

AS PASSED BY LOK SABHA
ON 30.03.2022

Bill No. 92-C of 2022

THE DELHI MUNICIPAL CORPORATION (AMENDMENT)
BILL, 2022

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BILL

further to amend the Delhi Municipal Corporation Act, 1957.

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

1. (1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 2022. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

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

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

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

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

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

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

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

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

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

"ESTABLISHMENT OF MUNICIPAL CORPORATION OF DELHI

Constitution of Municipal Corporation".

Amendment of section 3. **5.** In the principal Act, in section 3,— 25

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

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

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

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

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

(6) Upon the completion of each census after the establishment of the Corporation, the number of seats shall be on the basis of the population of Delhi as ascertained at that census and shall be determined by the Central Government by notification in the Official Gazette and the number of seats to be reserved for the members of the Scheduled Castes shall, as nearly as may be, bear the same ratio to the total number of seats as the population of Scheduled Castes bears to the total population of Delhi: 40 45

Provided that the total number of seats shall in no case be more than two hundred and fifty and the number of seats in the Corporation shall be determined

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

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

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

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

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

Appointment of Special Officer.

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

Transitional provisions.

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

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

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

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

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

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

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

Power to remove difficulties.

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

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

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

LOK SABHA

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further to amend the Delhi Municipal Corporation Act, 1957

(As passed by Lok Sabha)