may require the Corporation to—

30 (a) carry out a survey of the existing consumption of and demand for water supplies in Delhi and of the water resources in or available for Delhi;

Power to require Corporation to carry out surveys and formulate proposals.

(b) prepare an estimate of the future water supply requirements of Delhi;

35 (c) carry out a survey of the existing quantity of sewage disposed of and the manner in which it is disposed of;

(d) formulate proposals as to—

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

(ii) the existing or future sewage disposal requirements in Delhi including proposals for the manner in which and the place or places at which such sewage should be carried, treated and disposed of.

Power to construct additional works.

212. If the Delhi Water Supply and Sewage Disposal Committee 5 is of opinion that the works and other properties for the time being vested in the Corporation for the purpose of Delhi Water Supply and Sewage Disposal Undertaking are inadequate for the purpose of sufficient supply of water or for the purpose of the efficient disposal of sewage under this Act, it may take steps in accordance with 10 the provisions of this Act for the construction of additional works, whether within or without the local limits of the Corporation and for the acquisition of additional properties for such works.

Water Supply

Functions in relation to water supplies.

213. (1) It shall be the duty of the Delhi Water Supply and 15 Sewage Disposal Committee to take steps from time to time—

(a) for ascertaining the sufficiency and wholesomeness of water supplies within Delhi;

(b) for providing a supply of wholesome water in pipes to every part of Delhi in which there are houses, for the domestic 20 purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that this clause shall not require the Committee to do anything which is not practicable at a reasonable cost or to provide such a 25 supply to any part of Delhi where such a supply is already available at such point or points aforesaid;

(c) for providing, as far as possible, a supply of wholesome water otherwise than in pipes to every part of Delhi in which there are houses, for the domestic purposes of the occupants 30 thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available 35 within a reasonable distance of every house in that part.

(2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to

the point or points to which pipes must be taken in order to enable houses to be connected to them at a reasonable cost, or under clause (c) thereof, as to whether a public supply can be provided at a reasonable cost, the Corporation shall determine that question and thereupon the Committee shall give effect to that determination.

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

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

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

215. The Delhi water supply and Sewage Disposal Committee shall secure that the water in any water works belonging to the Corporation from which water is supplied for domestic purposes is wholesome.

Purity of water for domestic purposes.

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

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

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

(b) for any trade, manufacture or business;

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

(d) for gardens or for purposes of irrigation;

(e) for making or for watering streets; or

(f) for building purposes.

217. (1) The Commissioner may supply water for any purpose other than a domestic purpose on such terms and conditions consistent with this Act and the bye-laws made thereunder as may be laid down in this behalf by the Delhi Water Supply and Sewage Disposal Committee on receiving a written application specifying the purpose for which the supply is required and the quantity likely to be consumed.

Power to supply water for non-domestic purposes

(2) When an application under sub-section (1) is received, the Commissioner may subject to such charges and rates as may be fixed

by the said Committee, place or allow to be placed the necessary pipes and water fittings of such dimensions and character as may be prescribed by bye-laws and may arrange for the supply of water through such pipes and fittings.

5

Use of water for extinguishing fire.

218. Water may be used for extinguishing fire.

Power to require water supply to be taken.

219. (1) If it appears to the Commissioner that any premises in Delhi are without supply of wholesome water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premises is inadequate or on any sanitary grounds objectionable, the Commissioner may by notice in writing require the owner of the premises or the persons primarily liable for the payment of the property taxes in respect of the same—

(a) to take a connection from the municipal water works adequate for the requirements of the persons occupying or employed in the premises, or to take such additional or enlarged connection or connections from the municipal water works; and 15

(b) to provide, supply pipes and water fittings, instal and work a pump and do all such works and take all such measures as may, in the opinion of the Commissioner, be necessary for the above purposes. 20

(2) The Commissioner may in the notice issued under subsection (1) specify—

(a) the size, material and quality of the pipes and water fittings to be provided; 25

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

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

(d) the type of pump that should be installed and the period or periods of the day for which it should be kept working; 30

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

220. It shall not be lawful for the owner of any premises which may be newly constructed or reconstructed within any portion of Delhi in respect of which the Commissioner has given public notice under section 115 to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within, or within a reasonable distance of, the premises such supply of wholesome water as appears to the Commissioner to be adequate for the persons who may occupy, or be employed in, such premises for their domestic purposes.

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

221. (1) The Commissioner, with the approval of the Delhi Water Supply and Sewage Disposal Committee, may provide gratuitous supply of wholesome water to the public within Delhi and may, for that purpose, erect public hydrants or other conveniences.

Public gratuitous water supply

(2) The Commissioner may, with like approval, close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

222. (1) The Commissioner may lay a main whether within or without the local limits of the Corporation—

Power to lay mains.

(a) in any street; and

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

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

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

223. (1) The Commissioner may, in any street whether within or without the local limits of the Corporation, lay such service pipes with such stopcocks and other water fittings as he may deem necessary for supplying water to premises and may, from time to

Power to lay service pipes, etc.

time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in a street whether by virtue of this section or otherwise.

(2) Where a service pipe has been lawfully laid in, over, or on the land not forming part of a street, the Commissioner may from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

Provision of
fire hy-
drants.

224. (1) The Commissioner shall fix hydrants on water mains 10 (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this 15 section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Commissioner shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary. 20

(4) The Commissioner may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time 25 to time renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade premises or place of business.

(5) The Commissioner shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without 30 any payment.

Power of
Corporation
to require
owners of
premises to
set up
pumps, etc.

225. The owner of every premises connected with the municipal water works shall, when so required by the Commissioner, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most storey of such premises. 35

* * * * *

226. The Commissioner may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from the municipal water works subject to the requirements specified in section 227 and the conditions, if any, laid down in the bye-laws made in this behalf.

Supply of water.

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

Laying of supply pipes, etc.

(a) he shall give to the Commissioner fourteen days' notice of his intention to lay the necessary supply pipe; and

(b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners or occupiers thereof:

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

(2) Upon the receipt of such a notice as is referred to in subsection (1), the Commissioner shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street and shall connect the communication pipe with the supply pipe.

(3) The expenses, reasonably incurred by the Commissioner in executing the work which he is required or authorised by this section to execute, shall be repaid to him by the person by whom the notice was given and may be recovered from such person as an arrear of tax under this Act:

Provided that if under the provisions of this section, the Commissioner lays a main in lieu of a supply pipe, the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Commissioner may, within a reasonable time after the service of the notice upon him, require the person giving the notice either to pay to him, in advance the cost of the work as estimated by the Chief Engineer (Water Supply), or to give security for payment thereof to his satisfaction.

(5) If any payment made to the Commissioner under subsection (4) exceeds the expenses which the Commissioner would be

entitled to recover from the person giving the notice, the excess shall be repaid by him and if and so far as those expenses are not covered by the payment, the Commissioner may recover the balance from such person as an arrear of tax under this Act.

Power to
require
separate
service
pipes.

228. (1) The Commissioner may require the provision of a separate service pipe for each of the premises supplied or to be supplied by him with water. 5

(2) If, in the case of any premises already supplied with water but not having a separate service pipe, the Commissioner gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the Commissioner shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications. 10 15

(3) If an owner upon whom a notice has been served under subsection (2) fails to comply therewith the Commissioner may himself execute the work which the owner was required to execute and recover the expenses reasonably incurred by him in executing the work as an arrear of tax under this Act. 20

Stopcocks.

229. (1) On every service pipe laid after the commencement of this Act, the Commissioner shall, and on every service pipe laid before such commencement Commissioner may, fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary. 25

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

Provided that—

30

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

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable. 35

Power of
Commissioner to
provide
meters.

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

(2) The expense of providing and attaching a meter under subsection (1) shall be paid out of the Municipal Fund.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be regulated by orders made by the Delhi Water Supply and Sewage Disposal Committee in this behalf.

231. Whenever water is supplied under this Chapter through a meter it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Presumption as to correctness of meters.

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

Prohibition of waste or misuse of water.

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

(b) to be or remain so constructed or adapted or to be so used,

that the water supplied to him by the Corporation is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a pipe belonging to the Corporation.

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

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

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

234. The Commissioner may test any water fitting used in connection with water supplied by the Corporation.

Power to test water fittings.

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

235. (1) If the Commissioner is of opinion that the water in or obtained from any well, tank or other source of supply not vested in the Corporation, being water which is or is likely to be used for domestic purposes, or for the preparation of food or drink for human consumption, is or is likely to become so polluted as to be prejudicial to health, the Commissioner may, after giving the owner or occupier of the premises in which the source of supply is situated a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily closed or cut off or the water therefrom be used for certain purposes only or make such order as appears to him necessary to prevent injury or danger to the health of persons using the water or consuming food or drink prepared therewith or therefrom. 5 10

(2) Before making any order under this section, the Commissioner may cause the water to be analysed at the cost of the Corporation. 15

(3) If the person to whom an order is made under this section fails to comply therewith, the Commissioner may do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by him in so doing may be recovered by him from the person in default as an arrear of tax under this Act. 20

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

236. (1) No water pipes shall be laid in a drain or on the surface of an open channel or house gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a latrine, or cesspool. 25

(2) No latrine, or cesspool shall be constructed or made within twenty feet of any well, tank, water pipe or cistern or in any position where the pipe, well, tank or cistern is likely to be injured or the water therein polluted. 30

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

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

(2) The expenses of cutting off or turning off water supply shall be paid by the owner or occupier of premises and shall be recoverable from the owner or occupier as an arrear of tax under this Act. 35

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

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

Drainage and sewerage

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

Public drains etc., to vest in the Corporation

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

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

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

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

(b) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

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

Control of drains and sewage disposal works.

(2) The Commissioner shall maintain and keep in repair all municipal drains and sewage disposal works and when authorised by the Delhi Water Supply and Sewage Disposal Committee or the Corporation in this behalf, shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual drainage and sewage disposal.

Certain matters not to be passed into municipal drains.

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

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or 5

(b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or 10

(c) any dangerous petroleum.

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

Application by owners and occupiers to drain into municipal drains.

242. (1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises 15 having a private drain, or the owner of any private drain within Delhi may apply to the Commissioner to have his drain made to communicate with the municipal drains and thereby to discharge foul water and surface water from those premises or that private drain: 20

Provided that nothing in this sub-section shall entitle any person—

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

(i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or 25

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

(b) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly— 30

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

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

(c) to have his drains made to communicate directly with 35 a storm-water overflow drain.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Commissioner notice of his proposals, and at any time within one month after receipt thereof, the

Commissioner may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

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

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

Drainage of
undrained
premises.

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

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

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

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

(e) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors

and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty. 5

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises— 10

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

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit. 15

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

New premises not to be erected without drains.

244. (1) It shall not be lawful to erect or to re-erect any premises in the urban areas or to occupy any such premises unless—

(a) a drain be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such premises; 20

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith. 25 30

(2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding one hundred feet from the premises; but if no municipal drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Commissioner for the purpose. 35

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

245. (1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately, and a municipal drain of sufficient size already exists or is about to be constructed within one hundred feet of any part of that group or block of premises, 40

the Commissioner may cause that group or block of premises to be drained by a combined operation.

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

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

- 10 (a) written notice of the nature of the proposed work, and
 (b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

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

15 246. Where a drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Commissioner, adapted to the general system of drainage in Delhi, he may, by written notice addressed to the owner of the premises, direct—

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

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Commissioner under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (a) may be paid out of the Municipal Fund.

35 247. (1) Where the Commissioner either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a municipal drain is through a drain belonging to another person, the Commissioner may by notice in writing

Use of a drain by a person other than the owner.

require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Commissioner invalid or insufficient, the Commissioner may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

Sewage and rain water drains to be distinct.

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

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

249. For the purpose of efficient drainage of any premises, the Commissioner may, by notice in writing—

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

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

Disposal of sewage

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

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

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section

shall, after such commencement be used therefor without the approval of the Corporation:

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

Miscellaneous

251. Without the written permission of the Commissioner, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communication with any drain referred to in section 240 or any water works, constructed or maintained by, or vested in, the Corporation.

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

252. (1) Without the written permission of the Commissioner no railway or private street shall be constructed and no building, wall, fence or other structure shall be erected on any municipal drain or on any water works constructed or maintained by, or vested in, the Corporation.

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

(2) If any railway or private street be constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written permission of the Commissioner, the Commissioner may remove or otherwise deal with the same as he may think fit.

(3) The expenses incurred by the Commissioner in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person offending and shall be recoverable as an arrear of tax under this Act.

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

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

Provided that the Corporation shall not acquire any right other than a right of user in the property over, under, along or across

which any aqueduct, conduit or line of mains or pipes, or drain is placed.

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central Government or railway administration or vested in any local authority save with the permission of the Central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made in this behalf: 5

Provided that the Commissioner may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or disposal of sewage or is such that delay would be dangerous to health, human life or property. 10 15

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

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

254 (1) If it appears to the Commissioner that the only or most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drain over, under, along or across the immovable property of another person, the Commissioner may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property: 20 25

Provided that before making any such order the Commissioner shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made: 30

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

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same. 35 40

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

5 (a) cause the pipe or drain to be placed or carried with the least practicable delay;

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

10 (c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under 15 this section whilst such immovable property was not built upon, desires to erect any building on such property, the Commissioner shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, re-instate and make good the 20 immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Commissioner it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof 25 that the pipe or drain should be closed, removed or diverted.

255. If the Corporation places or carries any pipe or drain or does any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the Municipal Fund, require the railway 30 administration to raise or lower the level thereof.

256. (1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Commissioner may, in accordance with the provisions of this Act and of any by-laws made in this behalf, cause such work to be executed after giving 35 such person an opportunity of executing the same within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Commissioner in the execution of any such work shall be payable by the said person and the expenses incurred by the Commissioner in 40 connection with the maintenance of such work or the enjoyment

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

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

of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of tax 5 under this Act.

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

257. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Commissioner may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft 10 or pipe as may appear to him to be necessary.

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

258. (1) Where it appears to the Commissioner that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a muni- 15 cipal drain is so defective as to admit sub-soil water, he may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If on examination the drain or cesspool is found to be in 20 proper condition, the Commissioner shall, as soon as possible, reinstate any ground which has been opened by him and make good any damage done by him.

Bulk supply of water to the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment.

259. The Corporation shall be bound to supply to the New Delhi Municipal Committee and the Military Engineer Services, Delhi 25 Cantonment, at the place or places at which immediately before the commencement of this Act the Delhi Joint Water and Sewage Board constituted under the Delhi Joint Water and Sewage Board Act, 1926, used to supply water to that Committee or those Services or at such other place or places as may be agreed between the 30 Corporation and that Committee or, as the case may be, those Services, water in bulk up to the amount demanded by the said Committee or Services or, if their total demand is in excess of the available supply, up to such proportion as the Corporation may, on the recommendation of the Delhi Water Supply and Sewage Disposal 35 Committee, determine:

23 of 1926.

Provided that the quantity of water supplied *per capita* to the New Delhi Municipal Committee by the Delhi Joint Water and Sewage Board immediately before the commencement of this Act shall not be reduced after such commencement except with the 40 previous permission of the Central Government.

260. (1) The New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, shall pay for the water supplied to them the actual cost of supply of such water at the rate in respect of each thousand gallons of water supplied (hereinafter referred to as "the final issue rate") calculated in the manner prescribed in this section.

New Delhi Municipal Committee and the Military Engineer Services to pay actual cost of supply of water.

(2) The final issue rate shall be calculated for each year after the accounts of the year have been closed by dividing the amount of the total expenditure of the Corporation during the year by the number of thousand gallons of water supplied by the Corporation during that year to itself and to the New Delhi Municipal Committee and the Military Engineer Services.

(3) For the purpose of sub-section (2), there shall be taken into account such items of expenditure incurred by the Corporation as may be determined by rules made by the Central Government in this behalf.

261. (1) Pending the calculation of final issue rate for any year, payments of water supplied during that year to the New Delhi Municipal Committee or the Military Engineer Services shall be made provisionally at an estimated rate (hereinafter referred to as "the collecting rate").

Provisional collecting rate.

(2) The collecting rate shall be calculated at the time of framing of the budget estimates for the year by dividing the sum of the amount of the estimated expenditure of the Corporation in that year and of an addition of five per cent. of that amount by the number of thousand gallons of water estimated as likely to be supplied during that year.

(3) If any difference of opinion arises as to the supply of water to be estimated for the purposes of the ascertainment of the collecting rate, the decision of the Administrator thereon shall be final.

(4) The New Delhi Municipal Committee and the Military Engineer Services shall pay on demand after the close of each quarter of each year the cost of the water supplied to them in that quarter calculated at the collecting rate.

(5) Nothing in this section shall preclude the Corporation from arranging with the consent of the New Delhi Municipal Committee or the Military Engineer Services and in accordance with any order issued by the Administrator for advance payments by each such authority of the cost (calculated at the collecting rate) of such

quantities of water as are likely to be supplied to each of them in each quarter or for such other period as may be determined by the Administrator.

**Final settle-
ment of
accounts.** 262. (1) If the final issue rate for any year exceeds the collecting rate determined for that year, the balance due shall be recovered 5
from the New Delhi Municipal Committee or, as the case may be,
from the Military Engineer Services.

(2) If the final issue rate is less than the collecting rate, the excess collection shall be refunded to the New Delhi Municipal Committee or, as the case may be, to the Military Engineer Services. 10

**Supply of
meters.** 263. (1) For the purpose of measuring and recording the amount of water supplied to the New Delhi Municipal Committee or, as the case may be, to the Military Engineer Services, the Commissioner shall affix meters at the points of junction between the communication pipes of the New Delhi Municipal Committee, or as the case 15
may be, of the Military Engineer Services and the mains or pipes belonging to the Corporation, and the cost of such meters shall be borne by the Corporation.

(2) It shall be presumed, until the contrary is proved, that the quantity of water supplied through any connection is the quantity 20
indicated by the meter affixed to that connection.

**Testing of
meters.** 264. (1) If the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services desire to have any meter tested, it may make an application in this behalf accompanied by a fee of two hundred and fifty rupees to the Commissioner and 25
on receipt of such application and fee, the Commissioner shall forthwith cause the meter to be tested at a time and place of which due notice shall have been given to the authority concerned.

(2) If the meter is found on being tested to be incorrect, the Commissioner shall be bound to replace or repair the same and to 30
refund the fee paid under sub-section (1) together with such sum, if any, as is proved to the satisfaction of the Commissioner to have been paid in excess by reason of the incorrectness of the meter.

**Disposal of
sewage of
New Delhi.** 265. (1) The Corporation shall be bound to receive in bulk from the New Delhi Municipal Committee all sewage delivered by that 35
Committee and to dispose of such sewage:

Provided that the New Delhi Municipal Committee shall not execute any major work calculated to increase the normal discharge of sewage without the concurrence of the Corporation.

(2) Sewage received in pursuance of the provisions of sub-section (1) shall be the property of the Corporation and any income derived from the sale of effluent or sludge shall be credited to the Water Supply and Sewage Disposal Account of the Municipal Fund.

5 (3) If any disagreement arises between the Corporation and the New Delhi Municipal Committee as to the effect of the execution of any work or the doing of anything, the matter shall be referred to the Central Government whose decision shall be final.

10 266. (1) Subject to the provisions of section 268 the total net cost of the disposal of all sewage shall be borne by the Corporation and the New Delhi Municipal Committee in such proportion as the Central Government may, from time to time, determine.

New Delhi Municipal Committee to pay cost of disposal of sewage.

15 (2) In determining the total net cost of disposal of all sewage there shall be taken into account such items of expenditure incurred by the Corporation as may be determined by rules made by the Central Government in this behalf.

20 267. (1) The estimated net cost of the disposal of sewage increased by five per cent. shall be payable on demand by the New Delhi Municipal Committee after the close of each quarter of each year in accordance with the proportions determined under sub-section (1) of section 266.

Manner of payment the New Delhi Municipal Committee of proportion of cost of disposal of sewage.

25 (2) If the sum so paid by the New Delhi Municipal Committee in any year exceeds or is less than the sum payable by it on the basis of the actual cost as determined under section 266, the payments to be made by that body in the following year shall be adjusted accordingly.

30 (3) Nothing in this section shall preclude the Corporation from arranging with the consent of the New Delhi Municipal Committee and in accordance with any orders issued by the Administrator for advance payment by that Committee of such portion of the cost of the disposal of sewage as is likely to be borne by it in such quarter or such other period as may be determined by the Administrator.

35 268. (1) If any dispute arises between the Corporation and the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services as to the liability of the said Committee or Services to pay any sum demanded by the Corporation or as to the right of the said Committee or Services to any refund, or as to the amount of any refund, from the Corporation, then, the New Delhi Municipal Committee or, as the case may be, the Military Engineer

Disputes as to liability for payments to or by the Corporation.

Services may require the Corporation to refer the matter in dispute to the Central Government and the decision of the Central Government thereon shall be final:

Provided that, where the dispute relates to the liability of the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services to make any payment to the Corporation, the payment shall be made to the Corporation pending the decision of the Central Government. 5

(2) In making any such reference, the Corporation shall furnish to the Central Government and the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services a full statement of the grounds of the dispute and the Central Government shall consider that statement together with a like statement received from the said Committee or Services within six weeks of the date of the reference. 10 15

Summary recovery of sums due from the New Delhi Municipal Committee or the Military Engineer Services.

269. If the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services does not, within one month of the receipt of demand for any sum claimed by the Corporation, pay such sum, the Administrator may, on the requisition from the Corporation in this behalf— 20

(a) if the balances of the said Committee or Services are kept in the Government Treasury, order the officer incharge of the Treasury to reduce the balances at the credit of the said Committee or Services by the amount of the sum due and pay that amount to the Corporation, or 25

(b) in any other case deduct the amount of the sum due from any contribution or sum payable by the Central Government to the said Committee or Services and pay the amount so deducted to the Corporation.

Corporation not to give up certain works, etc., without permission of the Central Government.

270. Without the previous permission of the Central Government, the Corporation or the Delhi Water Supply and Sewage Disposal Committee or the Commissioner shall not— 30

(a) give up any scheme of work approved by the Delhi Joint Water and Sewage Board, or

(b) give up or slow down the execution of any work undertaken by the said Board in pursuance of any such scheme. 35

Employment of Government agencies for repairs, etc.

271. The Central Government may for reasons to be recorded, direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Corporation under this Chapter, shall be carried out on behalf of the Corporation by the Central 40

Government and the Corporation shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of a local authority.

5 **272. (1)** No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber: Work to be done by licensed plumber.

10 Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Commissioner the name of such plumber.

15 (3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Commissioner without prejudice to the right of the Corporation to prosecute under this Act the person at whose instance such work has been executed.

20 (4) The Corporation may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Corporation.

25 (5) The Delhi Water Supply and Sewage Disposal Committee may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

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

(7) The Corporation shall make bye-laws providing for—
30 (a) the exercise of adequate control on all licensed plumbers
(b) the inspection of all works carried out by them; and
(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the
35 charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

Prohibition
of certain
acts.

273. (1) No person shall—

(a) wilfully obstruct any person acting under the authority 5
of the Corporation, the Delhi Water Supply and Sewage Dis-
posal Committee or the Commissioner, in setting out the lines
of any works or pull up or remove any pillar, post or stake fixed
in the ground for the purpose of setting out lines of such work,
or deface or destroy any works made for the same purpose; or 10

(b) wilfully or negligently break, injure, turn on, open,
close, shut off or otherwise interfere with any lock, cock, valve,
pipe, meter or other work or apparatus belonging to the Corpo-
ration; or

(c) unlawfully obstruct the flow of, or flush, draw off, or 15
divert, or take water from any water work belonging to the
Corporation or any water course by which any such water work
is supplied; or

(d) unlawfully obstruct the flow of or flush, draw off,
divert or take sewage from any sewage work belonging to the 20
Corporation or break or damage any electrical transmission
line maintained by the Corporation; or

(e) obstruct any officer or other employee of the Corporation
in the discharge of his duties under this Chapter or refuse or
wilfully neglect to furnish him with the means necessary for 25
the making of any entry, inspection, examination or inquiry
thereunder in relation to any water or sewage work; or

(f) bathe in, at or upon any water work or wash or throw
or cause to enter therein any animal, or throw any rubbish,
dirt or filth into any water work or wash or clean therein any 30
cloth, wool or leather or the skin of any animal, or cause the
water of any sink, or drain or any steam-engine or boiler or
any polluted water to turn or be brought into any water work,
or do any other act whereby the water in any water work is
fouled or likely to be fouled. 35

(2) Nothing in clause (b) of sub-section (1) shall apply to a
consumer closing the stopcock fixed on the service pipe supplying
water to his premises so long as he has obtained the consent of
any other consumer whose supply will be affected thereby. 40

CHAPTER XIII

ELECTRICITY SUPPLY

274. In this Chapter, unless the context otherwise requires,— **Definitions.**

54 of 1948. 5 (a) the expressions “generating station” and “main transmission line” have the same meaning as in the Electricity (Supply) Act, 1948;

9 of 1910. (b) the word “licensee” has the same meaning as in the Indian Electricity Act, 1910.

275. (1) It shall be the duty of the Delhi Electric Supply Com- **Functions**
 10 mittee to develop and maintain an efficient, co-ordinated and eco- **in relation**
 nomical system of electricity supply for the whole of the Union **to electricity**
 territory of Delhi and for that purpose to take steps from time to **supply.**
 time—

(a) for generating or acquiring supplies of electricity;

15 (b) for providing supplies of electricity for licensees and persons other than licensees for whom immediately before the establishment of the Corporation the Delhi State Electricity Board constituted under the Electricity (Supply) Act, 1948, was providing, or competent to provide, such supplies under that Act; and
 54 of 1948. 20

(c) for preparing and carrying out in accordance with rules made in this behalf schemes for the generation and supply of electricity:

25 Provided that without the previous permission of the Central Government the Corporation or the Delhi Electric Supply Committee, or the General Manager (Electricity), shall not—

(i) give up any scheme prepared and sanctioned by the Delhi State Electricity Board; or

30 (ii) give up or slow down execution of any work undertaken in pursuance of any such scheme.

(2) In the discharge of its functions in relation to electricity supply, the Delhi Electric Supply Committee shall, as far as practicable—

35 (a) promote the use of all economical methods of generating transmitting and distributing electricity;

- (b) secure the development of supplies of electricity;
- (c) secure the extension of supplies of electricity to areas without such supplies;
- (d) promote the standardisation of systems of supply and types of electrical fittings; 5
- (e) promote the simplification and standardisation of methods of charge for supplies of electricity.

Additional functions in relation to electricity supply.

276. (1) The Delhi Electric Supply Committee may take steps in accordance with the provisions of this Act to manufacture, purchase, sell or let on hire on the execution of a hire-purchase agreement or otherwise, any electrical machinery, control gear, fittings, wires or apparatus for lighting, heating, cooling or motive power or for any other purpose for which electricity can or may be used, or any industrial or agricultural machinery operated by electricity, and to instal, connect, repair, maintain or remove such machinery, control gear, fittings, wires or apparatus and in respect thereof demand and take such remuneration or rents and charges and make such terms and conditions as it deems fit. 10 15

(2) The Committee may also maintain shops and show rooms for the display, sale or hire of machinery, control gear, fittings, wires or apparatus as aforesaid, conduct displays, exhibitions and demonstrations thereof and generally do all things, including advertising incidental to the sale or hire of such machinery, control gear, fittings, wires and apparatus and to the promotion and encouragement of the use of electricity. 20 25

(3) Moneys received and expended in connection with any undertakings under this section shall be shown separately in the Electric Supply Accounts.

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

277. Subject to the provisions of this Act, the Corporation shall in respect of the whole of the Union territory of Delhi, have all the powers and obligations of a licensee under the Indian Electricity Act, 1910, and this Chapter shall be deemed to be the licence of the Corporation for the purposes of that Act: 30

Provided that nothing in sections 3 to 11 of, or in clauses I to IX of the Schedule to, that Act relating to the duties and obligations of a licensee shall apply to the Corporation. 35

Power to construct or acquire new undertakings, etc.

278. (1) The Delhi Electric Supply Committee may take steps in accordance with the provisions of this Act,—

- (a) to construct or acquire in any part of the Union territory of Delhi subject to the provisions of the Indian Electricity Act, 40

9 of 1910.

1910, or of any other law for the time being in force, undertakings for the generation or supply of electricity and for electric traction, and enter into any agreement with any person for the supply of electricity to or by the Corporation;

5 (b) to construct buildings or works of every description necessary or desirable for the maintenance, operation and development of the Delhi Electric Supply Undertaking in any part of the Union territory of Delhi;

10 (c) to purchase or take on lease or hire or otherwise acquire any movable property or immovable property or any rights in any such property in any part of the Union territory of Delhi.

9 of 1910 (2) The General Manager (Electricity) shall, on behalf of the Corporation, exercise all the powers and be subject to all the obligations of a licensee under the Indian Electricity Act, 1910, or any
15 other law for the time being in force relating to the generation or supply of electricity.

279. (1) For the purpose of carrying out, renewing and repairing works in connection with the Delhi Electric Supply Undertaking, the General Manager (Electricity) may, in any part of the Union
20 territory of Delhi, exercise the same powers as under the provisions of Chapter XII the Commissioner may exercise for carrying out, renewing and repairing works relating to water supply or sewage disposal subject to the same restrictions as are by this Act imposed on the exercise of such powers.

Power of carrying out, renewing and repairing works.

25 (2) When a work undertaken by the General Manager (Electricity) involves the opening or breaking up of any street, such work shall not be commenced and carried out except in consultation with the Commissioner or with such officer as the Commissioner may designate in this behalf.

30 280. (1) No building, wall or other structure shall be newly erected and no street or railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the Delhi Electric Supply Undertaking except with the written permission of the General Manager (Electricity).
35 city).

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

(2) The General Manager (Electricity) may, with the approval of the Delhi Electric Supply Committee cause any building, wall or other structure erected, or any street or railway constructed in contravention of sub-section (1), to be removed or otherwise dealt
40 with as he deems fit, and the expenses incurred therefor shall be

paid by the person or authority responsible and shall be recoverable from such person or authority as an arrear of tax under this Act.

Power of Corporation to make arrangements with licensees.

281. (1) The Corporation may, on the recommendation of the Delhi Electric Supply Committee, enter into an agreement with any licensee within the Union territory of Delhi in regard to the purchase or sale of electricity and the price thereof or in regard to the purchase, operation or control of any generating station or main transmission line and notwithstanding anything contained in any law or in any licence, memorandum of association or other instrument regulating the constitution and powers of the licensee, it shall be lawful for the licensee to enter into and carry out any such agreement. 10

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

Restriction on establishment of new generating stations or major additions to or replacement of plant in generating stations.

282. (1) Notwithstanding anything contained in any other law for the time being in force or in any licence, it shall not be lawful for a licensee or any other person, except with the permission in writing of the Corporation granted on application made in this behalf, to establish or acquire a new generating station or to extend or replace any major unit of plant or works pertaining to the generation of electricity in a generating station. 20

(2) There shall be stated in every application for permission under this section such particulars as the Corporation may reasonably require of the station, plant or works, as the case may be, in respect of which it is made, and where permission is given thereto, in acting in pursuance of such permission the applicant shall not, without the further permission of the Corporation, make any material variation in the particulars so stated. 25

Charges for supply of electricity.

