THE DELHI MUNICIPAL CORPORATION ACT, 1957

(Modified as on 5th December, 2018)

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.

2. Definitions.

CHAPTER II

THECORPORATION

Constitution of the Corporation

3. Establishment of the Corporation.

3A. Division of Delhi into zones.

4. Duration of the Corporation.

Election of councillors and aldermen

5. Delimitation of wards.

5A. [*Omitted*.].

6. Power to alter or amend delimitation orders.

7. Elections to the Corporation.

7A. Electoral roll for every ward.

7B. Electoral registration officers.

7C. Assistant electoral registration officers.

7D. Registration of Electors.

7E. Preparation and revision of electoral rolls.

7F. Correction of entries in electoral roll.

7G. Inclusion of names in electoral roll.

7H. Appeal.

7-I. Jurisdiction of civil courts barred.

8. Qualifications for councillorship.

9. Disqualifications for membership of Corporation.

10. Right to vote.

11. General elections of councillors.

12. Filling of casual vacancies in councillorship.

13.[*Omitted*.].

14. Publication of result of election.

Disputes regarding elections

15. Election petitions.

16. Relief that may be claimed by the petitioner.

17. Grounds for declaring elections to be void.

18. Procedure to be followed by the district judge.

SECTIONS

19. Decision of the district judge.

20. Procedure in case of equality of votes.

21. Finality of decisions.

Corrupt practices and electoral offences 22.

Corrupt practices.

23. Maintenance of secrecy of voting.

24. Officers, etc., at elections not to act for candidates or to influence voting.

25. Prohibition of canvassing in or near polling station and of public meeting on electionday. 26. Penalty for disorderly conduct in or near polling station.

27. Penalty for misconduct at the polling station.

28. Breaches of official duty in connection with election.

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

30. Other offences and penalties therefor.

Power to make rules

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

Councillors and aldermen 32.

Oath or affirmation.

32A. Declaration of assets.

32B. Vacation of seats in case of multiple membership.

33. Vacation of seats.

33A. Powers of Election Commission.

33B. Statements made by persons to the Election Commission.

33C. Procedure to be followed by the Election Commission.

33D. Protection of action taken in good faith.

34. Payment of allowances to councillors and aldermen.

Mayor and Deputy Mayor 35.

Annual election of Mayor and Deputy Mayor.

36. Term of office of the Mayor and Deputy Mayor and facilities and privileges of theMayor. 37. Discharge of functions of the Mayor by the Deputy Mayor.

38. Resignation of Mayor and Deputy Mayor.

Committees of the Corporation 39.

Rural Areas Committee and Education Committee.

SECTIONS

40. Special and *adhoc* committies and ward committees, etc.

CHAPTER III

FUNCTIONS OF THE CORPORATION 41.

General powers of the Corporation.

42. Obligatory functions of the Corporation.

43. Discretionary functions of the Corporation.

CHAPTER IV

MUNICIPALAUTHORITIES UNDER THE CORPORATION

Municipal authorities

44. Enumeration of municipal authorities.

The Standing Committeee 45.

Constitution of the Standing Committee.

46. Casual vacancies.

47. Chairman and Deputy Chairman of the Standing Committee.

48. Resignation of Chairman and members of the Standing Committee.

49. Functions of the Standing Committee.

The Wards Committee 50.
Constitution of the Wards Committee.
51. Application of sections 47 and 48.
52. Powers and functions of the Wards Committee.
The Commissioner 54.
Appointment, etc., of the Commissioner.
55. Salary and allowances of the Commissioner.
56. Leave of absence of Commissioner.
57. Appointment of officiating Commissioner in case of death, resignation or removal of Commissioner.
58. Service regulations of Commissioner.
59. Functions of the Commissioner.
60. [*Omitted*.].
61. [*Omitted*.].
62. [*Omitted*.].
63. [*Omitted*.].
64. [*Omitted*.].
Miscellaneous provisions relating to the various municipal authorities 65.
Appointment of sub-committees by the various committees.
66. Commissioner and General Managers not to be interested in any contract, etc., with the Corporation.
67. Vacation of seats by members of committees.
68. Committees to continue in office till new committees are constituted.
SECTIONS
69. Power of Corporation to call for extracts of proceedings from the Committees.
70. Power of Corporation to require the Commissioner, etc., to produce documents and furnish returns, reports, etc.
71. Exercise of powers to be subject to sanction.
CHAPTER V
PROCEDURE
Transaction of business by the Corporation 72. Meetings.
73. First meeting of the Corporation after general election.
74. Notice of meetings and business.
75. Quorum.
76. Presiding officer.
77. Presiding officer at meeting for the election of Mayor.
78. Method of deciding questions.
79. Maintenance of order at, and admission of public to, meetings; withdrawal and suspension of councillors and alderman.
80. Councillors or aldermen not to vote on matter in which they are interested.
81. 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.

82. Power to make regulations.

Transaction of business by Standing and other committees

83. Presiding officers at meetings of the Standing and other committees.

84. Conduct of business at meetings of Standing and other committees.

Minutes and reports of proceedings

85. Keeping of minutes and proceedings.

86. Circulation of minutes and inspection of minutes and reports of proceedings.

87. Forwarding minutes and reports of proceedings to the Administrator.

Validation

88. Validation of proceedings, etc.

CHAPTER VI

MUNICIPAL OFFICERS AND OTHER MUNICIPAL EMPLOYEES

89. Appointment of certain officers.

90. Schedule of permanent posts and creation of temporary posts.

91. Restriction on employment of permanent officers and other employees.

92. Power to make appointments.

92A. Recruitment to category B and category C posts.

SECTIONS

93. Officers and other employees not to undertake any extraneous work.

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

95. Punishment for municipal officers and other employees.

96. Consultation with the Union Public Service Commission.

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

98. Power of Corporation to make regulations.

CHAPTER VII

REVENUEAND EXPENDITURE

The Municipal Fund 99.

Constitution of the Municipal Fund.

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

101. Operation of the Accounts.

102. Payments not to be made unless covered by a budget-grant.

103. Duty of persons signing cheques.

104. Procedure when money not covered by a budget-grant is expended.

105. Application of Municipal Fund.

106. Temporary payments from the Municipal Fund for works urgently required for the public service.

107. Investment of surplus moneys.

107A. Constitution of Finance Commission.

Special funds

108. Constitution of special funds.

Budget estimates

109. Adoption of budget estimates.

110. Power of Corporation to alter budget estimates.

111. Power of Corporation to re-adjust income and expenditure during the year.

112. Provisions as to unexpended budget-grant.

CHAPTER VIII

TAXATION

Levy of taxes 113.

Taxes to be imposed by the Corporation under this Act.

Property taxes

114. Components and rates of property tax.

115. Premises in respect of which property taxes are to be levied.

116. Determination of reteable value of lands and buildings assessable to property taxes.

117. [*Omitted*.].

SECTIONS

118. [*Omitted*.].

119. Taxation of Union properties.

120. Incidence of property taxes.

121. Apportionment of liability for property taxes when the premises assessed are let or sub-let.

122. Recovery of property taxes from occupiers.

123. Property taxes a first charge on premises on which they are assessed.

124. Assessment list.

125. Evidential value of assessment list.

126. Amendment of assessment list.

127. Preparation of new assessment list.

128. Notice of transfers.

129. Notice of erection of building, etc.

130. Notice of demolition or removal of building.

131. Power of Commissioner to call for information and returns and to enter and inspect premises.

132. Premises owned by, or let to, two or more persons in severalty to be ordinarily assessed as one property.

133. Assessment in case of amalgamation of premises.

134. Power of Commissioner to assess separately out-houses and portions of buildings.

135. Power of Commissioner to employ valuers.

Tax on vehicles and animals

136. Tax on certain vehicles and animals and rates thereof.

137. The tax on whom leviable.

138. Tax when payable.

139. Power of Commissioner to compound with livery stable keeper, etc., for tax.

Theatre-tax

140. Theatre-tax.

141. Liability to pay theatre-tax.

Tax on advertisements other than advertisements published in the newspapers 142. Tax on advertisements.

143. Prohibition of advertisements without written permission of the Commissioner.

144. Permission of the Commissioner to become void in certain cases.

145. Presumption in case of contravention.

146. Power of Commissioner in case of contravention.

Duty on transfer of property 147.
Duty on transfer of property and method of assessment thereof.
148. Provisions applicable on the introduction of transfer duty.
Tax on buildings payable along with the application for sanction of building plans
149. Tax on building applications.
Other taxes
150. Imposition of other taxes.
Supplementary taxation
151. Supplementary taxation.
Payment and recovery of taxes
SECTIONS
152. Time and manner of payment of taxes.
153. Presentation of bill.
154. Notice of demand and notice-fee.
155. Penalty in case of default of payment of taxes.
156. Recovery of tax.
157. Distress.
158. Disposal of distrained property and attachment and sale of immovable property. 159. Recovery from a person about to leave Delhi.
160. Power to institute suit for recovery.
161. Power of seizure of vehicles and animals in case of non-payment of tax thereon.
162. Occupiers may be required to pay rent towards satisfaction of property taxes.
Remission and Refund 163.
Demolition, etc., of buildings.
164. Remission or refund of tax.
165. Power to require entry in assessment list of details of buildings.
166. Notice to be given of the circumstances in which remission or refund is claimed. 167. What buildings, etc., are to be deemed vacant.
168. Notice to be given of every occupation of vacant land or building.
Appeals 169.
Appeal against assessment, etc.
170. Conditions of right to appeal.
171. Finality of appellate orders.
Miscellaneous provisions relating to taxation 172.
Power to inspect for purposes of determining rateable value or tax.
173. Composition.
174. Irrecoverable debts.
175. Obligation to disclose liability.
176. Immaterial error not to affect liability.
177. General power of exemption.
Terminal taxes on goods 178.
Terminal tax on goods carried by railway or road.
179. Recovery of terminal taxes.
180. Payment by the Central Government to the Corporation and other local authorities. 181. Power of exemption.

182. Powers and liabilities of persons authorised to collect terminal taxes.
SECTIONS
183. Power to make rules.
Taxes on entertainment and betting
184. Proceeds of entertainment tax.
CHAPTER IX
BORROWING
185. Power of Corporation to borrow.
186. Time for repayment of money borrowed under section 185.
187. Form and effect of debentures.
188. Payment to survivors of joint payees.
189. Receipt by joint holders for interest or dividend.
190. Maintenance and investment of sinking funds.
191. Application of sinking funds.
192. Annual statement by Commissioner.
193. Power of Corporation to consolidate loans.
194. Priority of payments for interest and repayment of loans over other payments. 195. Attachment of Municipal Fund for recovery of money borrowed from Government. 196. Power to make regulations.
CHAPTER X
PROPERTY AND CONTRACTS
Property
197. Acquisition of property.
198. Acquisition of immovable property by agreement.
199. Procedure when immovable property cannot be acquired by agreement.
200. Disposal of property.
Contracts
201. Contracts by the Corporation.
202. Procedure for making contracts.
203. Mode of executing contracts.
CHAPTER XI
ACCOUNTS AND AUDIT
Scrutiny and audit of accounts
204. Accounts to be kept.
205. Scrutiny of accounts by Municipal Chief Auditor and by the Standing Committee.
206. Report by the Municipal Chief Auditor.
207. Special audit at the direction of the Central Government.
Powers and duties of the Municipal Chief Auditor
SECTIONS
208. Procedure to be followed by the Municipal Chief Auditor.
209. Power of Municipal Chief Auditor to make queries, etc., and call for returns, etc.
CHAPTER XII
WATER SUPPLY, DRAINAGE AND SEWAGE DISPOSAL
General
210. [*Omitted*.].
211. [*Omitted*.].

212. [*Omitted*.].

Water Supply

213. [*Omitted*.].

214. [*Omitted*.].

215. [*Omitted*.].

216. [*Omitted*.].

217. [*Omitted*.].

218. [*Omitted*.].

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235. [*Omitted*.].

236. [*Omitted*.].

237. [*Omitted*.].

238. [*Omitted*.].

Drainage and Sewage

239. [*Omitted*.].

240. [*Omitted*.].

241. [*Omitted*.].

242. [*Omitted*.].

243. [*Omitted*.].

SECTIONS

244. [*Omitted*.].

245. [*Omitted*.].

246. [*Omitted*.].

247. [*Omitted*.].

248. [*Omitted*.].

248. [*Omitted*.].

Disposal of Sewage 250.

[*Omitted*.].

Miscellaneous 251.

[*Omitted*.].

252. [*Omitted*.].

253. [*Omitted*.].

254. [*Omitted*.].

255. [*Omitted*.].

256. [*Omitted*.].

257. [*Omitted*.].

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268. [*Omitted*.].

269. [*Omitted*.].

270. [*Omitted*.].

271. [*Omitted*.].

272. [*Omitted*.].

273. [*Omitted*.].

CHAPTER XIII

ELECTRICITY SUPPLY 274. [*Omitted*.].

275. [*Omitted*.].

276. [*Omitted*.].

278. [*Omitted*.].

279. [*Omitted*.].

280. [*Omitted*.].

281. [*Omitted*.].

282. [*Omitted*.].

SECTIONS

283. [*Omitted*.].

284. [*Omitted*.].

285. [*Omitted*.].

286. [*Omitted*.].

CHAPTER XIV

TRANSPORT SERVICES

287. [*Omitted*.].

288. [*Omitted*.].

289. [*Omitted*.].

290. [*Omitted*.].

291. [*Omitted*.].

292. [*Omitted*.].

293. [*Omitted*.].

294. [*Omitted*.].

295. [*Omitted*.].

296. [*Omitted*.].

297. [*Omitted*.].

CHAPTER XV

STREETS

Construction, maintenance and improvement of streets 298. Vesting of public streets in the Corporation.

299. Functions of Commissioner in respect of public streets.

300. Disposal of land forming site of public streets permanently closed.

301. Power to make new public streets.

302. Minimum width of new public streets.

303. Power to prohibit use of public streets for certain kind of traffic.

304. Power to acquire lands and buildings for public streets and for public parking places.

305. Defining the regular line of streets.

306. Setting back building to regular line of street.

307. Compulsory setting back of building to regular line of street.

308. Acquisition of open land and land occupied by platforms, etc., within the regular line of street.

309. Acquisition of the remaining part of a building and land after their portions within a regular line of street have been acquired.

