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भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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

LOK SABHA

The following Bill was introduced in Lok Sabha on 25.3.2022:—

BILL No. 92 OF 2022

A 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.

(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.

66 of 1957.

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

General.

(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;

(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;

(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,—

(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:—

"ESTABLISHMENT OF MUNICIPAL CORPORATION OF DELHI

Constitution of Municipal Corporation".

Amendment
of section 3.

5. In the principal Act, in section 3,—

(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.”;

(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.

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

Provided that the total number of seats shall in no case be more than 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:

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:—
- “(wb) securing and establishment of e-governance system for citizens’ services on an anytime-anywhere basis for better, speedy, accountable and transparent administration;”.
- Amendment of section 42.
- 7.** In the principal Act, for section 90A, the following section shall be substituted, namely:—
- “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.
- Substitution of new section for section 90A.
- Officers of erstwhile Corporations to become officers of Corporation.
- (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:—
- “(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.”.
- Amendment of section 203.
- 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:—
- “(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.”.
- Amendment of section 444.
- 11.** In the principal Act, in section 479,—
- (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.
- Amendment of section 479.
- 12.** In the principal Act, section 484A shall be omitted.
- Omission of section 484A.
- 13.** In the principal Act, for section 514A, the following sections shall be substituted, namely:—
- “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.
- Substitution of new sections 514A and 514AA for section 514A.
- Appointment of Special Officer.

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.

STATEMENT OF OBJECTS AND REASONS

The Delhi Municipal Corporation Act, 1957 was enacted to consolidate and amend the law relating to the Municipal Government of Delhi. A Corporation charged with the Municipal Government of Delhi was established under the said Act as the Municipal Corporation of Delhi. In 2011, the said Act was amended by the Legislative Assembly of the National Capital Territory of Delhi *vide* the Delhi Municipal Corporation (Amendment) Act, 2011 leading to trifurcation of the said Corporation into three separate Corporations.

2. The main objective of trifurcation of the erstwhile Municipal Corporation of Delhi was to create compact municipalities at various centres in Delhi in the interest of providing more efficient civic services to the public. However, trifurcation of the erstwhile Municipal Corporation of Delhi was uneven in terms of territorial divisions and revenue generating potential. As a result, there was huge gap in the resources available to the three corporations compared to their obligations.

3. Over a period, the gap has only widened, increasing the financial difficulties of the three Municipal Corporations in Delhi, leaving them incapacitated to make timely payment of salaries and retirement benefits to their employees. The delay in the payment of salaries and retirement benefits have resulted in frequent strikes by the municipal employees which have not only affected civic services, but also created concomitant problems of cleanliness and sanitisation. Such financial constraints on the part of the three municipal corporations result in inordinate delay in the fulfilment of their contractual and statutory obligations and create serious impediments in maintaining civic services in Delhi.

4. The experience of the last ten years shows that the main objective of trifurcation of creating compact municipalities in Delhi to provide more efficient civic services to the public has not been achieved. Instead, owing to inadequacies in resources and uncertainty in fund allocation and release, the three corporations have been facing huge financial hardships, making it difficult for them to maintain the civic services in Delhi at the desired levels. The level and quality of delivery of municipal services in the capital of India need to be in consonance with its unique status and cannot be subjected to vagaries of financial hardship and functional uncertainties.

5. The Delhi Municipal Corporation (Amendment) Bill, 2022 seeks to—

(i) unify the three municipal corporations into a single, integrated and well equipped entity;

(ii) ensure a robust mechanism for synergised and strategic planning and optimal utilisation of resources;

(iii) bring about greater transparency, improved governance and more efficient delivery of civic service for the people of Delhi.

6. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 22nd March, 2022.

AMIT SHAH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill seeks to insert a new section 90A in the Delhi Municipal Corporation Act, 1957. Sub-section (1) of said section seeks to provide that on the date of establishment of the Municipal Corporation of Delhi 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 become the officers and employees of that Corporation with immediate effect. Sub-section (2) thereof empowers the Government to make such rules as may be required for the purposes of sub-section (1).

The matters in respect of which rules may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

UTPAL KUMAR SINGH
Secretary-General