283. Subject to the provisions of any law for the time being in force, charges shall be leviable for the supply of electricity by the Corporation at such rates as may, from time to time, be fixed by the Delhi Electric Supply Committee with the approval of the Corporation. 30

Bulk supply of electricity to the New Delhi Municipal Committee and Military Engineer Services, Delhi Cantonment

284. The Corporation shall be bound to provide bulk supplies of electricity for the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, upto the quantity demanded by each of these authorities, or if the total demand is in excess of the available supply, up to such proportion in the case of each of these authorities as the Corporation may, with the approval of the Central Government, determine. 35 40

285. The New Delhi Municipal Committee or, as the case may be, the Military Engineer Services, Delhi Cantonment, shall pay for the electricity supplied to it the actual cost of supply of such electricity at such rate or rates as may be determined by agreement between the Corporation and the authority concerned:

Payment of actual cost of supply of electricity.

Provided that in the case of any dispute between the Corporation and any such authority as to the rate, the dispute shall be referred to the Central Government whose decision thereon shall be final.

54 of 1948.

286. (1) The Delhi State Electricity Board constituted under the Electricity (Supply) Act, 1948, shall cease to function as from, and shall be deemed to be dissolved on, the date of the establishment of the Corporation under this Act.

Dissolution of the Delhi State Electricity Board.

(2) On the dissolution of the Board—

54 of 1948.

(a) the provisions of the Electricity (Supply) Act, 1948, relating to State Electricity Boards shall cease to have effect in the Union territory of Delhi; and

(b) the other provisions of that Act shall have effect therein as if the Delhi State Electricity Board had never been constituted.

20

CHAPTER XIV

TRANSPORT SERVICES

287. In this Chapter, unless the context otherwise requires,—

Definitions.

(a) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward;

(b) "vehicle" means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport, and includes a tram car, a trolley-vehicle and a trailer;

4 of 1939.

(c) words and expressions used but not defined in this Chapter and defined in the Motor Vehicles Act, 1939, have the meanings assigned to them in that Act.

288. It shall be the general duty of the Delhi Transport Committee to take steps from time to time for providing or securing or promoting the provision of an efficient, adequate, economical and properly co-ordinated system of road transport services for passengers and goods in the Union territory of Delhi and in any area to which the operation of any road transport service of the Corporation

Functions in relation to transport services.

has been extended (hereafter in this Chapter referred to as "extended area") in the manner provided in section 292 and for that purpose—

(a) to operate road transport services in the Union territory of Delhi and in any extended area; 5

(b) to provide for any ancillary service.

Powers in relation to transport services.

289. (1) The Delhi Transport Committee may take steps in accordance with the provisions of this Act—

(a) to manufacture, purchase, maintain and repair rolling-stock, vehicles, appliances, plant, equipment or any other thing required for the efficient operation of the Delhi Transport Undertaking; 10

(b) to acquire in accordance with schemes prepared under this Act either compulsorily in accordance with such procedure as may be prescribed by bye-laws made in this behalf or by agreement, whether absolutely or for any period, the whole or any part of any transport service operated by any other person to the extent to which the activities thereof consist of the operation of road transport services or ancillary services in the Union territory of Delhi or in any extended area; 15 20

(c) to construct buildings or works of every description necessary or desirable for the maintenance, operation and development of the Delhi Transport Undertaking;

(d) to dispose of scrap vehicles, old tyres, used oils and any other stores of scrap value; 25

(e) to purchase vehicles of such type as may be suitable for use in the road transport services operated under this Act;

(f) to purchase or otherwise secure by agreement vehicles, garages, sheds, office buildings, depots, land, workshops, equipment, tools, accessories to and spare parts for vehicles or any other article owned or possessed by any dealer or the owner of any other transport service; 30

(g) to do anything for the purpose of advancing the skill of persons employed for the purpose of the Undertaking or the efficiency of the equipment necessary for the Undertaking or of the manner in which that equipment is operated, including the provision of facilities for training, education and research; 35

(h) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods providing for the carriage of passengers or goods on behalf of the Corporation by that other person at a through fare or freight;

5 (i) to do all other things to facilitate the proper carrying on of the business of the Undertaking.

(2) Nothing in this section shall be construed as authorising the Corporation or the Delhi Transport Committee or the General Manager (Transport) except with the previous permission of the
10 Central Government,—

(a) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the Undertaking or to repair, store or provide any service for, any vehicle which does not belong to the Corporation or is not used
15 directly or indirectly for the purpose of the Undertaking;

(b) to purchase any vehicle for the purpose of sale to any person, or to sell or supply to any person lubricants, spare parts or equipment for, or accessories to, vehicles;

(c) to let vehicles on hire for the carriage of passengers or
20 goods save as expressly provided by or under this Act.

(3) The Delhi Transport Committee shall, with the previous approval of the Corporation and in the case of road transport service operated in any extended area also with the previous approval of the Government of the State within which such extended area is
25 situated, determine the fares and freights for the carriage of passengers and goods in any road transport service operated under this Act.

290. With a view to developing road transport services on any route or in any area within the Union territory of Delhi, the General Manager (Transport) may, from time to time, prepare
30 schemes not inconsistent with this Act for starting new road transport services or augmenting its existing road transport services on such route or in such area in which provision may be made for all or any of the following matters, namely:—

(a) the purchase of chassis of motor vehicles or vehicles of a suitable type;

(b) the making of arrangements for building suitable types of bodies for vehicles;

(c) the erection of stands and sheds for passengers and
40 goods;

Preparation
of schemes.

(d) the purchase of equipment, tools and spare parts for, and accessories to, vehicles; and

(e) such supplemental, incidental and consequential provisions as may appear necessary or expedient for any of the purposes aforesaid.

5

Sanction of schemes.

291. (1) The General Manager (Transport) shall, after a scheme has been prepared under section 290, obtain the advice of the Delhi Transport Committee thereon and place the scheme with the advice before the Corporation.

(2) The Corporation may, after considering the advice so 10 obtained either sanction the scheme without modifications or with such modifications as it may deem necessary or reject the scheme.

Extension of operation of the road transport services of the Corporation to areas within another State.

292. (1) If the General Manager (Transport) considers it to be expedient in the public interest to extend the operation of any of the road transport services to any area within another State he 15 may, with the previous approval of the Delhi Transport Committee and the Corporation, negotiate with the Government of that State regarding the proposed extension.

(2) If the Government of that State approves the proposed extension, the General Manager (Transport) shall prepare a scheme 20 for the purpose and submit the same to the Corporation for its approval through the Delhi Transport Committee.

(3) After the scheme has been approved by the Corporation, it shall be competent for the General Manager (Transport) to extend the operation of the road transport service to such area and when 25 the operation of such service is so extended, he shall operate the service in that area subject to the provisions of any law in force in the State within which such area is situated.

Power to alter or extend the schemes.

293. The General Manager (Transport) may, from time to time, alter or extend a scheme by a supplementary scheme prepared and 30 sanctioned in the manner provided in the foregoing provisions of this Chapter.

The Undertaking to be run on business principles.

294. In carrying on the Delhi Transport Undertaking, the General Manager (Transport) shall act as far as possible on business principles.

35

295. The Motor Vehicles Act, 1939 (in this section referred to as the said Act) shall have effect subject to the following provisions, namely:—

Application of the provisions of the Motor Vehicles Act, 1939, or any rules made thereunder vehicles and employees of the Undertaking.

5 (a) the Central Government may, by notification in the Official Gazette, authorise subject to such terms and conditions, if any, as it may deem fit to impose, any person to exercise and perform to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, 10 Regional Transport Authority or State Transport Authority, as the case may be, and without following the procedure laid down for the purpose in the said Act all or such of the powers, functions and duties of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, 15 Regional Transport Authority or the State Transport Authority under the said Act or under the rules made thereunder in relation to motor vehicles of the Corporation and the drivers and conductors of those vehicles as may be specified in the notification;

20 (b) the Central Government may, if it so thinks necessary, by order, cancel, suspend or vary the conditions of any stage carriage, contract carriage or public carrier's permit which has been granted or countersigned under Chapter IV of the said Act by any Regional Transport Authority in the Union territory of Delhi or by the State Transport Authority, Delhi, and is valid 25 within the whole or any part of that territory and any order so passed shall be final;

30 (c) if the Central Government, by order in writing so directs, any Regional Transport Authority within the Union territory of Delhi or the State Transport Authority, Delhi, shall not grant, countersign or renew any permit under Chapter IV of the said Act other than a private carrier's permit;

35 (d) the Central Government may, by order in writing, exempt the motor vehicles of the Corporation or the employees of the Undertaking from the provisions of the said Act or of any rules made thereunder relating to the carrying of certificates of registration and fitness.

Power of
Central
Government
to exempt
vehicles of
the Corpora-
tion from
payment of
certain
charges.

296. The Central Government may, by order in writing, exempt all or any of the vehicles of the Corporation from payment of any tolls or other charges leviable under any enactment for the use of the road within the Union territory of Delhi.

Maintenance
and repairs
of portion of
streets
where tram-
way is laid.

297. The General Manager (Transport) shall cause to be main- 5
tained and kept in good condition and repair so much of any street
wherein any tramway is laid as lies between the rails of the tramway
and where two tramways are laid in any street at a distance of not
more than six feet from each other, the portion of the street between 10
the tramways and in any case as much of the street as extends
eighteen inches beyond the rails of, and on each side of, any such
tramway.

CHAPTER XV

STREETS

Construction, maintenance and improvement of streets 15

Vesting of
public streets
in the Cor-
poration.

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

Provided that no public street which immediately before the commencement of this Act vested in the Union shall, unless the 20
Central Government with the consent of the Corporation so directs, vest in the Corporation by virtue of this sub-section.

(2) All public streets vesting in the Corporation shall be under the control of the Commissioner and shall be maintained, controlled and regulated by him in accordance with the bye-laws made in this 25
behalf.

Functions of
Commis-
sioner in
respect of
public
streets.

299. (1) The Commissioner shall, from time to time, cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered or repaired, and may widen, extend or otherwise improve any such street or cause the soil thereof to be 30
raised, lowered or altered or may place and keep in repair fences and posts for the safety of foot-passengers:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner except with the 35
previous sanction of the Corporation.

(2) With the previous sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street:

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

300. Whenever any public street or a part thereof is permanently closed under sub-section (2) of section 299 the site of such street or of the portion thereof may be disposed of as land vesting in the Corporation.

Disposal of land forming site of public streets permanently closed.

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

Power to make new public streets.

(a) lay out and make new public streets;

(b) construct bridges and sub-ways;

(c) turn or divert any existing public street; and

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

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

Minimum width of new public streets.

303. (1) The Commissioner may—

(a) prohibit vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality;

Power to prohibit use of public streets for certain kind of traffic.

(b) prohibit in respect of all public streets, or any particular public street, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be likely to cause injury to the

roadways or any construction thereon, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants and other general precautions and upon the payment of such charges as may be specified by the Commissioner generally or specially in each case; 5

(c) prohibit access to premises from any particular public street carrying high speed vehicular traffic:

Provided that the Commissioner shall not take action without the sanction of the Corporation in cases under clause (a) and without the sanction of the Standing Committee in cases under clause (c). 10

(2) Notices of such prohibition as are imposed under sub-section (1) shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, unless such prohibition applies generally to all public streets. 15

Power to acquire lands and buildings for public streets and for public parking places.

304. Subject to the provisions contained in Chapter X, the Commissioner may—

(a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and any building standing upon such land; 20

(b) acquire in relation to any such land or building, all such land with buildings, if any, thereon as the Corporation may think expedient to acquire outside of the regular line, or of the intended regular line, of such street; 25

(c) acquire any land for the purpose of laying out or making a public parking place.

Defining the regular line of streets.

305. (1) The Commissioner may define a line on one or both sides of any public street in accordance with the bye-laws made in this behalf and may, with the previous sanction of the Corporation, redefine at any time any such regular line: 30

Provided that, before according sanction the Corporation shall by public notice afford reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed redefined line of the street and shall consider all such suggestions or objections which may be made within one month from the date of the publication of the said notice: 35

Provided further that the regular line of any public street operative under any law in force in any part of Delhi immediately 40

before the commencement of this Act shall be deemed to be a line defined by the Commissioner under this sub-section.

(2) The line for the time being defined or redefined shall be called the regular line of street.

5 (3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street except with the written permission of the Commissioner:

10 Provided that if within sixty days after the receipt of application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to take steps to acquire the land within the regular line of the street in accordance with section 308, then, that person may, subject to any other provisions of this Act and the bye-laws made thereunder,
15 proceed with the work of construction or reconstruction of such boundary wall or portion thereof.

(4) When the Commissioner grants permission for the construction or reconstruction of any building or any boundary wall or other structure within the regular line of a street, he may require
20 the owner of the building to execute an agreement binding himself and his successors-in-interest not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission and to pay the expenses of such
25 removal if, in default, such removal is carried out by the Commissioner and may for that purpose require such owner to deposit in the Municipal Fund such sum as may be determined by him.

(5) The Commissioner shall maintain—

30 (a) a register containing such particulars as may be specified by him in this behalf with plans attached thereto showing all public streets in respect of which the regular line of the street has been defined or redefined and containing any other particulars which the Commissioner may deem necessary;

(b) a register of all agreements executed under sub-section
35 (4) and of all deposits made thereunder.

(6) All such registers shall be open to inspection by any person on payment of such fee as may be prescribed by the Commissioner with the sanction of the Standing Committee.

(7) Any agreement entered into in pursuance of sub-section (4) shall be in writing, shall be registered under the Indian Registration Act, 1908, and shall be deemed to be an agreement in respect of the land to which it relates and any condition contained in such agreement shall be deemed to be an obligation annexed to the ownership of the said land and enforceable against the successors-in-interest of the owner of such land. 16 of 1908. 5

Setting back building to regular line of street.

306. (1) If any part of a building abutting on a public street is within the regular line of that street, the Commissioner may, whenever it is proposed— 10

(a) to repair, rebuild or construct such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building to be set back to the regular line of the street; 15

by any order which he issues concerning the additions to, rebuilding, construction, repair or alterations of, such building, require such building to be set back to the regular line of the street. 20

(2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by the order of the Commissioner or otherwise, taken down, the Commissioner may forthwith take possession on behalf of the Corporation of the portion of the land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same. 25

(3) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

Compulsory setting back of building to regular line of street.

307. (1) Where any building or any part thereof is within the regular line of a public street and in the opinion of the Commissioner it is necessary to set back the building or part thereof to the regular line of the street he may, by notice served on the owner in accordance with the provisions of this Act, require him to show cause within such period as may be specified in the notice as to why such building or part thereof which is within the regular line of the street should not be pulled down and the land within the regular line acquired by the Commissioner on behalf of the Corporation. 30 35

(2) If such owner fails to show cause as required by sub-section (1) the Commissioner may, with the approval of the Standing Committee, require the owner by another notice to be served on him in accordance with the provisions of this Act, to pull down the building 5 or part thereof which is within the regular line of the street within such period as is specified in the notice.

(3) If within such period the owner of the building fails to pull down the building or part thereof as required by the Commissioner, the Commissioner may pull down the same and all the expenses 10 incurred in so doing shall be paid by the owner and recoverable from him as an arrear of tax under this Act.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the regular line of the street occupied by the said building or part thereof and such 15 land shall thereupon be deemed to be a part of the public street and shall vest in the Corporation.

308. If any land, whether open or enclosed, not vesting in the Corporation and not occupied by any building is within the regular line of a public street or if a platform, verandah, step, compound 20 wall, hedge or fence or some other structure external to a building abutting on a public street or a portion of such platform, verandah, step, compound wall, hedge, fence or other structure is within the regular line of such street the Commissioner may, after giving to the owner of the land or building not less than seven clear days' 25 notice of his intention so to do, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step, compound wall, hedge, fence or other structure or of any portion thereof which is within the regular line of the public street and, if necessary, clear the same 30 and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Corporation:

Acquisition of open land and land occupied by platforms, etc., within the regular line of street.

Provided that where the land or building is vested in the Union or a State the Commissioner shall not take possession thereof without the previous sanction of the Central Government.

35 309. (1) Where a land or building is partly within the regular line of a public street and the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land 40 within the said line and such surplus land shall be deemed to be a part of the public street and shall vest in the Corporation.

Acquisition of the remaining part of a building and land after their portions within a regular line of street have been acquired.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward a building under section 310.

Setting forward of buildings to the regular line of street.

310. The Commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the regular line of a public street and may, with the sanction of the Standing Committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction. 5

Explanation.—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the regular line of a street if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line. 10

Compensation to be paid in certain cases of setting back or setting forward of buildings, etc.

311. (1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under the provisions of sections 306, 307 and 308 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of any order made by the Commissioner: 15

Provided that—

(a) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part, likely to accrue from the setting back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation; 20

(b) if any such increase in the value exceeds the amount of loss sustained or expenses incurred by the owner, the Commissioner may recover from him half the amount of such excess as a betterment charge. 25

(2) If in consequence of any order to set forward a building made by the Commissioner, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the setting forward. 30

(3) If the additional land which will be included in the premises of any person required or permitted under sub-section (2) to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the 35

price to be paid to the Corporation by the owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.

5 (4) If, when the Commissioner requires any building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or with any of the terms or conditions of conveyance, the Commissioner shall, upon the application of the owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for 10 the determination of the court of the district judge of Delhi whose decision thereon shall be final.

Private streets.

15 312. If the owner of any land utilises, sells, leases out or otherwise disposes of such land for the construction of buildings thereon, he shall lay down and make a street or streets giving access to the plots into which the land may be divided and connecting with an existing public or private street. Owner's obligation when dealing with land as building sites.

20 313. (1) Before utilising, selling or otherwise dealing with any land under section 312, the owner thereof shall send to the Commissioner a written application with a lay-out plan of the land showing the following particulars, namely:— Lay-out plans.

(a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;

25 (b) the reservation or allotment of any site for any street, open space, park, recreation ground, school, market or any other public purpose;

(c) the intended level, direction and width of street or streets;

30 (d) the regular line of street or streets;

(e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting street or streets.

35 (2) The provisions of this Act and the bye-laws made thereunder as to width of the public streets and the height of buildings abutting thereon, shall apply in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to the sanction of the Standing Committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the Standing Committee shall either accord sanction to the lay-out plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(4) Such sanction shall be refused—

5

(a) if the particulars shown in the lay-out plan would conflict with any arrangements which have been made or which are in the opinion of the Standing Committee likely to be made for carrying out any general scheme of development of Delhi whether contained in the master plan or a zonal development plan prepared for Delhi or not; or

(b) if the said lay-out plan does not conform to the provisions of this Act and bye-laws made thereunder; or

(c) if any street proposed in the plan is not designed so as to connect at one end with a street which is already open. 15

(5) No person shall utilise, sell or otherwise deal with any land or lay-out or make any new street without or otherwise than in conformity with the orders of the Standing Committee and if further information is asked for, no step shall be taken to utilise, sell or otherwise deal with the land or to lay-out or make the street until orders have been passed upon receipt of such information: 20

Provided that the passing of such orders shall not be in any case delayed for more than sixty days after the Standing Committee has received the information which it considers necessary to enable it to deal with the said application. 25

(6) The lay-out plan referred to earlier in this section shall, if so required by the Standing Committee, be prepared by a licensed town planner.

Alteration or
demolition
of street
made in
breach of
section 313.

314. (1) If any person lays-out or makes any street referred to in section 313, without or otherwise than in conformity with the orders of the Standing Committee, the Commissioner may, whether or not the offender be prosecuted under this Act, by notice— 30

(a) require the offender to show cause by a written statement signed by him and sent to the Commissioner on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Commissioner or if such alteration be impracticable, why such street should not be demolished; or 35

(b) require the offender to appear before the Commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

5 (2) If any person on whom such notice is served fails to show cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.

10 **315.** (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Commissioner, he may by notice require the owners of such street or part and the owners of the lands and buildings fronting or abutting on such street or part to carry out any work which in his opinion may be necessary, and
15 within such time as may be specified in such notice.

Power of Commissioner to order work to be carried out or to carry it out himself in default.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners referred to in sub-section (1) in such proportion as may be determined by the
20 Commissioner and shall be recoverable from them as an arrear of tax under this Act.

316. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 315, the Commissioner may, and on the requisition
25 of a majority of the owners referred to in sub-section (1) of that section shall, declare such a street to be a public street and thereupon the street shall vest in the Corporation.

Right of owners to require streets to be declared public.

Encroachments on streets

30 **317.** (1) Except as provided in section 318, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will—

Prohibition of projection upon

(a) overhang, jut or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of the public along, any street, or

35 (b) jut or project into or encroach upon any drain or open channel in any street so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Commissioner may by notice require the owner or occupier of any premises to remove, or to take such other action as he may direct in relation to, any structure or fixture which has been erected, set up, added to, or placed against, or in front of, the said premises in contravention of this section. 5

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the premises for all reasonable expenses incurred by him in complying with the notice. 10

Projections over streets may be permitted in certain cases.

318. (1) The Commissioner may give a written permission, on such terms and on payment of such fee as he in each case thinks fit, to the owner or occupier of the building abutting on any street—

(a) to erect an arcade over such street or any portion thereof; or 15

(b) to put up a verandah, balcony, arch, connecting passage, sun-shade, weather frame, canopy, awning or other such structure or thing projecting from any storey over or across any street or portion thereof: 20

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which construction of an arcade has not been generally sanctioned by the Corporation.

(2) The Commissioner may at any time by notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather frame or the like put up in accordance with the provisions of any law and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon. 25 30

Ground floor doors, etc., not to open outwards on streets.

319. The Commissioner may at any time by notice require the owner of any premises on the ground floor of which any door, gate, bar, or window opens outwards upon a street or upon any land required for the improvement of a street in such manner, as in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards. 35

320. (1) No person shall, except with the permission of the Commissioner granted in this behalf, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

Prohibition of structures or fixtures which cause obstruction in streets.

(2) Nothing in this section shall apply to any erection or thing to which clause (c) of sub-section (1) of section 325 applies.

321. (1) No person shall, except with the permission of the Commissioner and on payment of such fee as he in each case thinks fit, place or deposit upon any street, or upon any open channel, drain or well in any street or upon any public place any stall, chair, bench, box, ladder, bale or other thing whatsoever so as to form an obstruction thereto or encroachment thereon.

Prohibition of deposit, etc., of things in streets.

(2) Nothing in sub-section (1) applies to building materials.

322. The Commissioner may, without notice, cause to be removed—

Power to remove anything deposited or exposed for sale in contravention of this Act.

(a) any stall, chair, bench, box, ladder, bale or other thing whatsoever, placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act;

(b) any article whatsoever hawked or exposed for sale on any public street or in any other public place in contravention of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

323. (1) No person shall tether any animal or cause or permit the same to be tethered in any public street.

Prohibition of the tethering of animals and milking of cattle.

(2) No person shall milk or cause or permit to be milked any cow or buffalo in any street.

(3) Any animal tethered or any cow or buffalo found being milked as aforesaid in any street may be removed by the Commissioner or any municipal officer or employee and be impounded and dealt with under the provisions of the Cattle-trespass Act, 1871.

1 of 1871.

35 *Provision concerning execution of works in or near to streets*

324. (1) The Commissioner shall, so far as is practicable during the construction or repair of any public street, or any municipal drain or any premises vested in the Corporation—

Precautions during repair of streets.

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings,

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger. 5

(2) The Commissioner shall cause such street, drain or premises to be sufficiently lighted or guarded during night while under construction or repair.

(3) The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said street, drain or premises to be repaired and the rubbish occasioned thereby to be removed. 10

(4) No person shall, without the permission of the Commissioner or other lawful authority, remove any bar, chain, post or shoring, timber, or remove or extinguish any light set up under this section. 15

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

325. (1) No person other than the Commissioner or a municipal officer or other municipal employee shall, without the written permission of the Commissioner—

(a) open, break up, displace, take up or make any alteration in, or cause any injury to the soil or pavement or any wall, fence, post, chain or other material or thing forming part of any street; or

(b) deposit any building materials in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of an enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials. 25

(2) Any permission granted under clause (b) or clause (c) of sub-section (1) shall be terminable at the discretion of the Commissioner on his giving not less than twenty-four hours notice of such termination to the person to whom such permission was granted. 30

(3) The Commissioner may, without notice, cause to be removed any of the things referred to in clause (b) or clause (c) of sub-section (1) which has been deposited or set up in any street without the 35

permission specified in that sub-section or which having been deposited or set up with such permission has not been removed within the period specified in the notice issued under sub-section (2):

5 Provided that nothing in this sub-section shall apply to cases under clause (b) or clause (c) of sub-section (1) in which an application for permission has been made with such fee as may be prescribed by the Commissioner in this behalf but no reply has been sent to the applicant within seven days from the date of the application.

10 **326.** (1) Any of the things caused to be removed by the Commissioner under this Chapter shall, unless the owner thereof turns up to take back such thing and pays to the Commissioner the charges for the removal and storage of such thing, be disposed of by the Commissioner by public auction or in such other manner and within such time as the Commissioner thinks fit. Disposal of things removed under this Chapter.

15 (2) The charges for removal and storage of the thing sold under sub-section (1) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the thing sold on a claim being made therefor within a period of one year from the date of sale, and if no such claim is made within the said period,
20 shall be credited to the Municipal Fund.

Naming and numbering of streets and numbering of buildings

327. (1) The Commissioner may—

Naming and numbering of streets.

(a) with the sanction of the Corporation, determine the name or number by which any street or public place vested in the Corporation shall be known;

(b) cause to be put up or painted at a conspicuous part of any building, wall or place, at or near each end, corner or entrance of such street or on some convenient part of such street, the name or number by which it is to be known;

30 (c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Corporation;

(d) determine the number or sub-number by which any premises or part of such premises shall be known and cause such number or sub-number to be fixed to the side or outer door of such premises or to some place at the entrance of the enclosure thereof.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or sub-number or put up or paint any name or number or sub-number different from that put up or painted by order of the Commissioner.

Repair or enclosure of dangerous places

Commissioner to take steps for repairing or enclosing dangerous places.

328. (1) If any place is, in the opinion of the Commissioner, for want of sufficient repair or protection or enclosure, or owing to some work being carried on thereupon, dangerous or causing inconvenience to passengers along a street or to other persons including the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, the Commissioner may by notice in writing require the owner or occupier of such place to repair, protect or enclose the same or take such other step as shall appear to the Commissioner necessary in order to prevent the danger or inconvenience arising therefrom. 5

(2) The Commissioner may before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent the danger or inconvenience arising therefrom; and any expense incurred by the Commissioner in taking such temporary measures shall be recoverable from the owner or occupier of the place as an arrear of tax under this Act. 15

Lighting of streets

Measures for lighting.

329. The Commissioner shall—

(a) take measures for lighting in a suitable manner all such public streets and public places as may be specified by the Standing Committee; 20

(b) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the said purpose; 25

(c) cause such lamps to be lighted by means of oil, electricity or such other light as the Standing Committee may determine.

Prohibition of removal, etc., of lamps.

330. (1) No person shall, without lawful authority, take away wilfully or negligently break or throw down or damage— 30

(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. 35

(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 subsection (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

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

10 (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 15 pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame building of which more than half of the 20 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 25 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 30 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 35 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 5 subject to such building regulations;

(j) to convert into or use as a dwelling house any building which has been discontinued as or appropriated for any purpose other than, a dwelling house.

Prohibition
of building
without
sanctions.

332. No person shall erect or commence to erect any building, or 10 execute any of the works specified in section 334 except with the previous sanction of the Commissioner, nor 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.

15

Erection of
building.

333. (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 20 and plans as may be so prescribed.

Applications
for addi-
tions to, or
repairs of,
buildings.

334. (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 involv- 25 ing the removal or re-erection of any external or party 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 30 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;

35

(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;

5 (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;

10 (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.

15 (2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

335. (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
 20 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

Conditions of valid notice.

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

336. (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
 30 section or the provisions of section 340.

Sanction or refusal of building or work.

(2) The grounds on which the sanction of a building or work may be refused shall be the following, namely:—

35 (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;

40 (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; 5

(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 15 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. 20

When building or work may be proceeded with.

337. (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 receipt 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 25 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 30 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 35 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. 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 any material misrepresentation or fraudulent statement contained in the notice given or information furnished under sections 333, 334 and 335, he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction:

Sanction accorded under misrepresentation.

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. 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.

Buildings at corners of streets.

Provisions
as to build-
ings and
works on
either side
of new
streets.

340. (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. 5

(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 10 or if such building or any portion thereof or such work is in contra-vention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

Period for
completion
of building
or work.

341. The Commissioner, when sanctioning the erection of a building or execution of a work, shall specify a reasonable period 15 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 continu-ed thereafter without fresh sanction obtained in the manner herein-before provided, unless the Commissioner on application made 20 therefor has allowed an extension of that period.

* * * * *

Prohibition
against use of
inflammable
materials
for building,
etc., without
permission. 1

342. 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 25 or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable materials except with the written permis-sion of the Commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year be retained in a subsequent year except with fresh permission obtained in this behalf. 30

Order of
demolition
of buildings
and works
in certain
cases.

343. Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been com-pleted 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 35 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 within such period not exceeding thirty days as may be specified in the order, by the person at whose instance the erection or work 40 has been commenced or is being carried on or has been completed,

and on the failure of that person to comply with the order, the Commissioner may himself cause the erection or the work to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act:

5 Provided that no such order shall be made unless the person has been given an opportunity of being heard.

— 344. (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 10 336 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 15 commenced or is being carried on, to stop the same forthwith.

Order of stoppage of buildings of works in certain cases.

(2) If such order is not complied with forthwith, the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified in the requisition and such police officer shall comply 20 with the requisition accordingly.

(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 25 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 30 whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

345. (1) The Commissioner may at any time during the erection of any building or execution of any work or at any time within three months after the completion thereof, by a written notice, specify any 35 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-law made thereunder and require the person who

Power of Commissioner to require alteration of work.

gave 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.

(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.

Completion
certificates.

346. (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.

Restrictions
on user of
buildings.

347. 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 of 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.

5 348. (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. Removal of dangerous buildings.

(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.

(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.

30 (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. (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: Power to order building to be vacated in certain circumstances.

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.

CHAPTER XVII

10

SANITATION AND PUBLIC HEALTH

Conservancy and sanitation

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

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

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(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.

Rubbish, etc., to be the property of the Corporation.

351. All matters deposited in public receptacles, depots and places provided or appointed under section 352 and all matters collected by municipal employees or contractors in pursuance of section 350 and section 355 shall be the property of the Corporation.

30

Provision or appointment of receptacles, depots and places for rubbish, etc.

352. (1) The Commissioner shall—

(a) provide or appoint in proper and convenient situations public receptacles, depots or places for the temporary deposit of rubbish, filth and other polluted and obnoxious matter and for the final disposal of rubbish, filth and other polluted and obnoxious matter;

(b) provide dustbins for the temporary deposit of rubbish;

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(c) provide vehicles or other suitable means for the removal of rubbish and offensive matter; and

(d) provide covered vehicles or vessels for the removal of filth and other polluted and obnoxious matter.