310. Setting forward of buildings to the regular line of street.

311. Compensation to be paid in certain cases of setting back or setting forward of buildings, etc.

312. Owner's obligation when dealing with land as building sites.

313. Lay-out plans.

314. Alteration or demolition of street made in breach of section 313.

315. Power of Commissioner to order work to be carried out or to carry it out himself in default.

316. Right of owners to require streets to be declared public.

Encroachments on streets

317. Prohibition of projections upon streets, etc.

SECTIONS

318. Projections over streets may be permitted in certain cases.

319. Ground floor doors, etc., not to open outwards on streets.

320. Prohibition of structures or fixtures which cause obstruction in streets.

321. Prohibition of deposit, etc., of things in streets.

322. Power to remove anything deposited or exposed for sale in contravention of this Act.

323. Prohibition of the tethering of animals and milking of cattle.

Provision concerning execution of works in or near to streets

324. Precautions during repair of streets.

325. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

326. Disposal of things removed under this Chapter.

Naming and numbering of streets and numbering of buildings

327. Naming and numbering of streets.

Repairs or enclosure of dangerous places 328.
Commissioner to take steps for repairing or enclosing dangerous places.
Lighting of streets
329. Measures for lighting.
330. Prohibition of removal, etc., of lamps.
CHAPTER XVI
BUILDING REGULATIONS
330A. General superintendence etc., of the Central Government.
331. Definition.
332. Prohibition of building without sanction.
333. Erection of building.
334. Applications for additions to, or repairs of, buildings.
335. Conditions of valid notice.
336. Sanction or refusal of building or work.
337. When building or work may be proceeded with.
338. Sanction accorded under misrepresentation.
339. Buildings at corners of streets.
340. Provisions as to buildings and works on either side of new streets.
341. Period for completion of building or work.
342. Prohibition against use of inflammable materials for building, etc., without permission.
343. Order of demolition and stoppage of buildings and works in certain cases and appeal.
344. Order of stoppage of buildings or works in certain cases.
345. Power of Commissioner to require alteration of work.
345A. Power to seal unauthorised constructions.
346. Completion certificates.
SECTIONS
347. Restrictions on user of buildings.
347A. Appellate Tribunal.
347B. Appeals against certain orders or notices issued under the Act.
347C. Procedure of the Appellate Tribunal.
347D. Appeal against orders of Appellate Tribunal.
347E. Bar of jurisdiction of courts.
348. Removal of dangerous buildings.
349. Power to order building to be vacated in certain circumstances.
349A. Power of Central Government to make bye-laws.
CHAPTER XVII
SANITATION AND PUBLIC HEALTH
Conservancy and sanitation
350. Provision for daily cleansing of streets and removal of rubbish and filth.
351. Rubbish, etc., to be the property of the Corporation.
352. Provision or appointment of receptacles, depots and places for rubbish, etc.
353. Duty of owners and occupiers to collect and deposit rubbish, etc.

354. Collection and removal of filth and polluted matter.

355. Collection and removal of filth and polluted matter through municipal agency.
356. Removal of rubbish, etc., accumulated on premises used as factories, workshops, etc.
357. Prohibition against accumulation of rubbish, etc.

358. Commissioner's power to get premises scavenged and cleansed.

359. Public latrines, urinals, etc.

Latrines and urinals 360.

Construction of latrines and urinals.

361. Latrines and urinals, etc., in new buildings.

362. Latrines and urinals for labourers, etc.

363. Provision of latrines and urinals for markets, etc.

364. Other provisions as to private latrines.

Removal of congested buildings and buildings unfit for human habitation 365. Removal of congested buildings.
366. Power of Commissioner to require improvement of buildings unfit for human habitation. 367. Enforcement of notice requiring execution of works of improvement.
368. Power of Commissioner to order demolition of buildings unfit for human habitation. 369. Insanitary huts and sheds.

Regulation of washing by washermen 370.

Prohibition against washing by washermen.

Prevention of dangerous diseases

SECTIONS

371. Obligation to give information of dangerous disease.

372. Removal to hospital of patients suffering from dangerous disease.

373. Disinfection of buildings and articles.

374. Destruction of infectious huts or sheds.

375. Means of disinfection.

376. Special measures in case of outbreak of dangerous or epidemic diseases.

377. Infected clothes not to be sent to washerman or to laundry.

378. Contamination and disinfection of public conveyance.
379. Driver of conveyance not bound to carry persons suffering from dangerous disease.
380. Disinfection of buildings before letting the same.

381. Disposal of infected articles without disinfection.
382. Prohibition of making or selling of food, etc., or washing of clothes by infected persons. 383. Power to restrict or prohibit sale of food or drink.

384. Control over wells and tanks, etc.

385. Duty of persons suffering from dangerous disease.

386. Disposal of infectious corpses where any person has died from any dangerous disease.

Special conditions regarding essential services

387. Conditions of service of sweepers and certain other class of persons employed in municipal service.
388. Conditions of service of sweepers employed for doing house scavenging

Burning and burial grounds

389. Power to call for information regarding burning and burial grounds.

390. Permission for use of new burning or burial ground.

391. Power to require closing of burning and burial grounds.

392. Removal of corpses.

Disposal of dead animals 393.

Disposal of dead animals.

CHAPTER XVIII

VITAL STATISTICS

394. Appointment of Chief Registrar and registrars.

395. Duties of registrar.

396. Information of births and deaths.

CHAPTER XIX

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

Nuisances

397. Prohibition of nuisances.

398. Power of Commissioner to require removal or abetment of nuisance.

Dogs

SECTIONS

399. Registration and control of dogs.

Prevention of fire, etc.

400. Stacking or collecting inflammable materials.

401. Care of naked lights.

402. Discharging fireworks, fire-arms, etc.

403. Power to require buildings, wells, etc., to be rendered safe.

404. Enclosure of waste land used for improper purposes.

CHAPTER XX

MARKETS, SLAUGHTER HOUSES, TRADE AND OCCUPATIONS

Maintenance and regulation of markets and slaughter houses 405. Provisions of municipal markets and slaughter houses.

406. Use of municipal markets.

407. Private markets and slaughter houses.

408. Conditions of grant of licence for private market.

409. Prohibition of keeping market open without licence, etc.

410. Prohibition of use of un licenced markets.

411. Prohibition of business and trade near a market.

412. Levy of stallages, rents and fees.

413. Stallages, rents, etc., to be published.

414. Power to expel lepers and disturbers, etc. from markets.

415. Butcher's, fish-monger's and poulter's licence

Trades and Occupations

416. Factory, etc., not to be established without permission of the Commissioner.

417. Premises not to be used for certain purposes without licence.

418. Seizure of certain animals.

419. Power of Commissioner to prevent use of premises in particular areas for purposes referred to in section 417.

420. Licences for hawking articles, etc.

421. Eating houses, etc., not to be used without licence from the Commissioner.

422. Licensing and control of theatres, circuses and places of public amusement.

423. Power of Commissioner to stop use of premises used in contravention of licences.

Inspection of places of sales, etc.

424. Power of Commissioner to inspect places where unlawful slaughter of animals, etc., is suspected.

CHAPTER XXI

IMPROVEMENT

425. Improvement scheme.

426. Matters to be provided for in an improvement scheme.

SECTIONS

427. Submission of improvement scheme to the Corporation for approval and to the Central Government for sanction.

428. Rehousing scheme.

429. Improvement scheme and rehousing scheme to comply with the master plan and zonal development plan.

CHAPTER XXII

POWERS, PROCEDURE, OFFENCES AND PENALTIES

Licences and written permissions

430. Signature, conditions, duration, suspension, revocation, etc., of licences and written permissions.

Entry and inspection

431. Powers of entry and inspection.

432. Power to enter land adjoining land in relation to any work.

433. Breaking into buildings.

434. Time of making entry.

435. Consent ordinarily to be obtained.

436. Regard to be had to social or religious usages.

437. Prohibition of obstruction or molestation in execution of work.

Public notices and advertisements

438. Public notices how to be made known.

439. Newspaper in which advertisements or notices to be published.

Evidence

440. Proof of consent etc., of Commissioner, General Managers, etc.

Notices, etc.

441. Notices, etc., to fix reasonable time.

442. Signature on notices, etc., may be stamped.

443. Notices, etc., by whom to be served or issued.

444. Service of notices, etc.

445. Service of bills for tax or notice of demand by ordinary post.

446. Powers in case of non-compliance with notice, etc.

Recovery of expenses 447. Liability of occupier to pay in default of owner.

448. Execution of work by occupier in default of owner and deduction of expenses from rent.

449. Relief to agents and trustees.

Payment of compensation

450. General power to pay compensation.

451. Compensation to be paid by offenders for damage caused by them.

Recovery of expenses or compensation in case of dispute

452. Reference to the court of the district judge in certain cases.

453. Application to the Court of the district judge in other cases.

SECTIONS

454. Power to sue for expenses or compensation.

Recovery of certain dues

455. Mode of recovery of certain dues.

Obstruction of owner by occupier

456. Right of owner to apply to the court of the district judge in case of obstruction by occupier.

Proceedings before the court of the district judge

457. General powers and procedure of the court of the district judge.

458. Fees in proceedings before the court of the district judge.

459. Repayment of half fees on settlement before hearing.

460. Power of the court of the district judge to delegate certain powers and to make rules.

Offences and penalties

461. Punishment for certain offences.

462. Punishment for acquiring share or interest in contract, etc., with the Corporation.

463. Punishment for offences relating to terminal tax.

464. Penalty for evasion of terminal taxes.

465. General penalty.

466. Offences by companies.

466A. Certain offences to be cognizable.

467. Prosecutions.

468. Composition of offences.

Magistrates and proceedings before magistrates

469. Municipal magistrates.

470. Cognizance of offences.

471. Limitation of time for prosecution.

472. Power of magistrate to hear cases in absence of accused when summoned to appear.

473. Complaints concerning nuisances and procedure therefor.

Powers and duties of police officers

474. Arrest of offenders.

475. Duties of police officers.

Legal proceedings

476. Power to institute, etc., legal proceedings and obtain legal advice.

477. Protection of action of the Corporation, etc.

478. Notice to be given of suits.

CHAPTER XXIII

RULES, REGULATIONS AND BYE-LAWS

479. Supplemental provisions respecting rules.

480. Supplemental provisions respecting regulations.

SECTIONS

481. Power to make bye-laws.

481A. Regulations and bye-laws to be laid before Parliament.

482. Penalty for breaches of bye-laws.

483. Supplemental provisions respecting bye-laws.

484. Bye-laws to be available for inspection and purchase.

CHAPTER XXIV

CONTROL

485. Power of Central Government to require production of documents.

486. Inspection.

487. Directions by Central Government.

488. Power to provide for enforcement of direction under section 487.

489. Power of Central Government to give directions in relation to primary schools, etc.

490. Dissolution of the Corporation.

CHAPTER XXV

MISCELLANEOUS

490A. Delegation of power by the Central Government.

491. Power to delegate functions of Commissioner.

492. Validity of notices and other documents.

493. Admissibility of document or entry as evidence.

494. Evidence of Municipal officer or employee.

495. Prohibition against obstruction of Mayor or any municipal authority, etc.

496. Prohibition against removal of mark.

497. Prohibition against removal or obliteration of notice.

498. Prohibition against unauthorised dealings with public place or materials.

499. Liability of Commissioner, etc., for loss, waste or mis-application of Municipal Fund or property.

500. Councillors and municipal officers and employees to be public servants.

501. Annual administration report.

502. Other laws not to be disregarded.

503. Exemption of diplomatic or consular missions from payment of tax etc.

504. Construction of references.

505. [*Repealed*.].

506. [*Repealed*.].

507. Special provisions as to rural areas.

508. Special provisions as to Red Fort area.

508A. Corporation to undertake work on agency basis.

CHAPTER XXVI

SUPPLEMENTAL AND TRANSITIONAL PROVISIONS

509. [*Repealed*.].

510. Provisions relating to existing local authorities in Delhi till the establishment of the Corporation.

511. Provisions as to employees of bodies and local authorities whose functions are taken over by the Corporation.

SECTIONS

511A. Temporary provision with respect to electricity, water, sewage, etc.

511B. Special provision as to transferred functions.

512. Special provisions as to the area transferred from New Delhi to Delhi.

513. Expenditure in connection with the Municipal Affairs from the commencement of this Act to the adoption of the budget by the Corporation.

514. Limits of New Delhi Municipality.

514A. Transitory provision.

515. Power to remove difficulties.

516. Repeal, etc., and savings.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE FIFTH SCHEDULE.

THE SIXTH SCHEDULE.

THE SEVENTH SCHEDULE.

THE EIGHTH SCHEDULE.

THE NINTH SCHEDULE.

THE TENTH SCHEDULE.

THE ELEVENTH SCHEDULE.

THE TWELFTH SCHEDULE.

THE THIRTEENTH SCHEDULE.

THE FOURTEENTH SCHEDULE.

THE DELHI MUNICIPAL CORPORATION ACT, 1957

ACT NO. 66 OF 1957

[28*th December*, 1957.]

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

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Delhi Municipal Corporation Act, 1957.

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

(*3*) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoints:

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

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

[2][(*1*) "Administrator" means the Lieutenant Governor of the National Capital Territory of Delhi;]

[3][(*1A*) "Appellate Tribunal" means an Appellate Tribunal constituted under section 347A;]

(*2*) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;

(*3*) "building" means a house, out-house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;

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

(*5*) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor 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, crebrospinal meningitis and diphtheria; and

1. 2nd January, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 31st December, 1957, in respect of S. 2, Chap. II, ss. 54, 55, 56, 57, 58, 59, 89 and 97, Chap. XXIII, ss. 485, 487, 488, 491, 500, 509, 513 and 515, *see* Gazette of India, Extraordinary, Part IV.

15th February, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 11th February, 1958, in respect of S. 510, *see* Gazette of India, Extraordinary, Part IV.

7th April, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 5th April, 1958, in respect of All the provisions of the Act (other than those which have already been brought into force), *see* Gazette of India, Extraordinary, Part IV. 2. Subs. by Act 67 of 1993, s. 2, for clause (*1*) (w.e.f. 1-10-1993).

3. Ins. by Act 42 of 1984, s. 2 (w.e.f. 10-2-1986).

(*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;

[1]* * * * *

[2]* * * * *

[3]* * * * *

[4]* * * * *

(*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;

[5][(*15A*) "Election Commission" means the Election Commission of the National Capital Territory of Delhi referred to in section 7.

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

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

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

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

[6]* * * * *

[7]* * * * *

(*21*) "goods" includes animals;

[8][(*21A*) "Government" means the Government of the National Capital Territory of Delhi;]

(*22*) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by municipal employees or other persons employed in the cleansing thereof or in the removal of such matter therefrom;

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

(*24*) "land" includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(*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;

1. Omitted by Act 67 of 1993, s. 2 (w.e.f. 1-10-1993).
2. Omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).
3. Omitted by Act 67 of 1993, s. 2 (w.e.f. 1-10-1993).
4. Omitted by s. 2, *ibid*. (w.e.f. 1-10-1993)
5. Ins. by s. 2, *ibid.* (w.e.f. 1-10-1993).
6. Omitted by s. 2, *ibid.* (w.e.f. 1-10-1993).
7. Omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).
8. Ins. by Act 67 of 1993, s. 2 (w.e.f. 1-10-1993).

(*26*) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person;

(*27*) "member" in relation to the Corporation means a councillor [1]***;

(*28*) "municipal authority" means any of the municipal authorities specified in section 44;

(*29*) "municipal market" means a market vested in or managed by the Corporation;

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

[2]* * * * *

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

(*33*) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell, or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(*34*) "occupier" includes—

(*a*) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the tent 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 carcases, kitchen or stable refuse, dung, dirt and putrid or putrefying substances other than sewage;

(*37*) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant and also includes—

(*a*) the custodian of evacuee property in respect of evacuee property vested in him under the Administration of Evacuee Property Act 1950 (31 of 1950); and

(*b*) the estate officer to the Government of India, the Secretary of the Delhi Development Authority, constituted under the Delhi Development Act, 1957 (61 of 1957); the General Manager of a railway and the head of a Government department, in respect of properties under their respective control;

1. The words "or an alderman thereof" omitted by Act 67 of 1993, s. 2 (w.e.f. 1-10-1993).
2. Omitted by s. 2, *ibid*. (w.e.f. 1-10-1993).

(*38*) "premises" means any land or building or part of a building and includes—

(*a*) the garden, ground and out-houses, if any, appertaining to a building or part of a building; and

(*b*) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

(*39*) "private street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners;

(*40*) "private market" means a market which is not a municipal market;

(*41*) "private slaughter house" means a slaughter house which is not a municipal slaughter house;

(*42*) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(*43*) "public securities" means any securities of the Central Government or a State Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act or any debentures issued by the Bombay, Calcutta or Madras Municipal Corporation;

(*44*) "public street" means any street which vests in the Corporation as a public street or the soil below the surface of which vest in the Corporation or which under the provisions of this Act becomes, or is declared to be, a public street;

(*45*) "railway administration" has the meaning assigned to it in the Indian Railway Act, 1890, (9 of 1890);

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

(*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 [1][by the Corporation] under this Act, by notification in the Official Gazette;

(*49*) "reside"—

(*a*) a person shall be deemed to "reside" in any dwelling house which or some portion of which he sometimes, although not uninterruptedly, uses as a sleeping apartment, and

(*b*) a person shall not be deemed to cease to "reside" in any such dwelling house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

(*50*) "rubbish" includes ashes, broken bricks, broken glass, dust, *malba,* mortar and refuse of any kind which is not filth;

(*52*) "rural areas" means the areas of Delhi which immediately before the establishment of the Corporation are situated within the local limits of the District Board of Delhi established under the Punjab District Boards Act, 1883, (Punjab Act XX of 1883), but shall not include such portion thereof as may, by virtue of a notification under section 507, cease to be included in the rural areas as herein defined;

1. Ins. by Act 42 of 1961, s. 2 (w.e.f. 12-9-1961).

(*53*) "Scheduled Caste" means any of the Scheduled Castes specified in Part I of the Scheduled to the Constitution (Scheduled Castes) (Union Territories) Order, 1951;

(*54*) "sewage" means night-soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(*55*) "shed" means a slight or temporary structure for shade or shelter;

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

(*57*) "street" includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadways or footway over any bridge or causeway;

(*58*) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(*59*) "trade premises" means any premises used or intended to be used for carrying on any trade or industry;

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

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

(*62*) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-rickshaw, auto-rickshaw, 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;

[1][(*63A*) "Wards Committee" means the Wards Committee referred to in section 50;]

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

[2]* * * * *

(*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;

[1][(*68*) "Zone" means a Zone referred to in section 3A.]

1. Ins. by Act 67 of 1993, s. 2 (w.e.f. 1-10-1993).
2. Omitted by s. 2, *ibid.* (w.e.f. 1-10-1993).

CHAPTER II

THECORPORATION

Constitution of the Corporation

3. Establishment of the Corporation.—(*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.

(*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.

[1][(*3*) (*a*) The Corporation shall be composed of the councillors;

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

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

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

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

(*iii*) as nearly as possible one-fifth of the members of the Legislative Assembly of the National Capital Territory of Delhi representing constituencies which comprise wholly or partly the area of the Corporation to be nominated by the Speaker of that Legislative Assembly, by rotation every year:

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

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

(*4*) Councillors shall be chosen by direct election on the basis of adult suffrage from various wards into which Delhi shall be divided in accordance with the provisions of this Act; [2]***.

(*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.

[3][(*6*) Upon the completion of each census after the establishment of the Corporation the number of seats shall be on the basis of the population of Delhi as ascertained at that census and shall be determined by the Central Government by notification in the Official Gazette and the number of seats to be reserved

for the members of the Scheduled Castes shall, as nearly as may be, bear the same ratio to the total number of seats as the population of Scheduled Castes bears to the total population of Delhi:

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

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

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

1. Subs. by Act 67 of 1993, s. 3, for sub-section (*3*) (w.e.f. 1-10-1993).
2. Certain words omitted by s. 3, *ibid.* (w.e.f. 1-10-1993).
3. Subs. by s. 3, *ibid.,* for sub-section (*6*) (w.e.f. 1-10-1993).

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.]

[1][(*7*) Seats shall be reserved for women belonging to the Scheduled Castes, from among the seats reserved for the Scheduled Castes, the number of such seats being determined by the Central Government by order published in the Official Gazette which shall not be less than one-third of the total number of seats reserved for the Scheduled Castes.]

[2][(*8*) Seats shall be reserved for women, the number of such seats being determined by order published in Official Gazette by the Central Government which shall not be less than the one-third of total number of seats other than those reserved for the Scheduled Castes:

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

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

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

[4][**4. Duration of the Corporation.**—(*1*) The Corporation, unless sooner dissolved under section 490, shall continue for five years from the date appointed for its first meeting and no longer:

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

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

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

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

Election of councillors and alderman

[5][**5. Delimitation of wards.**—[6][(*1*) For the purposes of election of councillors, Delhi shall be divided into single-Member wards in such manner that the population of each of the wards shall, so for as practicable, be the same throughout Delhi.]

(*a*) the number of wards;

(*b*) the extent of each ward; [7]***

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

[8][(*d*) The wards in which seats shall be reserved for women; and

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

5A. [*Special provision as to delimitation, etc*.].—*Omitted by the Delhi Municipal Corporation Amendment Act* 1993 (67 *of* 1993), *s*. 7 (*w.e.f.* 1-10-1993).

1. Subs. by Act 67 of 1993, s. 3, for sub-section (*7*) (w.e.f 1-10-1993).
2. Ins. by s. 3, *ibid*. (w.e.f. 1-10-1993).
3. Ins. by s. 4, *ibid*. (w.e.f. 1-10-1993).
4. Subs. by s. 5, *ibid*. for section 4 (w.e.f. 1-10-1993).
5. Subs. by Act 42 of 1961, s. 3, for section 5 (w.e.f. 12-9-1961). 6.
Subs. by Act 55 of 1974, s. 4, for sub-section (*1*) (w.e.f. 10-1-1975). 7.
The word "and" omitted by Act 67 of 1993, s. 6 (w.e.f. 1-10-1993). 8.
Ins. by s. 6, *ibid*. (w.e.f. 1-10-1993).

6. Power to alter or amend delimitation orders.—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.

[1][2][**7. Elections to the Corporation.**—(*1*) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall be vested in the Election Commission of the National Capital Territory of Delhi consisting of an Election Commissioner to be appointed by the Administrator.

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

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

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

7A. Electoral roll for every ward.—For every ward there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and the rules made thereunder.]

7B. Electoral registration officers.—(*1*) The electoral roll for each ward shall be prepared and revised by an electoral registration officer who shall be such officer of Government or the Corporation as [3][the Election Commission may, in consultation with the Government,] designate or nominate in this behalf.

(*2*) To assist the electoral registration officer in the discharge of his functions under sub-section (*1*) the [4][Election Commission may employ such persons as it thinks fit].

7C. Assistant electoral registration officers.—(*1*) [5][The Election Commission] may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

(*2*) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

7D. Registration of Electors.—The persons entitled to be registered as electors in the electoral roll of [6][an assembly constituency] in Delhi as relates to the area comprised within a ward shall be entitled to be so registered in the electoral roll of that ward and the provisions in this behalf in the Representation of the People Act, 1950 (43 of 1950) shall apply to the registration of electors in the electoral roll of a ward as they apply to the registration of electors in the electoral roll of [6][an assembly constituency].

Explanation—In this section, in sub-section (*1*) of section 7E and in clause (*ag*) of sub-section (*1*) of section 31, the expression [6][an assembly constituency] has the meaning assigned to it under the Representation of the People Act, 1950 (43 of 1950).

7E. Preparation and revision of electoral rolls.—(*1*) The electoral roll for each ward shall be prepared before each general election in such manner as may be prescribed by rules by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made for the purpose:

1. Subs. by Act 55 of 1974, s. 5, for section 7 (w.e.f. 10-1-1975).
2. Subs. by Act 67 of 1993, s. 8, for section 7 (w.e.f. 1-10-1993).
3. Subs. by s. 9, *ibid*. for "Central Government may" (w.e.f. 1-10-1993).
4. Subs. by s. 9, *ibid*, for "Director of Municipal Elections may employ such persons as he thinks fit" (w.e.f. 1-10-1993).
5. Subs. by s. 10, *ibid*. for "The Central Government" (w.e.f. 1-10-1993) 6.
Subs. by s. 11, *ibid*. for "a parliamentary constituency" (w.e.f. 1-10-1993).

Provided that if the 1[Election Commission] is satisfied that, instead of preparing a fresh electoral roll of a ward before a general election, it would be sufficient to adopt the electoral roll of 2[the assembly constituency] for the time being in force as relates to the ward, it may, by order, for reasons to be specified therein, direct that the electoral roll of 2[the assembly constituency] for the time being in force as relates to the ward shall, subject to any rules made for the purpose, be the electoral roll of the ward for the general election.

(*2*) The electoral roll prepared or adopted, as the case may be, under subsection (*1*) shall—

(*a*) unless otherwise directed by the 1[Election Commission], for reasons to be recorded in writing, be revised in the manner prescribed by rules by reference to the qualifying date before each bye-election to fill a casual vacancy in a seat allotted to the ward; and

(*b*) be revised in any year in the manner prescribed by rules by reference to the qualifying date if such revision has been directed by the 1[Election Commission]:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.

(*3*) Notwithstanding anything contained in sub-section (*2*), the 1[Election Commission] may, at any time, for reasons to be recorded in writing, direct a special revision of the electoral roll for any ward or part of a ward in such manner as it may think fit:

Provided that the electoral roll for the ward as in force at the time of the issue of any such direction shall continue to be in force until the completion of the special revision so directed.

Explanation:—In this section, the expression "qualifying date" means such date as the 1[Election Commission] may, by order, specify in this behalf.

7F. Correction of entries in electoral roll.—If the electoral registration officer, on an application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll for any ward—

(*a*) is erroneous or defective in any particular; or

(*b*) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within such ward; or

(*c*) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident within such ward or is otherwise not entitled to be registered in that the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the 3[Election Commission] in this behalf, amend, transpose or delete the entry:

Provided that before taking any action on the ground specified in clause (*a*) or clause (*b*) or any action under clause (*c*) on the ground that the person concerned has ceased to be ordinarily resident within such ward or that he is otherwise not entitled to be registered in the electoral roll of such ward, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

7G. Inclusion of names in electoral roll.—(*1*) Any person whose name is not included in the electoral roll of a ward may apply to the electoral registration officer for the inclusion of his name in that roll.

(*2*) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other ward, the electoral registration officer shall inform the electoral registration officer of that other ward and that Officer shall, on receipt of the information, strike off the applicant's name from that roll.

1. Subs. by Act 67 of 1993, s. 12, for "Central Government" (w.e.f. 1-10-1993).

2. Subs. by s. 12, *ibid*. for "a parliamentary constituency" (w.e.f. 1-10-1993). 3.
Subs. by s. 13, *ibid*. for "Director of Municipal Elections" (w.e.f. 1-10-1993).

(*3*) No amendment, transposition or deletion of any entry shall be made under section 7F and no direction for the inclusion of a name in the electoral roll of a ward shall be given under this section after the last date for making nominations for an election in that ward and before the completion of that election.

7H. Appeal.—An appeal shall lie within such time and in such manner as may be prescribed by rules to the [1][Election Commission] from any order of the electoral registration officer under section 7F or section 7G.

7 I. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction—

(*a*) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a ward; or

(*b*) to question the legality of any action taken by or under the authority of an electoral registration officer or of any decision given by the [2][Election Commission].]

8. Qualifications for councillorship.—A person shall not be qualified to be chosen as a councillor [3][unless he has attained the age of twenty-one years and his name] is registered as an elector in the electoral roll for a ward:

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:

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

9. Disqualifications for membership of Corporation.—(*1*) A person shall be disqualified for being chosen as, and for being, a councillor, [5][***]—

(*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 acknowledgment of allegiance or adherence to a foreign State;

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

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

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

(*g*) if he holds any office of profit under the Government [7][or Central Government];

(*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;

(*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 cooperative society;

(*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;

1. Subs. by Act 67 of 1993, s. 14, for "Director of Municipal Elections" (w.e.f. 1-10-
1993 2. Subs. by s. 15, *ibid*. for "Director of Municipal Elections" (w.e.f. 1-10-1993
3. Subs. by s. 16, *ibid*. for "unless his name" (w.e.f. 1-10-1993).