5 (2) Different receptacles, depots or places may be provided or appointed for the temporary deposit or final disposal of any of the matters specified in sub-section (1).

(3) The Commissioner shall make adequate provision for preventing receptacles, depots, places, dustbins, vehicles and vessels referred
10 to in sub-section (1) from becoming sources of nuisance.

353. It shall be the duty of the owners and occupiers of all premises— Duty of owners and occupiers to collect and deposit rubbish, etc.

(a) to have the premises swept and cleaned;

15 (b) to cause all filth, rubbish and other polluted and obnoxious matter to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice prescribes, in public receptacles, depots or places provided or appointed under section 352 for the temporary deposit or final disposal thereof;

20 (c) to provide receptacles of the type and in the manner prescribed by the Commissioner for the collection therein of all filth, rubbish and other polluted and obnoxious matter from such premises and to keep such receptacles in good condition and repair.

25 **354.** It shall be the duty of the owner and occupier of every premises situate in any portion of Delhi in respect of which the Commissioner has not given public notice under clause (b) of sub-section (2) of section 115 or in which there is not a latrine, or urinal connected by a drain with a municipal drain, to cause all filth and polluted
30 and obnoxious matter accumulating upon such premises to be collected and removed to the nearest receptacle or depot provided for this purpose under section 352 at such times, in such vehicle or vessel, by such route and with such precautions as the Commissioner may by public notice prescribe. Collection and removal of filth and polluted matter.

35 **355.** (1) Where the Commissioner has given public notice in respect of any portion of Delhi under clause (b) of sub-section (2) of section 115 that the collection, removal and disposal of all filth and polluted and obnoxious matter from latrines, urinals and cesspools will be undertaken by municipal agency, it shall be lawful for the Collection and removal of filth and polluted matter through municipal agency.

Commissioner to take measures for the daily collection, removal and disposal of such filth and polluted and obnoxious matter from all premises situated in that portion of Delhi.

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

Removal of rubbish, etc., accumulated on premises used as factories, workshops, etc.

356. The Commissioner may, if he thinks fit,—

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(a) by written notice require the owner or occupier of any premises used for carrying on any manufacture, trade or business or used as a factory, workshop, trade premises of market or in any way so that rubbish, filth and other polluted and obnoxious matter are accumulated in large quantities, to collect all such rubbish, filth and other polluted and obnoxious matter accumulating thereon and to remove the same at such times and in such carts or receptacles and by such routes as may be specified in the notice to a depot or place provided or appointed under section 352, or

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(b) after giving such owner or occupier notice of his intention, cause all rubbish, filth and other polluted and obnoxious matter accumulated in such premises to be removed, and charge the said owner or occupier for such removal such fee as may, with the sanction of the Standing Committee, be specified in the notice issued under clause (a).

Prohibition against accumulation of rubbish, etc.

357. (1) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours or otherwise than in a receptacle approved by the Commissioner, any rubbish, filth and other polluted and obnoxious matter on such premises or any place belonging thereto or neglect to employ proper means to remove such rubbish, filth and other polluted and obnoxious matter from, or to cleanse, such receptacle and to dispose of such rubbish, filth and other polluted and obnoxious matter in the manner directed by the Commissioner, or fail to comply with any requisition of the Commissioner as to the construction, repair, pavement or cleansing of any latrine, or urinal on or belonging to the premises.

(2) No owner or occupier shall allow the water of any sink, drain, latrine or urinal or any rubbish, filth and other polluted and obnoxious matter to run down on or to, or be thrown or put upon, any street or into any drain in or along the side of any street except

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in such manner as shall prevent any avoidable nuisance from any such water, rubbish, filth or other polluted and obnoxious matter.

(3) No person shall, after due provision has been made in this respect under the foregoing provisions of this Chapter for the deposit and removal of the same—

(a) deposit any rubbish, filth and other polluted and obnoxious matter in any street or on the verandah of any building or on any unoccupied ground alongside any street or on the bank of a water course; or

10 (b) deposit any filth or other polluted and obnoxious matter in any dustbin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth and other polluted and obnoxious matter.

15 358. If any premises are not properly and regularly scavenged or cleansed or are in a filthy and unwholesome condition, * * * the Commissioner may cause them to be scavenged and cleansed and recover the expenses from the owner or, as the case may be, occupier as an arrear of tax under this Act. Commissioner's power to get premises scavenged and cleansed.

20 359. (1) The Commissioner shall provide and maintain in proper and convenient places a sufficient number of public latrines and urinals. Public latrines, urinals, etc.

(2) Such public latrines and urinals shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

Latrines and urinals

30 360. (1) It shall not be lawful to construct any latrine or urinal for any premises except with the written permission of the Commissioner and in accordance with such terms not inconsistent with the provisions of this Act or any bye-laws made thereunder as he may prescribe. Construction of latrines and urinals.

(2) In prescribing any such terms the Commissioner may determine in each case—

35 (a) whether the premises shall be served by the service system or by the flush system or partly by the one and partly by the other; and

(b) what shall be the site or position of each latrine or urinal.

(3) If any latrine or urinal is constructed on any premises in contravention of the foregoing provisions, the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, alter, reconstruct, close or demolish such latrine or urinal and the expenditure incurred by the Commissioner in so doing shall be recoverable from the owner or occupier as an arrear of tax under this Act. 5

Latrines and urinals, etc., in new buildings.

361. (1) It shall not be lawful to erect any building or execute any work on or in relation to such building without providing such latrine accommodation and urinal accommodation and accommodation 10 for bathing or for washing clothes and utensils on each floor of such building as the Commissioner may prescribe.

(2) In prescribing any such accommodation the Commissioner may determine in each case—

(a) whether such building shall be served by the service 15 system or by the flush system or partly by the one and partly by the other;

(b) what shall be the site or position of each latrine, urinal, bathing or washing place or site and their number on each floor and their clear internal dimensions. 20

(3) It shall not be lawful to erect a residential building composed of separate tenements on the flat system without providing at least one latrine and one bathing or washing place for servants on the ground floor of such building or at any other suitable place in the same premises. 25

(4) In this section the expression "to erect a building" has the same meaning as in section 331.

Latrines and urinals for labourers, etc.

362. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed, latrines and urinals 30 of such description and number as the Commissioner may by notice require and within such time as may be fixed in the notice and shall keep the same in clean and proper order.

Provision of latrines and urinals for markets, etc.

363. The Commissioner may by notice require any owner or manager of a market, cart stand, cattle shed, theatre, railway station 35 and other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex, latrines of such description and number and in such position as may be specified and to keep the same in clean and proper order. 40

364. The Commissioner may, by written notice—

Other provisions as to private latrines.

(a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or

5 (b) require the owner or other person having the control of such private latrine or urinal which in the opinion of the Commissioner constitutes a nuisance, to remove the latrine or the urinal; or

10 (c) require any person having the control whether as owner, lessee or occupier of any land or building—

(i) to have any latrines provided for the same shut out by a sufficient roof, wall or fence from the view of persons passing by or dwelling in the neighbourhood; or

15 (ii) to cleanse in such manner as the Commissioner may prescribe in the notice any latrine or urinal belonging to the land or building; or

20 (d) where any premises intended or used for human habitation are without any latrine or urinal accommodation or are provided with insufficient latrine or urinal accommodation, require the owner, lessee or occupier of such premises to provide such or such additional latrine or urinal accommodation as he may prescribe, if necessary by causing any part of such premises to be vacated and demolished in accordance with bye-laws made in this behalf.

25 *Removal of congested buildings and buildings unfit for human habitation*

365. (1) Where it appears to the Commissioner that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness, 30 closeness, or faulty arrangement of streets, or of the want of proper drainage and ventilation, or of the impracticability of cleansing the buildings or other similar cause, he shall cause the block to be inspected by the Municipal Health Officer and the Municipal Engineer who shall make a report in writing to him regarding the sanitary 35 condition of the block.

(2) If upon receipt of such report the Commissioner considers that the sanitary condition of the block is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood or otherwise to endanger the public health, he shall with the

approval of the Standing Committee select the buildings which in his opinion should wholly or in part be removed in order to abate the unhealthy condition of the block and may thereupon by notice in writing require the owners of such buildings to remove them within such period as may be specified in the notice: 5

Provided that before issuing the notice reasonable opportunity should be afforded to the owners to show cause why the buildings should not be removed:

Provided further that the Commissioner shall make compensation to the owners for any buildings so removed which may have 10 been erected under proper authority.

(3) If a notice under sub-section (2) requiring any owner of a building to remove it is not complied with, then, after the expiration of the time specified in the notice the Commissioner may himself remove the building required to be removed by the notice and 15 recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.

Power of Commissioner to require improvement of buildings unfit for human habitation.

366. (1) Where the Commissioner upon information in his possession is satisfied that any building is in any respect unfit for human habitation, he may, unless in his opinion the building is not capable 20 at a reasonable expense of being rendered fit, serve upon the owner of the building a notice requiring him within such time not being less than thirty days as may be specified in the notice to execute the works of improvement specified therein and stating that in his opinion those works will render the building fit for human habita- 25 tion.

(2) In addition to serving a notice under this section on the owner the Commissioner may serve a copy of the notice on any other person having an interest in the building whether as a lessee, mortgagee or otherwise. 30

(3) In determining whether a building can be rendered fit for human habitation at a reasonable expense regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed. 35

Enforcement of notice requiring execution of works of improvement.

367. If a notice under section 366 requiring the owner of the building to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice the Commissioner may himself do the works required to be done by the notice and recover the expenses incurred in connection therewith as 40 an arrear of tax under this Act.

368. (1) Where the Commissioner upon any information in his possession is satisfied that any building is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit he shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee, mortgagee or otherwise a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

Power of Commissioner to order demolition of buildings unfit for human habitation.

(2) If any of the persons upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the Commissioner and gives an undertaking to him that such person shall, within a period specified by the Commissioner, execute such works of improvement in relation to the building as will, in the opinion of the Commissioner, render the building fit for human habitation or an undertaking that the building shall not be used for human habitation until the Commissioner on being satisfied that it has been rendered fit for that purpose, cancels the undertaking, the Commissioner shall not make an order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given, or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Commissioner shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

(4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person having an interest therein, shall demolish that building within the time specified in that behalf by the order, and if the building is not demolished within that time, the Commissioner shall demolish the building and sell the materials thereof.

(5) Any expenses incurred by the Commissioner under sub-section (4) if not satisfied out of the proceeds of the sale of materials of the building shall be recovered from the owner of the building or any other person having an interest therein as an arrear of tax under this act.

(6) In determining for the purposes of section 366 and this section whether a building is unfit for human habitation, regard shall

be had to its condition in respect of the following matters, that is to say,—

- (a) repair;
- (b) stability;
- (c) freedom from damp; 5
- (d) natural light and air;
- (e) water supply;
- (f) drainage and sanitary conveniences;
- (g) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter; 10

and the building shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(7) For the purposes of section 366, section 367 and this section, "work of improvement" in relation to a building includes any one 15 or more of the following works, namely:—

- (a) necessary repairs;
- (b) structural alterations;
- (c) provision of light points and water taps;
- (d) construction of drains, open or covered; 20
- (e) provision of latrines and urinals;
- (f) provision of additional or improved fixtures and fittings;
- (g) opening up or paving of courtyard;
- (h) removal of rubbish, filth and other polluted and obnoxious matter; 25

(i) any other work including the demolition of any building or any part thereof which, in the opinion of the Commissioner, is necessary for executing any of the works specified above.

(8) The provisions of section 365, section 366, section 367 and this section shall not apply in relation to any building in any area which 30 has been declared to be a slum area under the Slum Areas (Improvement and Clearance) Act, 1956. 96 of 1956.

Insanitary
huts and
sheds.

369. Where the Commissioner upon any information in his possession is satisfied that any hut or shed used as a dwelling house or as a stable or for any other purpose, is likely, by reason of its 35 being constructed without a plinth or upon a plinth of insufficient height or without proper means of drainage or on account of the impracticability of scavenging and cleansing it or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants 40 of the neighbourhood, or is for any reason likely to endanger public

health or safety, he may by notice in writing require the owner or occupier of the hut or shed or the owner or occupier of the land on which the hut or shed stands to remove or alter the hut or shed or carry out such improvement thereof as the Commissioner may deem necessary within such time as may be specified in the notice.

Regulation of washing by washermen

370. (1) The Commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their callings except at such places as he may appoint for the purpose.

Prohibition against washing by washermen

10 (2) When any such prohibition has been made, no person who is by calling a washerman shall in contravention of such prohibition wash clothes except for himself or for personal and family service or for hire on or within the premises of the hirer, at any place other than a place appointed under sub-section (1).

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Prevention of dangerous diseases

371. Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon, any person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering shall forthwith give information respecting the existence of such disease to the Municipal Health Officer.

Obligation to give information of dangerous disease.

372. (1) When any person suffering from any dangerous disease is found to be—

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(a) without proper lodging or accommodation, or

(b) living in a room or house which he neither owns or pays rent for nor occupies as the guest or relative of any person who owns, or pays rent for it, or

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(c) living in a *sarai*, hotel, boarding house or other public hostel, or

(d) lodged in premises occupied by members of two or more families,

the Commissioner or any person authorised by him in this behalf, may on the advice of any medical officer of the rank not inferior to that of an assistant surgeon remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment and may do anything necessary for such removal.

Removal to hospital of patients suffering from dangerous disease.

(2) The Corporation shall if required by the Central Government erect an infectious diseases hospital of such type and dimension as that Government may direct.

Disinfection
of buildings
and articles.

373. Where the Commissioner is of opinion that the cleansing and disinfection of any building or part of a building or of any articles in such building or part which are likely to retain infection, or the renewal of flooring of any building or part of such building, and the renewal of plastering of the walls thereof, would tend to prevent or check the spread of any dangerous disease; he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring and if, necessary, the said, plastering also within such time as may be specified in the notice: 5 10

Provided that where in the opinion of the Commissioner the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Commissioner may at the expense of the Municipal Fund cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring and if necessary, the plastering also. 15

Destruction
of infectious
huts
or sheds.

374. (1) Where the destruction of any hut or shed is in the opinion of the Commissioner necessary to prevent the spread of any dangerous disease, the Commissioner may by notice in writing require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice. 20

(2) Where the Commissioner is satisfied that the destruction of any hut or shed is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than six hours' notice to the owner or occupier. 25 30

(3) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed, but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section. 35

Means of
disinfection.

375. (1) The Commissioner shall—

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding and other articles which have been exposed to infection; 40

(b) cause conveyances, clothing and other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as he may fix.

(2) The Commissioner may notify places at which articles of clothing, bedding and conveyances or other articles which have been exposed to infection shall be washed and if he does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The Commissioner may direct the destruction of any clothing, bedding or other article likely to retain infection and may give such compensation as he thinks fit for any article so destroyed.

376. (1) In the event of Delhi or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Commissioner, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose, may, with the previous sanction of the Corporation,—

Special measures in case of outbreak of dangerous or epidemic diseases.

(a) take such special measures, and

(b) by public notice, give such directions to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or spread of the disease:

Provided that where in the opinion of the Commissioner immediate measures are necessary, he may take action without such sanction as aforesaid and if he does so, shall forthwith report such action to the Corporation.

(2) No person shall commit a breach of any direction given under sub-section (1) and if he does so he shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

* * * * *

377. (1) A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washermen of their calling, for the purpose of being washed or to any place for the purpose of being cleansed, any cloth or other article which he knows to have been exposed to infection from a dangerous disease unless that cloth or article has been disinfected by or to the satisfaction of the Municipal Health Officer.

Infected clothes not to be sent to washerman or to laundry.

(2) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Municipal Health Officer, furnish to him the address of any washerman to whom or any laundry or other place to which clothes and other articles from the building have been, or will be, sent during the continuance of the disease, for the purpose of being washed or cleaned. 5

Contamina-
tion and
disinfection
of public
conveyance.

378. (1) Whoever—

(a) uses a public conveyance while suffering from a dangerous disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any disease, or 10

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance, and further report without delay to the Commissioner the number of the conveyance and the name of the person so notified. 15

(2) Where any person suffering from, or the corpse of any person who has died from, a dangerous disease has been carried in a public conveyance which ordinarily plies in Delhi or any part thereof, the driver thereof shall forthwith report the fact to the Commissioner who shall forthwith cause the conveyance to be disinfected if that has not already been done. 20

(3) No such conveyance shall be again brought into use until the Municipal Health Officer has granted a certificate stating that it can be used without causing risk of infection. 25

(4) Whoever fails to make to the Commissioner any report which he is required to make under this section shall be guilty of an offence. 30

Driver of
conveyance
not bound
to carry
persons
suffering
from dan-
gerous
disease.

379. Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of Delhi any person suffering from a dangerous disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance. 35

380. (1) Where any building or part of a building is intended to be let in which any person has, within six weeks immediately preceding, been suffering from a dangerous disease, the person letting the building or part shall, before doing so, disinfect the same in such manner as the Commissioner may by general or special notice direct together with all articles therein liable to retain infection.

Disinfection of buildings before letting the same.

(2) For the purposes of this section, the keeper of a hostel, lodging house or *sarai* shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

381. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any dangerous disease and is likely to be used in or taken into Delhi or any part thereof.

Disposal of infected articles without disinfection.

382. No person while suffering from, or in circumstances in which he is likely to spread, any dangerous disease, shall—

Prohibition of making or selling of food, etc., or washing of clothes by infected persons.

(a) make, carry or offer for sale or take any part in the business of making, carrying or offering for sale, any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(b) take any part in the business of the washing or carrying of clothes.

383. When Delhi or any part thereof is visited or threatened by an outbreak of any dangerous disease the Commissioner may, by public notice, restrict in such manner or prohibit for such period as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animal so specified.

Power to restrict or prohibit sale of food or drink.

384. (1) If the Commissioner is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, he may—

Control over wells and tanks, etc.

(a) by public notice, prohibit the removal or use of such water for drinking; or

(b) by notice in writing require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or

(c) take such other steps as he may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of Delhi or any part thereof being visited or threatened by an outbreak of a dangerous disease the Municipal Health Officer or any person authorised by him in this behalf may, 5 without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking and may further take such steps as he may think fit to ensure the purity of the water or to prevent the use of the same for drinking purposes. 10

Duty of persons suffering from dangerous disease.

385. No person shall,—

(a) knowing that he is suffering from a dangerous disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be 15 suffering from a dangerous disease, cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish, any matter which he knows to 20 have been exposed to infection from a dangerous disease and which has not been disinfected properly;

(d) throw or cause to be thrown into any latrine or urinal any matter which he knows to have been exposed to infection 25 from a dangerous disease and which has not been disinfected properly.

Disposal of infectious corpses where any person has died from any dangerous disease.

386. Where any person has died from any dangerous disease the Commissioner may, by notice in writing—

(a) require any person having charge of the corpse to convey the same to a mortuary thereafter to be disposed of in 30 accordance with law, or

(b) prohibit the removal of corpses from the place where death occurred except for the purpose of being burnt, buried or for being conveyed to a mortuary.

Special conditions regarding essential services 35

Conditions of service of sweepers and certain other class of persons employed in municipal service.

387. (1) No person being a sweeper employed by the Corporation shall, in the absence of any contract authorising him so to do and without reasonable cause, resign his employment or absent himself from his duty without having given one month's notice to the Commissioner or shall neglect or without reasonable cause refuse 40 to perform his duties.

(2) The Corporation may by resolution direct that on or from such date as may be specified in the resolution, the provisions of this section shall apply in the case of any specified class of persons employed by the Corporation whose functions are intimately concerned with public health or safety.

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

Conditions of service of sweepers employed for doing house scavenging.

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Burning and burial grounds

389. The Commissioner may, by notice in writing, require the owner or person in charge of any burning or burial ground to supply such information as may be specified in the notice concerning the condition, management, or position of such ground.

Power to call for information regarding burning and burial grounds.

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390. (1) No place which has not been used as a burning or burial ground before the commencement of this Act shall be so used without the permission in writing of the Commissioner.

Permission for use of new burning or burial ground.

(2) Such permission may be granted subject to any conditions which the Commissioner may think fit to impose for the purpose of preventing any annoyance to, or danger to the health of, any persons residing in the neighbourhood.

391. (1) Where the Commissioner, after making or causing to be made local enquiry is of opinion that any burning or burial ground has become offensive to, or dangerous to the health of, persons residing in the neighbourhood, he may, with the previous sanction of the Standing Committee, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

Power to require closing of burning and burial ground.

(2) No corpses shall be burnt or buried at the burning or burial ground in respect of which a notice has been issued under this section.

392. The Commissioner may by public notice prescribe routes by which alone corpses may be removed to burning or burial ground.

Removal of corpses

Disposal of dead animals

393. (1) Whenever any animal in charge of any person dies, the person in charge thereof shall within twenty-four hours either—

Disposal of dead animals.

(a) convey the carcass to a place provided or appointed under section 352 for the final disposal of the carcasses of dead animals, or

(b) give notice of the death to the Commissioner whereupon he shall cause the carcass to be disposed of.

(2) In respect of the disposal of the carcass of a dead animal under clause (b) of sub-section (1) the Commissioner may charge such fee as he may by public notice prescribe.

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CHAPTER XVIII

VITAL STATISTICS

Appointment
of Chief
Registrar
and regis-
trars.

394. (1) The Municipal Health Officer shall be the Chief Registrar of births and deaths for Delhi and shall keep in such form as may be prescribed by bye-laws a register of all births and deaths occurring in Delhi. 10

(2) The Commissioner shall for the purposes of this Chapter appoint such number of persons to be registrars of births and deaths as he deems necessary and define the respective areas which shall be under the charge of such registrars. 15

Duties of
registrar.

395. The registrar shall keep himself informed of every birth or death occurring within the area under his charge and shall ascertain and register as soon as conveniently may be after the event, and without fee or reward such particulars in respect of every birth or death as may be prescribed by bye-laws made in this behalf. 20

Information
of births
and deaths.

396. (1) It shall be the duty of the father or mother of every child born in Delhi and in default of the father or mother, of any relation of the child living in the same premises, and in default of such relation, of the person having charge of the child, to give to the best of his knowledge and belief to the registrar of the area concerned within eight days after such birth, information containing such particulars as may be prescribed by bye-laws made in this behalf. 25

(2) It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying in Delhi and in default of such relation, of any person present or in attendance at the time of the death, and of the occupier of the premises in which to his knowledge the death took place and in default of the person hereinbefore mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give to the best of his knowledge and belief to the registrar of the area within which the death took place information containing such particulars as may be prescribed by bye-laws made in this behalf. 30 35

(3) If a birth or death occurs in the hospital, none of the persons mentioned in sub-section (1) or, as the case may be, in sub-section (2) shall be bound to give information required by that sub-section, but it shall be the duty of the medical officer in charge of the hospital within twenty-four hours after the birth or death, to send to the Municipal Health Officer a notice containing such particulars as may be prescribed by bye-laws made in this behalf.

CHAPTER XIX

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

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Nuisances

307. (1) No person shall—

Prohibition
of nuisances.

(a) in any public street or public place—

(i) ease himself; or

(ii) loiter, or beg importunately, for alms; or

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(iii) expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

(iv) carry meat exposed to public view; or

(v) picket animals, or collect carts; or

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(vi) being engaged in the removal of rubbish, filth or other polluted and obnoxious matter wilfully or negligently permit any portion thereof to spill or fall, or neglect to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or

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(vii) without proper authority affix upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or

(viii) without proper authority deface or write upon or otherwise mark any building, monument, post, wall, fence, tree or other thing; or

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(ix) without proper authority remove, destroy, deface or otherwise obliterate any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

35

(x) without proper authority displace, damage, make any alteration in, or otherwise interfere with, the pavement, gutter, storm water-drain, flags or other materials of any

such street, or any lamp bracket, direction-post, hydrant or water-pipe maintained by the Corporation in any such street or place, or extinguish a public light; or

(xi) carry rubbish, filth or other polluted and obnoxious matter at any hour prohibited by the Commissioner by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Commissioner, or fail to close such cart or receptacle when in use; or

(b) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Commissioner by public notice; or

(c) deposit, or cause or permit to be deposited, earth or materials of any description or any rubbish or polluted and of noxious matter in any place not intended for the purpose in any public street or public place or waste or unoccupied land under the management of the Corporation; or

(d) make any grave or burn or bury any corpse at any place not set apart for such purpose; or

(e) at any time or place at which the same has been prohibited by the Commissioner by public or special notice, beat a drum or tom-tom, or blow a horn or trumpet, or beat any utensil, or sound any brass or other instrument, or play any music; or

(f) disturb the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or

(g) let loose any animal so as to cause, or negligently allow any animal to cause, injury, danger, alarm or annoyance to any person; or

(h) save with the written permission of the Commissioner and in such manner as he may authorise, store or use night-soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell; or

(i) use or permit to be used as a latrine any place intended for that purpose.

(2) Every person shall take all reasonable means to prevent every child under the age of twelve years being in his charge from easing himself in any public street or public place.

(3) The owner or keeper of any animal shall not allow it straying in a public street or public place without a keeper.

(4) Any animal found straying as aforesaid may be removed by an officer or employee of the Corporation or by any police officer to 5 a pound.

(5) Swines found straying in a public street or public place shall be liable to be destroyed by any officer or other employee of the Corporation appointed in this behalf.

398. Where the Commissioner is of opinion that there is a nuisance on any land or building, he may, by notice in writing, require the person by whose act, default or sufferance the nuisance arises or continues or the owner, lessee or occupier of the land or building, or any one or more of these persons, to remove or abate the nuisance by taking such measures in such manner and within such period as 15 may be specified in the notice.

Power of Commissioner to require removal of nuisance.

Dogs

399. (1) The Corporation may, by bye-laws made in this behalf,— Registration and control of dogs.

(a) require the registration, by the registration authority appointed by the Commissioner in this behalf of all dogs kept 20 within Delhi;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public 25 place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect 30 thereof is paid within one week.

(2) The Commissioner may—

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been 35 bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without

marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed and cause them to be destroyed accordingly.

(3) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section. 5

(4) No one, being the owner or person in charge of any dog, shall allow it to be at large in any public street or public place without being muzzled and without being secured by a chain lead in any case in which— 10

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the Commissioner has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads. 15

(5) No one shall—

(a) allow any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) set on or urge any dog or other animal to attack, worry or intimidate any person, or 20

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, fail or neglect to give immediate information of the fact to the Commissioner or give information which is false. 25

Prevention of fire, etc.

Stacking or
collecting
inflammable
materials.

400. The Commissioner may, by public notice, prohibit in any case where such prohibition appears to him to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place which may be specified in the notice.

Care of
naked lights.

401. No person shall set a naked light on or near any building in any public street or other public place in such manner as to cause danger of fire: ; 35

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purposes of illumination on the occasion of a festival or public or private entertainment.

402. No one shall discharge any fire-arm or let off fireworks or fire-balloons, or engage in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property.

Discharging fireworks, fire-arms, etc.

5 403. Where any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the Commissioner, in a ruinous state, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbour-
10 hood, the Commissioner may by notice in writing require the owner or part-owner or person claiming to be the owner or part-owner thereof or failing any of them the occupier thereof to remove the same or may require him to repair, protect or enclose the same in such manner as he thinks necessary; and if the danger is, in the
15 opinion of the Commissioner, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

Power to require buildings, wells, etc., to be rendered safe.

404. The Commissioner may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner of any land or building, or the lessee or the person claiming to
20 be the lessee of any such land which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves or is used for gaming or immoral purposes or other-
25 wise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

Enclosure of waste land used for improper purposes.

CHAPTER XX

MARKETS, SLAUGHTER HOUSES, TRADES AND OCCUPATIONS

Maintenance and regulation of markets and slaughter houses

30 405. (1) The Commissioner, when authorised by the Corporation in this behalf, may provide and maintain municipal markets and slaughter houses in such number as he thinks fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting such
35 markets or slaughter houses and may provide and maintain in any such markets, buildings and places machines, weights, scales and measures for the weighing or measurement of goods sold therein.

Provision of municipal markets and slaughter houses.

(2) Municipal markets and slaughter houses shall be under the control of the Commissioner who may at any time, by public notice,
40 close any municipal market or slaughter house or any part thereof.

Use of
municipal
markets.

406. (1) No person shall, without the general or special permission in writing of the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening the provisions of sub-section (1), and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Commissioner or any officer or employee of the Corporation authorised by the Commissioner in this behalf.

Private
markets and
slaughter
houses.

407. (1) No place other than a municipal market shall be used as a market unless such place has been licensed as a market by the Commissioner.

(2) No place other than a municipal slaughter house shall be used as a slaughter house:

Provided that nothing in this sub-section shall be deemed—

(a) to restrict the slaughter of any animal in any place on the occasion of any religious festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Act) as the Commissioner may, by public or special notice, impose in this behalf, or

(b) to prevent the Commissioner, with the sanction of the Corporation, from setting apart places for the slaughter of animals in accordance with religious custom.

Conditions
of grant of
licence for
private
market.

408. (1) The Commissioner may charge such fees as he thinks fit to impose for the grant of a licence to any person to open a private market and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as he thinks fit to impose.

(2) When the Commissioner refuses to grant any licence, he shall record a brief statement of the reasons for such refusal.

(3) The Commissioner may, with the previous approval of the Standing Committee and for reasons to be recorded, suspend a licence in respect of a private market for such period as he thinks fit or cancel such licence.

(4) A private market of which the licence has been suspended or cancelled as aforesaid shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

Prohibition
of keeping
market open
without
licence, etc.

409. (1) No person shall keep open for public use any market in respect of which a licence is required by or under this Act without obtaining a licence therefor, or while the licence therefor is suspended or after the same has been cancelled.

(2) When a licence to open a private market is granted or refused or is suspended or cancelled the Commissioner shall cause a notice of the grant, refusal, suspension or cancellation to be posted in such language or languages as he thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

410. No person knowing that any market has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act or that the licence granted therefor is for the time being suspended or that it has been cancelled, shall sell or expose for sale any animal or article in such market.

Prohibition of use of unlicensed markets.

411. (1) No animal or article shall be sold or exposed for sale within a distance of one hundred yards of any municipal market or licensed private market without the permission of the Commissioner.

Prohibition of business and trade near a market.

(2) * * * Any person contravening the provisions of sub-section (1) and any animal or article exposed for sale by such person may be summarily removed by or under the orders of the Commissioner or any officer or employee of the Corporation appointed by him in this behalf.

412. The Commissioner, with the previous approval of the Standing Committee, may—

(a) charge such stallages, rents or fees as may from time to time be fixed by him in this behalf—

Levy of stallages, rents and fees.

(i) for the occupation or use of any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house,

(ii) for the right to expose articles for sale in a municipal market,

(iii) for the use of machines, weights, scales and measures provided for in any municipal market, and

(iv) for the right to slaughter animals in any municipal slaughter house, and for the feed of such animals before they are ready for slaughter; or

(b) farm the stallages, rents and fees chargeable as aforesaid or any portion thereof for such period as he may think fit; or

(c) put up to public auction or dispose of by private sale, the privilege of occupying or using any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house for such period and on such conditions as he may think fit.

Stallages,
rents, etc.,
to be pub-
lished.

413. A copy of the table of stallages, rents and fees, if any, chargeable in any municipal market or municipal slaughter house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter house printed in such language or languages as the Commissioner may direct, shall be affixed in some 5 conspicuous place in the market or slaughter house.

Power to
expellers
and dis-
turbers, etc.,
from
markets.

414. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any dangerous disease, who sells or exposes for sale therein any 10 article or who, not having purchased the same handles any article exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

Butcher's,
fish-monger's
and poulter-
er's licence.

415. (1) No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, 15 fish-monger, poulterer or importer of flesh intended for human food or use any place for the sale of flesh, fish or poultry intended for human food:

Provided that no licence shall be required for any place used for the sale or storage for sale of preserved flesh or fish contained in air-20 tight or hermetically sealed receptacles.

(2) The Commissioner may by order and subject to such conditions as to supervision and inspection as he thinks fit to impose grant a licence or may by order refuse for reasons to be recorded, to grant 25 the same.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Commissioner may 30 stop the use thereof by such means as he may consider necessary.

Trades and occupations

Factory, etc.,
not to be
established
without per-
mission of
the Com-
missioner.

416. (1) No person shall, without the previous permission in writing of the Commissioner, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises 35 in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Commissioner may refuse to give such permission, if he is of the opinion that the establishment, alteration, enlargement or

extension of such factory, workshop or trade premises, in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

5 **417. (1)** No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, namely:— Premises not to be used for certain purposes without licence.

10 (a) any of the purposes specified in Part I of the Eleventh Schedule;

(b) any purpose which is, in the opinion of the Commissioner dangerous to life, health or property or likely to create a nuisance;

15 (c) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or

(d) storing any of the articles specified in Part II of the Eleventh Schedule except for domestic use of any of those articles:

20 Provided that the Corporation may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be exempted from the operation of clause (d).

25 (2) In prescribing the terms of a licence granted under this section for the use of premises as mills or iron yards or for similar purposes the Commissioner may, when he thinks fit, require the licensee to provide a space or passage within the premises for carts for loading and unloading purposes.

30 (3) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1):

Provided that no such fee shall exceed five hundred rupees.

35 **418. (1)** If any horses, cattle or other quadruped animals or birds are kept on any premises in contravention of the provisions of section 417, or are found abandoned and roaming or tethered on any street or public place or on any land belonging to the Corporation, the Commissioner or any officer empowered by him may seize them and may cause them to be impounded or removed to such place as may be appointed by the Government or the Corporation for this purpose and the cost of seizure of these animals or birds and of impounding Seizure of certain animals

or removing them and of feeding and watering them shall be recoverable by sale by auction of these animals or birds:

Provided that anyone claiming such animal or bird may, within seven days of the seizure get them released on his paying all expenses incurred by the Commissioner in seizing, impounding or removing ⁵ and in feeding and watering such animal or bird, and on his producing a licence for keeping these animals and birds issued under the provisions of section 417.

(2) Whenever the Commissioner is of opinion that the user of any premises for any of the purposes referred to in sub-section (1) of section 417 is causing a nuisance and such nuisance should be immediately stopped, the Commissioner may order the owner or the occupier of the premises to stop such nuisance within such time as may be specified in the order and in the event of the failure of the owner or occupier to comply with such order, the Commissioner may ¹⁵ himself or by an officer subordinate to him cause such user to be stopped.

(3) Without prejudice to the foregoing provisions of this section any person by whom or at whose instance any horses, cattle or other quadruped animals or birds are so kept, abandoned or tethered, shall ²⁰ also be punishable under this Act.

Power of Commissioner to prevent use of premises in particular areas for purposes referred to in section 417.

419. (1) The Commissioner may give public notice of his intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in sub-section (1) of section 417, which may be specified in such notice. ²⁵

(2) No objections to any such declarations shall be received after a period of one month from the publication of the notice.

(3) The Commissioner shall consider all objections received within the said period, giving any person affected by the notice an opportunity of being heard during such consideration, and may ³⁰ thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications, if any, as he may think fit but not so as to extend its application.

(4) Every such declaration shall be published in the Official Gazette and in such other manner as the Commissioner may determine, and shall take effect from the date of its publication in the Official Gazette. ³⁵

(5) No person shall, in any area specified in any declaration published under sub-section (4), use any premises for any of the purposes referred to in section 417 specified in the declaration and the Commissioner shall have the power to stop the use of any such premises by such means as he considers necessary.

420. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf,—

Licences for hawking articles, etc.

(a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not;

(b) use in any place his skill in any handicraft or for rendering services to and for the convenience of the public for the purposes of gain or making a living.

421. (1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Eating houses, etc., not to be used without licence from the Commissioner.

(2) The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of the opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made in this behalf, whether the licensee is prosecuted under this Act or not.

422. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep open any theatre, circus, cinema house, dancing hall or other similar place of public resort, recreation or amusement:

Licensing and control of theatres, circuses and places of public amusement.

Provided that nothing in this section shall apply to private performances in any such place.

423. If the Commissioner is of opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a licence or otherwise than in conformity with the terms of a licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

Power of Commissioner to stop use of premises used in contravention of licences.

Inspection of places of sales, etc.

Power of
Commissioner to
inspect
places where
unlawful
slaughter of
animals, etc.,
is suspected.

424. (1) If the Commissioner or any person authorised by him in this behalf has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under this Act, he may, at any time by day or night without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law made under this Act at the time in force is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein. 5 10

(2) The Commissioner may remove and sell by auction or otherwise dispose of any animal or carcass of any animal or any flesh seized under sub-section (1).

(3) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if the owner is convicted of an offence under this Act in respect of such animal, carcass or flesh, the proceeds of any sale under sub-section (1) shall vest in the Corporation. 15

(4) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorised under the provisions of this Act may be arrested by any police officer without a warrant. 20

(5) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for affecting such entry. 25

CHAPTER XXI

IMPROVEMENT

Improvement
scheme.

425. Where the Commissioner upon information in his possession is satisfied as respects any area— 30

(a) that the buildings in that area are by reason of disrepair or sanitary defects unfit for human habitation or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets or the want of light, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area; and 35

(b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and reconstruction

of the streets and buildings in the area in accordance with an improvement scheme;

he may frame an improvement scheme in respect of the area in accordance with the bye-laws made in this behalf.

5 **426. (1)** An improvement scheme may provide for all or any of the following matters, namely:—

Matters to be provided for in an improvement scheme.

1 of 1894.

(a) the acquisition by agreement or under the Land Acquisition Act, 1894, of any property necessary for or affected by the execution of the scheme;

10 (b) the relaying out of any land comprised in the scheme;

(c) the redistribution of sites belonging to owners of property comprised in the scheme;

(d) the closure or demolition of buildings or portions of buildings unfit for human habitation;

15 (e) the demolition of obstructive buildings or portions thereof ;

(f) the construction and reconstruction of buildings;

(g) the construction and alteration of streets;

20 (h) the water supply, street lighting, drainage and other conveniences;

(i) the provision of open spaces for the benefit of any area comprised in the scheme;

(j) the sanitary arrangements required for the area comprised in the scheme;

25 (k) the provision of accommodation for any class of the inhabitants;

(l) the provision of facilities for communication;

(m) the sale, letting or exchange of any property comprised in the scheme;

30 (n) any other matter for which, in the opinion of the Commissioner it is expedient to make provision with a view to the improvement of the area to which the scheme relates.

(2) Where any land is designated in an improvement scheme as subject to acquisition or is required by the scheme to be kept as an open space, then, if at the expiration of ten years from the date of sanction of the scheme by the Central Government under sub-section (2) of section 427, the land is not acquired by the Commissioner, the owner of the land may serve on the Commissioner a notice requiring his interest in the land to be so acquired.

(3) If the Commissioner fails to acquire the land within a period of six months from the receipt of the notice, the improvement scheme shall have effect after the expiration of the said six months as if the land were not designated as subject to acquisition by the Commissioner or were not required to be kept as an open space. 5

Submission of improvement scheme to the Corporation for approval and to the Central Government for sanction.

427. (1) Every improvement scheme shall, as soon as may be after it has been framed, be submitted by the Commissioner for approval to the Corporation and the Corporation may either approve the scheme without modifications or with such modifications as it may consider necessary or reject the scheme with directions to the Commissioner to have a fresh scheme framed according to such directions.

(2) No improvement scheme approved by the Corporation under sub-section (1) shall be valid unless it has been sanctioned by the Central Government.

Rehousing scheme.

428. The Commissioner while framing an improvement scheme under this Chapter for any area may also frame a scheme (hereafter in this Act referred to as the rehousing scheme) for the construction, maintenance and management of such and so many buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the execution of the improvement scheme. 20

Improvement scheme and rehousing scheme to comply with the master plan and zonal development plan.

429. No improvement scheme or rehousing scheme framed under this Chapter after a master plan for Delhi or a zonal development plan for any part thereof has been prepared in accordance with law shall be valid unless such scheme is in conformity with the provisions of the master plan or the zonal development plan. 25

CHAPTER XXII

POWERS, PROCEDURE, OFFENCES AND PENALTIES

Licences and written permissions

Signature, conditions, duration, suspension, revocation, etc., of licences and written permissions.

430. (1) Whenever it is provided in this Act or any bye-law made thereunder that a licence or a written permission may be granted for any purpose, such licence or written permission shall be signed by the Commissioner or by the officer empowered to grant the same under this Act or the bye-laws made thereunder or by any municipal officer authorised by the Commissioner or such officer in this behalf and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any bye-law made thereunder— 30

(a) the date of the grant thereof;

(b) the purpose and the period (if any) for which it is granted;

(c) restrictions or conditions, if any, subject to which it is granted;

5 (d) the name and address of the person to whom it is granted; and

(e) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in this Act or any bye-law
10 made thereunder, for every such licence or written permission a fee may be charged at such rate as may from time to time be fixed by the Commissioner with the sanction of the Corporation and such fee shall be payable by the person to whom the licence or written permission is granted.

15 (3) Save as otherwise provided in this Act or any bye-law made thereunder any licence or written permission granted under this Act or any bye-law made thereunder may at any time be suspended or revoked by the Commissioner or by the officer by whom it was granted, if he is satisfied that it has been secured by the grantee
20 through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any bye-law made thereunder relating to any matter for which the licence or permission has been granted:

25 Provided that—

(a) before making any order of suspension or revocation reasonable opportunity should be afforded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

30 (b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has
35 expired, the grantee shall, for all purposes of this Act or any bye-law made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Commissioner or the authority by whom it was granted, produce such licence or written permission.

5

Entry and inspection

Powers of entry and inspection.

431. The Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any municipal officer or other municipal employee authorised in this behalf by any of the afore-said municipal authorities * * or empowered in this behalf by or 10 under any provision of this Act, may enter into or upon any land or building with or without assistants and workmen—

(a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contra- 15 vention of the provisions of this Act or any bye-law made there- under;

(b) for the purpose of ascertaining whether or not circum- stances exist which would authorise or require the Commis- sioner, the General Manager (Electricity) or the General 20 Manager (Transport) or any municipal officer or employee authorised or empowered in this behalf to take any action or execute any work under this Act or any bye-law made there- under;

(c) for the purpose of taking any action or executing any work authorised or required by this Act or any bye-law made 25 thereunder;

(d) to make any inquiry, inspection, examination, measure- ment, valuation or survey authorised or required by or under this Act or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the 30 functions by any of the municipal authorities under this Act or any bye-law made thereunder.

Power to enter land adjoining land in relation to any work.

432. (1) The Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any person authorised in this behalf by any of the aforesaid municipal authorities * * * or 35 empowered in this behalf by or under any provision of this Act, may enter on any land within fifty yards of any work authorised by or under this Act with or without assistants and workmen for the

purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so required by the owner or occupier thereof, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with bye-laws made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

433. (1) It shall be lawful for the Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any person authorised in this behalf by any of the aforesaid municipal authorities * * * or empowered in this behalf by or, under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier—

Breaking into buildings.

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner, the General Manager (Electricity) or the General Manager (Transport) or the person authorised or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Standing Committee as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

434. Save as otherwise provided in this Act or any bye-law made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Time of making entry.

435. Save as otherwise provided in this Act or any bye-law made thereunder, no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and

Consent ordinarily to be obtained.

no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry :

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used 5 for any of the purposes specified in section 417 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder. 10

Regard to be had to social or religious usages.

436. When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and 15 every reasonable facility has been afforded to her for withdrawing.

Prohibition of obstruction or molestation in execution of work.

437. No person shall obstruct or molest any person authorised or empowered by or under this Act or any person with whom the Corporation or any of the municipal authorities specified in section 44 has lawfully contracted, in the execution of his duty or of any- 20 thing which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act or any bye-law made thereunder, or in fulfilment of his contract, as the case may be.

Public notices and advertisements

25

Public notices how to be made known.

438. Every public notice given under this Act or any bye-law made thereunder shall be in writing under the signature of any of the following appropriate municipal authorities, that is to say, the Commissioner or the General Manager (Electricity) or the General Manager (Transport) or of any municipal officer authorised in this 30 behalf by any of the aforesaid municipal authorities, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality or by publishing the same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any 35 other means that the appropriate municipal authority may think fit.

Newspapers in which advertisements or notices to be published.

439. Whenever it is provided by this Act or any bye-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or information shall be published in local newspapers, such notice, notification or information shall be 40

inserted, if practicable, in at least three newspapers in such languages as the Corporation may from time to time specify in this behalf:

Provided that if the Corporation publishes a municipal journal, a publication in that journal shall be deemed to be a publication in a newspaper of the language in which the said journal may be published.

Evidence

440. Whenever under this Act or any rule, regulation or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Commissioner or the General Manager (Electricity) or the General Manager (Transport) or of any municipal officer, a written document signed by any such municipal authority or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Proof of consent, etc., of Commissioner, General Managers, etc.

Notices, etc.

441. Where any notice, bill, order or requisition issued or made under this Act or any rule, regulation or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule, regulation or bye-law, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

Notices, etc., to fix reasonable time.

442. (1) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule, regulation or bye-law made thereunder to bear the signature of the Commissioner or the General Manager (Electricity) or the General Manager (Transport) or of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of any such municipal authority or officer, as the case may be, stamped thereupon.

Signature on notices, etc., may be stamped.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 101.

443. All notices, bills, summonses and other documents required by this Act or any rule, regulation or bye-law made thereunder to be served upon, or issued to, any person, shall be served or issued by municipal officers or other municipal employees or by other persons authorised by any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity) or the General Manager (Transport).

Notices, etc., by whom to be served or issued.

Service of
notices,
etc.

444. (1) Every notice, bill, summons, order, requisition or other document required or authorized by this Act or any rule, regulation or bye-law made thereunder to be served or issued by or on behalf of the Corporation, or by any of the municipal authorities specified in section 44 or any municipal officer, on any person shall, save as 5 otherwise provided in this Act or such rule, regulation or bye-law, be deemed to be duly served—

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and 10 is either—

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the 15 document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent by registered post, or

(ii) delivered at the said place of business; 20

(c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

(i) sent by registered post, or 25

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some 30 conspicuous part of his last known place of residence or business, if within the Union territory of Delhi, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

(iii) is sent by registered post to that person. 35

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or

building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

5 (b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

10 (3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Commissioner may by notice in
15 writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

20 (6) Nothing in sections 442 and 443 and in this section shall apply to any summons issued under this Act by a court.

(7) A servant is not a member of the family within the meaning of this section.

25 445. Notwithstanding anything contained in sections 443 and 444 a bill for any tax or a notice of demand may be served by sending it by ordinary post with a pre-paid letter under a certificate of post-
ing addressed to the appropriate person specified in section 444 at his
last known place of residence or business and in proving the service
of every bill or notice so sent it shall be sufficient to prove that the
30 letter was properly addressed and posted under a certificate of posting.

446. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule, regulation or bye-law made thereunder, requiring such person to
35 execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punish-
40 ment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of

Service of bills for tax or notice of demand by ordinary post.

Powers in case of non-compliance with notice, etc.

the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Commissioner on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of tax under this Act.

5

Recovery of expenses

Liability of occupier to pay in default of owner.

447. (1) If any notice, order or requisition has been issued to any person in respect of property of which he is the owner, the authority or officer at whose instance such notice, order or requisition has been issued, may require the occupier of such property or of any 10 part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under section 446:

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the 16 person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under section 446 as an arrear of tax under this Act.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract 20 between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

Execution of work by occupier in default of owner and deduction of expenses from rent.

448. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or any bye-law made thereunder, the occupier, if any, of such land or building 25 may, with the approval of the Commissioner, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him 30 to the owner.

Relief to agents and trustees.

449. (1) Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee, or of his being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act or any 35 bye-law made thereunder, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the 40 purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Commissioner may, by notice in writing require him, to apply to the discharge of his obligation as aforesaid the first moneys which may come to his hands on behalf, or for the use, of the owner, and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

10

Payment of compensation

450. In any case not otherwise provided for in this Act or in any bye-law made thereunder, the Commissioner with the previous approval of the Standing Committee, or with respect to matters relating to the Delhi Water Supply and Sewage Disposal Undertaking with the previous approval of the Delhi Water Supply and Sewage Disposal Committee, the General Manager (Electricity) and the General Manager (Transport) with the previous approval respectively of the Delhi Electric Supply Committee and the Delhi Transport Committee, may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act or any bye-law in the Commissioner or the General Managers or in any municipal officer or other municipal employee.

General power to pay compensation.

451. (1) Any person who has been convicted of an offence against this Act or any bye-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Corporation resulting from the said offence as the appropriate municipal authority may consider reasonable.

Compensation to be paid by offenders for damage caused by them.

(2) In the event of a dispute regarding the amount of compensation payable under sub-section (1) such amount shall, on application made to him, be determined by the magistrate before whom the said person was convicted of the said offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said magistrate as if it were a fine imposed by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute

452. (1) If, when the Commissioner demands payment of any expenses referred to in section 446, his right to demand the same or the amount of the demand is disputed within ten days after such

Reference to the court of the district judge in certain cases.

demand, the Commissioner shall refer the case for determination to the court of the district judge of Delhi.

(2) The Commissioner shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by him, and shall, after the decision, proceed to recover only such amount, if any, as is thereby declared to be due in the manner referred to in section 446. 5

Application to the court of the district judge in other cases.

453. (1) Where, in any case not provided for by section 452, the Corporation or any municipal authority or any municipal officer or other municipal employee is required by this Act or by any bye-law made thereunder to pay any expenses or any compensation, the amount to be so paid and if necessary, the apportionment of the same, shall, in case of dispute, be determined by the court of the district judge of Delhi on application having been made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable. 10 15

(2) If the amount of any expenses or compensation ascertained in accordance with sub-section (1) is not paid by the person liable therefor on demand, it shall be recoverable as if the same were due under a decree passed by the court of the district judge in an original suit tried by it. 20

Power to sue for expenses or compensation.

454. Instead of proceeding in the manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any court of competent jurisdiction. 25

Recovery of certain dues

Mode of recovery of certain dues.

455. In any case not expressly provided for in this Act or any bye-law made thereunder any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or any such bye-law may be recoverable from any person from whom such sum is due as an arrear of tax under this Act : 30 35

Provided that no proceedings for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum becomes due.

Obstruction of owner by occupier

456. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or any bye-law made thereunder or with any notice, order or requisition issued under such provision, apply to the court of the district judge of Delhi; and where such application is made within any time that may be fixed for the compliance with such provision or notice, order or requisition, the owner shall not be liable for his failure to comply with the provision, or notice, order or requisition within the time so fixed.

Right of owner to apply to the court of the district judge in case of obstruction by occupier.

(2) The court, on receipt of such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or notice, order or requisition and may also, if it thinks fit direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of the order referred to in sub-section (2), the occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be specified in the order; and in the event of his continued refusal to do so, the owner shall be discharged during the continuance of such refusal, from any liability which may have been otherwise incurred by reason of his failure to comply with the said provision or notice, order or requisition.

Proceedings before the court of the district judge

457. The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed, as far as it can be made applicable, in the disposal of applications, appeals or references that may be made to the court of the district judge of Delhi under this Act or any bye-law made thereunder.

General powers and procedure of the court of the district judge.

458. (1) The Central Government may, by notification in the Official Gazette, prescribe what fee shall be paid—

Fees in proceedings before the court of the district judge.

(a) on any application, appeal or reference under this Act or any bye-law made thereunder to the court of the district judge of Delhi; and

(b) for the issue, in connection with any inquiry or proceedings before that court under this Act or such bye-law, of any summons or other process :

Provided that the fee, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees leviable for the time being under the provisions of the Court-fees Act, 1870, in cases in which the amount of the claim or subject matter is of a like amount. 7 of 1870 5

(2) The Central Government may, by like notification, determine the person by whom the fee, if any, prescribed under clause (a) of sub-section (1), shall be payable.

(3) No application, appeal or reference shall be received by the court of the district judge until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid : 10

Provided that the court may in any case in which it thinks fit so to do,—

(i) receive an application, appeal or reference made by or on behalf of a poor person, and 15

(ii) issue process on behalf of any such person, without payment or on part payment of the fees prescribed under this section.

Repayment of half fees on settlement before hearing. 459. Whenever any application, appeal or reference made under this Act or any bye-law made thereunder to the court of the district judge is settled by agreement between the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the court to the parties by whom the same have respectively been paid. 20 25

Power of the court of the district judge to delegate certain powers and to make rules.

460. The court of the district judge of Delhi may—

(a) delegate, either generally or specially, to the court of an additional district judge, power to receive applications, appeals and references under this Act or any rule, regulation or bye-law made thereunder, and to hear and determine such applications, appeals and references; 30

(b) with the approval of the Central Government, make rules not inconsistent with this Act or any rule, regulation or bye-law made thereunder, providing for any matter connected with the exercise of the jurisdiction conferred upon the court by this Act which is not herein specifically provided for. 35

Offences and penalties

461. Whoever—

Punishment
for certain
offences.

(a) contravenes any provision of any of the sections, sub-sections, clauses, provisos or other provisions of this Act mentioned in the first column of the Table in the Twelfth Schedule;
5 or

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or other
10 provisions,

shall be punishable—

(i) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in the third column of the said Table or
15 with both; and

(ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction
20 for the first such contravention or failure.

462. Any councillor or alderman, or any member, not being a councillor or an alderman, of the Delhi Electric Supply Committee, the Delhi Transport Committee, the Delhi Water Supply and Sewage Disposal Committee or of any other committee of the Corporation, who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under section 9 it is permissible for a councillor to have without being thereby disqualified for being a councillor or an alderman, and the Commissioner, the General Manager (Electricity), the General Manager (Transport) or any municipal officer or other municipal employee who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under clause (i) of sub-section (1) of section 9 or sub-clause (ii) and (iii) of clause (b) of sub-section (2) of that section it is permissible for a councillor or an alderman to have, without being thereby disqualified for being a councillor or an alderman, shall be deemed to have committed the offence made punishable under section 168 of the Indian
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30
35

Punishment
for acquiring
share or
interest in
contract, etc.,
with the
Corporation.

Punishment
for offences
relating to
terminal tax.

463. Whoever brings within the Union territory of Delhi any goods liable to terminal tax without the payment of such tax shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both, and the court trying an offence 5 under this section may, on such conviction, also confiscate the goods in respect of which the offence has been committed.

Penalty for
evasion of
terminal
taxes.

464. Where any goods imported into Delhi are liable to the payment of terminal tax, any person who, with the intention of evading payment of the tax introduces or attempts to introduce 10 or causes or abets the introduction of any such goods within the Union territory of Delhi, upon which payment of terminal tax due on such introduction, has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such terminal tax. 15

General
penalty.

465. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one hundred rupees, and in the case of a 20 continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

Offences by
companies.

466. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was com- 25 mitted, was in charge of, and was responsible to, the Company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render 30 any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where 35 an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be 40 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means a body corporate, and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the
5 firm.

467. Save as otherwise provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act except on the complaint of, or upon information received from, any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity), the
10 General Manager (Transport) or a person authorised by any of them by a general or special order in this behalf. **Prosecutions.**

468. (1) Any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity),
15 the General Manager (Transport) or any person authorised by any of them by general or special order in this behalf, may, either before or after the institution of the proceedings compound any offence made punishable by or under this Act: **Composition of offences.**

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Corporation or of any of the municipal authorities specified in section 44 unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has been compounded, the offender, if
25 in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Magistrates and proceedings before magistrates

469. (1) The Central Government may appoint one or more
30 magistrates of the first class for the trial of offences against this Act and against any rule, regulation or bye-law made thereunder and may prescribe the time and place at which such magistrate or magistrates shall sit for the despatch of business. **Municipal magistrates.**

(2) Such magistrates shall be called municipal magistrates and shall besides the trial of offences as aforesaid, exercise all other
35 powers and discharge all other functions of a magistrate as provided in this Act or any rule, regulation or bye-law made thereunder.

(3) Such magistrates and the members of their staff shall be paid such salary, pension, leave and other allowances as may, from time to time, be fixed by the Central Government.

(4) The Corporation shall, out of the Municipal Fund, pay to the Central Government the amounts of the salary, pension, leave and other allowances as fixed under sub-section (3) together with all other incidental charges in connection with the establishments of the said magistrates. 5

(5) Each such magistrate shall have jurisdiction over the whole of Delhi.

(6) For the purposes of the Code of Criminal Procedure, 1898, all municipal magistrates appointed under this Act shall be deemed to be magistrates appointed under section 12 of the said Code. 10 5 of 1898.

(7) Nothing in this section shall be deemed to preclude any magistrate appointed hereunder from trying any offence under any other law.

Cognizance
of offences.

470. All offences against this Act or any rule, regulation or bye-law made thereunder, whether committed within or without the limits of Delhi, shall be cognizable by a municipal magistrate and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence under any enactment which is repealed by, or which ceases to have effect under, this Act by reason only of his being liable to pay any municipal tax or rate or benefited out of the Municipal Fund. 15 20

Limitation
of time for
prosecution.

471. No person shall be liable to punishment for any offence against this Act or any rule, regulation or bye-law made thereunder, unless complaint of such offence is made before a municipal magistrate within six months next after— 25

(a) the date of the commission of such offence, or

(b) the date on which the commission or existence of such offence was first brought to the notice of the complainant.

Power of
magistrate
to hear
cases in
absence of
accused
when sum-
moned to
appear.

472. If any person summoned to appear before a magistrate to answer a charge of an offence against this Act or any rule, regulation or bye-law made thereunder fails to appear at the time and place mentioned in the summons, or on any date to which the hearing of the case is adjourned, the magistrate may hear and determine the case in his absence, if— 30

(a) service of the summons is proved to his satisfaction, and 35

(b) no sufficient cause is shown for the non-appearance of such person.

473. (1) The Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any municipal officer or other municipal employee authorised by any of the aforesaid municipal authorities in this behalf or any person who resides or owns property in Delhi, may complain to a municipal magistrate of the existence of any nuisance.

Complaints concerning nuisances and procedure therefor.

(2) Upon the receipt of any such complaint the magistrate, after making such inquiry as he thinks necessary, may by written order direct the person responsible for the nuisance or the owner of the land or building on which the nuisance has taken place, to take such measures as to such magistrate may seem practicable and reasonable, and within such period as may be specified in the order, for abating, preventing, removing or remedying such nuisance and may direct any of the appropriate municipal authorities to put into force any of the provisions of this Act or any bye-law made thereunder.

(3) The magistrate may further direct the person found responsible for the nuisance to pay to the complainant such reasonable costs of and relating to the said complaint as he shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(4) Where in the opinion of the magistrate immediate action to prevent the nuisance is necessary he may dispense with the inquiry as required by sub-section (2) and make such order as he considers necessary forthwith.

(5) If the person directed to take action by an order under sub-section (2) or sub-section (3) fails to do so within the period specified in the order, the Commissioner or any other appropriate municipal authority may on the expiry of the said period proceed to take action as directed in the order or may take such other measures to abate, prevent, remove or remedy the nuisance as he considers necessary, and all expenses incurred in that connection shall be recoverable from the person against whom the magistrate has made the order as an arrear of tax under this Act.

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Powers and duties of police officers

474. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or bye-law made thereunder, if—

Arrest of offenders.

(a) the name and address of such person be unknown to him, and

40

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the 5 nearest magistrate, for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

Duties of
police
officers.

475. It shall be the duty of all police officers to give immediate information to the Commissioner or any other appropriate municipal authority of the commission of, or the attempt to commit, any offence against this Act or any rule, regulation or bye-law made thereunder and to assist all municipal officers and other municipal employees in the exercise of their lawful authority. 10

Legal proceedings

15

Power to
institute,
etc., legal
proceedings
and obtain
legal advice.

476. (1) The Commissioner may—

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act or any rule, regulation or bye-law made thereunder; or 20

(ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act; or

(iii) committing any nuisance whatsoever;

(b) contest or compromise any appeal against rateable value 25 or assessment of any tax or rate;

(c) take, or withdraw from, or compromise, proceedings under sections 451, 452 and 453 for the recovery of expenses or compensation claimed to be due to the Corporation;

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person; 30

(e) defend any suit or other legal proceeding brought against the Corporation or against the Commissioner or a municipal officer or other municipal employee in respect of anything done or omitted to be done by any one of them in his official 35 capacity;

(f) with the approval of the Standing Committee, admit or compromise any claim, suit or other legal proceeding brought against the Corporation or against the Commissioner or any

municipal officer or other municipal employee in respect of anything done or omitted to be done as aforesaid;

5 (g) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner on behalf of the Corporation;

10 (h) institute and prosecute any suit or other legal proceeding, or with the approval of the Standing Committee withdraw from or compromise any suit or any claim for any sum not exceeding five hundred rupees which has been instituted or made in the name of the Corporation or of the Commissioner;

15 (i) obtain such legal advice and assistance as he from time to time thinks necessary or expedient to obtain or as he may be required by the Corporation or the Standing Committee to obtain, for any of the purposes mentioned in the foregoing clauses or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or other municipal employee.

20 (2) Any reference in sub-section (1) to the Commissioner shall be construed—

(a) in relation to any matter specified in that sub-section pertaining to the Delhi Electric Supply Undertaking as a reference to the General Manager (Electricity);

25 (b) in relation to any such matter pertaining to the Delhi Transport Undertaking, as a reference to the General Manager (Transport).

30 477. No suit or prosecution shall be entertained in any court against the Corporation or against any municipal authority or against any municipal officer or other municipal employee or against any person acting under the order or direction of any municipal authority or any municipal officer or other municipal employee, for anything which is in good faith done or intended to be done, under this Act or any rule, regulation or bye-law made thereunder. Protection of action of the Corporation, etc.

35 478. (1) No suit shall be instituted against the Corporation or against any municipal authority or against any municipal officer or other municipal employee or against any person acting under the order or direction of any municipal authority or any municipal officer or other municipal employee, in respect of any act done, or purporting to have been done, in pursuance of this Act or any rule, regulation or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the municipal office Notice to be given of suits.

and, in the case of such officer, employee or person, unless notice in writing has also been delivered to him or left at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plain- 5 tiff, and unless the plaint contains a statement that such notice has been so left or delivered.

* * * * *

(2) No suit, such as is described in sub-section (1), shall, unless it is a suit for the recovery of immovable property or for a declara- 10 tion of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(3) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the post- 15 ponement of the institution of the suit.