4. The proviso ins. by s. 16, *ibid*. (w.e.f. 1-10-1993).
5. The words "or an alderman" omitted by s. 17, *ibid*. (w.e.f. 1-10-1993).
6. Subs. by s. 17, *ibid*., for clauses (*d*) and (*e*) (w.e.f. 1-10-1993).
7. Ins. by s. 17, *ibid*. (w.e.f. 1-10-1993).

(*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 [1][Election Commission];

(*l*) if he fails to pay any arrears 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*)—

[2]* * * * *

(*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

(*ii*) any allowance or facility for serving as the Mayor or Deputy Mayor or as a councillor [3]***; or

[4][(*iii*) any fee for attendance at meetings of any committee of the Corporation;]

(*c*) a person shall not be deemed to have any interest in a contract or works 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

(*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

(*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

(*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

[5][(*vi*) any agreement or contract with the Corporation or any municipal authority for any goods or services 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.

10. Right to vote.—(*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.

[6]* * * * *

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

[7]* * * * *

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1. Subs. by Act 67 of 1993, s. 17, for "Central Government" (w.e.f. 1-10-1993).
2. Omitted by s. 17, *ibid*. (w.e.f. 1-10-1993).
3. The words "or an alderman" omitted by s. 17, *ibid*. (w.e.f. 1-10-1993).
4. Subs. by s. 17, *ibid*., for sub-clause (*iii*) (w.e.f. 1-10-1993).
5. Subs. by s. 17, *ibid*., for sub-clause (*vi*) (w.e.f. 1-10-1993).
6. Omitted by Act 42 of 1961, s. 4 (w.e.f. 12-9-1961).
7. Omitted by Act 67 of 1993, s. 18 (w.e.f. 1-10-1993).

(*3*) For the aforesaid purposes the [1][Election Commission] 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:

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:

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

12. Filling of casual vacancies in councillorship.—(*1*) When a casual vacancy occurs in the office of a councillor the [3][Election Commission] shall, 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 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 [4][six months] prior to the holding of a general election under section 11.

(*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.

[5][(*3*) If the vacancy be a vacancy in a seat reserved for women the notification issued under sub-section (*1*) shall specify that the person to fill that seat shall be a woman.]

13. [*Election of aldermen.*].—*Omitted by the Delhi Municipal Corporation Amendment Act* 1993 (67 *of* 1993), *s*. 20 (*w.e.f.* 1-10-1993).

[6][**14. Publication of result of election.—**The names of all persons elected as councillors shall, as far as may be, after each election, be published by the Election Commission simultaneously in the Official Gazette.]

Disputes regarding elections

15. Election petitions.—(*1*) No election of a councillor [7]*** 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.

[8][(*2*) An election petition calling in question any such election may be presented under any of the grounds specified in section 17 by any candidate at such election, by any elector of the ward concerned or by any councillor.]

(*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;

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

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

1. Subs. by Act 67 of 1993, s. 18, for "Director of Municipal Elections" (w.e.f. 1-10-1993).
2. Ins. by s. 18 *ibid*. (w.e.f. 1-10-1993).
3. Subs. by s. 19, *ibid*., for "Director of Municipal Elections" (w.e.f. 1-10-1993).
4. Subs. by s. 19, *ibid*., for "four months" (w.e.f. 1-10-1993).
5. Ins. by s. 19, *ibid*. (w.e.f. 1-10-1993).
6. Subs. by s. 21, *ibid*., for section 14 (w.e.f. 1-10-1993).
7. The words "or an alderman" omitted by s. 22, *ibid*. (w.e.f. 1-10-1993).
8. Subs. by s. 22, *ibid*., for sub-section (*2*) (w.e.f. 1-10-1993).

16. Relief that may be claimed by the petitioner.—(*1*) A petitioner may claim—

(*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.

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

17. Grounds for declaring elections to be void.—(*1*) Subject to the provisions of sub-section (*2*) if the court of the district judge is of opinion—

(*a*) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor [1]*** under this Act, or

(*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.

18. Procedure to be followed by the district judge.—The procedure provided in the Code of Civil Procedure, 1908 (5 of 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.

19. Decision of the district judge.—(*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

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

1. The words "or, as the case may be, as an alderman" omitted by Act 67 of 1993, s. 23 (w.e.f. 1-10-1993).

(*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—

(*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,

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. Procedure in case of equality of votes.—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.

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

(*2*) An election of a councillor [1]*** 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

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

(*1*) Bribery as defined in clause (*1*) of section 123 of the Representation of the People Act, 1951 (43 of 1951).

(*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.

(*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:

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:

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.

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.

1. The words "or an alderman" omitted by Act 67 of 1993, s. 24 (w.e.f. 1-10-1993).

(*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.

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

23. Maintenance of secrecy of voting.—(*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.

(*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.

24. Officers, etc., at elections not to act for candidates or to influence voting.—(*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.

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

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

(*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.

(*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.

25. Prohibition of canvassing in or near polling station and of public meeting on election day.—(*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:—

(*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

(*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.

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

26. Penalty for disorderly conduct in or near polling station.—(*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

(*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;

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.

(*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.

(*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.

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

27. Penalty for misconduct at the polling station.—(*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.

(*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. Breaches of official duty in connection with election.—(*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.

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

(*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 women 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 or a ballot box or a voting machine or part thereof found being carried away by a person outside the polling station 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.

30. Other offences and penalties therefor.—(*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 [1][Election Commission].

Power to make rules

31. Power to make rules regulating the election of councillors and aldermen.—(1) The Central Government may make rules to provide for or regulate all or any of the following matters [2][for the purpose of preparation, revision, and maintenance of electoral rolls of wards and holding elections] of councillors [3]*** under this Act, namely:—

[4][(*a*) the particulars to be entered in the electoral rolls;

(*aa*) the preliminary publication of electoral rolls;

(*ab*) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;

(*ac*) the manner in which notices of claims or objections shall be published;

(*ad*) the place, date and time at which claims or objections shall be heard and the manner in which claims or objections shall be heard and disposed of;

1. Subs. by Act 67 of 1993, s. 25, for "Director of Municipal Elections" (w.e.f. 1-10-1993). 2. Subs. by Act 55 of 1974, s. 7, for "for the purpose of holding elections" (w.e.f. 10-1-1975). 3. The words "and alderman" omitted by Act 67 of 1993, s. 26 (w.e.f. 1-10-1993).

4. Subs. by Act 55 of 1974, s. 7, for clause (*a*) (w.e.f. 10-1-1975).

(*ae*) the final publication of electoral rolls;

(*af*) the revision and correction of electoral rolls and inclusion of names therein;

(*ag*) the manner in which and the purpose for which the electoral roll of [1][an assembly constituency] may be used;

(*ah*) the correction of electoral rolls on change of extent or boundaries of wards;]

(*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 nomination and scrutiny of nominations;

(*d*) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be returned to candidates or forfeited to the Corporation;

(*e*) the withdrawal of candidatures;

(*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 [2][and women];

(*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,

(*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,

(*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,

(*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,

(*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,

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

[3][(*hh*) the requisitioning of premises, vehicles, vessels or animals, payment of compensation in connection with such requisitioning, eviction from requisitioned premises and release of premises from requisition;]

1. Subs. by Act 67 of 1993, s. 26, for "a parliamentary constituency" (w.e.f. 1-10-1993).
2. Ins. by s. 26, *ibid*. (w.e.f. 1-10-1993).
3. Ins. by Act 42 of 1961, s. 5 (w.e.f. 12-9-1961).

[1]* * * * *

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

(*k*) any other matter [2][relating to electoral rolls or 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.

(*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.

Councillors and aldermen

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

"I, A. B. having been nominated under sub-clause (*i*) of clause (*b*) of
nominated under sub-clause (*i*) of clause (*b*) of sub-section (*3*) of section 3 as representative in the Municipal Corporation of Delhi, do swear in the name of God that I will bear true faith and allegiance to the
solemnly affirm
Constitution of India as by law established and I will faithfully discharge the duty uponwhich I am about to enter."

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

[4][**32A. Declaration of assets.**—(*1*) Every councillor shall, not later than thirty days after making and subscribing the oath or affirmation under sub-section (*1*) of section 32 and before the last day of the same month in each succeeding year, file with the Mayor a declaration in such form as may be prescribed by rules by the Central Government, of all the assets owned by him and members of his family and. such declaration shall form part of the records of the Corporation.

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

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

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

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

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

33. Vacation of seats.—(*1*) If a councillor [5]***—

(*a*) becomes subject to any of the disqualifications mentioned in [6][section 9 or sub-section (*2*) of section 32A or],

1. Omitted by Act 67 of 1993, s. 26 (w.e.f. 1-10-1993).

2. Subs. by Act 55 of 1974, s. 7, for "relating to elections" (w.e.f. 10-1-1975). 3. Subs. by Act 67 of 1993, s. 27, for section 32 (w.e.f. 1-10-1993).

4. Ins. by s. 28, *ibid*. (w.e.f. 1-10-1993).

5. The words "or an alderman" omitted by s. 29, *ibid*. (w.e.f. 1-10-1993). 6. Subs. by s. 29, *ibid.,* for "section 9 or" (w.e.f. 1-10-1993).

(*b*) resigns his seat by writing under his hand addressed to the Mayor and delivered to the Commissioner, his seat shall thereupon become vacant.

(*2*) If during three successive months, a councillor [1]*** is, without permission of the Corporation, absent from all the meetings thereof, the Corporation may declare his seat vacant.

[2][(*3*) If any question arises as to whether a councillor [1]*** has become subject to any of the disqualifications mentioned in section 9 or sub-section (*2*) of section 32A, the question shall be referred for the decision of the Administrator and his decision shall be final.]

[3][(*4*) Before giving any decision on any such question the Administrator shall obtain the opinion of the Election Commission and shall act according to such opinion.]

[4][**33A. Powers of Election Commission.**—(*1*) Where in connection with the tendering of any opinion to the Administrator under sub-section (*4*) of section 33, the Election Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, (5 of 1908) in respect of the following matters, namely:—

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

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

(*c*) receiving evidence on affidavits;

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

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

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

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

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

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

Provided that the statement—

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

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

1. The words "or an alderman" omitted by Act 67 of 1993, s. 29 (w.e.f. 1-10-1993).
2. Subs. by Act 67 of 1993, s. 29, for sub-section (*3*) (w.e.f. 1-10-1993).
3. Ins. by s. 29, *ibid*. (w.e.f. 1-10-1993).
4. Ins. by s. 30, *ibid*. (w.e.f. 1-10-1993).

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

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

34. Payment of allowances to councillors and aldermen.— [1][The councillors and the persons referred to in clause (*b*) of sub-section (*3*) of section 3] 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.

Mayor and Deputy Mayor

35. Annual election of Mayor and Deputy Mayor.—(*1*) The Corporation shall at its first meeting in each year elect one of its members to be [2][the Chairperson to be known as] the Mayor and another member to be the Deputy Mayor of the Corporation:

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

(*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.

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

36. Term of office of the Mayor and Deputy Mayor and facilities and privileges of the Mayor.— (*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 [4]*** or unless in the case of the Deputy Mayor he is elected as Mayor.

(*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—

[5]*** from the Commissioner on any matter connected with the municipal government of Delhi;

[6]* * * * *

37. Discharge of functions of the Mayor by the Deputy Mayor.—(*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.

1. Subs. by Act 67 of 1993, s. 31, for "the councillors and the alderman" (w.e.f. 1-10-1993).
2. Added by s. 32, *ibid*. (w.e.f. 1-10-1993).
3. Ins. by s. 32, *ibid*. (w.e.f. 1-10-1993).
4. The words "or his term of office as a member of the Corporation terminates in any manner" omitted by s. 33, *ibid*. (w.e.f. 1-10-1993).
5. The brackets and letter "(*a*)" omitted by s. 33, *ibid*. (w.e.f. 1-10-1993).
6. Omitted by s. 33, *ibid*. (w.e.f. 1-10-1993).

38. Resignation of Mayor and Deputy Mayor.—(*1*) The Mayor may, by writing under his hand addressed to the Deputy Mayor and delivered to the [1][Municipal Secretary], resign his office.

(*2*) The Deputy Mayor may, by writing under his hand addressed to the Mayor and delivered to the [1][Municipal 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.

Committees of the Corporation

39. Rural Areas Committee and Education Committee.—(*1*) In addition to the Standing Committee, [2][and the Wards Committee] referred to in section 44, there shall be a Rural Areas Committee and an Education Committee of the Corporation,

(*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 any of the matters specified in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*a*) of sub-section (*3*) 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 [3][who is a councillor to be the Chairman and another member to be the Deputy Chairman].

40. Special and *ad hoc* committies and ward committees, etc.—(*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.

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

1. Subs. by Act 42 of 1961, s. 6, for "Secretary" (w.e.f. 12-9-1961).
2. Subs. by Act 67 of 1993, s. 34, for certain words (w.e.f. 1-10-1993).
3. Subs. by s. 34, *ibid*., for "to be the Chairman and another member to be the Deputy Chairman" (w.e.f. 1-10-1993).

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.

[1]* * * * *

(*6*) Each committee constituted under this section shall elect one of its members [2][who is a councillor] as the Chairman and another member as the Vice-Chairman.

(*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. General powers of the Corporation.—(*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.

(*2*) Without prejudice to the generality of the provisions of sub-section (*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. Obligatory functions of the Corporation.—[3][Subject to the provisions of this Act and any other law for the time being in force, 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:—

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

[4]* * * * *

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

[5]* * * * *

(*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 [6]*** dispensaries and maternity and child welfare centres and the carrying out of other measures necessary for public medical relief;

[7][(*jj*)) the maintenance including the expansion and upgradation of facilities of the hospitals existing on the date of the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993 (67 of 1993);]

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

1. Omitted by Act 67 of 1993, s. 35 (w.e.f. 1-10-1993).
2. Ins. by s. 35, *ibid*. (w.e.f. 1-10-1993).
3. Subs. by s. 36, *ibid*., for "It shall be incumbent" (w.e.f. 1-10-1993).
4. Omitted by s. 36, *ibid*. (w.e.f. 1-10-1993).
5. Omitted by s. 36, *ibid*. (w.e.f. 1-10-1993).
6. The word "hospitals" omitted by s. 36, *ibid*. (w.e.f. 1-10-1993).
7. Ins. by s. 36, *ibid*. (w.e.f. 1-10-1993).

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

(*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;

(*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;

(*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, gardens or recreation grounds;

[1]* * * * *

(*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;

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

[2][(*wa*) the preparation of plans for economic development and social justice.]