CHAPTER XXIII

Rules, regulations and bye-laws

Supple- 479. (1) Any rule which the Central Government is empowered to make under this Act may provide that any contravention thereof 20 mental pro- shall be punishable with fine which may extend to one hundred visions res- rupees. pecting rules

(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as 25 Parliament may make during the session in which they are so laid or the session immediately following.

Supple- 480. (1) Any regulation which may be made by the Corporation under this Act, may be made by the Central Government within one year of the establishment of the Corporation; and any regulation 30 mental pro- so made may be altered or rescinded by the Corporation in the visions res- regulations. pecting re- gulations. exercise of its powers under this Act.

(2) No regulation made by the Corporation under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette. 35

Power to 481. (1) Subject to the provisions of this Act the Corporation may, in addition to any bye-laws which it is empowered to make by any laws. bye-laws.

other provision of this Act, make bye-laws to provide for all or any of the following matters, namely:—

A. Bye-laws relating to taxation

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

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

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

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

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

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

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

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

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

30 *B. Bye-laws relating to water supply, drainage and sewage disposal*

(1) the power of the Commissioner to close water works for the supply of water, whether for domestic purposes or not, or for gratuitous use and to prohibit the sale and use of water for the purpose of business;

35 (2) the connection of supply pipes for conveying to any premises a supply of water from a municipal water works;

(3) the making and renewing connections with municipal water works;

- (4) the power of the Commissioner to take charge of private connections;
- (5) the power of the Commissioner to alter the position of connections;
- (6) the equitable distribution of water supplied to occupiers;
- (7) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any municipal water works and the stamping of pipes and fittings and fees for such stamping; 10
- (8) the size, material, quality and description of pipes, cisterns and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired;
- (9) the provision and maintenance of meters when water 15 is supplied by measurement;
- (10) the prohibition of fraudulent and unauthorised use of water and the prohibition of fraud in connection with meters;
- (11) the maintenance of pipes, cisterns and other water works; 20
- (12) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter, polluted water or other polluted and obnoxious matter into sewers;
- (13) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, 25 preservation, cleaning and repairs of drains, ventilation shafts, pipes, latrines, urinals, cesspools and other drainage works;
- (14) the cleansing of drains;
- (15) the prohibition of erection of buildings over drains without the permission of the Commissioner; 30
- (16) the connection of private drains with municipal drains;
- (17) the location and construction of cesspools;
- (18) the covering and ventilation of cesspools;
- (19) the period or periods of the day during which trade effluent may be discharged from any trade premises into 35 municipal drains;

(20) the exclusion from trade effluent of all condensing water;

5 (21) the elimination from trade effluent, before it enters a municipal drain, of any constituent which in the opinion of the Corporation would, either alone or in combination with any matter with which it is likely to come into contact while passing through municipal drains, injure or obstruct those drains or make specially difficult or expensive the treatment or disposal of the sewage from those drains;

10 (22) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into municipal drains on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into municipal drains;

15 (23) the regulation of the temperature of trade effluent at the time of its discharge into municipal drains and the securing of the neutrality of trade effluent (that is to say, that it is neither acid nor alkaline) at the time of such discharge;

20 (24) the charges to be paid to the Corporation by occupiers of trade premises for the reception of trade effluent into municipal drains and disposal thereof;

25 (25) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into municipal drains from trade premises;

30 (26) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into municipal drains, and the testing of such meters;

C. Bye-laws relating to electric supply

all matters relating to the conduct and management of the Delhi Electric Supply Undertaking;

D. Bye-laws relating to transport services

35 (1) the issue of passes to the employees employed in connection with the affairs of the Delhi Transport Undertaking and the conditions subject to which such passes may be issued;

(2) the grant of refund in respect of unused tickets and concessional passes;

(3) the disposal of unclaimed articles and property and the period after the expiration of which such unclaimed articles and property may be sold by public auction or otherwise; 5

(4) the regulation of the carriage of passengers and goods in the road transport services of the undertaking including the levy and collection of fares and charges for such carriage;

(5) any other matter relating to the conduct and management of the Delhi Transport Undertaking; 10

E. Bye-laws relating to streets

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

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

(3) the setting up of hoards on buildings adjacent to streets 15 during their construction or repair;

(4) the precautions to be taken when permission is granted to any private individual for opening or breaking up any public street and the fees to be paid for the restoration of a street in its original condition; 20

(5) the permission, regulation or prohibition of use or occupation of any street or place by itinerant vendors or hawkers or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall and the fees chargeable for such occupation; 25

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

F. Bye-laws relating to buildings

(1) the regulation or restriction of the use of sites for 30 buildings for different areas;

(2) the regulation or restriction of buildings in different areas;

(3) the form of notice of erection of any building or execution of any work and the fee in respect of the same; 35

(4) the plans and documents to be submitted together with such notice and the information and further information to be furnished;

(5) the level and width of foundation, level of lowest floor and stability of structure;

(6) the construction of buildings and the materials to be used in the construction of buildings;

5 (7) the height of buildings whether absolute or relative to the width of streets or to different areas;

(8) the number and height of storeys composing a building and the height of rooms and the dimensions of rooms intended for human habitation;

10 (9) the provision of open spaces, external and internal, and adequate means of light and ventilation;

(10) the provision of means of egress in case of fire, fire-escapes and water lifting devices;

15 (11) the provision of secondary means of access for the removal of house refuse;

(12) the materials and methods of construction of external and party walls, roofs and floors;

20 (13) the position, materials and methods of construction of hearths, smoke-escapes, chimneys, stair-cases, latrines, drains and cesspools;

(14) the provision of lifts;

(15) the paving of yards;

(16) the restrictions on the use of inflammable materials in buildings;

25 (17) the restriction on construction of foundation on certain sites;

(18) the measures to be taken to protect buildings from damp arising from sub-soil;

30 (19) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings;

35 (20) 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;

(21) the supervision of buildings;

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

(23) the construction of portable structures and permission for such construction;

G. Bye-laws relating to sanitation and public health

- (1) the position of latrines and urinals;
- (2) the provision of air spaces between latrines and buildings or places used for various purposes;
- (3) the white-washing of buildings;
- (4) the provision of living accommodation for sweepers in buildings newly erected requiring ten or more latrines;
- (5) the regulation or prohibition of the stabling or herding of animals or any class of animals so as to prevent danger to public health;
- (6) the seizure of ownerless animals straying within the limits of Delhi and the regulation and control of pounds;
- (7) the fixing and regulation of the use of public bathing and washing places;
- (8) the prevention of the spread of dangerous diseases;
- (9) the segregation in or the removal or exclusion from any part of Delhi or the destruction of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;
- (10) the supervision, regulation, conservation and protection from injury, contamination or trespass, of sources and means of public water supply and of appliances for the distribution of water;
- (11) the enforcement of compulsory vaccination and inoculation;
- (12) the proper disposal of corpses, the regulation and management of burning and burial places and other places for the disposal of corpses and the fees chargeable for the use of such places where the same are provided or maintained at the expense of the Municipal Fund;

H. Bye-laws relating to vital statistics

- (1) the prescribing of qualifications of persons to be appointed as registrars under Chapter XVIII;
- (2) the registration of births, deaths and marriages and the taking of a census;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

K. Bye-laws relating to improvement

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

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

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

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

5 L. *Bye-laws relating to miscellaneous matters*

(1) the prevention and extinction of fire;

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

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

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

(5) the rendering necessary of licences—

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

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

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

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

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

482. (1) Any bye-law made under this Act may provide that a
35 contravention thereof shall be punishable— a Penalty for breaches of bye-laws.

(a) with fine which may extend to five hundred rupees; or

(b) with fine which may extend to five hundred rupees and
40 in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to twenty rupees for every day during which the contravention continues, after the receipt of a notice from the Commissioner or any municipal officer duly authorised in that behalf, by the person contravening the bye-law requiring such person to discontinue such contravention: 5

Provided that a contravention of any bye-law relating to the road transport services may be punishable with imprisonment which may extend to three months, or with fine which may extend to fifteen hundred rupees, or with both.

(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention. 10

Supplemental provisions respecting bye-laws.

483. (1) Any power to make bye-laws conferred by this Act is conferred subject to the conditions of the bye-laws being made after previous publication and in the case of such bye-laws being made by the Corporation of their not taking effect until they have been approved by the Central Government and published in the Official Gazette. 15

(2) The Central Government in approving a bye-law may make any change therein which appears to it to be necessary. 20

(3) The Central Government may, after previous publication of its intention cancel any bye-law which it has approved, and thereupon the bye-law shall cease to have effect.

Bye-laws to be available for inspection and purchase.

484. (1) A copy of all bye-laws made under this Act shall be kept at the municipal office and shall, during office hours, be open free of charge to inspection by any inhabitant of Delhi. 25

(2) Copies of all such bye-laws shall be kept at the municipal office and shall be sold to the public at cost price either singly or in collections at the option of the purchaser.

CHAPTER XXIV

30

CONTROL

485. The Central Government may at any time require the Commissioner—

Power of Central Government to require production of documents.

(a) to produce any record, correspondence, plan or other document in his possession or under his control; 35

(b) to furnish any return, plan, estimate, statement, account or statistics relating to the proceedings, duties or works of the Corporation or any of the municipal authorities;

(c) to furnish or obtain and furnish any report.

486. The Central Government may depute any person in the ^{Inspection.} service of Government to inspect or examine any municipal department or office or any service or work undertaken by the Corporation or any of the municipal authorities or any property belonging to the Corporation and to report thereon and the Corporation and every municipal authority and all municipal officers and other municipal employees shall be bound to afford the person so deputed access at all reasonable times to the premises and properties of the Corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

487. (1) If, whether on receipt of any information or report obtained under section 485 or section 486 or otherwise, the Central Government is of opinion— ^{Directions by Central Government.}

15 (a) that any duty imposed on the Corporation or any municipal authority by or under this Act has not been performed or has been performed in an imperfect, insufficient or unsuitable manner, or

20 (b) that adequate financial provision has not been made for the performance of any such duty,
it may direct the Corporation or the municipal authority concerned, within such period as it thinks fit, to make arrangements to its satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to its satisfaction for the performance of the duty and the Corporation or the municipal authority concerned shall comply with such direction:

30 Provided that, unless in the opinion of the Central Government the immediate execution of such order is necessary, it shall before making any direction under this section give the Corporation or the municipal authority concerned an opportunity of showing cause why such direction should not be made.

35 (2) Without prejudice to the generality of the provisions of subsection (1), the Central Government may at any time issue to the municipal authorities concerned, directions in relation to the management of the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking or the Delhi Water Supply and Sewage Disposal Undertaking or in relation to any question of policy concerning any such Undertaking; and the municipal authorities concerned shall comply with such directions.

40 (3) In case of any difference of opinion as to what is a question of policy the decision of the Central Government shall be final.

Power to provide for enforcement of direction under section 487.

488. If, within the period fixed by a direction made under sub-section (1) of section 487, any action the taking of which has been directed under that sub-section has not been duly taken, the Central Government may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be 5 defrayed out of the Municipal Fund.

Power of Central Government to give directions in relation to primary schools, etc.

489. (1) The Central Government may give the Corporation all such directions as it considers necessary in respect of subjects, curricula, text books, standards and methods of teaching in primary schools vested in the Corporation or maintained wholly or partly 10 by grants paid out of the Municipal Fund and in respect of such other matters as that Government considers necessary and the Corporation shall comply with all such directions.

(2) It shall be lawful for any officer appointed by the Central Government in this behalf to inspect any such school; and all reasonable facilities shall be given to such officer in connection with the inspection.

(3) The Central Government, after considering the report of inspection made by such officer, may give the Corporation such directions as it considers necessary and the Corporation shall comply with 20 such directions.

Supersession of the Corporation.

490. (1) If, in the opinion of the Central Government, the Corporation is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or any other law or exceeds or abuses its powers the Central 25 Government may by an order published, together with a statement of the reasons therefor, in the Official Gazette, declare the Corporation to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order: 30

Provided that before making an order of supersession as aforesaid reasonable opportunity shall be given to the Corporation to show cause why such order of supersession should not be made.

(2) When the Corporation is superseded by an order under sub-section (1),— 35

(a) all councillors and aldermen shall, on such date as may be specified in the order, vacate their offices as such councillors and aldermen without prejudice to their eligibility for election under clause (d);

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

(c) all property vested in the Corporation shall, until it is reconstituted, vest in the Central Government;

(d) before the expiry of the period of supersession, * * election shall be held for the purpose of reconstituting the Corporation.

(3) An order of supersession made under this section together with a statement of the reasons therefor shall be laid before each House of Parliament as soon as may be after it has been made.

CHAPTER XXV

MISCELLANEOUS

491. The Commissioner may by order direct that any power conferred or any duty imposed on him by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any municipal officer or other municipal employee specified in the order.

Power to delegate functions of Commissioner

492. No notice, order, requisition, licence, permission in writing or any other document issued under this Act shall be invalid merely by reason of defect of form.

Validity of notices and other documents.

493. A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorised by the Commissioner in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

Admissibility of document or entry as evidence.

494. No municipal officer or other municipal employee shall, in any legal proceedings to which the Corporation is not a party, be required to produce any register or document the contents of which can be proved under section 493 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

Evidence of municipal officer or employee.

Prohibition against obstruction of Mayor or any municipal authority, etc.

495. No person shall obstruct or molest the Corporation or any municipal authority, the Mayor or the Deputy Mayor, any councillor or aldermen or any person employed by the Corporation or any person with whom the Commissioner has entered into a contract on behalf of the Corporation, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of any provision of this Act or of any rule, regulation or by-law made thereunder.

Prohibition against removal of mark.

496. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or of any rule or by-law made thereunder.

Prohibition against removal or obliteration of notice.

497. No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporation or any municipal authority or any municipal officer or other municipal employee specified by the Commissioner in this behalf.

Prohibition against unauthorised dealings with public place or materials.

498. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the Corporation or in any way obstruct the same.

Liability of Commissioner, etc., for loss, waste or mis-application of Municipal Fund or property.

499. (1) Every councillor and aldermen, the Commissioner, the General Manager (Electricity), the General Manager (Transport) and every municipal officer and other municipal employee shall be liable for the loss, waste or mis-application of any money or other property owned by or vested in the Corporation, if such loss, waste or mis-application is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the Corporation with the previous sanction of the Central Government or by the Central Government.

30

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

Councillors and municipal officers and employees to be public servants.

500. Every councillor and aldermen the Commissioner, the General Manager (Electricity), the General Manager (Transport) and every municipal officer and other municipal employee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and in the definition of "legal remuneration" in section 161 of that Code the word "Government" shall, for the purpose of this section, be deemed to include the Corporation.

45 of 11

501. (1) As soon as may be after the 1st day of April in every year and not later than such date as may be fixed by the Central Government in this behalf, the Corporation shall submit to that Government a detailed report of the municipal government of Delhi during the preceding year in such form as that Government may direct.

Annual
administra-
tion report.

(2) The Commissioner shall prepare such report and the Corporation shall consider it and forward the same to the Central Government with its resolution thereon, if any.

10 (3) Copies of the report shall be kept for sale at the municipal office.

502. Save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Corporation or any municipal authority or any municipal officer or other municipal employee of any law for the time being in force.

Other laws
not to be
disregarded.

503. The Central Government may, by order in the Official Gazette, exempt from the payment of any tax, rate, fee or other charge payable under the provisions of this Act, any diplomatic or consular mission of a foreign State or the High Commission of a Commonwealth country and any official of such mission or High Commission.

Exemption
of diplomatic
or consular
missions
from pay-
ment of
tax, etc.

504. (1) Save as expressly provided in this Act and unless the context otherwise requires,—

Construction
of refer-
ences.

25 (a) any reference in this Act to the Commissioner and the Standing Committee shall be construed—

(i) in relation to any matter pertaining to the Delhi Electric Supply Undertaking, as a reference respectively to the General Manager (Electricity) and the Delhi Electric Supply Committee;

30 (ii) in relation to any matter pertaining to the Delhi Transport Undertaking, as a reference respectively to the General Manager (Transport) and the Delhi Transport Committee; and

35 (b) any reference in this Act to the Standing Committee shall be construed in relation to any matter pertaining to the Delhi Water Supply and Sewage Disposal Undertaking, as a reference to the Delhi Water Supply and Sewage Disposal Committee.

(2) After the establishment of the Corporation any reference in any enactment, rule, bye-law, order, scheme, notification or other instrument having the force of law, to any of the bodies or local authorities specified in the Second Schedule shall, unless the context or subject otherwise requires, be construed as a reference to the Corporation. 5

Amendment
of Delhi Act
3 of 1955.

505. In the Delhi Panchayat Raj Act, 1954,—

(a) in section 1, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends only to the rural areas of the Union 10
territory of Delhi except—

(a) such areas thereof as are included in any estate owned by the Central Government or any local authority; and

(b) such other areas thereof as are held and 15
occupied for a public purpose or a work of public utility and declared as such under section 1 of the Delhi Land Reforms Act, 1954, by the Chief Commissioner, or
acquired under the Land Acquisition Act, 1894, or any
other enactment relating to acquisition of land for a 20
public purpose.

VIII of 1954.
I of 1894.

Explanation.—In this sub-section the expression “rural areas” has the meaning assigned to it in the Delhi Municipal Corporation Act, 1957.”;

(b) in section 2, clause (8) shall be omitted; 25

(c) in section 18, clauses (d), (e), (f), (l), (n), (o) and
(t) shall be omitted;

(d) in section 19, for clause (o), the following clause shall
be substituted, namely:—

“(o) regulating the use of manure and fertilisers;” 30

(e) sections 21, 22 and 23 shall be omitted;

(f) in section 34, the figures and word “23 or” shall be
omitted;

(g) in section 39,—

(i) in sub-section (1), clauses (iii) and (iv) shall be 35
omitted; and

(ii) sub-section (3) shall be omitted;

(h) in section 45, under heading “A. Obligatory”,—

(i) in clause 1, the word “hospitals” shall be omitted; 40

and

(ii) in clause 4, for the words and figures "sections 23 and", the word "section" shall be substituted;

(i) in section 54, the figures "21, 22, 23" shall be omitted;

5 (j) in section 102, in sub-section (2), clause (ix), the words "and dispensaries" in clause (x) and clauses (xii) and (xxvi) shall be omitted;

(k) in section 104, in sub-section (1), clauses (a), (b) and (d) shall be omitted.

506. In the Representation of the People Act, 1950,—

Amendment
of Act 43
of 1950.

10 (a) in section 27A—

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

"(3) The electoral college for the Union territory of Delhi shall consist of—

15 (a) the councillors of the Delhi Municipal Corporation; and

(b) ten persons to represent the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board, to be chosen by direct election on the basis of adult suffrage in accordance with rules made by the Central Government in this behalf;";

20

(ii) in sub-section (4), the words "of that Act" shall be added at the end;

25 (b) in the Fifth Schedule, in the second column for the figures "48", the figures "90" shall be substituted.

507. Notwithstanding anything contained in the foregoing provisions of this Act,—

Special
provision
as to rural
areas

30 (a) the Corporation with the previous approval of the Central Government, may, by notification in the Official Gazette, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification that portion shall be included in and form part of the urban areas;

(b) the Corporation with the previous approval of the Central Government may, by notification in the Official Gazette,—

35

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit,

(ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate, fee or other charge;

5

(c) the Corporation shall pay a Gaon Sabha—

(i) an amount equal to the proceeds of the tax on profession, trades, callings and employments, as and when that tax is levied in the Gaon Sabha area; and

(ii) an amount equal to such portion of the proceeds of the property taxes on lands and buildings in that area as may from time to time be determined by the Corporation, after deducting the cost of collection from such proceeds.

10

Explanation.—In this section the expressions “Gaon Sabha” and “Gaon Sabha area” have the same meanings as in the Delhi Panchayat Raj Act, 1954.

15

Special provisions as to Red Fort Area.

508. (1) In administering the provisions of this Act within the Red Fort area the Corporation shall comply with the military rules and regulations for the time being in force within that area.

Delhi Act 3 of 1955.

(2) In this section the expression “Red Fort area” means the Red Fort and such areas contiguous thereto as may be declared by the Central Government by notification in the Gazette of India to be included within the Red Fort area.

20

CHAPTER XXVI

SUPPLEMENTAL AND TRANSITIONAL PROVISIONS

25

Power of Central Government to make first appointments.

509. (1) Notwithstanding anything contained in section 60 or in section 89 or section 92, the first appointment to the post of the General Manager (Electricity) or the General Manager (Transport) or the first appointment to the post of any municipal officer or other municipal employee may be made by the Central Government so however that the term of any such appointment shall not in any case exceed three years:

30

Provided that the power under this sub-section shall not be exercised after the expiry of three years from the commencement of this Act.

35

(2) Notwithstanding anything contained in section 96, in making any appointment * * * * * under sub-section (1) it shall not be necessary for the Central Government to consult the Union Public Service Commission.

(3) Every person appointed under sub-section (1) shall receive such salary and allowances as the Central Government may determine.

510. (1) Every officer and other employee of each of the bodies and local authorities specified in the Second Schedule shall, on and from the establishment of the Corporation, be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation:

Provisions as to employees of bodies and local authorities whose functions are taken over by the Corporation.

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

Provided further that any service rendered by any such officer or other employee before the establishment of the Corporation shall be deemed to be service rendered under the Corporation.

(2) The Commissioner may employ any officer or other employee transferred to the Corporation under sub-section (1) in the discharge of such functions under this Act as the Commissioner may think proper and every such officer or other employee shall discharge those functions accordingly.

511. (1) In this section "transferred area" means that area of Delhi which immediately before the commencement of this Act is included within the local limits of the New Delhi Municipal Committee but as from such commencement is included in and forms part of Delhi by virtue of the provisions of this Act.

Special provisions as to the area transferred from New Delhi to Delhi.

(2) As from the establishment of the Corporation,—

(a) all lands and buildings (together with all interests of whatsoever nature and kind therein) situated in the transferred area and vested in the New Delhi Municipal Committee immediately before such establishment shall pass to and vest in the Corporation;

(b) all stores, articles and other movable properties belonging to the New Delhi Municipal Committee immediately before such establishment and utilised for or in connection with the transferred area shall pass to and vest in the Corporation;

(c) all appointments, notifications, orders, schemes, rules, forms, notices or bye-laws made or issued or any licence or permission granted by the New Delhi Municipal Committee immediately before such establishment in or in connection with the transferred area shall, in so far as they are not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted under the provisions of this Act unless and until they are superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

(d) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the New Delhi Municipal Committee immediately before such establishment for or in connection with the transferred area shall be deemed to have been incurred, entered into, engaged to be done by, with or for the Corporation or the municipal authority concerned;

(e) all assessments, valuations, measurements or divisions made by the New Delhi Municipal Committee immediately before such establishment in or in connection with the transferred area shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any assessment, valuation, measurement or division made by the Corporation or the municipal authority concerned under the said provisions;

(f) all rates, taxes, fees, rents and other sums of money due to the New Delhi Municipal Committee in, or in relation to, the transferred area immediately before such establishment shall be deemed to be due to the Corporation;

(g) all rates, taxes, fees, rents and other charges leviable in, or in relation to, the transferred area shall unless and until they are varied by the Corporation, continue to be levied at the same rate at which they were being levied by the New Delhi Municipal Committee immediately before such establishment;

(h) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the New Delhi Municipal Committee immediately before such establishment for any matter in relation to the transferred area may be continued or instituted by or against the Corporation;

(i) every officer and other employee serving under the New Delhi Municipal Committee immediately before such establishment in connection with the transferred area shall be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may determine and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation:

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

Provided further that any service rendered by any such officer or other employee before the establishment of the Corporation shall be deemed to be service rendered under the Corporation:

Provided also that the Commissioner may employ any such officer or other employee in the discharge of such functions under this Act as the Commissioner may think proper and every such officer or other employee shall discharge those functions accordingly.

(3) As soon as may be after the commencement of this Act, the Central Government shall decide—

(a) which stores, articles and other movable properties referred to in clause (b) of sub-section (2) have been utilised by the New Delhi Municipal Committee for or in connection with the transferred area;

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

(c) which officers and other employees referred to in clause (i) of that sub-section served under the said Committee in connection with the transferred area.

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

Expenditure in connection with the municipal affairs from the commencement of this Act to the adoption of the budget by the Corporation.

512. (1) Any expenditure incurred during the period between the commencement of this Act and the establishment of the Corporation under any of the provisions of this Act shall be borne by the Central Government and the amount of the expenditure so incurred shall on such establishment be recoverable by that Government out of the Municipal Fund. 5

(2) If in respect of the period between the establishment of the Corporation and the adoption of the first budget by the Corporation further expenditure from the Municipal Fund becomes necessary over and above the expenditure theretofore authorised for that year by the sanctioned budget estimates of the various bodies and local authorities specified in the Second Schedule, the Corporation shall adopt a supplementary statement showing the estimated amount of that expenditure. 10

(3) Every item of expenditure shown in the supplementary statement as adopted by the Corporation shall be deemed to be expenditure covered by a current budget-grant within the meaning of section 102. 15

(4) The supplementary statement shall be prepared, presented and adopted in such manner and shall provide for such matters as may be determined by the Corporation. 20

Limits of New Delhi Municipality.

513. Notwithstanding anything contained in the Punjab Municipal Act, 1911, as applicable to New Delhi Municipality or in any notification issued thereunder, the limits of that Municipality shall be as described in the First Schedule. 25

Power to remove difficulties.

514. If any difficulty arises in relation to the transition from the provisions of any of the enactments referred to in section 515, or in giving effect to the provisions of this Act, the Central Government may, by order as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty: 30

Provided that no such order shall be made after the expiration of two years from the establishment of the Corporation.

Repeal, etc. and savings.

515. (1) As from the date of the establishment of the Corporation,—

(a) the Delhi Joint Water and Sewage Board Act, 1926, and the Delhi Road Transport Authority Act, 1950, shall stand repealed; and 35 23 of 1926. 13 of 1950.

(b) the enactments specified in the Thirteenth Schedule shall cease to have effect within Delhi.

(2) Notwithstanding the provisions of sub-section (1) of this section or of clause (a) of sub-section (2) of section 286,—

5 (a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under any of the Acts or enactments referred to in * sub-section (1) of this section or under the Act referred to in clause (a) of sub-section (2) of section 286 and in force immediately before the establishment of the Corporation, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

15 (b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for any of the bodies or local authorities specified in the Second Schedule before such establishment shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation or the municipal authority concerned;

25 (c) all budget estimates, assessments, valuations, measurements or divisions made by any of the aforesaid bodies or local authorities shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Corporation or the municipal authority concerned under the said provisions;

30 (d) all properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in any of the aforesaid bodies and local authorities immediately before such establishment shall, with all rights of whatsoever description, used, enjoyed or possessed by any such body or authority, * vest in the Corporation;

35 (e) all rates, taxes, fees, rents and other sums of money due to any of the aforesaid bodies or local authorities immediately before such establishment shall be deemed to be due to the Corporation;

(f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the Corporation continue to be levied at the same rate at which they were being levied by the aforesaid bodies or local authorities immediately before such establishment; 5

(g) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against any of the aforesaid bodies or local authorities may be continued or instituted by or against the Corporation.

THE FIRST SCHEDULE

[See section 2 (32) and section 513]

BOUNDARIES OF NEW DELHI

The area bounded by—

- 5 the junction of the Pusa Road and Upper Ridge Road towards
east along the new Link Road, the Panchkuin Road up to its junction
with the Old Gurgaon Road; thence towards north-east along the old
10 Gurgaon Road and Chelmsford Road up to the New Delhi Railway
Station ; thence towards south and south-east along the railway line
up to its junction with the Hardinge Bridge; thence towards south along
the Mathura Road up to its junction with Lodi Road; thence towards
15 south along the Lodi Road up to its junction with the first road leading
to Lodi Colony ; thence towards south along the first road leading to
Lodi Colony up to its junction with the ring railway ; thence towards
west along the railway line up to its junction with the Qutab Road;
20 thence towards south along the Qutab Road up to its junction with
Kaushak Nulla ; thence towards east along the Kaushak Nulla up to
its junction with the boundary of the New Delhi Municipality ; thence
towards south and thence towards west along the boundary of the New
Delhi Municipality and along the south boundary of the Medical En-
clave up to its junction with the Ring Road near Gwalior Potteries ;
thence towards north-west along the Ring Road up to its junction with
Kitchner Road ; thence towards north along the Upper Ridge Road
up to the starting point.

THE SECOND SCHEDULE

[See sections 99, 286, 504, 510 and 515]

BODIES AND LOCAL AUTHORITIES WHOSE FUNCTIONS ARE TAKEN OVER BY THE CORPORATION

1. The Municipal Committee, Delhi.
2. The Notified Area Committee, Civil Station.
3. The Notified Area Committee, Red Fort.
4. The Municipal Committee, Delhi-Shahdara.
5. The Municipal Committee, West Delhi.
6. The Municipal Committee, South Delhi.
7. The Notified Area Committee, Mehrauli.
8. The Notified Area Committee, Najafgarh.
9. The Notified Area Committee, Narela.
10. The District Board, Delhi.
11. The Delhi State Electricity Board.
12. The Delhi Road Transport Authority.
13. The Delhi Joint Water and Sewage Board.

THE THIRD SCHEDULE

(See section 136)

RATES OF TAXES LEVIABLE ON VEHICLES AND ANIMALS

	Maximum amount of tax per annum		
	For vehicles with pneumatic tyres Rs.	For vehicles without pneumatic tyres Rs.	
1. Each four-wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—			5
(a) Labour carts	<u>12</u>	<u>24</u>	
(b) Other vehicles in this class .	32	48	15
2. Each two-wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—			
(a) Labour carts	8	<u>16</u>	
(b) Other vehicles in this class .	16	24	20
3. Each vehicle drawn or impelled otherwise than by camels, horses, ponies, mules, donkeys, bullocks, buffaloes or machinery	8	12	
	Maximum amount of tax per annum		25
4. Each cycle rikshaw	<u>6</u>		
5. Each bicycle	<u>3</u>		
6. Each camel	<u>10</u>		
7. Each horse, pony or mule of a height of 12 hands or upwards .	20		30
8. Each horse, pony or mule of a height of less than 12 hands .	10		
9. Each bullock or buffalo kept for draught or pack purposes .	8		
10. Each donkey/ass kept for draught or pack purposes or for riding .	<u>6</u>		35
11. Each pig	<u>4</u>		
12. Each dog	5		
13. Each she-buffalo kept for milking .	<u>50</u>		
14. Each cow kept for milking . . .	<u>30</u>		40

THE FOURTH SCHEDULE

(See section 140)

THEATRE-TAX

5	Type of entertainment	Maximum amount of tax
	1. Class I cinema theatre	Rs. 10 per show.
	2. Class II cinema theatre	Rs. 7 per show.
	3. Drama, concert, circus, variety, entertainment or tamasha	Rs. 7 per show.
10	4. * Carnival or fete	Rs. 10 per day.
	5. Any other entertainment	Rs. 7 per show or if there are no separate shows Rs. 7 per day.

15 *Explanation.*—For the purposes of this Schedule class I cinema theatres and class II cinema theatres mean theatres classified respectively as class I cinema theatres and class II cinema theatres by bye-laws made in this behalf.

THE FIFTH SCHEDULE

(See section 142)

20

TAX ON ADVERTISEMENTS OTHER THAN ADVERTISEMENTS PUBLISHED IN THE NEWSPAPERS

S. No.	Particulars	Maximum amount of tax per annum
		Rs.
25	1 Non-illuminated advertisements on land, building, wall, hoardings, frame, post, structures, etc.—	
	(a) For a space up to 10 sq. ft.	18
	(b) For a space over 10 sq. ft. and up to 25	30
30	(c) For every additional 25 sq. ft. or less	30

S. No.	Particulars	Maximum amount of tax per annum	
		Rs.	
2	Non-illuminated advertisements carried on vehicles, drawn by bullocks, horses or other animals, human beings, cycle or any other device carried on any vehicle or tramcar—		5
	(a) For a space up to 50 sq. ft.	120	
	(b) For every additional 50 sq. ft. or less	120	10
3	Illuminated advertisement boards carried on vehicles—		
	(a) For a space up to 50 sq. ft.	240	
	(b) For every additional 50 sq. ft. or less	240	15
4	Non-illuminated advertisement boards, carried by sandwich boardmen—		
	(a) For each board not exceeding 10 sq. ft.	24	20
	(b) For each board exceeding 10 sq. ft. and up to 25 sq. ft.	48	
	(c) For each additional 10 sq. ft. in area or less	24	
5	Illuminated advertisement boards carried by sandwich boardmen—		25
	(a) For each board not exceeding 10 sq. ft.	48	
	(b) For each board exceeding 10 sq. ft. and up to 25 sq. ft.	96	
	(c) For each additional 10 sq. ft. in area or less	48	30
6	Illuminated advertisements on land, building, wall or hoardings, frame, post, structures, etc.—		
	(a) For a space up to 2 sq. ft.	24	35
	(b) For a space over 2 sq. ft. and up to 5 sq. ft.	48	

S. No.	Particulars	Maximum amount of tax per annum
	(c) For a space over 5 sq. ft. and up to 25 sq. ft.	Rs. 60
5	(d) For every additional 25 sq. ft. or less	60 .
7	Advertisements exhibited on screens in cinema houses and other public places by means of lantern slides or similar devices—	
10	(a) For a space up to 5 sq. ft.	96
	(b) For a space over 5 sq. ft. and up to 25 sq. ft.	120
	(c) For every additional 25 sq. ft. or less	120
15	8 Non-illuminated advertisements suspended across streets—	
	(a) For a space up to 10 sq. ft.	18
	(b) For a space over 10 sq. ft. and up to 25 sq. ft.	30
20	(c) For every additional 25 sq. ft. or less	30
	<i>N. B.</i> —The tax for item 8 will be in addition to the space which will be chargeable according to the scale to be determined by the Commissioner.	
25	9 Non-illuminated advertisement hoardings standing blank but bearing the name of the advertiser or with the announcement "To be let" displayed thereon—	
	(a) For a space up to 10 sq. ft.	9
30	(b) For a space over 10 sq. ft. and up to 25 sq. ft.	15
	(c) For every additional 25 sq. ft. or less	15
10	10 Permission to auctioneers to put up not more than two boards of reasonable size advertising each auction sale, other than those in the premises where the auction is held, one on a prominent site in the locality and one on Municipal lamp post.	200 (including the rent for exhibiting the board on a municipal lamp post).
35		

THE SIXTH SCHEDULE

(See section 149)

TAX ON BUILDING APPLICATIONS

S. No.	Area	For the first storey	For the second storey or any subsequent Storey	5
		Rs.	Rs. per storey	
1	For a ground area up to 100 sq. yds.	20	40	
2	For a ground area of more than 100 sq. yds. but not exceeding 250 sq. yds.	60	120	10
3	For a ground area of more than 250 sq. yds. but not exceeding 500 sq. yds.	150	300	15
4	For a ground area of more than 500 sq. yds. but not exceeding 1,000 sq. yds.	300	600	
5	For a ground area of more than 1,000 sq. yds.	600	1,500	20

N. B. 1.—For purposes of assessment and calculation of the tax, ground area shall mean the area of the portion which is proposed to be built upon including the internal courtyard

N. B. 2.—For purposes of the above Schedule, the basement where provided will be regarded as the first storey, the ground floor over the basement as the second storey and so on.

N. B. 3.—In cases where an application is deemed to have been sanctioned under the provisions of section 336 the tax shall become payable in the same manner as in cases where an application is sanctioned.

N. B. 4.—In case an application is rejected 5 per cent. of the tax due shall be retained and the balance shall be refunded to the applicant, under the orders of the Commissioner.

THE SEVENTH SCHEDULE

[See section 154 (r)]

NOTICE OF DEMAND

To
 5 Shri/Shrimati
 residing at
 Please take notice that the Commissioner demands from
 the sum of _____ due from
 on account of _____ (here
 10 describe the property, occupation, circumstance or thing in respect of which the
 sum is payable) leviable under _____ for the period
 of _____ commencing on the _____ day
 of _____ 19 _____, and ending on the _____ day
 of _____ 19 _____, and that if, within thirty days from the
 15 service of this notice, the said sum is not paid to the Commissioner at
 or sufficient cause for non-payment is not shown to the satisfaction of the
 Commissioner a warrant of distress or attachment will be issued for the
 recovery of the same with costs.

20 Dated this _____ day of _____ 19 _____ .
 (Signed)
 Commissioner,
 Delhi Municipal Corporation.

THE EIGHTH SCHEDULE

[See section 156 (r)]

25 FORM OF WARRANT
 (Here insert the name of the officer charged with the execution of the warrant)
 WHEREAS A.B. of _____ has not
 paid, and has not shown satisfactory cause for the non-payment of, the sum
 of _____ due on
 30 account of _____ (here describe the liability) for
 the period of _____ commencing on the _____ day
 of _____ 19 _____, and ending with _____
 day of _____ 19 _____, which sum is leviable under _____ ;
 AND WHEREAS thirty days have elapsed since the service on him of
 35 notice of demand for the same ;
 THIS is to direct you to distrain, the movable
attach the immovable property
property
 40 (described below) of the said A. B. of a value approximately equal to
 the said sum of Rs. _____ subject to the provisions of the Delhi
 Municipal Corporation Act, 1957, and the bye-laws made thereunder and
 forthwith to certify to me, together with this warrant, all particulars of the
 property seized by you thereunder.
 45 Dated this _____ day of _____ 19 _____ .

(Signed)
 Commissioner,
 Delhi Municipal Corporation;

Description of immovable property

THE NINTH SCHEDULE

[See section 157 (2)]

FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

To Shri/Shrimati
residing at

5

Here describe the liability.

Please take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of _____ due for the liability* mentioned in the margin for the period commencing on the _____ day of _____ 19____, and ending with the _____ day of _____ 19____, 10 together with Rs. _____ due for service of notice of demand, and that unless within ten days from the date of the service of this notice you pay to the Commissioner the said amount, together with the costs of recovery, the said property will be sold by public auction.

15

Dated this _____ day of _____ 19____.

(Signature of officer executing the warrant)

Inventory.

(Here state particulars of property seized.) 20

THE TENTH SCHEDULE

[See section 178 (1)]

RATES OF TERMINAL TAXES ON GOODS

Articles	Terminal tax payable per maund of gross weight except where otherwise stated	25
Rs.		
<i>Class I.—Articles of food and drink</i>		
1. Refined sugar, i.e., khand, sugar candy, bura, qand, kachchi khand, ilaichidana, nuqal, batasha, ola, khand-ka-khilona, gindora khand and all kinds of sharbat or shira khand not in bottle.	1.75	30
2. Unrefined sugar, i.e., gur, shakkar shira, rab, mizan khand, muthia, sonthia, gndora and tiloncha-khand (a sort of unrefined sugar).	0.58	35
3. Ghee including vegetable ghee, and admixtures of ghee also vegetable solidified oil, dripping, marvo, trex, cocogold, purico, crisco and cocogem.	1.75	40

	Articles	Terminal tax payable per maund of gross weight except where otherwise stated
5		Rs.
	4. Butter and cream	1.75
	5. Dried fruits and nuts excluding betel-nuts .	0.29
	6. Betel-nuts	0.07
10	7. Provisions (not included in any other class) including oilman's stores, confectionary, jams, pickles, cheese, coffee and essences of fruits.	1.17
15	8. Country sweets made wholly or partly from or coated with sugar (refined or unrefined) fresh meat, fish and eggs.	0.15
20	9. Oranges, apples, locat, peaches (aru), grapes, lichi, melon (kharbooza), lemon (of all kinds), pears (nashpati), plums (alucha), apricot (khubani), banana, pomegranates (anar), sarda, water-melon (tarbuz), cus- tard apple (sharifa) and raspberry.	0.15
	10. Country and foreign liquors	1.17
	11. Bhang	0.07
	12. Betel leaf	1.75
25	13. Tea (Indian or foreign)	0.29
	14. Grain or pulses including parched grains .	0.04
	15. Flour	0.04
	16. Animal fat, tallow and oil of all kinds except oils mentioned in Class III, V and IX.	0.29
30	<i>Class II.—Animals</i>	
	1. Oxen, cows, buffaloes and calves (per head).	0.58
	2. Sheep, goats, lambs and kids (per head) .	0.15
	3. Pigs (per head)	0.58

Articles	Terminal tax payable per maund of gross weight except where otherwise stated	
	Rs. .	5
<i>Class III.—Articles used for fuel, lighting and washing</i>		
1. Mava oil	0·15	
2. Kerosene oil (per gallon)	0·02	
3. Diesel oil	0·07	10
4. Methylated spirit	0·15	
5. All sorts of oil-seeds including cotton seeds .	0·04	
6. Wax and tallow candles	0·04	
7. Chandeliers, globes, lamps, chimneys and all other articles made of glass intended for electric or gas lighting, etc. (except electric bulbs).	0·04	15
8. Chandeliers, globes, lamps, lanterns, electric poles, electric bulbs and all other articles made of metal intended for electric or gas lighting, etc.	0·36	20
9. Potash, ritha, soda, sajji, multani, saltpetre, alum, khari (sitta) salt and other saline substances.	0·04	
10. Soap of all kinds	0·04	
11. Carbide	0·04	25
12. Fireworks and their component parts .	0·04	
13. Steam-coal, soft coke and hard coke .	0·04	
<i>Class IV.—Articles used in the construction of buildings</i>		
1. Wood (unmanufactured), <i>i.e.</i> , wood which can be used for building purposes including trunk of trees, bamboos and ballies, but not fire-wood.	0·02	30
2. Wood (manufactured), <i>i.e.</i> , all manufactured wood which can be used for building purposes, including karies, planks, sleepers, beams, doors and door frames, etc.	0·07	35

	Articles	Terminal tax payable per maund of gross weight except where otherwise stated
5		Rs.
	3. Stone for building (except Agra stone as defined in item 4 below, marble and lime stone), bajri, kankar, lime of kankar, coal ashes, reh, surkhi, rori, brick-bats or broken bricks.	0·01
10		
	4. Agra stone, <i>i.e.</i> , stone so named in the market irrespective of its place of origin.	0·04
	5. Chalk, chalk powder, kharia mitti, lime stone, lime, Harsaru, flooring stone and white and coloured stone chips.	0·04
15		
	6. Dammar, bitumen and asphalt	0·04
	7. Cement	0·15
	8. Marble and tiles of all kinds (other than those referred in item 9).	0·22
20		
	9. Tiles of common earth, <i>e.g.</i> , Allahabad tiles (per thousand).	0·58
	10. Marble chips	0·04
	11. Asbestos sheets	0·11
	12. Whole bricks of all sizes (per thousand) .	0·58
25		
	13. Paints and colour washes	0·15
	14. Peori, ramraj, hiramzi, geru and sailkhari .	0·04
	15. Roofing felt, roofing board and canec insulating board.	0·29
	<i>Class V.—Drugs, spices and perfumes</i>	
30		
	1. All foreign medicines including mineral waters, syrups and medicinal tinctures, soda bicarb and caustic soda (imported in packages or boxes), sulphur in bottles and packets, iron sulphate, barium sulphate, hæmorrhagic septicæmia serum, dextrosol, castor oil in bottles, potash permanganate, glucose, oxygen gas, camphor oil, sugar of milk, medicated coloured and fragrant syrup.	0·44
35		

Articles	Terminal tax payable per maund of gross weight except where otherwise stated	
	Rs.	
2. All Indian medicines including gulqand, sharbat in bottle, araq, majun, cowries, etc., soda bicarb and caustic soda (imported in bags or drums), Amritanjan, ivory dust, Sudha Sindhu and Bal Sudha, Khansol and Zandu Drakshasava.	0·07	10
3. Hair oil and perfumed oil of all kinds .	0·58	
4. Spices and wet imli excluding saltpetre .	0·07	
5. Opium	0·15	
6. Charas	0·15	15
<i>Class VI.—Tobacco</i> .		
1. All sorts of foreign tobacco, cigars, cheroots and cigarettes of all kinds.	0·87	
2. Indian tobacco 3rd quality (Kanni) .	0·04	
3. Indian tobacco 1st and 2nd qualities, <i>i.e.</i> , all tobacco not included in Class VI items 1 and 2.	0·15	20
4. Biries and biri leaves	0·15	
<i>Class VII.—Piecegoods and textile fabrics</i>		
1. Piecegoods made of cotton, wool or any admixture of these and articles made thereof including thread and yarn, dhoties, saris, dopattas, pagrees, safas, chadras, towels, bedspreads, sheets, blankets, tents, carpets, durries, pillows, razais, laces, edgings, ribbons, handkerchief in bales (<i>i.e.</i> , not cut up), old clothes imported in bulk, and all such goods as are not made up ready for wearing.	0·29	25
2. Piecegoods made of silk and artificial silk or any admixture of these and articles made thereof including shawls, doshalas, laces, edgings and ribbons.	0·58	35
3. Unginned cotton	0·11	

Articles		Terminal tax payable per maund of gross weight except where otherwise stated
5		Rs.
	4. Ginned cotton	0.22
	5. Cotton waste and waste yarn cotton	0.07
	6. Raw wool, hemp and other fibres, and rope	0.04
	7. Hides and skins	0.29
10	8. Jute gunny bags and jute cloth	0.11
	9. Leather, including harness, saddles, bags, boxes, desi shoes, chappal and all other articles made of leather, excluding boots, shoes, slippers and sandals.	0.58
15	10. Apparel, boots and shoes including slippers and sandals (other than desi shoes and chappal drapery, millinery, caps and hats, ready-made clothes, barret caps and hat shapes, etc.	1.75
20	11. Hosiery including knitted woollen caps	1.17
	12. Lametta including kinari, gota, gold and silver lace, wire and thread real or imitation.	1.17
	<i>Class VIII.—Metals and articles made of metals</i>	
25	1. Metals (iron and steel-wrought and unwrought) including bars, sheets, girders, iron, stanchions, top columns, girders fitted with rivets, metallic-ores and scrap iron.	0.07
	2. Tin scrap	0.06
30	3. Metals (hardware and cutlery), <i>i.e.</i> , knives, razors, scissors, needles, tin plates, rivets, nails, screws, bolts, nuts, enamelled ware (other than sanitary fittings) wire, wire-nettings, hinges, locks, pipes, post and pans,	0.44
35	weights, empty tins, iron and tin boxes and iron furniture, etc.	

Articles	Terminal tax payable per maund of gross weight except where otherwise stated	
	Rs.	
4. Metals (all other kinds—manufactured and unmanufactured) including bicycles, perambulators, carriages, sewing machines, harmoniums, type-writers, ice-machines, soda-water machines, clocks and watches, spectacles—their cases and frames, umbrella frames and handles, brass, copper, german silver, aluminium, bronze, zinc and articles made thereof, channels of all kinds and for whatever purpose imported, sanitary fittings, iron washers, bicycle saddles, radio goods, and tram car parts.	0·36	5
		10
		15
N. B.—Sanitary fittings include baths, water closets, lavatory basins, bidets (tubs), urinals, flushing cistern, sinks and water taps.		20
5. Motor cars—		
(a) 2 seater (each)	17·50	
(b) 4 or more seater (each)	39·37	
6. Chassis and lorries—		
(a) without body (each)	29·17	25
(b) with body (each)	35·00	
7. Component parts of motor cars	1·17	
8. Old component parts of motor vehicles	0·36	
9. Stoppers made of betal	0·58	30
10. Complete motor cycle without side car (each)	5·83	
11. Motor cycle with side car (each)	7·00	
<i>Class IX.—Miscellaneous</i>		
1. Dyes and tans including green coloured sand (for mixing with mehndi) boot polishes, indigo, safflower (kusum) and all kinds of colouring matter.	0·15	35

Articles		Terminal tax payable per maund of gross weight except where otherwise stated
		Rs.
5	2 Stationery including paper, paste boards and all articles made thereof including waste papers, cards, cardboards, forms, envelopes, calendars, ink, pens, pencils, inkpots, inkstands, takhtis, pincushions, nibs, holders, pins, pads, drawing instruments, paper weights, rulers, measuring tapes, slates manufactured or unmanufactured, strawboard, gelatine paper, account books, ledger and cash books.	0·18
10		
15	3. Chemicals (except those chargeable under any other class), distilled water and sulphur in casks or barrels or bags.	01·5
20	4. Horn and articles made of horn except buttons.	0·04
	5. Lac and cork and articles made thereof .	0·04
	6. Kikar bark and other bark including bark dust	0·04
25	7. Wood (manufactured) such as walking sticks, empty barrels, country carts, umbrella sticks of cane or bamboo (manufactured or unmanufactured), wooden payas and pattis.	0·07
	8. Furniture other than iron furniture .	0·18
	9. Art i s of sports and games including playing cards.	0·58
30	10. Goods imported by circus, theatres, carnivals, etc.	0·22
	11. Glass and articles made thereof (except glass, tiles, empty glass phials having lids, glass beads and other imitation jewels).	0·04
35	12. Articles made of china, stone, earth (glazed or unglazed) including drain pipes and drain fitting, but excluding sanitary fittings, earthen tiles and toys made of china clay or earth.	0·04
	13. Empty glass phials having lids	0·18

Articles	Terminal tax payable per-maund of gross weight except where otherwise stated	
	Rs.	5
14. Celluloid goods including celluloid sheets and imitation mother pearl sheets.	1·75	
15. Nut, shell, horn and ivory buttons	0·36	
16. Glass beads and other imitation jewels	0·36	
17. Toilet powders and cosmetic creams including tooth pastes, powders and creams.	1·17	10
18. Ivory and articles made thereof	1·75	
19. Rubber goods including rubber gloves, and bakelite goods.	0·36	
20. Disinfectants—dry or liquid—including Flit, Creosote, shell tox and naphthalene ball.	0·36	15
21. Lubricating oil	0·15	
22. Grease	0·29	
23. Photographic accessories including pictures, photos and printed pictures.	1·17	20
24. Coir matting	0·15	
25. Toys made of celluloid	1·75	
26. Toys made of china clay or earth	0·15	
27. Toys made of cotton, rubber, paper, wood and metals.	0·36	25
28. All kinds of cinema carbons	0·36	
29. Vaseline, Vaseline Pomade, petroleum, jelly, or amber petroleum (grease) and Yardley Brilliantine.	0·44	
30. Safety fuses and cartridges	0·04	30
31. All other articles not chargeable under any other class.	0·04	

THE ELEVENTH SCHEDULE

(See section 417)

PART I

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE

- 5 Carrying out any of the following trades or operations connected with trades :—
1. Baking.
 2. Cinematograph films. Shooting of—
 - 10 3. Cinematograph films by any process whatsoever. Treating of—
 4. Chillies or masala or corn or seeds. Grinding of by mechanical means—
 5. Cloth, yarn or leather in indigo or in other colours. Dyeing or printing of—
 - 15 * * * * *
 6. Cloth or yarn. Bleaching—
 7. Eating house or a catering establishment. Keeping of an—
 8. Grain. Parching—
 9. Ground-nut seeds, tamarind seeds or any other seeds. Parching—
 - 20 10. Hair dressing saloon or a barber's shop. Keeping of a—
 11. Hides or skins, whether raw or dried. Tanning, pressing or packing—
 12. Laundry shop. Keeping a—
 - 25 13. Leather goods. Manufacturing of by mechanical means—
 14. Litho press. Keeping a—
 15. Lodging house. Keeping of a—
 16. Metal. Casting—
 - * * * * *
 - 30 17. Precious metals. Refining of—or recovering of them from embroideries—
 18. Printing press. Keeping a—
 19. Sweetmeat shop except in premises already licensed as an eating house. Keeping—
 - 35 * * * * *

20. Carrying on the trade or business of or any operation connected with the trade of—
- (i) Autocar or autocyple servicing or repairing.
- (ii) Blacksmithy.
- * * * * *
- (iii) Coppersmithy. 5
- (iv) Electro-plating.
- (v) Glass bevelling.
- (vi) Glass cutting.
- (vii) Glass polishing. 10
- (viii) Goldsmithy.
- (ix) Marble cutting, grinding, dressing or polishing.
- (x) Metal (ferrous or non-ferrous or antimony but excluding previous metal) cutting or treating metal by hammering, drilling, pressing, filing, polishing, heating or by any 15 other process whatever or assembling parts of metal.
- (xi) Photography-studio.
- (xii) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.
- (xiii) Silversmithy. 20
- (xiv) Spinning or weaving cotton, silk, art silk, or jute or wool with the aid of power.
- (xv) Stone grinding, cutting, dressing or polishing.
- (xvi) Timber or wood sawing or cutting by mechanical or electric power. 25
- (xvii) Tinsmithy.
- (xviii) Washerman's trade.
- (xix) Welding of metal by electric, gas or any process whatsoever.
21. Manufacturing, parching, packing, pressing, cleaning, cleansings, 30 boiling, melting, grinding or preparing by any process whatever any of the following articles:—
- (i) Aerated waters.
- (ii) Bakelite goods.
- * * * * *
- (iii) Bidis (indigenous cigarettes), snuff, cigars or cigarettes.
- (iv) Bitumen.
- (v) Blasting powder.
- (vi) Bones. 35

- (vii) Bricks or tiles by hand power.
 (viii) Bricks or tiles by mechanical power.
 (ix) Brushes.
 (x) Candles.
 5 (xi) Catgut.
 (xii) Celluloid or celluloid goods.
 (xiii) Cement concrete designs or models.
 (xiv) Charcoal.
 (xv) Chemicals.
 10 (xvi) Cinematograph films stripping in connection with any trade.
 * * * * *
 (xvii) Cosmetics or toilet goods.
 15 (xviii) Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste.
 (xix) Cotton seeds.
 (xx) Dammar.
 (xxi) Dynamite.
 20 (xxii) Fat.
 (xxiii) Fireworks.
 (xxiv) Flax.
 (xxv) Ink for printing, writing, stamping, etc.
 (xxvi) Gas.
 25 (xxvii) Ghee.
 (xxviii) Glass or glass articles.
 (xxix) Gunpowder.
 (xxx) Hemp.
 (xxxi) Ice (including dry ice).
 30 (xxxii) Insecticide or disinfectants.
 (xxxiii) Leather cloth or rexina cloth or water-proof cloth.
 (xxxiv) Lime.
 (xxxv) Linseed oil.
 (xxxvi) Matches for lighting (including Bengal matches).
 35 (xxxvii) Mattresses and pillows.
 (xxxviii) Offal.
 (xxxix) Oil-cloth.
 (xl) Oil other than petroleum (either by mechanical power or by hand power or *ghani* driven by bullock or any other animal)
 40

<u>(xli)</u> Pharmaceutical or medical products.	
<u>(xlii)</u> Rubber or rubber goods.	
<u>(xliii)</u> Paints.	
<u>(xliv)</u> Paper or cardboard.	
<u>(xlv)</u> Pickers from hides.	5
<u>(xlvi)</u> Pitch.	
<u>(xlvii)</u> Plastic goods.	
<u>(xlviii)</u> Pottery by hand power.	
<u>(xlix)</u> Pottery by mechanical or any power other than hand power.	10
<u>(l)</u> Sanitary ware of China-ware.	
<u>(li)</u> Soap.	
<u>(lii)</u> Sugar.	
<u>(liii)</u> Sweetmeat and confectionery goods.	
<u>(liv)</u> Tallow.	15
<u>(lv)</u> Tar.	
<u>(lvi)</u> Varnishes.	
<u>(lvii)</u> Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandalwood.	

PART II

20

ARTICLES WHICH MAY NOT BE STORED IN ANY PREMISES WITHOUT A LICENCE

1. Asafoetida.	
2. Ashes.	
3. Bamboos.	
4. Bidi leaves.	25
5. Blasting powder.	
6. Blood.	
7. Bones, bone meal or bone powder.	
8. Camphor.	
* * * * * * *	30
9. Carbide of calcium.	
<u>10.</u> Cardboard.	
<u>11.</u> Celluloid or celluloid goods.	
<u>12.</u> Charcoal.	
<u>13.</u> Chemicals, liquid.	35
<u>14.</u> Chemicals, non-liquid.	
<u>15.</u> Chillies.	

16. Chlorate mixture.
17. Cinematograph films—non-inflammable or acetate or safety base.
18. Cloth in pressed bales or boras.
- 5 19. Cloth or clothes of cotton, wool, silk, art silk, etc.
20. Coal.
21. Cocoanut fibre.
22. Coke.
- 10 23. Compound gas, such as oxygen gas, hydrogen gas, nitrogen gas, carbon dioxide gas, sulphur dioxide gas, chlorine gas, acetylene gas, etc.
24. Copra.
25. Cotton including Kahok, surgical cotton and silky cotton.
26. Cotton refuse or waste or cotton yarn refuse or waste.
- 15 27. Cotton seed.
28. Detonators.
29. Dry leaves.
30. Dynamite.
- 20 31. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paint, etc.
32. Fat.
33. Felt.
34. Fins.
35. Firewood.
- 25 36. Fireworks.
37. Fish (dried).
38. Flax.
39. Fulminate.
40. Fulminate of mercury.
- 30 41. Fulminate of silver.
42. Gelatine.
43. Gelignite.
44. Grass.
45. Gun-cotton.
- 35 46. Gunpowder.
47. Gunny bags.
48. Hair.
49. Hay or fodder.

50. Hemp.
51. Hessian cloth (gunny-bag cloth).
52. Hides (dried).
53. Hides (raw).
54. Hoofs. 5
55. Horns.
56. Incense or eses.
57. Jute.
58. Khokas, boxes, barrels, furniture or any other article of wood.
59. Lacquer. 10
60. Leather.
61. Matches for lighting (inc'uding Bengal matches).
62. Methylated spirit, denatured spirit or French polish.
63. Nitro-cellulose.
64. Nitro-compound. 15
65. Nitro-glycerine.
66. Nitro-mixture.
67. Offal.
68. Oil, other than petroleum.
69. Oilseeds including almonds, but excluding cotton seeds. 20
70. Old paper or waste paper including old newspapers, periodicals, magazines, etc.
71. Packing stuff (paper cuttings, husk, saw dust, etc.).
72. Paints.
73. Paper other than old paper in pressed bales or loose or in 25
reams.
74. Petroleum, other than dangerous petroleum, as defined in the
Petroleum Act, 1934.
75. Phosphorus.
76. Plastic or plastic goods. 30
77. Plywood.
78. Rags, including small pieces or cuttings of cloth, hessian cloth,
gunny-bag cloth, silk, artsilk or woollen cloth.
79. Rosin or dammar Battar otherwise known as Rai.
80. Safety fuses, fog signals, cartridges, etc. 35
81. Saltpetre.
82. Sandalwood.

83. Silk waste, or silk yarn waste, art silk waste, or art silk yarn waste.
84. Sisal fibre.
85. Skins (raw or dried).
- 5 86. Straw.
87. Sulphur.
- 88 Tallow.
89. Tar, pitch, dammar or bitumen.
90. Tarpauline.
- 10 91. Thinner.
92. Timber.
93. Turpentine.
94. Varnish.
95. Wool (raw).
- 15 96. Yarn other than waste yarn.

THE TWELFTH SCHEDULE

(See section 461)

PENALTIES

Explanation.—The entries in the second column of the following table
 20 headed “ Subject ” are not intended as definitions of the offences prescribed
 in the provisions mentioned in the first column or even as abstracts of those
 provisions, but are inserted merely as reference to the subject thereof.