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

43. Discretionary functions of the Corporation.—[3][Subject to any general or special order of the Government, from time to time, the Corporation may] provide either wholly or in part for all or any of the following matters, namely:—

(*a*) the furtherance of education including cultural and 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;

(*c*) the establishment and maintenance of, and aid to, stadia, gymnasia, a kharas and places for sports and games;

(*d*) the planting and care of trees on roadsides and elsewhere;

(*e*) the surveys of buildings and lands;

(*f*) the registration of marriages;

(*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;

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

1. Omitted by Act 67 of 1993, s. 36 (w.e.f. 1-10-1993).

2. Ins. by s. 36, *ibid*. (w.e.f. 1-10-1993).

3. Subs. by s. 37, *ibid*., for "The Corporation may in its discretion" (w.e.f. 1-10-1993).

(*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,

(*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,

(*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;

(*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 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 pool, 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

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

(*a*) the Standing Committee;

(*b*) the Wards Committee; and

1. Subs. by Act 67 of 1993, s. 38, for section 44 (w.e.f 1-10-1993).

(*c*) the Commissioner.]

The Standing Committee

45. Constitution of the Standing Committee.—[1][(*1*) The Standing Committee shall consist of—

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

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

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

(*2*) On and [2][from such date as may be determined by the Corporation by resolution] the Standing Committee shall be deemed to have been constituted.

[3][(*3*) One-half of the members referred to in clause (*i*) of sub-section (*1*) and one-half of the members referred to in clause (*ii*) of that sub-section shall retire on the expiration of one year from the date of the constitution of the Standing Committee after the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993 (27 of 1993), and for that purpose they shall be selected by lot from amongst their respective categories before the said expiration in such manner as the Chairman of the Standing Committee may determine;]

(*4*) During each succeeding year the 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.

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

(*6*) Any councillor [5]*** who ceases to be a member of the Standing Committee shall be eligible for re-election.

46. Casual vacancies.—(*1*) When a casual vacancy occurs in the office of a member of the Standing Committee, [6][Corporation or, as the case may be, Wards Committee 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 [7][persons referred to in sub-clause (*i*) of clause (*b*) of sub-section (*3*) of section 3].

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

47. Chairman and Deputy Chairman of the Standing Committee.—(*1*) The Standing Committee shall at its first meeting in each year elect one of its members [8][who is a councillor] 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 [8][who is a councillor] 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.

1. Subs. by Act 67 of 1993, s. 39, for sub-section (*1*) (w.e.f. 1-10-1993). 2.
Subs. by s. 39, *ibid*., for "from the date of such election" (w.e.f. 1-10-1993). 3.
Subs. by s. 39, *ibid*., for sub-section (*3*) (w.e.f. 1-10-1993).

4. Subs. by s. 39, *ibid*., for sub-section (*5*) (w.e.f. 1-10-1993).
5. The words "or alderman" omitted by s. 39, *ibid*. (w.e.f. 1-10-1993).
6. Subs. by s. 40, *ibid*., for "Corporation shall" (w.e.f. 1-10-1993).
7. Subs. by s. 40, *ibid*., for "alderman" (w.e.f. 1-10-1993).
8. Ins. by s. 41, *ibid*. (w.e.f. 1-10-1993).

48. Resignation of Chairman and members of the Standing Committee.—(*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.

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

[1][*The Wards Committee*

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

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

(*b*) the person, if any, nominated by the Administrator under sub-clause (*i*) of clause (*b*) of sub-section (*3*) of section 3 if his name is registered as an elector within the territorial limits of the Zone concerned.

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

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

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

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

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

The Commissioner

54. Appointment, etc., of the Commissioner.—(*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:

Provided that his appointed 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 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.

1. Subs. by Act 67 of 1993, s. 42, for the heading and sections 50 to 53 (w.e.f. 1-10-1993).

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

55. Salary and allowances of the Commissioner.—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:

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

56. Leave of absence of Commissioner.—(*1*) Leave may be granted to the Commissioner by the Standing Committee.

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

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

58. Service regulations of Commissioner.—(*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.

(*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:

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 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 Government servants.

59. Functions of the Commissioner.—Save as otherwise provided in this Act, the entire executive power for the purpose of carrying out the provisions of this Act [1]*** [2]*** and of any other Act for the 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 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 the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and other municipal employees immediately subordinate 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;

1. The words "other than those pertaining to the Delhi Electric Supply Undertaking" omitted by Act 67 of 1993, s. 43 (w.e.f. 1-10-1993).

2. The words "on the Delhi Transport Undertaking" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

(*c*) on the occurrence or threatened occurrence of any sudden accident or any unforseen 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;

[1][(*d*) subject to any regulation that may be made in this behalf, be the disciplinary authority in relation to all municipal officers and other municipal employees.]

The General Manager (Electricity)

60. [*Appointment, etc. of the General Managers*.] *Omitted by the Delhi Municipal, Corporation* (*Amendment*) *Act*, 1993 (67 *of* 1993), *s.* 44 (*w.e.f.* 1-10-1993).

61. [*Salary and Allowances of General Managers*.] *Omitted by s.* 44, *ibid*. (*w.e.f.* 1-10-1993).

62. [*Leave of absence to the General Managers, etc*.] *Omitted by s.* 44, *ibid*. (*w.e.f.* 1-10-1993).

63. [*Service regulations of the General Managers.*] *Omitted by s.* 44, *ibid*. (*w.e.f.* 1-10-1993).

64. [*Functions of the General Managers.*] *Omitted by s*. 44, *ibid*. (*w.e.f.* 1-10-1993).

Miscellaneous provisions relating to the various municipal authorities

65. Appointment of sub-committees by the various committees.—(*1*) The Standing Committee, [2][or the Wards 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 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.

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

66. Commissioner and General Managers not to be interested in any contract, etc., with the Corporation.—(*1*) A person shall be disqualified for being appointed as the Commissioner [3]*** who 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 Commissioner [4]***.

(*2*) If the Commissioner, [4]*** acquires directly or indirectly, by himself or by his 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 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 [5]*** shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

67. Vacation of seats by members of committees.—[6][(*1*) A member of the Standing Committee or a Wards Committee, if he ceases to be a councillor or ceases to represent any of the categories mentioned in sub-clause (*ii*) of clause (*b*) of sub-section (*3*) of section 3 shall cease to be a member of that Committee and his seat shall thereupon become vacant.]

(*2*) If a member of the Standing Committee, [7]***, 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.

68. Committees to continue in office till new committees are constituted.—The Standing Committee, [8][or the Wards 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.

1. Subs. by Act 67 of 1993, s. 43, for clause (*d*) (w.e.f. 1-10-1993).
2. Subs. by s. 45, *ibid*., for certain words (w.e.f. 1-10-1993).
3. The words and brackets "or the General Manager (Electricity)" omitted by s. 46, *ibid*. (w.e.f 1-10-1993).
4. The words "or General Manager, as the case may be" omitted by s. 46, *ibid*. (w.e.f 1-10-1993).
5. The words "or such General Manager" omitted by s. 46, *ibid*. (w.e.f. 1-10-1993).
6. Subs. by s. 47, *ibid*., for sub-section (*1*) (w.e.f. 1-10-1993).
7. The words "the Delhi Electric Supply Committee or the Delhi Water Supply and Sewage Disposal Committee" omitted by s. 47, *ibid*. (w.e.f. 1-10-1993).
8. Subs. by s. 48, *ibid*., for certain words (w.e.f. 1-10-1993).

69. Power of Corporation to call for extracts of proceedings from the Committees.—The Corporation may at any time call for any extract of any proceedings of the Standing Committee, [1][the Wards 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.

70. Power of Corporation to require the Commissioner, etc., to produce documents and furnish returns, reports, etc.—(*1*) The Corporation may at any time require the Commissioner—

(*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;

(*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 [2]*** [3]***;

(*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 [2]*** [4]***.

(*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:

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.

[5]* * * * *

71. Exercise of powers to be subject to sanction.—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:—

(*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 [6]***, 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

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

1. Subs. by Act 67 of 1993, s. 49, for certain words (w.e.f 1-10-1993).

2. The words "except in regard to the Delhi Electric Supply Undertaking" omitted by s. 50, *ibid*. (w.e.f. 1-10-1993). 3. The words ", or the Delhi Transport Undertaking" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

4.The words "or the Delhi Transport Undertaking" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

5. Omitted by Act 67 of 1993, s. 50 (w.e.f. 1-10-1993).

6. Certain words omitted by s. 51, *ibid*. (w.e.f. 1-10-1993).

(*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 [1][and other persons referred to in clause (*b*) of sub-section (*3*) of section 3], 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.

73. First meeting of the Corporation after general election.—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 [2]*** under section 14 and shall be convened by the Administrator.

74. Notice of meetings and business.—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 [3][and the persons referred to in clause (*b*) of sub-section (*3*) of section 3] 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 [4][or the persons referred to in clause (*b*) of sub-section (*3*) of section 3] may send or deliver to 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 [3][and the persons referred to in clause (*b*) of sub-section (*3*) of section 3] in such manner as he may think fit.

75. Quorum.—(*1*) The quorum necessary for the transaction of business at a meeting of the Corporation shall be one-fifth of the total number of members [5][and the persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3].

(*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 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 before, and may be transacted at an adjourned meeting, whether there is a quorum present or not.

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

[6][(*2*) In the absence of both the Mayor and Deputy Mayor from the meeting, the members and the persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3 shall elect one from among the councillors to preside.]

(*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.

77. Presiding officer at meeting for the election of Mayor.—Notwithstanding anything contained in section 76—

(*a*) at a meeting for the election of a Mayor the Administrator shall nominate a councillor [7]*** who is not a candidate for such election to preside over the meeting;

(*b*) if during the election of Mayor it appears that there is an equality of votes between any candidates at such election 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 deemed to have received an additional vote.

1. Subs. by Act 67 of 1993, s. 52, for "and alderman" (w.e.f. 1-10-1993).
2. The words "of alderman" omitted by s. 53, *ibid*. (w.e.f. 1-10-1993). 3.
Subs. by s. 54, *ibid*., for "and alderman" (w.e.f. 1-10-1993).
4. Subs. by s. 54, *ibid*., for "or alderman" (w.e.f. 1-10-1993).
5. Ins. by s. 55, *ibid*. (w.e.f. 1-10-1993).
6. Subs. by s. 56, *ibid*., for sub-section (*2*) (w.e.f. 1-10-1993).
7. The words "or an alderman" omitted by s. 57, *ibid*. (w.e.f 1-10-1993).

78. Method of deciding questions.—(*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 [1][members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3] present and voting.

(*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 [1][members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3], 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 inclusive 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 [1][members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3] 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.

79. Maintenance of order at, and admission of public to, meetings; withdrawal and suspension of councillors and aldermen—(*1*) The Mayor or the person presiding over a meeting shall preserve order threat 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 [2][or persons referred to in clause (*b*) of sub-section (*3*) of section 3] whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting, and any councillor [2][or persons referred to in clause (*b*) of sub-section (*3*) of section 3] so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.

(*3*) If any councillor [2][or persons referred to in clause (*b*) of sub-section (*3*) of section 3] is ordered to withdraw a second time within fifteen days, the Mayor or the person presiding may suspend such councillor [2][or persons referred to in clause (*b*) of sub-section (*3*) of section 3] from attending the meetings of the Corporation for any period not exceeding fifteen days and the councillor [2][or persons referred to in clause (*b*) of sub-section (*3*) of section 3] 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 [2][or persons referred to in clause (*b*) of sub-section (*3*) of section 3] 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 [3][members and persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3] 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 member 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.

80. Councillors or aldermen not to vote on matter in which they are interested.—No councillor or [4][persons referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3] 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

1. Subs. by Act 67 of 1993, s. 58, for "members" (w.e.f. 1-10-1993).
2. Subs. by s. 59, *ibid*., for "or alderman" (w.e.f. 1-10-1993).
3. Subs. by s. 59, *ibid*., for "members" (w.e.f. 1-10-1993).
4. Subs. by s. 60, *ibid*., for "alderman" (w.e.f. 1-10-1993).

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.

81. 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.—[1][(*1*) The Commissioner or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Corporation or any of its Committees, but none of the persons specified herein shall by virtue of this sub-section be entitled to vote in any such meeting.]

(*2*) A councillor or [2][person referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3] 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.

(*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;

(*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.

1. Subs. by Act 67 of 1993, s. 61, for sub-section (*1*) (w.e.f. 1-10-1993).
2. Subs. by s. 61, *ibid*., for "alderman" (w.e.f. 1-10-1993).

(*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.

[1]* * * * *

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

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. Presiding officers at meetings of the Standing and other committees.—(*1*) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the Standing Committee, the [2][Wards 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 [3][from amongst the councillors] to preside over the meeting.

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

Minutes and reports of proceedings

85. Keeping of minutes and proceedings.—Minutes, in which shall be recorded the names of the [4][members and other persons referred to in clause (*b*) of sub-section (*3*) of section 3 present] at, and the proceedings of each meeting [5]*** 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 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.

86. Circulation of minutes and inspection of minutes and reports of proceedings.—(*1*) Minutes of the proceedings of each meeting of the Corporation shall be circulated to all the [6][persons referred to in clause (*b*) of sub-section (*3*) of section 3] 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.

(*2*) Full reports, if any, of such proceedings shall similarly be available for inspection by any [6][persons referred to in clause (*b*) of sub-section (*3*) of section 3] without charge and by any other person on payment of a fee of eight annas.

87. Forwarding minutes and reports of proceedings to the Administrator.—(*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.

(*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.

1. Omitted by Act 67 of 1993, s. 61 (w.e.f. 1-10-1993).
2. Subs. by s. 62, *ibid*., for certain words (w.e.f. 1-10-1993).
3. Subs. by s. 62, *ibid*., for "of their numbers" (w.e.f. 1-10-1993).
4. Subs. by s. 63, *ibid*., for "members present" (w.e.f. 1-10-1993).
5. The words "of the councillors for the election of any alderman and of each" omitted by s. 63, *ibid*. (w.e.f. 1-10-1993).
6. Subs. by s. 64, *ibid*., for "members of the Corporation" (w.e.f. 1-10-1993).

Validation

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

(*a*) the seat of any councillor [1]*** 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;

(*c*) any [2][councillor or any person referred to in sub-clauses (*ii*), (*iii*) and (*iv*) of clause (*b*) of sub-section (*3*) of section 3] 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 [3]*** of the Corporation or of any committee thereof, the minutes of the proceeding 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.