25 Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed.
30 Section 128, sub- sections (1) and (2).	Failure to give notice of trans- fer or <u>devolution</u> of land or building.	Rs. 50	
Section 128, sub- section (3).	Failure to produce instrument of transfer.	Rs. 50	
Section 129	Failure to give notice of erec- tion of new building, etc.	Rs. 50	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
Section <u>130</u>	. Failure to give notice of de- molition or removal of build- ing.	Rs. 50		
Section <u>131</u>	. Failure to comply with requis- ition to furnish information, etc.	Rs. 50		10
Section <u>135</u> , sub- section (2).	Wilful delay or obstruction of valuers.	Rs. 50		
Section <u>143</u>	. Prohibition of advertisement without permission.	Rs. 200	Rs. 50	15
Section <u>168</u>	. Failure to give notice of vacant land or building.	Rs. 50	Rs. 5	
Section <u>172</u> , sub- section (2).	Non-compliance with the re- quisition of attendance be- fore the Commissioner.	Rs. 50		20
Section <u>175</u>	. Failure to disclose liability .	Rs. 100		
Section <u>214</u>	. Use for non-domestic purposes of water supplied for do- mestic purposes.	Rs. 100	Rs. 5	
Section <u>219</u> , sub- section (1).	Non-compliance with the re- quisition to take water sup- ply.	Rs. 200	Rs. 20	25
Section <u>220</u>	. Prohibition to occupy new premises without arrange- ment for water supply.	Rs. 200	Rs. 20	30
Section <u>232</u>	. Waste or misuse of water .	Rs. 50		
Section <u>233</u>	. Refusal of admittance, etc. .	Rs. 100		
Section <u>236</u> , sub- section (1).	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted.	Rs. 100	Rs. 10	35

5	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
	Section <u>236</u> , sub- section (2)	Construction of latrines, etc., in a position where pipes may be injured or water therein polluted.		Rs. 100
10	Section <u>241</u>	Injury to, or interference with free flow of contents of muni- cipal drain or drains commu- nicating with municipal drain.		Rs. 50
15	Section <u>242</u> , sub- section (2).	Private drain not to be con- nected with municipal drain without notice.	Rs. 50	Rs. 5
	Section <u>243</u>	. Non-compliance with requis- ition for drainage of undrained premises.	Rs. 10	Rs. 25
20	Section <u>244</u>	. Erection of new premises with- out drains.	Rs. 1,000	
	Section <u>245</u>	. Non-compliance with requis- ition of maintenance of drain- age works for any group or block of premises.	Rs. 50	Rs. 5
25	Section <u>246</u>	. Non-compliance with direction to close or limit the use of private drains in certain cases.	Rs. 50	Rs. 5
30	Section <u>247</u>	. Non-compliance with Commis- sioner's orders regarding the use of a drain by a person other than the owner there- of.	Rs. 50	
35	Section <u>248</u>	. Non-compliance with requis- ition for keeping sewage and rain water drains distinct.	Rs. 50	
	Section <u>249</u>	. Non-compliance with requis- ition for the pavement of courtyard, etc.	Rs. 50	
40	Section <u>251</u>	. Connection with municipal water works or drains with- out written permission.	Rs. 200	Rs. 50

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
Section <u>254</u> , sub- section (4).	Non-compliance with requisition to close, remove or divert a pipe or drain.	Rs. 50	Rs. 5	
Section <u>272</u> , sub- section (1).	Execution of work by a person other than a licensed plumber.	Rs. 200		10
Section <u>272</u> , sub- section (2).	Failure to furnish when required, name of licensed plumber employed.	Rs. 100		
Section <u>272</u> , sub- section (6).	Licensed plumbers not to demand more than the charges prescribed.	Rs. 100		15
Section <u>272</u> , sub- section (8).	Licensed plumbers not to contravene bye-laws or execute work carelessly or negligently, etc.	Rs. 100		20
Section <u>273</u>	Prohibition of wilful or neglectful acts relating to water or sewage works.	Rs. 100		
Section <u>305</u> , sub- section (3).	Construction of building within the regular line of street without permission.	Rs. 1,000	Rs. 100	25
Section <u>307</u>	Failure to comply with requisition to set back buildings to regular line of street.	Rs. 200	Rs. 50	30
Section <u>310</u>	Failure to comply with requisition to set forward buildings to regular line of street.	Rs. 200	Rs. 10	
Section <u>313</u> , sub- section (5).	Utilising, selling or otherwise dealing with any land or laying out a private street otherwise than in conformity with orders of the Standing Committee.	Rs. 500	Rs. 25	35
Section <u>314</u> , sub- section (1), clauses (a) and (b).	Failure to comply with requisition to show cause for alteration of street or for appearance before the Commissioner.	Rs. 50	Rs. 5	40

	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
5				
10	Section 315, sub-section (1).	Failure to comply with requisition on owner of private street or owner of adjoining land or building to level, etc., such street.	Rs. 100	Rs. 10
	Section 317, sub-section (1).	Prohibition of projections upon streets, etc.	Rs. 200	
15	Section 317, sub-section (2).	Failure to comply with requisition to remove projections from streets.	Rs. 200	
	Section 318, sub-section (2).	Failure to comply with requisition to remove a verandah, balcony, etc., put up in accordance with section 317(1).	Rs. 200	
20	Section 319	Failure to comply with requisition to have ground floor doors, etc., so altered as not to open outwards.	Rs. 50	
25	Section 320, sub-section (1).	Erection, etc. of structures or fixtures which cause obstruction in streets.	Rs. 200	Rs. 10
	Section 321	*Deposit, etc., of things in streets.	Rs. 100	
30	Section 323, sub-sections (1) and (2).	**Tethering of animals and milking of cattle in public streets.	Rs. 100	Rs. 5
	Section 324, sub-section (4).	Unlawful removal of bar or shoring timber, etc., or removal or extinction of light.	Rs. 50	
35	Section 325, sub-section (1).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Rs. 200	Rs. 10

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
Section <u>327</u> , sub- section (2).	Name of street and number of house not to be destroyed or defaced, etc.	Rs. 50		
Section <u>328</u> , sub- section (1).	Failure to comply with requisition to repair, protect or enclose a dangerous place.	Rs. 100	Rs. 25	10
Section <u>330</u> , sub- section (1).	*Removal, etc., of lamps.	Rs. 100		
Section <u>330</u> , sub- section (2).	Wilfully and negligently extinguishing lights in public streets, etc.	Rs. 50		15
Section <u>332</u>	Erection of a building without the sanction of the Commissioner.	Rs. 1,000	Rs. 50	
Section <u>333</u> , sub- section (1).	Failure to give notice of intention to erect a building.	Rs. 100		20
Section <u>334</u> , sub- section (1).	Failure to give notice of intention to make additions, etc., to buildings.	Rs. 100		
Section <u>337</u> , sub- section (4).	Commencement of work without notice, etc.	Rs. 10,000	Rs. 500	25
Section <u>339</u>	Failure to comply with requisition to round off buildings at corners of streets.	Rs. 100	Rs. 5	
Section <u>340</u> , sub- section (1).	Erection of buildings on new streets without levelling.	Rs. 1,000		30
Section <u>340</u> , sub- section (2).	Erection of buildings or execution of work within regular line of street or in contravention of any scheme or plan.	Rs. 1,000		35

5	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
	Section <u>342</u>	* * Use of in- flammable materials <u>without</u> <u>permission.</u>	Rs. 100	
10	Section <u>343</u>	Failure to demolish buildings erected without sanction.	Rs. 1,000	Rs. 25
	Section <u>344</u>	Erection of buildings in contra- vention of conditions of sanc- tion, etc.	Rs. 1,000	
	Section <u>345</u>	Failure to carry out alterations	Rs. 500	
15	Section <u>346</u> , sub- sections (1) and (2).	<u>Non-compliance with provision</u> <u>as to completion certificates,</u> * * <u>occupation or</u> <u>use, etc., without permission.</u>	Rs. 200	Rs. 10
20	Section <u>347</u>	<u>Non-compliance with restric-</u> <u>tions on user of buildings.</u>	Rs. 500	Rs. 25
	Section <u>348</u> , sub- sections (1) and (2).	Failure to comply with requis- ition to remove structures which are in ruins or likely to fall.	Rs. 500	Rs. 20
25	Section <u>349</u> , sub- section (1).	Failure to comply with requis- ition to vacate buildings in dangerous condition, etc.	Rs. 200	
30	Section <u>353</u>	Failure to provide for collection, removal and deposit of refuse and provision of recepta- cles.	Rs. 50	
	Section <u>354</u>	Failure to collect and remove filth and polluted matter.	Rs. 50	
35	Section <u>355</u> , sub- section (2).	Scavenger's duties in certain cases not to be discharged by any person without permis- sion.	Rs. 25	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
Section <u>356</u>	. Failure to comply with requisition for removal of rubbish, etc., from premises used as market, etc.	Rs. 100		
Section <u>357</u> , sub-section (1).	Keeping rubbish and filth for more than twenty-four hours, etc.	Rs. 50	Rs. 10	10
Section <u>357</u> , sub-section (2).	Allowing filth to flow in streets	Rs. 50		
Section <u>357</u> , sub-section (3).	Depositing rubbish or filth, etc., in street, etc.	Rs. 50		15
Section <u>360</u> , sub-section (1).	Latrines and urinals not to be constructed without permission or in contravention of terms prescribed.	Rs. 200		20
Section <u>361</u> , sub-section (1).	Failure to provide buildings newly erected or re-erected with latrine, urinal and other accommodation.	Rs. 500		
Section <u>361</u> , sub-section (3).	Failure to provide residential buildings composed of separate tenements with latrine, bathing or washing place for servants on the ground floor.	Rs. 500		25
Section <u>362</u>	. Failure to provide latrines for premises used by large number of people and to keep them clean and in proper order.	Rs. 100	Rs. 20	30
Section <u>363</u>	. Failure to comply with requisition to provide latrines for market, cattle shed, cart stand, etc., and to keep them clean and in proper order.	Rs. 100	Rs. 20	35

	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
5				
	Section 364, clau- ses (a), (b), (c) and (d).	Failure to comply with requisition to enforce provision of latrine or urinal accommodation, etc.	Rs. 100	Rs. 10
10	Section 365, sub- section (2).	Failure to comply with requisition for removal of congested buildings.	Rs. 1,000	
15	Section 366	Failure to comply with requisition to improve buildings unfit for human habitation.	Rs. 1,000	
	Section 368, sub- sections (1), (2), (3) and (4).	Failure to comply with order of demolition of buildings unfit for human habitation.	Rs. 1,000	
20	Section 369	Failure to comply with requisition of the Commissioner to remove insanitary huts and sheds, etc.	Rs. 100	Rs. 15
	Section 370, sub- section (1).	Prohibition against washing by washerman.	Rs. 25	
25	Section 371	Failure to give information of dangerous disease.	Rs. 100	
	Section 373	Failure to comply with requisition to cleanse and disinfect buildings or articles.	Rs. 50	
30	Section 374	Failure to comply with requisition to destroy infectious huts or sheds.	Rs. 50	
35	Section 375	Washing of clothing, bedding, etc., at any place not notified by the Commissioner.	Rs. 25	
	*	*	*	*

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
Section 377, sub-section (1).	Sending infected clothes to washerman or laundry.	Rs. 25		
Section 377, sub-section (2).	Failure to furnish address of washerman or laundry to which clothes have been sent.	Rs. 25		10
Section 378, sub-sections (1), (2) and (3).	* * Use of public conveyances by persons suffering from a dangerous disease, etc.	Rs. 50		
Section 380	Failure to disinfect buildings before letting the same.	Rs. 100		15
Section 381	Disposal of infected articles without disinfection.	Rs. 50		
Section 382	* * Making or selling of food, etc., or washing of clothes by infected persons.	Rs. 50		20
Section 383	Sale of food or drink in contravention of restriction or prohibition of the Commissioner.	Rs. 50		
Section 384	Removal or use of water from wells and tanks in contravention of prohibition of Commissioner.	Rs. 50		25
Section 385	Exposure of persons to risk of infection by the presence or conduct of a person suffering from a dangerous disease, etc.	Rs. 100		30
Section 386	* * Removal of infectious corpses in contravention of the provisions of the section.	Rs. 50		
Section 387, sub-sections (1) and (2).	Absence of sweepers etc., from duty without notice.	Imprisonment which may extend to one month.		35
Section 388	A sweeper employed for doing house scavenging not to discontinue work without notice.	Rs. 10		40

5	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
	Section 389	Failure to supply information by persons in charge of burning or burial grounds.	Rs. 50	
10	Section 390	Use of new burning or burial ground without permission.	Rs. 50	
	Section 391, sub-section (1).	Failure to comply with requisition to close a burning or burial ground.	Rs. 50	
15	Section 391, sub-section (2).	Burning or burial of corpses in a burning or burial ground after it has been closed.	Rs. 50	
	Section 392	Removal of corpses by other than prescribed routes.	Rs. 25	
20	Section 393, sub-section (1), clause (b).	Failure to give notice for removal of carcasses of dead animals.	Rs. 10	
	Section 396, sub-sections (1) and (2).	Failure to give information of births and deaths.	Rs. 50	
25	Section 397, sub-sections (1), (2) and (3).	Commission of nuisances	Rs. 50	
30	Section 398	Failure to comply with requisition for removal or abatement of nuisance.	Rs. 500	Rs. 25
	Section 399, sub-section (4).	Dogs not to be at large in a street without being secured by a chain lead.	Rs. 50	
35	Section 399, sub-section (5).	Ferocious dogs at large without being muzzled, etc.	Rs. 100	
	Section 400	Stacking inflammable material in contravention of prohibition.	Rs. 50	
	Section 401	Setting a naked light.	Rs. 50	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
Section 402	Discharging fireworks, fire-arms, etc., likely to cause danger.	Rs. 50		
Section 403	Failure to comply with requisition to render buildings, wells, etc., safe.	Rs. 50		10
Section 404	Failure to comply with requisition to enclose land used for improper purposes.	Rs. 50		
Section 406, sub-section (1).	Sale in municipal markets without permission.	Rs. 200		15
Section 407, sub-sections (1) and (2).	Use of places as private markets without a licence and use of places other than a municipal slaughter house as slaughter houses.	Rs. 500	Rs. 25	20
Section 407, sub-section (2), proviso (a).	Non-compliance with conditions imposed by Commissioner.	Rs. 50		
Section 409	Keeping market open without licence, etc.	Rs. 2,000		25
Section 410	Sale in unlicensed market.	Rs. 50		
Section 411	Carrying on business or trade near a market.	Rs. 50		
Section 414	Failure of person in charge of markets to expel lepers and disturbers from the market.	Rs. 50		30
Section 415	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	Rs. 100	Rs. 10	35
Section 416	<u>Establishment of factory, etc., without permission.</u>	Rs. 5,000	Rs. 500	

5	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
	Section 417	. Certain things not to be kept and certain trades and operations not to be carried on without a licence.	Rs. 1,000	Rs. 100
10	Section 418, sub-section (3).	Keeping, abandonment or tethering of animals, etc.	Rs. 100	
	Section 419, sub-section (5).	Use of premises in contravention of declaration.	Rs. 500	
15	Section 420	. Hawking articles for sale without a licence, etc.	Rs. 100	
	Section 421 ^f	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	Rs. 100	Rs. 15
20	Section 422	. Keeping open theatre, circus or other place of public amusement without licence or contrary to terms of licence.	Rs. 500	Rs. 50
	Section 430, sub-section (5).	Failure to produce licence or written permission.	Rs. 50	Rs. 5
25	Section 431	. Preventing the Commissioner or any person authorised in this behalf from exercising his powers of entry, etc.	Rs. 50	
30	Section 432 ^r	. Preventing the Commissioner or any person authorised in this behalf from exercising his power of entry upon any adjoining land.	Rs. 50	
35	Section 437	. Obstruction or molestation in execution of work.	Rs. 200	
	Section 444, sub-section (4).	Failure to comply with requisition to state the name and address of owners of premises.	Rs. 50	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily Fine which may be imposed	5
Section 456, sub- section (3).	Failure of occupier of land or building to afford owner facilities for complying with provisions of the Act, etc., after eight days from issue of order by district judge.	Rs. 200	Rs. 50	10
Section 495	• Obstruction of Mayor or any municipal authority, etc.	Rs. 200		
Section 496	• Removal of any mark set up for indicating level, etc.	Rs. 100		15
Section 497	• Removal, etc., of notice exhibited by or under orders of the Corporation, Commissioner, etc.	Rs. 50		
Section 498	• Unlawful removal of earth, sand or other material or deposit of any matter or making of any encroachment from any land vested in the Corporation.	Rs. 50		20

THE THIRTEENTH SCHEDULE

25

(See section 515)

ENACTMENTS CEASING TO HAVE EFFECT IN DELHI

1. The Punjab Municipal Act, 1911, as in force in Delhi immediately before the commencement of this Act.
2. The provisions of the City of Bombay Corporation Act, 1888, as in force in Delhi immediately before the commencement of this Act.
3. The provisions of the United Provinces Municipalities Act, 1916, as in force in Delhi immediately before the commencement of this Act. 35
4. The Punjab District Boards Act, 1883, as in force in the union territory of Delhi immediately before the commencement of this Act.

APPENDIX I

(Vide para 2 of the Report)

Motion in the Lok Sabha for reference of the Bill to Joint Committee

“That the Delhi Municipal Corporation Bill, 1957, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely:—

1. Dr. P. Subbarayan
2. Shrimati Sucheta Kripalani
3. Shri Radha Raman
4. Choudhury Brahm Perakash
5. Shri C. Krishnan Nair
6. Shri Naval Prabhakar
7. Shrimati Subhadra Joshi
8. Shri P. Hanmanth Rao
9. Shri Kailash Pati Sinha
10. Shri Shree Narayan Das
11. Shri Satis Chandra Samanta
12. Shri Tayappa Hari Sonavane
13. Shri Mathew Maniyangadan
14. Pandit Jwala Prasad Jyotishi
15. Shri Sunder Lal
16. Shri Ram Shanker Lal
17. Shri Sumat Prasad
18. Shri C. Nanjappan
19. Shri Mahadevappa Rampure
20. Shri Jaswantraj Mehta
21. Shri Shivram Rango Rane
22. Shrimati Renu Chakravartty
23. Chaudhary Pratap Singh Daulta
24. Shri Surendranath Dwivedy
25. H. H. Maharaja Pratap Keshari Deo
26. Shri Ignace Beck

27. Shri Arjun Singh Bhadauria

28. Shri D. R. Chavan.

29. Shri B. Pocker, and

30. Shri B. N. Datar

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next Session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

Motion in the Rajya Sabha

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to consolidate and amend the law relating to the municipal government of Delhi, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri M. C. Shah
2. Shri Deokinandan Narayan
3. Shri Santosh Kumar Basu
4. Shri Awadheshwar Prasad Sinha
5. Shri Algu Rai Shastri
6. Shri Hira Vallabha Tripathi
7. Shri Onkar Nath
8. Begum Saddiqa Kidwai
9. Shri V. M. Surendra Ram
10. Shri Mohamed Valiulla
11. Dr. Raj Bahadur Gour
12. Shri N. B. Deshmukh
13. Shri Kishen Chand
14. Prof. A. R. Wadia
15. Shri Govind Ballabh Pant.”

APPENDIX III

(Vide para 8 of the Report)

Statement showing particulars of memoranda etc., received by the Joint Committee and action taken thereon

S. No.	Nature of document	From whom received	Action taken
1.	Memorandum	The Delhi State Committee of the Communist Party of India.	Circulated to Members
2.	do	The Chairman, District Board, Delhi.	do
3.	do	The Praja Socialist Party, Delhi State.	do
4.	do	The Delhi State Civic Affairs Committee, Delhi.	do
5.	do	Bhartiya Jana Sangh, Delhi.	do
6.	do	The Federation of Electricity Undertakings of India, Bombay.	Placed in the Parliament Library and members informed.
7.	Memorandum/resolutions	The New Delhi Traders' Association, New Delhi.	do

APPENDIX IV

Minutes of the Joint Committee on the Delhi Municipal Corporation Bill, 1957.

I

First Sitting

The Committee met from 12-00 hours to 13-45 hours on Wednesday, the 9th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Shri Mathew Maniyangadan
15. Pandit Jawala Prasad Jyotishi
16. Shri Sunder Lal
17. Shri Ram Shanker Lal
18. Shri Sumat Prasad
19. Shri C. Nanjappan
20. Shri Jaswantraj Mehta
21. Shri Shivram Rango Rane
22. Chaudhary Pratap Singh Daulta

23. Shri Surendranath Dwivedy
24. H. H. Maharaja Pratap Keshari Deo
25. Shri Ignace Beck
26. Shri Arjun Singh Bhadauria
27. Shri D. R. Chavan
28. Shri B. N. Datar

Rajya Sabha

29. Shri M. C. Shah
30. Shri Deokinandan Narayan
31. Shri Santosh Kumar Basu
32. Shri Awadheshwar Prasad Sinha
33. Shri Algu Rai Shastri
34. Shri Onkar Nath
35. Begum Saddiqa Kidwai
36. Shri V. M. Surendra Ram
37. Shri Mohamed Valiulla
38. Dr. Raj Bahadur Gour
39. Shri N. B. Deshmukh
40. Shri Kishen Chand.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee had a preliminary discussion on the provisions of the Bill.

3. The Committee then adjourned to meet again at 15.00 hours on Thursday, the 10th October, 1957.

II

Second Sitting

The Committee met from 15.10 hours to 19.00 hours on Thursday the 10th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Shri Mathew Maniyangadan
15. Pandit Jawala Prasad Jyotishi
16. Shri Ram Shanker Lal
17. Shri C. Nanjappan
18. Shri Jaswantraj Mehta
19. Shri Shivram Rango Rane
20. Chaudhary Pratap Singh Daulta
21. Shri Surendranath Dwivedy
22. H. H. Maharaja Pratap Keshari Deo
23. Shri Ignace Beck
24. Shri Arjun Singh Bhadauria
25. Shri D. R. Chavan
26. Shri B. N. Datar

Rajya Sabha

27. Shri M. C. Shah
28. Shri Deokinandan Narayan
29. Shri Santosh Kumar Basu
30. Shri Awadheshwar Prasad Sinha
31. Shri Algu Rai Shastri
32. Shri Onkar Nath
33. Begum Saddiqa Kidwai
34. Shri V. M. Surendra Ram
35. Shri Mohamed Valiulla
36. Dr. Raj Bahadur Gour
37. Shri N. B. Deshmukh
38. Shri Kishen Chand.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee had further preliminary discussion on the provisions of the Bills.

3. The Committee then took up clause by clause consideration of the Delhi Municipal Corporation Bill.

4. *Clause 1*—The clause was adopted excepting sub-clause (2) which was held over.

5. *Clause 2*—The following amendments were accepted:—

(i) *In page 1,*

for line, 30 substitute—

“(4) ‘bye law’ means a bye law made under this Act by notification in the official Gazette”,

(ii) In page 2,

Omit line 7.

(iii) In page 4,

after line 2, insert—

“(27A) ‘member’ in relation to the Corporation means a Councillor or an alderman thereof”.

Discussion on this clause was not concluded.

6. The Committee then adjourned to meet again at 15.00 hours on Friday, the 11th October, 1957.

III

Third Sitting

The Committee met from 15.10 hours to 16.00 hours and 17.45 hours to 20.00 hours on Friday, the 11th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perkash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Shri Mathew Maniyangadan
15. Pandit Jawala Prasad Jyotishi
16. Shri Ram Shanker Lal
17. Shri Sumat Prasad
18. Shri C. Nanjappan
19. Shri Jaswantraj Mehta
20. Shri Shivram Rango Rane
21. Chaudhary Pratap Singh Daulta
22. Shri Surendranath Dwivedy
23. H. H. Maharaja Pratap Keshari Deo
24. Shri Ignace Beck
25. Shri Arjun Singh Bhadauria

26. Shri D. R. Chavan
 27. Shri B. Pocker
 28. Shri B. N. Datar

Rajya Sabha

29. Shri M. C. Shah
 30. Shri Deokinandan Narayan
 31. Shri Santosh Kumar Basu
 32. Shri Awadheshwar Prasad Sinha
 33. Shri Onkar Nath
 34. Shri Mohamed Valiulla
 35. Dr. Raj Bahadur Gour
 36. Shri N. B. Deshmukh
 37. Shri Kishen Chand.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 2 (Continued).*—The following amendments were accepted:

(i) In page 5,
 for line 34, substitute—

“(48) ‘regulation’ means a regulation made under this Act by notification in the official Gazette.”

(ii) In page 6,
 for lines 7-8, substitute—

“(51) ‘rule’ means a rule made by the Central Government under this Act by notification in the Official Gazette.

(iii) In page 7, line 4,

after "tricycle" insert "cycle rikshaw, auto rikshaw".

(The Committee then adjourned from 16.00 hours to 17.45 hours).

(iv) In page 4,

for lines 18-19, substitute—

"(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;

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

(c) a rent-free tenant;

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

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

The clause as amended was adopted.

4. *Clause 3.*—The Committee felt that Councillors should be 80 and Aldermen 6. 12 seats out of 80 should be reserved for Scheduled Castes.

If however, on the completion of each census it appears that the total population represented by one councillor is more than 20,000 then the number of Councillors shall be correspondingly increased in the proportion of one seat for every 20,000 of the population subject however to the provision that the total number of councillors should never exceed one hundred.

The number of Scheduled Castes Councillors will also be increased in proportion to the increase in their population.

The total number of aldermen will however remain fixed at 6.

The draftsman was directed to submit a revised draft accordingly.

5. *Clause 4.* (1) The following amendment was accepted:—

In page 8, line 2 and wherever it occurs after "Councillor" insert "or aldermen".

(2) Regarding extension of term of office, the Committee decided as follows:—

(i) that the extension of term of office, whenever made shall be for all the members of the Corporation and not confined to any individual member;

(ii) the reason for extension should be specified in the notification issued on the subject;

(iii) the maximum period of such an extension shall not exceed one year.

The draftsman was directed to submit a revised draft.

6. The Committee then heard the evidence tendered by Shri R. N. Agarwala, President, Delhi Municipal Committee.

7. The Committee then adjourned to meet again at 11.00 hours on 12th October, 1957.

IV

Fourth Sitting

The Committee met from 11·00 to 14·15 hours on Saturday, the 12th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Shree Narayan Das
11. Shri Satis Chandra Samanta
12. Shri Tayappa Hari Sonavane
13. Shri Mathew Maniyangadan
14. Pandit Jawala Prasad Jyotishi
15. Shri Sunder Lal
16. Shri Ram Shanker Lal
17. Shri Sumat Prasad
18. Shri C. Nanjappan
19. Shri Jaswantraj Mehta
20. Shri Shivram Rango Rane
21. Shrimati Renu Chakravartty
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32. Shri Algu Rai Shastri
33. Shri Onkar Nath
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35. Shri Mohamed Valiulla
36. Dr. Raj Bahadur Gour
37. Shri N. B. Deshmukh
38. Shri Kishen Chand.

(DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation) Ministry of Home Affairs.*

Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 5.*—The Committee discussed the question whether constituencies for the election of councillors should be single member or multi member constituencies. It was decided that constituencies should be multi member constituencies.

4. *Clause 6.*—The clause was adopted without any amendment.

5. *Clause 7.*—The following amendments were accepted:—

(i) In page 8, line 32, for “entitled”
substitute “registered”

(ii) In page 8, line 33,
Omit “to be registered.”

The clause as amended was adopted.

6. *Clause 8.*—The clause was adopted without any amendment.

7. *Clause 9.*— The following amendments were accepted:—

(i) In page 9, line 7,
after “councillor” insert “or an alderman”.

(ii) In page 10, line 8,
for “three” substitute “four”

(iii) In page 10,
Omit lines 21-22, but suitably modify sub-clause (c) of clause
9(1).

(iv) In page 11, line 17,
for “councillor” substitute “member of the Corporation.”

(v) In page 11, line 18,
for “councillorship” substitute “such membership.”

Regarding sub-clauses (1) (f) the Committee felt that the words and brackets “(other than that of Mayor)” occurring therein should be deleted and instead an explanation should be added making it clear that the Mayor and members receiving any facilities or allowances shall not be disqualified.

8. *Clause 10.*—The clause was adopted without any amendment.

9. *Clause 11.*—The following amendments were accepted:—

(i) In page 11, line 28,
for “general municipal election” substitute—
“general election of councillors.”

(ii) In page 11, line 30,
Omit “municipal”.

The clause as amended was adopted.

10. The Committee felt that nomination papers of candidates might be scrutinised by a judicial officer so as to reduce the improper rejection of nomination papers to the minimum. It was felt that necessary provision might be made in the rules to be framed under clause 30 of the Bill in this respect.

11. *Clause 12.*—The following amendment was accepted:—

In page 11, line 41,

after “occurs” insert “in the office of a councillor”

The clause as amended was adopted.

12. *New Clause 12A.* (1) The following new clause 12A was adopted:—

12A. (1) The six aldermen referred to in clause (b) of sub-section (3) shall be elected at a meeting of the councillors held immediately after each general election of councillors in such manner as may be prescribed by rules. Election of aldermen.

(2) No person shall be entitled to stand for election as an alderman if he stood for election as a councillor from any ward at any election immediately preceding the election of aldermen and failed to be elected.

(3) In the case of an equality of votes the person presiding at the meeting whether or not entitled to vote in the first instance, shall have and exercise a casting vote.

(4) As many persons as there are vacancies to be filled, being the persons who have the greatest number of votes shall be declared by the persons presiding at the meeting to be elected.”

13. *Clause 13 & 14.*—These clauses were adopted without any amendment.

14. *Clause 15.*—The clause was adopted without any amendment.

The Committee however, felt that ‘returned candidate’ should be defined in the definition clause.

15. *Clause 16.*—The following amendment was accepted:--

In page 13, Omit lines 30-32.

The clause as amended was adopted.

16. *Clause 17 to 20.*—These clauses were adopted without any amendment.

17. *Clause 21.*—The following amendment was accepted:—

In page 15, after line 38, insert—

“(7) The holding of any meeting in which intoxicating liquors are served.

(8) The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.”

The clause as amended was adopted.

18. *Clause 22.*—The clause was adopted without any amendment.

19. *Clause 23.*—The following amendments were accepted:—

(i) In page 16, line 8, after “or” occurring for the first time insert “a member of the police force or”.

(ii) In page 16, line 13,

omit “and no member of a police force.”

The clause as amended was adopted.

20. *Clause 24.*—The clause was adopted without any amendment.

21. The Committee then adjourned to meet again at 15.00 hours on 14th October, 1957.

V

Fifth Sitting

The Committee met from 15·05 to 19·35 hours on Monday, the 14th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shri Radha Raman
4. Choudhury Brahm Perakash
5. Shri C. Krishnan Nair
6. Shri Naval Prabhakar
7. Shrimati Subhadra Joshi
8. Shri P. Hanmanth Rao
9. Shri Kailash Pati Sinha
10. Shri Shree Narayan Das
11. Shri Tayappa Hari Sonavane
12. Shri Mathew Maniyangadan
13. Pandit Jwala Prasad Jyotishi
14. Shri Sumat Prasad
15. Shri C. Nanjappan
16. Shri Mahadevappa Rampure
17. Shri Jaswantraj Mehta
18. Shri Shivram Rango Rane
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21. H. H. Maharaja Pratap Keshari Deo
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Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

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Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri A. L. Rai, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 25.*—The Committee felt that an offence under this clause should be made cognisable.

The draftsman was directed to re-cast the clause accordingly.

4. *Clauses 26 to 29.*—These clauses were adopted without any amendment.

5. *Clause 30.*—The following amendments were accepted:—

- (i) In page 19, line 43,
after "refunded" insert "or forfeited to the Corporation."
- (ii) In page 20, line 10,
for "opened" substitute "kept open".

(iii) In page 20,

after line 36, insert "(hh) the manner of election of aldermen".

The clause as amended was adopted.

6. *Clause 31.*—The clause was adopted without any amendment.

7. *Clause 32.*—The following amendment was accepted:—

In page 21, line 24,

for "six" substitute "three"

The clause as amended was adopted.

8. *Clause 33.*—The clause was adopted without any amendment.

9. *Clause 34.*—The following amendments were accepted:—

(i) In page 21, line 37,

for "Councillors" substitute "members"

(ii) In page 21, line 37,

for "Councillor" substitute "member"

The clause as amended was adopted.

10. *Clause 35.*—The following amendment was accepted.

In page 22, line 6,

for "The Mayor shall" substitute—"The Mayor and the Deputy Mayor may;"

11. *Clause 36.*—The clause was approved in substance, but the draftsman was directed to recast the clause from the drafting point of view.

12. *Clause 37.*—The following amendments were accepted:—

In page 22,

(i) line 26, for "Commissioner" substitute "Secretary"

(ii) line 29, for "Commissioner" substitute "Secretary"

(iii) line 31, omit "to the Commissioner".

The clause as amended was adopted.

13. *Clause 38.*—The following amendment was accepted:—

In page 22, line 40,

for "advise" substitute "make recommendation to".

The Committee felt that the clause should provide for the election of a chairman for the rural Area Committee at its first meeting each year.

The draftsman was directed to insert a provision accordingly.

Subject to this the clause was adopted as amended.

14. *Clause 39.*—The Committee felt that Corporation should also appoint Ward Area Committees.

The draftsman was directed to insert necessary provision in this clause accordingly.

Subject to this the clause was adopted.

15. *Clause 40.*—The clause was adopted without any amendment.

16. *Clause 41.*—The following amendments were accepted:—

(i) In page 24, line 14,

for “new” substitute “maintenance of”

(ii) In page 24, line 15,

after “vaccination” insert “or inoculation”

(iii) In page 24, line 20,

for “and infant welfare” substitute “maternity and child welfare”.

The following items were transferred to this clause from clause 42 and they were omitted in that clause:—

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

(2) The maintenance of fire brigade and the protection of life and property in the case of fire.

The following new item was inserted:—

“maintenance of Monuments or memorials already vested in the local bodies in Delhi or which may hereafter be vested in the Corporation”.

The draftsman was directed to recast the clause accordingly.

17. *Clause 42.*—The following amendments were accepted:—

(i) In page 25, line 8,

after “education” insert “including cultural and physical”.