CHAPTER VI

MUNICIPAL OFFICERS AND OTHER MUNICIPAL EMPLOYEES

89. Appointment of certain officers.—(*1*) The Corporation shall appoint suitable persons to be respectively [4]***, 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.

(*2*) The appointment of the Municipal Chief Auditor shall be made with the previous approval of the [5]*** Government and every other appointment referred to in sub-section (*1*) except that 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. Schedule of permanent posts and creation of temporary posts.—(*1*) The [6][Commissioner] shall from time to time prepare and lay before [7][the Standing Committee] 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.

[8][(*2*) Of the two schedules referred to in sub-section (*1*), the first schedule shall deal with category A posts and second schedule with category B and category C posts.]

(*3*) [9][The Standing Committee] 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 [10][Commissioner or at his instance].

1. The words "or alderman" omitted by Act 67 of 1993, s. 65 (w.e.f. 1-10-1993).
2. Subs. by s. 65, *ibid*., for "councillor having voted" (w.e.f. 1-10-1993).
3. The words "of the councillors for the election of any alderman or" omitted by s. 65, *ibid*. (w.e.f. 1-10-1993).
4. The words and brackets "the Chief Engineer (Water Supply)" omitted by s. 66, *ibid*. (w.e.f. 1-10-1993).
5. The word "Central" omitted by s. 66, *ibid*. (w.e.f. 1-10-1993).
6. Subs. by s. 67, *ibid*., for "appropriate authority" (w.e.f. 1-10-1993).
7. Subs. by s. 67, *ibid*., for "the committee concerned" (w.e.f. 1-10-1993).
8. Subs. by Act 55 of 1974, s. 8, for sub-section (*2*) (w.e.f. 10-1-1975).
9. Subs. by Act 67 of 1993, s. 67, for "The Committee" (w.e.f. 1-10-1993).
10. Subs. by s. 67, *ibid*., for "appropriate authority or at the instance of such authority" (w.e.f. 1-10-1993).

(*4*) The Corporation shall after considering the comments of [1][the Standing Committee] 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 [2][Commissioner] and [1][the Standing Committee] or at the instance of [3][the Commissioner] or committee.

[4][(*5*) The [2][Commissioner] may create for a period not exceeding six months any category C post:

Provided that no such post shall be continued beyond the said period without the previous approval of [1][the Standing Committee].

(*6*) [5][The Standing Committee] may, on the recommendation of the [2][Commissioner] create for a period not exceeding six months any category A or category B post:

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

[6]* * * * *

[7][(*8*) In this section and in section 92—

[8][(*i*) "category A post" means any post, which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group A post under the Central Government in accordance with the orders issued by that Government from time to time;

(*ii*) "category B post" means any post which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group B post under the Central Government in accordance with the orders issued by that Government from time to time;]

(*iii*) "category C post" means any post, other than a category A or category B post.]

91. Restriction on employment of permanent officers and other employees.—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.

92. Power to make appointments.—[9][(*1*) Subject to the provisions of section 89, the power of the appointing municipal officers and other municipal employees whether temporary or permanent shall vest in the Commissioner:

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

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

(*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.

[10][**92A. Recruitment to category B and category C posts.—**The direct recruitment to category B and category C posts may be made by the Government through such agencies as may be prescribed by it.]

1. Subs. by Act 67 of 1993, s. 67, for "the committee concerned" (w.e.f. 1-10-1993).
2. Subs. by s. 67, *ibid*., for "appropriate authority" (w.e.f. 1-10-1993).
3. Subs. by s. 67, *ibid.,* for "such authority" (w.e.f. 1-10-1993).
4. Subs. by Act 55 of 1974, s. 8, for sub-sections (*5*) and (*6*) (w.e.f. 1-10-1993).
5. Subs. by Act 67 of 1993, s. 67, for "The Committee" (w.e.f. 1-10-1993).
6. Omitted by s. 67, *ibid.* (w.e.f. 3-11-1971).
7. Ins. by Act 55 of 1974, s. 8 (w.e.f. 10-1-1975).
8. Subs. by Act 8 of 1987, s. 2, for clauses (*i*) and (*ii*) (w.e.f. 5-2-1987).
9. Subs. by Act 67 of 1993, s. 68, for sub-section (*1*) (w.e.f. 1-10-1993).
10. Ins by s. 69, *ibid.* (w.e.f. 1-10-1993).

93. Officers and other employees not to undertake any extraneous work.—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.

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

(*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:

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.

95. Punishment for municipal officers and other employees.—(*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 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.

(*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:

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

(*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.

(*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.

(*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.

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

96. Consultation with the Union Public Service Commission.—No appointment [2]*** [3]*** [4][to any category A post within the meaning of clause (*i*) of sub-section (*8*) of section 90 shall be made except after consultation with the Commission]:

1. Ins. by Act 67 of 1993, s. 70 (w.e.f. 1-10-1993).

2. The words and brackets "to the post of the General Manager (Electricity)" omitted by s. 71, *ibid.* (w.e.f. 1-10-1993). 3.The words and brackets "or the General Manager (Transport)" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

4. Subs. by Act 55 of 1974, s. 10, for certain words and brackets (w.e.f. 10-1-1975).

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

(*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

(*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

(*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; [1][or]

[1][(*e*) to such other posts, as may, from time to time, be specified by the Central Government in consultation with the Commission.]

97. Power of Commission to make regulations and reference to the Central Government in case of difference between the Commission and the Corporation.—(*1*) The Commission may 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;

(*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.

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

(*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;

(*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 post referred to in sub-section (*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 matter which is incidental to, or necessary for, 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*) shall be made except after consultation with the Commission.

1. Ins. by Act 55 of 1974, s. 10 (w.e.f. 10-1-1975).

CHAPTER VII

REVENUEAND EXPENDITURE

The Municipal Fund

99. Constitution of the Municipal Fund.—The Municipal Fund

(*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 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;

(*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 from the Government or any individual or association of individuals by way of grant or gift or deposit;

[1]* * * * *

(*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

(*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 (hereinafter in this Act referred to as "the Municipal Fund").

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

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

101. Operation of the Accounts.—(*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

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

(*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.

(*3*) Payments hot covered by sub-section (*2*) may be made in cash.

1. Omitted by Act 67 of 1993, s. 72 (w.e.f. 1-10-1993).

2. Subs. by s. 72, *ibid.,* for sub-section (*2*) (w.e.f. 1-10-1993).

3. Subs. by s. 73, *ibid.,* for section 100 (w.e.f. 1-10-1993).

4. Subs. by s. 74, *ibid.,* for clause (*b*) (w.e.f. 1-10-1993).

102. Payments not to be made unless covered by a budget-grant.—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:

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—

(*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

(*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

(*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;

(*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. Duty of persons signing cheques.—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—

(*a*) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or

(*b*) required for any payment referred to, or specified in section 102.

104. Procedure when money not covered by a budget-grant is expended.—Whenever any sum is expended under [1][clause (*c*), (*e*) or (*f*)] of the proviso to section 102 the Commissioner, [2][shall forthwith communicate the circumstances to the Standing Committee] [3]*** 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.

105. Application of Municipal Fund.—(*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 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.

1. Subs. by Act 71 of 1971, s. 7(*b*) and the Second Schedule, for "clauses (*c*), (*e*) or (*f*)" (w.e.f. 3-11-1971).

2. Subs. by Act 67 of 1993, s. 75, for certain words and brackets (w.e.f. 1-10-1993).

3.The words "or the Delhi Transport Committee" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

106. Temporary payments from the Municipal Fund for works urgently required for the public service.—(*1*) On the written requisition of a Secretary to the Central Government, [1][the Commissioner], 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.

(*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 [2]*** [3]*** shall forthwith forward a copy thereof to the Corporation together with a report of the steps taken by him in pursuance of the same.

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

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

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

(*a*) the principles which should govern,—

(*i*) the distribution between the National Capital Territory of Delhi and the Corporation of the net proceeds of the taxes, duties, tolls and fees leviable by the National Capital Territory of Delhi which may be divided between them.

(*ii*) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Corporation;

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

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

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

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

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

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

1. Subs. by Act 67 of 1993, s. 76, for certain words and brackets (w.e.f. 1-10-1993).

2. The words and brackets "or as the case may be, the General Manager (Electricity)" omitted by s. 76, *ibid.* (w.e.f. 1-10-1993).

3. The words "or the General Manager" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

4. Subs. by Act 67 of 1993, s. 77, for section 107 (w.e.f. 1-10-1993).

Special funds

108. Constitution of special funds.—(*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.

(*2*) The constitution and disposal of such funds shall be effected in the manner laid down by regulations.

Budget estimates

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

(*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.

110. Power of Corporation to alter budget estimates.—[2][(*1*) On the recommendation of the Standing Committee in respect of the budget estimate, the Corporation may from time to time, during the year,—

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

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

(*iii*) reduce the amount of the budget grant under any head:

Provided that due regard shall be had to all the requirements of this act and in making any increase or any additional budget grant the estimated cash balance at the close of the year shall not be reduced below the sum of one lakh rupees or such higher sum as the Corporation may determine in respect of the budget estimate.]

(*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

(*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,

[3]* * * * *

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1. Subs. by Act 67 of 1993, s. 78, for sub-section (*1*) (w.e.f. 1-10-1993).
2. Subs. by s. 79, *ibid.,* for sub-section (*1*) (w.e.f. 1-10-1993).
3. Omitted by s. 79, *ibid*. (w.e.f. 1-10-1993).

111. Power of Corporation to re-adjust income and expenditure during the year.—(*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.

(*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 leviable under this Act, or to adopt all or any of those methods.

112. Provisions as to unexpended budget-grant.—If the whole or arty 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 two following years, the Standing Committee [1]*** may sanction the expenditure of such budget-grant or the unexpended 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

113. Taxes to be imposed by the Corporation under this Act.—(*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;

(*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.

(*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;

(*c*) a tax on professions, trades, callings and employments;

(*d*) a tax on the consumption, [2][sale or supply] of electricity;

(*e*) a betterment tax on the increase in urban land values caused by the execution of any development or improvement work;

(*f*) a tax on boats; and

(*g*) tolls.

(*3*) The taxes specified in sub-section (*1*) sub-section (*2*) shall be levied, assessed and collected in accordance with the provisions of this Act and the bye-laws made thereunder.

1. Certain words omitted by Act 67 of 1993, s. 80 (w.e.f. 1-10-1993).
2. Subs. by Act 42 of 1961, s. 7, for "or sale" (w.e.f. 12-9-1961).

Property taxes

114. Components and rates of property tax.—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:—

[1]* * * * *

(*d*) a general tax—

(*i*) of not less than ten and not more than [2][thirty] per cent. of the rateable value of lands and buildings within the urban areas, and

(*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:

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:

[3][Provided further that the general tax may be levied on a graduated scale, if the Corporation so determines.]

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.

115. Premises in respect of which property taxes are to be levied.—[4]* * * * *

(*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:

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.

Explanation.—"Charitable purpose" includes relief of the poor, education and medical relief but does not include a purpose which relates exclusively to religious teaching;

(*b*) lands and buildings vested in the Corporation [5]*** , in respect of which the said tax, if levied, would under the provisions of this Act be leviable primarily on the Corporation;

(*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 (*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 for public worship or for a charitable purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

116. Determination of rateable value of lands and buildings assessable to property taxes.—(*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

1. Omitted by Act 67 of 1993, s. 81 (w.e.f. 1-10-1993).

2. Subs. by Act 2 of 1968, s. 2, for "twenty" (w.e.f. 23-3-1968).

3. Ins. by s. 2, *ibid.* (w.e.f. 23-3-1968).

4. Omitted by Act 67 of 1993, s. 82 (w.e.f. 1-10-1993).

5. Certain words omitted by s. 82, *ibid.* (w.e.f. 1-10-1993).

(*b*) the water tax or the scavenging tax or both, if the rent is inclusive of either or both of the said taxes:

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:

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 (38 of 1952), the rateable value thereof shall not exceed the annual amount of the standard rent so fixed.

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

(*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.

(*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.

117. [*Charge by measurement in lieu of water tax in certain cases*.] *Omitted by the Delhi Municipal Corporation (Amendment) Act, 1993 (Act* 67 *of* 1993), *s*. 84 (*w.e.f.* 1-10-1993).

118. [*Special rates of scavenging tax in certain cases*.] *Omitted by s*. 84, *ibid*. (*w.e.f.* 1-10-1993).

119. Taxation of Union properties.—[2][(*1*)] 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:

Provided that nothing [3][in this sub-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.

[4][(*2*) Where the possession of any land or building, being property of the Union, has been delivered in pursuance of section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) to a displaced person or any association of displaced persons, whether incorporated or not, or to any other person (hereafter in this sub-section and the proviso to sub-section (*1*) of section 120 referred to as the transferee), the property taxes specified in section 114 shall be leviable and shall be deemed to have been leviable in respect of such land or building with effect from the 7th day of April, 1958 or the date on which possession thereof has been delivered to the transferee, whichever is later, and such property taxes shall, notwithstanding anything contained in the proviso to sub-section (*1*) of section 126 or any other provision of this Act, be recoverable with effect from that day or date, as the case may be.]

120. Incidence of property taxes.—(*1*) The property taxes shall be primarily leviable as follows:—

(*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.

1. Ins. by Act 67 of 1993, s. 83 (w.e.f. 1-10-1993).

2. Section 119 re-numbered as sub-section (*1*) thereof by Act 42 of 1961, s. 8 (w.e.f. 12-9-1961).

3. Subs. by s. 8, *ibid.,* for "in this section" (w.e.f. 12-9-1961).

4. Ins. by s. 8, *ibid.* (w.e.f. 12-9-1961).

[1][Provided that the property taxes in respect of land or building, being property of the Union, possession of which has been delivered in pursuance of section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), shall be primarily leviable upon the transferee.]

(*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.

121. Apportionment of liability for property taxes when the premises assessed are let or sub-let.—(*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.

(*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.

(*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 entitiled to receive the same.

122. Recovery of property taxes from occupiers.—(*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.

(*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.

123. Property taxes a first charge on premises on which they are assessed.—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—

(*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

(*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.

1. Ins. by Act 42 of 1961, s. 9 (w.e.f. 12-9-1961).

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

124. Assessment list.—(*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.

(*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.