(ii) In page 25,

omit lines 14 and 15.

(iii) In page 25, line 23,
after "resort" add "and establishments of theatres and cinemas".

(iv) In page 25,
omit lines 24 and 25.

(v) In page 25,
after line 35, insert "(iv a) asylum for persons of unsound mind".

(vi) In page 26, line 4,
after "them" add "including sanctioning of loans to employees or constructors of houses or purchase of vehicle".

The following new items were inserted:—

- (1) the provision for relief to destitute and disabled persons.
- (2) organisation, construction, maintenance or management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of Public Health.
- (3) organisation, and management of dairies or farms within or without the Union territory of Delhi for the supply, distribution and processing of milk and milk products for the benefit of the residents of Delhi.
- (4) Organisation, and management of cottage industries, handicraft centres, sales emporia.
- (5) holding of exhibitions.
- (6) the construction and maintenance of ware-houses and godowns.
- (7) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers.
- (8) the organisation and management of fares and exhibitions.
- (9) the establishment and maintenance of veterinary hospitals.
- (10) the establishment and maintenance of, and aid to, stadium, gymnasium, akharas and places for sports and games.

The draftsman was directed to re cast the clause accordingly.

18. The Committee then adjourned to meet again at 15.00 hours on Tuesday the 15th October, 1957.

VI

Sixth Sitting

The Committee met from 15.15 to 19.05 hours on Tuesday, the 15th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
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Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri A. L. Rai, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 43.*—The draftsman was directed to examine whether Rural Areas Committee should be brought under this Chapter or not.

The Committee felt that provisions should be made for the constitution of an Education Committee in or near about clause 39 and that the Education Committee should include as members not more than three outside education experts.

The draftsman was directed to make suitable provision in the Bill.

4. *Clause 44.*—The following amendments were accepted:—

(i) In page 26, line 30,
for "twelve" substitute "fourteen"

(ii) In page 26, line 31,
after "councillor" insert "and alderman"

The clause as amended was adopted.

5. *Clauses 45 to 48.*—These clauses were adopted without any amendment.

6. *Clause 49.*—The following amendment was accepted:

In page 28, line 11,

after "councillors" insert "and aldermen"

The Committee agreed that the membership of the various Committees should for the present be as in this clause but felt that provision should be made authorising the Central Government to raise the number of the elected members to any figure not exceeding six after the expiry of the first term of the Corporation.

The draftsman was directed to amend the clause accordingly.

7. *Clauses 50 to 52.*—These clauses were adopted without any amendment.

8. *Clause 53.*—The following amendments were accepted:—

(i) In page 29, line 43,

for "four" substitute "five"

(ii) In page 30, line 2,

for "two years" substitute "one year"

(iii) In page 30, line 5,

after "time" insert "after giving reasonable notice"

(iv) In page 30, line 11,

for "two-thirds" substitute "three-fifth"

The clause as amended was adopted.

9. *Clause 54.*—The clause was adopted without any amendment.

10. *Clause 55.*—The following amendment was accepted:—

In page 30, lines 28-29,

omit "the Central Government on the recommendation of"

The clause as amended was adopted.

11. *Clauses 56 to 58.*—These clauses were adopted without any amendment.

12. *Clause 59.*—The following amendment was accepted:—

In page 32, line 19,

for "two-thirds" substitute "three-fifths"

The clause as amended was adopted.

13. *Clauses 60 to 62.*—These clauses were adopted without any amendment.

14. *Clause 63.*—The draftsman was directed to re-draft sub-clause (2) to make it clear that the General Manager (Transport) shall perform such other function of the Transport undertaking as may be required by the Delhi Transport Committee and the Corporation.

15. *Clauses 64 to 66.*—These clauses were adopted without any amendment.

16. *Clause 67.*— The draftsman was directed to examine whether continuity in the functioning of these Standing Committees could be maintained even after the Corporation ceased to function on the expiry of its term.

17. *Clauses 68 to 71.*—These clauses were adopted without any amendment.

18. *Clause 72.*—The following amendment was accepted:—

In page 37, line 11,

for “Commissioner” substitute “administrator”.

The clause as amended was adopted.

19. *Clause 73.*—The following amendments were accepted:—

(i) In page 37, line 13,

omit “registered”.

(ii) In page 38,

omit lines 25—28.

The clause as amended was adopted.

20. *Clauses 74 and 75.*—These clauses were adopted without any amendment.

21. *Clause 76.*—The Committee felt that the *non-obstante* clause should govern both the sub-clauses. The draftsman was directed to make suitable provision in this behalf.

The Committee recommended that provision might be made in the rules for the election of the Mayor by secret ballot.

22. *Clause 77.*—The following amendment was accepted:—

In page 38, line 25,

for “five” substitute “four”

The clause as amended was adopted.

23. *Clause 78.*—The clause was adopted without any amendment.

24. *Clause 79.*—The following amendment was accepted:—

In page 39, line 27,

after “or” insert “vote or take part in any discussion.”

The clause as amended was adopted.

25. *Clause 80.*—The following amendment was accepted:—

In page 40,

for lines 37-40, *substitute*—

“(6) The Commissioner shall not be bound to answer a question if it asks for information which has been communicated to him in confidence or if in the opinion of the Mayor it cannot be answered without prejudice to public interest or interest to the Corporation”.

The clause as amended was adopted.

26. *Clauses 81 to 82.*—These clauses were adopted without any amendment.

27. *Clause 83.*—The following amendment was accepted:—

In page 41, lines 25-26,

for “other Committees” *substitute*—

“all other Committees including special and *ad hoc* Committees.”

The clause as amended was adopted.

28. *Clause 84.*—The clause was adopted without any amendment.

29. *Clause 85.*—The Committee felt that the minutes of the proceedings of meetings should be circulated to all members of the Corporation.

The draftsman was directed to amend the clause accordingly.

30. *Clauses 86 to 88.*—These clauses were adopted without any amendment.

31. *Clause 89.*—The following amendments were accepted:—

(i) In page 43, line 33,

for “five hundred” *substitute* “two hundred and fifty”.

(ii) In page 43, line 39,

for "five hundred" substitute "two hundred and fifty".

The clause as amended was adopted.

32. *Clause 90.*—The clause was adopted without any amendment.

33. *Clause 91.*—The following amendments were accepted:—

(i) In page 44, line 23,

for "five hundred" substitute "three hundred and fifty."

(ii) In page 44, line 34,

for "five hundred" substitute "three hundred and fifty."

The clause as amended was adopted.

34. *Clauses 92 and 93.*—These clauses were adopted without any amendment.

35. *Clause 94.*—The following amendment was accepted:—

In page 45,

for lines 22-31, substitute—

"(1) Every municipal officer or other municipal employee shall be liable to have his increments or promotion withheld or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed by regulations:

Provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired, removed or dismissed by any authority subordinate to that by which he was appointed:

Provided further that the Corporation may by regulations provide municipal employees belonging to such classes or categories as may be specified in the regulations shall be liable to be fined by such authority as may be specified therein."

The clause as amended was adopted.

36. *Clause 95.*—The following amendment was accepted:—

In page 46, line 12,

after "appointment to" insert "the post of the General Manager (Electricity) or the General Manager (Transport) or to."

The clause as amended was adopted.

37. *Clause 96.*—The clause was adopted without any amendment.

38. *Clause 97.*—The following amendment was accepted:—

In page 47,
for lines 17-19, substitute—

“(d) the procedure to be followed in imposing any penalty under sub-section (1) of section 94, suspension pending departmental inquiries before the imposition of such penalty and the authority by which such suspension may be ordered, the officers and authority to whom an appeal shall lie under sub-section (4) of that section;”

The Committee felt that the clause should provide for the making of regulations after consulting the U.P.S.C. in respect of the manner of selection of posts carrying a minimum monthly salary of less than three hundred and fifty rupees.

The draftsman was directed to make suitable changes.

39. *Clauses 98 to 105.*—These clauses were adopted without any amendment.

40. *Clause 106.*—The following amendment was accepted:—

In page 52, line 2,
for “other” substitute “scheduled”

The clause as amended was adopted.

41. *Clauses 107 and 108.*—These clauses were adopted without any amendment.

42. *Clause 109.*—The following amendment was adopted:—

In page 53,
after line 28, insert—

“(3) The Standing Committee may from time to time during the year—

(a) reduce the amount of a budget grant, or

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

Provided that every reduction if it exceeds five hundred rupees shall be reported forthwith by Standing Committee to the Corporation and the Standing Committee and the Commissioner shall give effect to any order that may be passed by the Corporation in relation thereto.

(4) The Commissioner may from time to time during the year sanction the transfer of any amount not exceeding five thousand rupees within a minor head if such transfer does not involve a recurring liability:

Provided that every such transfer, if it exceeds five hundred rupees, shall be reported forthwith by the Commissioner to the Standing Committee and the Commissioner shall give effect to any order that may be passed by that Committee in relation thereto.

(5) In sub-section (3) or in sub-section (4),—

(a) any reference to the Standing Committee and the Commissioner shall be construed as a reference respectively to—

(i) the Delhi Electric Supply Committee and the General Manager (Electricity) if the reduction or transfer is in relation to the budget estimate (electric supply);

(ii) the Delhi Transport Committee and the General Manager (Transport) if the reduction or transfer is in relation to the budget estimate (transport); and

(b) any reference to the Standing Committee shall be construed as a reference to the Delhi Water Supply and Sewage Disposal Committee if the reduction or transfer is in relation to the budget estimate (water supply and sewage disposal)."

The clause as amended was adopted.

43. *Clauses 110 and 111.*—These clauses were adopted without any amendment.

44. The Committee then adjourned to meet again at 15.00 hours on 16th October, 1957.

VII

Seventh Sitting.

The Committee met from 15.00 to 19.05 hours on Wednesday, the 16th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan.
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
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Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

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Shri P. R. Nayak, *O.S.D. (Corporation) Ministry of Home Affairs.*

Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri A. L. Rai, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 112.*—The clause was adopted without any amendment.

4. *Clause 113.*—The Committee felt that the Corporation might exempt lands and buildings where ratable value does not exceed Rs. 100/-.

The draftsman was directed to insert suitable provision accordingly.

5. *Clause 114.*—The following amendment was accepted:—

In page 57, line 17,

after “thereof” add “or from which any rent is derived.”

The clause as amended was adopted.

6. *Clauses 115 to 124.*—These clauses were adopted without any amendment.

7. *Clause 125.*—The following amendment was accepted:—

In page 62, line 28,

after “thereupon” insert “for adequate reasons”.

The clause as amended was adopted.

8. *Clauses 126 to 135.*—These clauses were adopted without any amendment.

9. *Clause 136.*—The following amendment was accepted:—

In page 66,

after line 17, add “Provided further that the tax under this section shall not be levied in respect of—

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

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

(c) children’s perambulators or tricycles”.

The clause as amended was adopted.

10. *Clauses 137 and 138.*—These clauses were adopted without any amendments.

11. *Clause 139.*—The Committee felt that exemption in respect of theatre-tax should be provided for on the same lines as in respect of entertainment-tax.

The draftsman was directed to provide for this suitably.

12. *Clauses 140 to 142.*—These clauses were adopted without any amendment.

13. *Clause 143.*—The following amendment was accepted:—

In page 68, line 29,

after “thereof” add “without the previous permission of the Commissioner”.

The clause as amended was adopted.

14. *Clauses 144 to 155.*—These clauses were adopted without any amendment.

15. *Clause 156.*—The following amendment was accepted:—

In page 72, line 38,

after “children” add “and their eating and cooking utensils”.

The clause as amended was adopted.

16. *Clauses 157 to 162.*—These clauses were adopted without any amendment.

17. *Clause 163.*—The following amendment was accepted:—

In page 76,

after line 38, add—

“Provided that no remission or refund of the water tax shall be allowed under this section unless an application in such form as may be prescribed by bye-laws made in this behalf has been made to the Commissioner to stop the supply of water to such land or building unless the authority is otherwise satisfied”.

The clause as amended was adopted.

18. *Clauses 164 to 168.*—These clauses were adopted without any amendment.

19. *Clause 169.*—The following amendment was accepted:—

In page 77, line 31,

after “preferring” insert “the appeal within”.

The clause as amended was adopted.

20. *Clause 170.*—The draftsman was directed to redraft the proviso to make the intention clear.

Subject to the above, the clause was adopted.

21. *Clauses 171 and 172.*—These clauses were adopted without any amendment.

22. *Clause 173.*—The Committee felt that all cases of writing off of irrecoverable debts should be reported to the Standing Committee.

The draftsman was directed to include under this clause the necessary provision.

23. *Clauses 174 and 175.*—These clauses were adopted without any amendment.

24. *Clause 176.*—The following amendment were accepted:—

(i) In page 79, line 25,

Omit “persons or”.

(ii) In page 79, lines 25-26,

Omit “property or goods or”.

The clause as amended was adopted.

25. *Clause 177.*—The following amendment was accepted:—

In page 79, line 37,

for “double” insert “treble”.

The clause as amended was adopted.

26. *Clauses 178 and 179.*—These clauses were adopted without any amendment.

27. *Clause 180.*—The following amendment was accepted:—

In page 80, line 18,

Omit “goods or”.

The clause as amended was adopted.

28. *Clauses 181 to 182.*—These clauses were adopted without any amendment.

29. *Clause 183.*—The clause was adopted without any amendment.

The Committee however felt that the cases of stamp and Registration duties should be considered by the Government to see whether any part of the proceeds of these taxes might not be made available to the Corporation.

30. *Clauses 184 to 186.*—These clauses were adopted without any amendment.

31. *Clause 187.*—The following amendment was accepted:—

In page 83, line 2,
after “the” insert “legal”.

The clause as amended was adopted.

32. *Clauses 188 to 198.*—These clauses were adopted without any amendment.

33. *Clause 199.*—(i) The Committee felt that item (b) (ii) should be redrafted to make the intention clear.

(ii) The Committee further felt that in item (c) the words “in cases not covered by clause (a) or clause (b)” should be inserted at the beginning of that item.

(iii) It was also decided by the Committee that all cases of transaction under items (a) and (b) should be reported to the Standing Committees and the Corporation respectively.

The draftsman was directed to amend the clause accordingly.

34. *Clauses 200 to 215.*—These clauses were adopted without any amendment.

35. *Clause 216.*—The following amendment was accepted:—

In page 94,
for lines 3-20, substitute—

“216. (1) The Commissioner may supply water for any purpose other than a domestic purpose on such terms and conditions consistent with this Act and the bye-laws made thereunder as may be laid down in this behalf by the Delhi Water Supply and Sewage Disposal Committee on receiving a written application specifying the purpose for which the supply is required and the quantity likely to be consumed.

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

The clause as amended was adopted.

36. *Clauses 217 to 223.*—These clauses were adopted without any amendment.

37. *Clause 224.*—The following amendment was accepted:—

In page 97, *omit* lines 5-8.

The clause as amended was adopted.

38. *Clauses 225 to 301.*—These clauses were adopted without any amendment.

39. *Clause 302.*—The following amendment was accepted:—

In page 126, line 25,

after “Corporation” *add* “and in cases of clause (c) without the sanction of the Standing Committee”.

The clause as amended was adopted.

40. *Clause 303.*—The following amendment was accepted:—

In page 126, line 37,

for “Committee” *substitute* “Corporation”.

The clause as amended was adopted.

41. *Clauses 304 to 332.*—These clauses were adopted without any amendment.

42. *Clause 333.*—The following amendment was accepted:—

In page 140, *omit* lines 18-19.

The clause as amended was adopted.

43. *Clauses 334 and 335.*—These clauses were adopted without any amendment.

44. *Clause 336.*—The Committee felt that in the cases which may fall under clause 330 (b) the period of sixty days should be reduced to thirty days.

The draftsman was directed to insert a suitable provision accordingly.

45. *Clauses 337 to 339.*—These clauses were adopted without any amendment.

46. *Clause 340.*—The following amendment was accepted:—

In page 143, *omit* lines 27-28.

The clause as amendment was adopted.

47. *Clause 341 to 367.*—These clauses were adopted without any amendment.

48. *Clause 367A.*—The following new clause was adopted:—

In page 154,

after line 48, insert—

“Insanitary huts and sheds. 367A. Where the Commissioner upon any information in his possession is satisfied that any hut or shed used as a dwelling house or as a stable or for any other purpose, is likely, by reason of its being constructed without a plinth or upon a plinth of insufficient height or without proper means of drainage or on account of the impracticability of scavenging and cleansing it or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger public health or safety, he may by notice in writing require the owner or occupier of the hut or shed or the owner or occupier of the land on which the hut or shed stands to remove or alter the hut or shed or carry out such improvement thereof as the Commissioner may deem necessary within such time as may be specified in the notice.”

49. *Clauses 368 to 374.*—These clauses were adopted without any amendment.

50. *Clauses 375 and 376.*—These clauses were omitted.

51. *Clause 377.*—The clause was adopted without any amendment.

52. *Clause 378.*—The clause was held over.

53. *Clauses 379 to 404.*—These clauses were adopted without any amendment.

54. The Committee then adjourned to meet again at 14-00 hours on Thursday, the 17th October, 1957.

VIII

Eighth Sitting

The Committee met from 14·00 to 16·40 hours on Thursday, the 17th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Pandit Jwala Prasad Jyotishi
15. Shri Sunder Lal
16. Shri Sumat Prasad
17. Shri C. Nanjappan
18. Shri Mahadevappa Rampure
19. Shri Jaswantraj Mehta
20. Shri Shivram Rango Rane
21. Shrimati Renu Chakravartty
22. Chaudhary Pratap Singh Daulta
23. Shri Surendranath Dwivedy
24. H. H. Maharaja Pratap Keshari Deo
25. Shri Ignace Beck
26. Shri Arjun Singh Bhadauria

- 27. Shri D. R. Chavan
- 28. Shri B. Pocker
- 29. Shri B. N. Datar

Rajya Sabha

- 30. Shri M. C. Shah
- 31. Shri Deokinandan Narayan
- 32. Shri Santosh Kumar Basu
- 33. Shri Awadheshwar Prasad Sinha
- 34. Shri Algu Rai Shastri
- 35. Shri Hira Vallabha Tripathi
- 36. Shri Onkar Nath
- 37. Begum Saddiq Kidwai
- 38. Shri Mohmed Valiulla
- 39. Dr. Raj Bahadur Gour
- 40. Shri N. B. Deshmukh.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation) Ministry of Home Affairs.*

Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

Shri A. V. Venkatasubban *Deputy Secretary, Ministry of Health.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri A. L. Rai, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clauses 405 and 406.*—These clauses were adopted without any amendment.

4. *Clause 407.*—The following amendment was accepted:—

In page 168, line 15

after “any” insert “religious”

The clause as amended was adopted.

5. *Clauses 408 to 410.*—These clauses were adopted without any amendment.

6. *Clause 411.*—The following amendment was accepted:—

In page 169, line 13,

after “market” add “without the permission of the Commissioner”.

The clause as amended was adopted.

7. *Clauses 412 to 417.*—These clauses were adopted without any amendment.

8. *Clause 418.*—The clause was adopted without any amendment. The draftsman was however directed to examine whether impounding also included feeding of the animals, birds etc., so impounded.

9. *Clauses 419 to 432.*—These clauses were adopted without any amendment.

10. *Clause 433.*—The following amendment was accepted:—

In page 178, lines 24-25,

for “any of the Municipal authorities specified in Section 43” substitute “any of the above mentioned municipal authorities.”

The Committee felt that the clause should provide that when a person authorised by the municipal authorities enters any place by opening a door, gate etc., he must be accompanied by two respectable witnesses of that locality.

The Committee also felt that in all cases where entry was made by opening the door etc., a report of that fact should be made to the Standing Committee.

The draftsman was directed to make provision in the clause accordingly.

11. *Clause 434.*—The clause was adopted without any amendment.

12. *Clause 435.*—The following amendment was accepted:—
In page 179, line 4.

after "place" add "in contravention of this Act or any by-law made thereunder."

The clause as amended was adopted.

13. *Clauses 436 to 462.*—These clauses were adopted without any amendment.

14. *Clause 463.*—The draftsman was directed to redraft the clause to make the intention clear.

15. *Clauses 464 to 468.*—These clauses were adopted without any amendment.

16. *Clause 469.*—The Committee felt that a provision should be made that nothing in the clause would be deemed to preclude municipal magistrates trying cases under other laws.

The draftsman was directed to provide for the same accordingly.

17. *Clauses 470 to 472.*—These clauses were adopted without any amendment.

18. *Clause 473.*—The following amendment was accepted:—
In page 191, lines 10-12,

for "Any of the municipal authorities specified in section 43 of any municipal officer or other municipal employee authorised by any of the municipal authorities in this behalf" substitute "The Commissioner, the General Manager (Electricity), or the General Manager (Transport) or any municipal officer or other municipal employee authorised by any of those municipal authorities".

The clause as amended was adopted.

19. *Clause 474.*—The clause was adopted without any amendment.

20. *Clause 475.*—The following amendment was accepted:—
In page 192, line 19,

after "commission of" insert "or attempt to commit".

The clause as amended was adopted.

21. *Clause 476 and 477.*—These clauses were adopted without any amendment.

22. *Clause 478.*—The following amendments were accepted:—
In page 194,

(i) line 9, *after "claimed" insert "the name and"*

(ii) *Omit lines 12-16.*

The clause as amended was adopted.

23. *Clauses 479 to 489.*—The clauses were adopted without any amendment.

24. *Clause 490.*—The following amendments were accepted:—

(i) In page 206, line 28,

after “during the” insert “period of”.

(ii) In page 206, line 35,

for “after them” substitute “before the expiry of that period of”.

The Committee felt that the order for the supersession of the Corporation should be laid on the Table of Parliament.

The draftsman was directed to include a provision accordingly.

25. *Clauses 491 to 506.*—These clauses were adopted without any amendment.

26. *Clause 507.*—The following amendment was accepted:—

In page 211,

for lines 19-25, substitute—

“(c) the Corporation shall pay to a Gaon Sabha—

(i) an amount equal to the proceeds of the tax on professions, trades, callings and employments as and when that tax is levied in the Gaon Sabha area; and

(ii) an amount equal to such portion of the proceeds of the property taxes on lands and buildings in that area as may from time to time be determined by the Corporation after deducting the cost of collection from such proceeds.”

The clause as amended was adopted.

27. *Clauses 508 and 509.*—These clauses were adopted without any amendment.

28. *Clause 510.*—The Committee felt that a provision should be made in the clause that no adverse alteration should be made in the service condition of the employees transferred to the Corporation without the sanction of the Central Government.

The draftsman was directed to insert a provision accordingly.

29. *Clauses 511 to 515.*—These clauses were adopted without any amendment.

30. With the previous permission of the Chairman discussion on certain clauses which were already adopted was reopened.

31. *Clause 371.*—The following amendment was accepted:

In page 156, line 9,

after "flooring" add "and if necesasry also the plastering".

32. *Clause 2.*—A point was raised whether the definition of "casual vacancy" should not be amplified. The draftsman was directed to examine the same.

33. *Clause 205.*—The Committee felt that a provision should be made that the annual report of the Municipal Chief Auditor along with a note on action taken thereon should be submitted by the Corporation to the Central Government.

The draftsman was directed to include a provision accordingly.

34. The Committee then adjourned to meet again at 15.00 hours on Friday, the 18th October, 1957.

IX
Ninth Sitting

The Committee met from 15.15 to 18.20 hours on Friday, the 18th
October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane.
14. Pandit Jwala Prasad Jyotishi
15. Shri Sunder Lal
16. Shri Ram Shanker Lal
17. Shri Sumat Prasad
18. Shri C. Nanjappan
19. Shri Mahadevappa Rampure
20. Shri Jaswantraj Mehta
21. Shri Shivram Rango Rane
22. Shrimati Renu Chakravartty
23. Chaudhary Pratap Singh Daulta
24. Shri Surendranath Dwivedy

25. H. H. Maharaja Pratap Keshari Deo
26. Shri Arjun Singh Bhadauria
27. Shri D. R. Chavan
28. Shri B. Pocker
29. Shri B. N. Datar

Rajya Sabha

30. Shri M. C. Shah
31. Shri Deokinandan Narayan
32. Shri Santosh Kumar Basu
33. Shri Algu Rai Shastri
34. Shri Hira Vallabha Tripathi
35. Shri Onkar Nath
36. Shri V. M. Surendra Ram
37. Shri Mohamed Valiulla
38. Dr. Raj Bahadur Gour
39. Shri N. B. Deshmukh.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTERIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri A. L. Rai, *Under Secretary.*

2. With the permission of the Chairman discussion on some of the clauses which were already adopted by the Committee was reopened.

3. *Clause 506.*—The Committee felt that members to represent the areas within the New Delhi Municipal Committee and the Delhi

Cantonment Board in the electoral college should be assigned some function. The Chairman stated that the point raised could be taken into consideration only after the future set-up of New Delhi had been settled.

4. *Clause 2.*—The following amendment was accepted:—

In page 5, line 29,

before "or licence" insert "cess"

5. *Clause 91.*—The Committee felt that a provision should be made that the claims of members of the Scheduled Castes should be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in the Corporation.

The draftsman was directed to make suitable provision accordingly.

6. The Committee then took up consideration of the schedules.

7. *The First and Second Schedules.*—These Schedules were adopted without any amendment.

8. *The Third Schedule.*—The following amendments were accepted:—

In page 219,

- (i) line 14, for "8" and "32" substitute "12" and "24" respectively.
- (ii) line 19, for "24" substitute "16"
- (iii) line 26, for "8" substitute "6"
- (iv) line 27, for "4" substitute "3"
- (v) line 28, for "20" substitute "10"
- (vi) line 36, for "8" substitute "6"
- (vii) line 37, for "8" substitute "4"
- (viii) line, 39, for "60" substitute "50"
- (ix) line 40, for "36" substitute "30"

The Schedule as amended was adopted.

9. *The Fourth Schedule.*—The following amendment was accepted:—

In page 220, line 8,

(a) after “concert” insert “circus”

(b) line 10, omit the word “Circus”

(c) for lines 15—21, substitute—

“Explanation:—For the purposes of this Schedule class I cinema theatres and class II cinema theatres mean theatres classified respectively as class I cinema theatres and class II cinema theatres by bye-laws made in this behalf.”

The Schedule as amended was adopted.

10. *The Fifth Schedule.*—The Schedule was adopted without any amendment.

11. *The Sixth Schedule.*—The following amendment was accepted:—

In page 223, line 22,

for “ten” substitute “five”

The Schedule as amended was adopted.

12. *The Seventh Schedule.*—The following amendment was accepted:—

In page 223, line 30,

for “Take” substitute “Please take”

The Committee felt that when the notice is addressed to a person his or her name should be prefixed by the word “Shri” or “Shrimati” as the case may be.

Subject to this the Schedule was adopted.

13. *The Eighth Schedule.*—The following amendment was accepted:—

In page 224, line 14,

for “command” substitute “direct”

The Schedule as amended was adopted.

14. *The Ninth Schedule.*—The following amendment was accepted:—

In page 224, line 37,

for “seven” substitute “ten”

The Schedule as amended was adopted.

15. *The Tenth Schedule.*—The Committee felt that the rates of terminal tax were not fixed on any rational basis and required accepted:—

The Chairman assured the Committee that steps would be taken to work out a revised schedule.

Subject to this the Schedule was adopted.

16. *The Eleventh Schedule.*—The following amendments were accepted:—

(1) In page 233,

(i) line 11, after "Grinding of" insert—
"by mechanical means."

(ii) Omit line 14.

(iii) line 24, after "of" insert—

"by mechanical means," and

lines 24-25, omit "or carrying on the trade of a cobbler."

(iv) Omit line 29.

(v) Omit lines 35-36.

(vi) Omit lines 41, 42 and 44.

(2) In page 234,

(i) line 16, after "whatever" insert—
"with the aid of power".

(ii) Omit line 39.

(iii) Omit lines 45 and 46.

(3) In page 236, omit line 11.

The Schedule as amended was adopted.

17. *The Twelfth Schedule.*—The following amendment was accepted:—

In page 246,

after line 12, insert—

1	2	3	4
"Section 367A.	Failure to comply with requisition of the Commissioner to remove or alter any hut or shed or to carry out any improvement thereof.	Rs. 100/-	15"

The Schedule as amended was adopted.

18. *The Thirteenth Schedule.*—The Schedule was adopted without any amendment.

19. *Clause 378.*—The clause which was held over was adopted without any amendment.

20. The Committee decided that the evidence tendered before them should be laid on the Table *in extenso*.

21. The next sitting of the Committee was fixed at 10·30 hours on Saturday, the 19th October, 1957, for consideration of the Delhi Development Bill.



Tenth Sitting

The Committee met from 15.15 to 16.20 hours on Friday, the 8th November, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shrimati Sucheta Kripalani
3. Shri Radha Raman
4. Choudhury Brahm Perakash
5. Shri C. Krishnan Nair
6. Shri Naval Prabhakar
7. Shri Kailash Pati Sinha
8. Shri Shree Narayan Das
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Rajya Sabha

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24. Shri Deokinandan Narayan
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26. Shri Awadheshwar Prasad Sinha
27. Shri Algu Rai Shastri
28. Shri Onkar Nath
29. Begum Saddiqa Kidwai
30. Shri Mohamed Valiulla
31. Dr. Raj Bahadur Gour
32. Shri N. B. Deshmukh
33. Prof. A. R. Wadia.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

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Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Committee considered the Bill as amended.
3. *Clause 10.*—For sub-clause (2) the following was substituted:—

“(2) In every ward an elector shall have as many votes as there are councillors to be elected from that ward but no elector shall at any election give more than one vote to any one candidate.”

The clause as amended was adopted.

4. *Clause 39.*—The Committee felt that under sub-clause 3(d) the Rural Area Committee should discharge not only the functions in relation to rural areas delegated by the Corporation by resolutions but also other functions that might be assigned to it by regulations made under the Act.

The draftsman was directed to recast the clause accordingly.

5. *Clause 84.*—The Committee felt that the *ad hoc* Committee should regulate their own procedure.

The clause as amended was adopted.

6. *Clause 140.*—In the proviso added by the Committee to this clause granting exemption in respect of certain performances and shows, the Committee felt that no provision need be made relating to deductions of expenses for any performance or show might be made under item (a) of the proviso.

The clause as amended was adopted.

7. *Clause 170.*—In the proviso to item (a) for “preferring it” the words “preferring the appeal” were substituted.

8. *Clause 481.*—As the Committee had decided earlier that classification of cinema theatres under the explanation to the Fourth Schedule should be made by bye-laws the Committee felt that a suitable item should be included in this clause relating to the said classification of cinema theatres.

9. The Bill as amended was adopted.

10. The Committee thereafter considered the draft report.

11. The Committee felt that the memoranda/resolutions/comments on the Bill received by the Committee from public bodies should be placed in the Library for reference by members of the two Houses.

12. The Report was adopted with certain minor and consequential changes.

13. The Committee authorised the Chairman to present the report on their behalf.

14. The Committee authorised the Chairman to lay the Evidence on the Table of the House on the same day after the presentation of the Report.

15. The Committee also authorised the Chairman to lay the Report and the Evidence on the Table of the Rajya Sabha.

16. The Committee then adjourned at 16·20 hours.