(*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 [2]***, entered in the assessment list, and in all cases in which any land or building is for the first time assessed, [3][or the rateable value of any land or building is 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 [4][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, [5][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 [6][rateable value] 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 [7][rateable values] 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.

125. Evidential value of assessment list.—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 in which such entries respectively relate; [8]***

[9]* * * * *

126. Amendment of assessment list.—(*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

1. Subs. by Act 67 of 1993, s. 85, for the *Explanation* (w.e.f. 1-10-1993).
2. The words "and the assessments of property taxes in respect of lands and buildings" omitted by Act 42 of 1961, s. 10 (w.e.f. 12-9-1961).
3. Subs. by s. 10, *ibid.,* for "or the assessment is increased" (w.e.f. 12-9-1961).
4. Subs. by s. 10, *ibid.,* for "assessment or any other matter" (w.e.f. 12-9-1961).
5. Subs. by s. 10, *ibid.,* for "assessment or other matter" (w.e.f. 12-9-1961).
6. Subs. by s. 10, *ibid.,* for "rateable value and assessment" (w.e.f. 12-9-1961).
7. Subs. by s. 10, *ibid.,* for "rateable values or assessments" (w.e.f. 12-9-1961).
8. The word "and" omitted by s. 11, *ibid.* (w.e.f. 12-9-1961).
9. Omitted by s. 11, *ibid.* (w.e.f. 12-9-1961).

(*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

(*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 [1][in which the notice under sub-section (*2*) is given].

(*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.

[2][(*3*) Notwithstanding anything contained in the proviso to sub-section (*1*) and sub-section (*2*), before making any amendment to the assessment list for the years [3][commencing on the 1st day of April, 1988, the 1st day of April, 1989 and the 1st day of April, 1990 under sub-section (*1*), the Commissioner shall give to any person affected by the amendment, notice of not less than one month at any time before the 1st day of April, 1992], that he proposes to make the amendment and consider any objections which may be made by such person.

(*4*) No amendment under sub-section (*1*) shall be made in the assessment list in relation to—

(*a*) any year prior to the year commencing on the 1st day of April, 1988, after the 31st day of March, 1991;

(*b*) the year commencing on the 1st day of April, 1988, or any other year thereafter, after the expiry of three years from the end of the year in which the notice is given under sub-section (*2*) or sub-section (*3*), as the case may be:

Provided that nothing contained in this sub-section shall apply to a case where the Commissioner has to amend the assessment list in consequence of or to give effect to any direction or order of any court.

Explanation.—In computing the period referred to in clause (*a*) or clause (*b*), any period or periods during which the proceedings for the assessment were held up on account of any stay or injunction by the order of any court, or the period of any delay attributable to the person to whom the notice has been given under sub-section (*2*) or sub-section (*3*), as the case may be, shall be excluded.]

127. Preparation of new assessment list.—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 [4]*** contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the rateable values [4]*** for the year following, giving the same public notice as well as individual notices, to persons affected by such alterations, of the rateable values [4]*** as if a new assessment list had been prepared.

128. Notice of transfers.—(*1*) Whenever the title of any person primarily liable for the payment of property taxes on any land or building is transferred, the 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.

(*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.

1. Subs. by Act 42 of 1961, s. 12, for "in which the amendment is made" (w.e.f. 12-9-1961).
2. Ins. by Act 10 of 1989, s. 2 (w.e.f. 1-4-1988).
3. Subs. by Act 32 of 1991, s. 2, for certain words and figures (w.e.f. 30-3-1991). 4.
The words "and assessments" omitted by Act 42 of 1961, s. 13 (w.e.f. 12-9-1961).

(*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 (16 of 1908), shall furnish such particulars regarding the registration of instrument of transfer of immovable properties in Delhi, as the Commissioner may from time to time require.

(*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.

129. Notice of erection of building etc.—When any new building is erected or when any building is rebuilt 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.

130. Notice of demolition or removal of building.—(*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.

131. Power of Commissioner to call for information and returns and to enter and inspect premises.—(*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—

(*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 buildings;

(*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. Premises owned by, or let to, two or more persons in severalty to be ordinarily assessed as one property.—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:

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. Assessment in case of amalgamation of premises.—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 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 premises.

134. Power of Commissioner to assess separately out-houses and portions of buildings.—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.

135. Power of Commissioner to employ valuers.—(*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 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 and such person in the exercise of any of his powers under this section.

Tax on vehicles and animals

136. Tax on certain vehicles and animals and rates thereof.—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.

137. The tax on whom leviable.—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 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—

(*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;

[1][(*d*) a cow or a she-buffalo kept for milking for domestic use if the cow or the she-buffalo is the only cow or she-buffalo kept by the owner or the person having possession or control thereof for such milking and is registered in accordance with bye-laws made in this behalf, so, however, that—

(*i*) where more cows or, as the case may be, more she-buffaloes than one are kept by several such owners or person constituting a family, the tax under this section shall be levied in respect of all such cows or all such she-buffaloes;

(*ii*) where a cow and also a she-buffalo are kept by the owner or the person having the possession or control thereof or by several such owners or persons constituting a family, the tax under this section shall be levied in respect of the cow and the she-buffalo.]

138. Tax when payable.—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.

139. Power of Commissioner to compound with livery stable keeper, etc., for tax.—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.

Theatre-tax

140. Theatre-tax.—Save as otherwise provided in the 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:

Provided that the theatre-tax shall not be levied in respect of any performance or show if the Commissioner is satisfied—

(*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

(*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. Liability to pay theatre-tax.—Every proprietor, manager, or person incharge 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 the commencement of the performances or shows:

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 conducted during such period.

Tax on advertisements other than advertisements published in the newspapers

142. Tax on advertisements.—(*1*) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post or structure 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 cinematographs), shall pay for every advertisement which is so erected, exhibited, fixed or retained or so displayed to public view, a tax calculated at such rates not exceeding those specified in the Fifth Schedule as the Corporation may determine:

1. Ins. by Act 42 of 1961, s. 14 (w.e.f. 12-9-1961).

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 Parliament 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 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 in the same; or

(*d*) relates to the name of the land or building upon or over 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 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 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. Prohibition of advertisements without written permission of the Commissioner.—(*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.

(*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. Permission of the Commissioner to become void in certain cases.—The permission granted under section 143 shall become void in the following cases, namely:—

(*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.

145. Presumption in case of contravention.—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.

146. Power of Commissioner in case of contravention.—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

147. Duty on transfer of property and method of assessment thereof.—(*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 (2 of 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.
(*ii*) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(*iii*) Gift of immovable property.	The value of the property, as set forth in the instrument.
(*iv*) Mortgage with possession of immovable property.	The amount secured by the mortgage as set forth in the instrument.
(*v*) Lease in perpetuity of immovable property.	The amount equal to one-sixth of the whole amount or value of the rent which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument.

148. Provisions applicable on the introduction of transfer duty.—On the introduction of the duty on transfers of property—

(*a*) section 27 of the Indian Stamp Act, 1899 (2 of 1899), as in force in Delhi shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without Delhi;

(*b*) section 64 of the said Act shall be read as if it referred to the Corporation as well as the Government.

Tax on buildings payable along with the application for sanction of building plans

149. Tax on building applications.—(*1*) Save as otherwise provided in this Act, the Corporation shall levy a tax on buildings at such rates not exceeding those specified in the Sixth Schedule, as the Corporation shall determine.

(*2*) The tax shall be leviable on every person who makes an application to the Commissioner for the sanction of building plan and shall be payable along with the same.

Other taxes

150. Imposition of other taxes.—(*1*) The Corporation may, at a meeting, pass a resolution for the levy of any of the taxes specified in sub-section (*2*) of section 113, defining the maximum rate of the tax

to be levied, the class or classes of persons or the description or descriptions of articles and properties to be taxed, the system of assessment to be adopted and the exemptions, if any, to be granted.

(*2*) Any resolution passed under sub-section (*1*) shall be submitted to the [1]*** Government for its sanction, and if sanctioned by that Government, shall come into force on and from such date as may be specified in the order of sanction.

(*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 second resolution is passed.

(*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.

Supplementary taxation

151. Supplementary taxation.—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.

Payment and recovery of taxes

152. Time and manner of payment of taxes.—(*1*) 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.

153. Presentation of bill.—(*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:

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.

(*2*) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

154. Notice of demand and notice-fee.—(*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.

(*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 this cost of recovery.

1. The word "Central" omitted by Act 67 of 1993, s. 86 (w.e.f. 1-10-1993).

155. Penalty in case of default of payment of taxes.—(*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.

(*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. Recovery of tax.—(*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:

Provided that the Commissioner shall not recovery 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.

157. Distress.—(*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:—

(*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.

(*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.

158. Disposal of distrained property and attachment and sale of immovable property.—(*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.

(*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.

(*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.

(*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.

(*5*) Any transfer of or charge on the property attached or any interest therein made without written permission of the Commissioner 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. Recovery from a person about to leave Delhi.—(*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. Power to institute suit for recovery.—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. Power of seizure of vehicles and animals in case of non-payment of tax thereon.—(*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 the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of 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 sale-proceeds under sub-section (*1*) shall be disposed of in the manner laid down in sub-sections (*6*) and (*7*) of section 158.

162. Occupiers may be required to pay rent towards satisfaction of property taxes.—(*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 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 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 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 be recovered from him by the Corporation as an arrear of tax under this Act.

Remission and Refund

163. Demolition, etc., of buildings.—If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Commissioner may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the rateable annual value thereof as he thinks fit.

[1]**[164 Remission or refund of tax.**—(*1*) If any building together with land appurtenant thereto has remained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner shall remit or refund, as the case may be, two-thirds of such portion of [2]*** the general tax assessed on the rateable value thereof, as may be proportionate to the number of days during which the said building together with the land appurtenant thereto has remained vacant and unproductive of rent.

(*2*) If any land, not being land appurtenant to a building, has remained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner shall remit or refund, as the case may be, one-half of such portion of [2]*** the general tax assessed on the rateable value thereof, as may be, proportionate to the number of days during which the said land has remained vacant and unproductive of rent.

[3]* * * * *]

165. Power to require entry in assessment list of details of buildings.—(*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.

(*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. Notice to be given of the circumstances in which remission or refund is claimed.—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.

167. What buildings, etc., are to be deemed vacant.—(*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.

(*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.

1. Subs. by Act 42 of 1961, s. 15, for section 164 (w.e.f. 12-9-1961).

2. The words "the scavenging tax, the fire tax and" omitted by Act 67 of 1993, s. 87 (w.e.f. 1-10-1993).

3. Omitted by s. 87, *ibid.* (w.e.f. 1-10-1993).

168. Notice to be given of every occupation of vacant land or building.—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.

Appeals

169. Appeal against assessment, etc.—(*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.

(*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.

170. Conditions of right to appeal.—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.

171. Finality of appellate orders.—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:

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. Power to inspect for purposes of determining rateable value or tax.—(*1*) The Commissioner may, without giving any previous notice, enter upon and make an inspection of—

(*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;

(*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;

(*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 to the best of his knowledge and belief as to the said matters.

173. Composition.—(*1*) The Commissioner may, with the previous sanction of the Standing Committee, allow any person to compound for any tax.

(*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 Act.

174. Irrecoverable debts.—(*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:

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*).

175. Obligation to disclose liability.—(*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 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 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 may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

176. Immaterial error not to affect liability.—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 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 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.

177. General power of exemption.—The Corporation may, by resolution passed in this behalf, 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

178. Terminal tax on goods carried by railway, or road.—(*1*) On and from the date of the establishment of the Corporation 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, in relation to any goods or classes of goods so, however, that where the rates are increased, the increased rate 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 terminal tax levied in relation to any goods or class of goods shall, for reasons specified in the notification, cease to be levied.

179. Recovery of terminal taxes.—(*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 notification in the Official Gazette.

(*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. Payment by the Central Government to the Corporation and other local authorities.—The proceeds of the terminal tax collected under this Act (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 Territory of Delhi in such proportion as may from time to time be determined by the Central Government.

181. Power of exemption.—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.

182. Powers and liabilities of persons authorised to collect terminal taxes.—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, 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 for the time being in force relating to land customs duties.

183. Power to make rules.—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;

(*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;

(*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.

[1]**** Taxes on entertainment and betting*

[2]**[184. Proceeds of entertainment tax.**—The proceeds of the entertainment and betting taxes collected in Delhi under the provisions of the Uttar Pradesh Entertainment and Betting Tax Act, 1937 (U.P. Act 8 of 1937), as extended to Delhi (which shall form part of the Consolidated Fund of the National Capital Territory of Delhi) reduced by the cost of collection as determined by the Government shall, if the Legislative Assembly of the National Capital Territory of Delhi by appropriation made by law in this behalf so provides, be paid to the Corporation for the performance of its functions under this Act.]

1. The words "*Taxes on motor vehicles and*" omitted by Act 52 of 1964, s. 3 and the Second Schedule (w.e.f. 29-12-1964).
2. Subs. by Act 67 of 1993, s. 88, for section 184 (w.e.f. 1-10-1993).

CHAPTER IX

BORROWING

185. Power of Corporation to borrow.—(*1*) The Corporation may, in pursuance of any resolution 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;

(*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;

[1][(*d*) to pay off any debt due to the Central Government or the Government;]

(*e*) to repay a loan previously raised under this Act or any other Act previously in force; or

(*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:

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, (9 of 1914) and the rules made thereunder;

(*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.

(*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 employed in connection with the carrying out of that purpose.

186. Time for repayment of money borrowed under section 185.—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.

187. Form and effect of debentures.—All debentures issued under this Chapter shall be in such form as 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.

188. Payment to survivors of joint payees.—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 (9 of 1872), the debenture or security shall be payable to the survivor or survivors of such person :

Provided that nothing in this section shall affect any claim by the legal representative of a deceased person against such survivor or survivors.

189. Receipt by joint holders for interest or dividend.—When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give 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.

1. Subs. by Act 67 of 1993, s. 89, for clause (*d*) (w.e.f. 1-10-1993).

190. Maintenance and investment of sinking funds.—(*1*) The Corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay 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 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 (*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 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.

191. Application of sinking funds.—A sinking fund or any part thereof shall be applied in or 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 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.

192. Annual statement by Commissioner.—(*1*) The Commissioner shall, at the end of every year, submit to Corporation a statement showing—

(*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;

(*c*) the aggregate amount of the securities then in his hands; and

(*d*) the aggregate amount which has up to the date of the statement been applied under section 191, in or towards discharging loans.

193. Power of Corporation to consolidate loans.—(*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.

(*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.

194. Priority of payments for interest and repayment of loans over other payments.—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.

195. Attachment of Municipal Fund for recovery of money borrowed from Government.—(*1*) If any money borrowed or deemed to have been borrowed by the Corporation from the [1][Central Government or the Government] or any interest or costs due in respect thereof be not repaid according to the conditions of the loan, the [1][Central Government or the Government] may attach the Municipal Fund or any part thereof.

(*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 interests 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 [1][Central Government].

196. Power to make regulations.—The Corporation may make regulations to carry out the purpose 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.

CHAPTER X

PROPERTY AND CONTRACTS

Property

197. Acquisition of property.—The Corporation shall, for the purpose of this Act, have power to acquire and hold movable and immovable property, or any interest therein.

198. Acquisition of immovable property by agreement.—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.

199. Procedure when immovable property cannot be acquired by agreement.—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 (1 of 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. Disposal of property.—With respect to the disposal of property belonging to the Corporation, the following provisions shall have effect, namely:—

(*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

1. Subs. by Act 67 of 1993, s. 90, for "Government" (w.e.f. 1-10-1993).

(*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.

Contracts

201. Contracts by the Corporation.—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.

202. Procedure for making contracts.—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;

(*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;

[1][(*c*) no contract which will involve an expenditure exceeding ten lakh rupees or such higher amount as the Central Government may from time to time, fix, shall be made by the Commissioner unless the same is previously approved by the Standing Committee; and

(*d*) every contract made by the Commissioner involving an expenditure exceeding one lakh rupees but not exceeding ten lakh rupees or such higher amount as may be fixed under clause (*c*) shall be reported by him, within one month after the same has been made to the Standing Committee.]

[2]* * * * *

203. Mode of executing contracts.—(*1*) The mode of executing contracts under this Act shall be prescribed by bye-laws made in this behalf.

(*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

[3][**204. Accounts to be kept.**—There shall be kept in such manner and in such form as may be prescribed by regulations the General Account of all receipts and expenditures of the Corporation.]

1. Subs. by Act 67 of 1993, s. 91, for clauses (*c*) and (*d*) (w.e.f. 1-10-1993). 2. Omitted by s. 91, *ibid.* (w.e.f. 1-10-1993).

3. Subs. by s. 92, *ibid.,* for section 204 (w.e.f. 1-10-1993).

205. Scrutiny of accounts by Municipal Chief Auditor and by the Standing Committee.—(*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 receipt and expenditure of the month last preceding, signed by not less than two members of that Committee and by the Municipal Chief Auditor.

(*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.

206. Report by the Municipal Chief Auditor.—(*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;

(*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.

(*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.

(*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.

(*5*) The Commissioner shall also forward without delay to the [1]*** 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.

207. Special audit at the direction of the Central Government.—(*1*) The [2]*** Government may at any time appoint an auditor for the purpose of making a special audit [3][of the General Account] of the Municipal Fund and of reporting thereon to the [2]*** Government and the costs of such audit as determined by the [2]*** Government shall be chargeable to the Municipal Fund.

(*2*) An auditor so appointed may exercise any power which the Municipal Chief Auditor may exercise.

Powers and duties of the Municipal Chief Auditor

208. Procedure to be followed by the Municipal Chief Auditor.—(*1*) The Municipal Chief Auditor shall audit the accounts of the Corporation with the assistance of officers and other employees subordinate to him.

1. The word "Central" omitted by Act 67 of 1993, s. 93 (w.e.f. 1-10-1993).
2. The word "Central" omitted by 94, *ibid.* (w.e.f. 1-10-1993).
3. Subs. by s. 94, *ibid.,* for "of any of the Accounts" (w.e.f. 1-10-1993).

(*2*) In the discharge of his functions under this section the Municipal Chief Auditor shall—

(*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 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;

(*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.

(*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, [1][or the Standing Committee], and shall certify and report upon these accounts.

(*4*) The Municipal Chief Auditor shall, in consultation with [2]*** the Standing 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 preparation of these reports.

209. Power of Municipal Chief Auditor to make queries, etc. and call for returns, etc.—(*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 may think fit.

(*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 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 all books and documents having relation there to, 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:

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 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.

1. Subs. by Act 67 of 1993, s. 95, for certain words (w.e.f. 1-10-1993).
2. Certain words omitted by s. 95, *ibid.* (w.e.f. 1-10-1993).

CHAPTER XII

WATER SUPPLY, DRAINAGE AND SEWAGE DISPOSAL

General

210. [*Definitions*.] *Omitted by the Delhi Municipal Corporation* (*Amendment*) *Act,* 1993 (67 of 1993), *s*. 96 (*w.e.f.* 1-10-1993).

211. [*Power to require Corporation to carry out surveys and formulate proposals*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

212. [*Power to construct additional works*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

Water Supply

213. [*Functions in relation to water supplies*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

214. [*Water supplied for domestic purposes not to be used for non-domestic purposes*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

215. [*Purity of water for domestic purposes*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

216. [*Supply of water for domestic purposes not to include any supply for certain specified purposes*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

217. [*Power to supply water for non-domestic purposes*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

218. [*Use of water for extinguishing fire*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

219. [*Power to require water supply to be taken*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

220. [*New premises not to be occupied without arrangement for water supply*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

221. [*Public gratuitous water supply*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

222. [*Power to lay mains*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

223. [*Power to lay service pipes, etc*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

224. [*Provision of fire hydrants*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

225. [*Power of Corporation to require owners of premises to set up pumps, etc*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

226. [*Supply of water*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

227. [*Laying of supply pipes, etc*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

228. [*Power to require separate service pipes*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

229. [*Stopcocks*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

230. [*Power of Commissioner to provide meters*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

231. [*Presumption as to correctness of meters*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

232. [*Prohibition of waste or misuse of water*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

233. [*Power to enter premises to detect waste or misuse of water*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

234. [*Power to test water test fittings*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

235. [*Power to close or restrict use of water from polluted source of supply*.] *Omitted by the Delhi Municipal Corporation* (*Amendment*) *Act,* 1993 (67 of 1993), *s*. 96 (*w.e.f.* 1-10-1993).

236. [*Water pipes, etc., not to be placed where water will be polluted*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

237. [*Power to cut off private water supply or to turn off water*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

238. [*Joint and several liability of owners and occupiers for offence in relation to water supply*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

Drainage and sewerage

239. [*Public drains etc., to vest in the Corporation*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

240. [*Control of drains and sewage disposal works*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

241. [*Certain matters not to be passed into municipal drains*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

242. [*Application by owners and occupiers to drain into municipal drains*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

243. [*Drainage of undrained premises*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

244. [*New premises not to be erected without drains*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

245. [*Power to drain group or block of premises by combined operation*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

246. [*Power of Commissioner to close or limit the use of private drains in certain cases*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

247. [*Use of drain by a person other than the owner*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

248. [*Sewage and rain water drains to be distinct*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993). **249**. [*Power of Commissioner to require owner to carry out certain works for satisfactory drainage*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

Disposal of sewage

250. [*Appointment of places for the emptying of drains and disposal of sewage*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

Miscellaneous

251. [*Connection with water works and drains not to be made without permission*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

252. [*Buildings, railways and private streets not to be erected or constructed over drains or water works without permission*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

253. [*Rights of user of property for aqueducts, lines, etc*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

254. [*Power of owner of premises to place pipes and drains through land belonging to other persons*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

255. [*Power to require railway level, etc., to be raised or lowered*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

256. [*Power of Commissioner to execute work after giving notice to the person liable*.]*Omitted by the Delhi Municipal Corporation* (*Amendment*) *Act,* 1993 (67 of 1993), *s*. 96 (*w.e.f.* 1-10-1993).

257. [*Power of Commissioner to affix shafts, etc., for ventilation of drain or cesspool*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

258. [*Power of Commissioner to examine and test drains, etc., believed to be defective*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

259. [*Bulk supply of water to the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

260. [*New Delhi Municipal Committee and the Military Engineer Services to pay actual cost of supply of water*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

261. [*Provincial collecting rate*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

262. [*Final settlement of accounts*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

263. [*Supply of meters*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

264. [*Testing of meters*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

265. [*Disposal of sewage of New Delhi*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

266. [*New Delhi Municipal Committee to pay cost of disposal of sewage*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

267. [*Manner of payment by the New Delhi Municipal Committee of proportion of cost of disposal of sewage*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

268. [*Disputes as to liability for payments to or by the Corporation*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

269. [*Summary recovery of sums due from the New Delhi Municipal Committee or the Military Engineer Services*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

270. [*Corporation not to give up certain works, etc., without permission of the Central Government*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

271. [*Employment of Government agencies for repairs, etc*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

272. [*Work to be done by licensed plumber.*] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

273. [*Prohibition of certain acts*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

CHAPTER XIII.

ELECTRICITY SUPPLY

274. [*Definitions*.] *Omitted by the Delhi Municipal Corporation* (*Amendment*) *Act,* 1993 (67 of 1993), *s*. 96 (*w.e.f.* 1-10-1993).

275. [*Functions in relation to electricity supply*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

276. [*Additional functions in relation to electricity supply*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

277. [*Corporation to have powers and obligations of licensee under Act 9 of 1910*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

278. [*Power to construct or acquire new undertakings, etc*.] *Omitted by the Delhi Municipal Corporation* (*Amendment*) *Act,* 1993 (67 of 1993), *s*. 96 (*w.e.f.* 1-10-1993).

279. [*Power of carrying out, renewing and repairing works*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

280. [*Restriction on building and other acts interfering with the works of Undertaking*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

281. [*Power of Corporation to make arrangements with licensees*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

282. [*Restriction on establishment of new generating stations or major additions to or replacement of plant in generating stations*.] *Omitted by s*. 96, *ibid*. (*w.e.f.* 1-10-1993).

283. [*Charges for supply of electricity*.] *Omitted by s*. 96, *ibid*. (*w.e.f*. 1-10-1993).

284. [*Bulk supply of electricity to the New Delhi Municipal Committee and Military Engineer Services, Delhi Cantonment*.] *Omitted by s*. 96, *ibid*. (*w.e.f*. 1-10-1993).

285. [*Payment of actual cost of supply of electricity*.] *Omitted by s*. 96, *ibid*. (*w.e.f*. 1-10-1993).

286. [*Dissolution of the Delhi State Electricity Board*.] *Omitted by s*. 96, *ibid*. (*w.e.f*. 1-10-1993).

CHAPTER XIV

TRANSPORT SERVICES

287. [*Definitions*.] *Omitted by the Delhi Road Transport Laws* (*Amendment*) *Act* 1971 (71 *of* 1971), *s*. 7(*b*) *and the Second Schedule* (*w.e.f* 3-11-1971).

288. [*Functions in relation to transport services*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid. w.e.f* 3-11-1971).

289. [*Powers in relation to transport services*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

290. [*Preparation to schemes*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

291. [*Sanction of schemes*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

292. [*Extension of operation of the road transport services of the Corporation to areas within another State*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

293. [*Power to alter or extend the schemes*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

294. [*The Undertaking to be run on business principles*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

295. [*Application of the provisions of the Motor Vehicles Act, 1939, or any rules made thereunder to vehicles and employees of the Undertaking*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

296. [*Power of Central Government to exempt vehicles of the Corporation from payment of certain charges.*] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

297. [*Maintenance and repairs of portion of streets where tramway is laid*.] *Omitted by s*. 7(*b*) *and the Second Schedule, ibid.* (*w.e.f* 3-11-1971).

CHAPTER XV

STREETS

Construction, maintenance and improvement of streets

298. Vesting of public streets in the Corporation.—(*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 Central Government with the consent of the Corporation so directs, vest in the Corporation by virtue of this subsection.

(*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 behalf.

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

299. Functions of Commissioner in respect of public streets.—(*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 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 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 publish 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. Disposal of land forming site of public streets permanently closed.—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.

301. Power to make new public streets.—The Commissioner may at any time with the previous sanction of the Corporation:—

(*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. Minimum width of new public streets.—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.

1. Ins. by Act 67 of 1993, s. 97 (w.e.f. 1-10-1993).

303. Power to prohibit use of public streets for certain kind of traffic.—(*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;

(*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 unwiledy 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;

(*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*).

(*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.

304. Power to acquire lands and buildings for public streets and for public parking places.— 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;

(*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;

(*c*) acquire any land for the purpose of laying out or making a public parking place.

305. Defining the regular line of streets.—(*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 :

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:

Provided further that the regular line of any public street operative under any law in force in any part of Delhi immediately before the commencement of this Act shall be deemed to be a line defined by the Commissioner under this subsection.

(*2*) The line for the time being defined or redefined shall be called the regular line of street.

(*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:

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, 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 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 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—

(*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 (*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 (16 of 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.

306. Setting back building to regular line of street.—(*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—

(*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 which is within the regular line of the street,

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.

(*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 therefore occupied by the said building and, if necessary, clear the same.

(*3*) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

307. Compulsory setting back of building to regular line of street.—(*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.

(*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 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 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 land shall thereupon be deemed to be a part of the public street and shall vest in the Corporation.

308. Acquisition of open land and land occupied by platforms, etc., within the regular line of street.—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 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' 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 and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Corporation:

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.

309. Acquisition of the remaining part of a building and land after their portions within a regular line of street have been acquired.—(*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 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.

(*2*) Such surplus land may thereafter be utilised for the purpose of setting forward a building under section 310.

310. Setting forward of buildings to the regular line of street.—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 required any building to be so set forward in the case of reconstruction thereof or of a new construction.

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.

311. Compensation to be paid in certain cases of setting back or setting forward of buildings, etc.—(*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:

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;

(*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.

(*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.

(*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 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.

(*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 the determination of the court or the district judge of Delhi whose decision thereon shall be final.

Private Streets

312. Owner's obligation when dealing with land as building sites.—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.

313. Lay-out Plans.—(*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:—

(*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;

(*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;

(*d*) the regular line of street or streets;

(*e*) the arrangements to be made for leveling, paving, metalling, flagging, channelling, severing, draining, conserving and lighting street or streets.

(*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:—

(*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.

(*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:

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.

(*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.

314. Alteration or demolition of street made in breach of section 313.—(*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:—

(*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

(*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.

(*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.

315. Power of Commissioner to order work to be carried out or to carry it out himself in default.—(*1*) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, severed, 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 within such time as may be specified in such notice.

(*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 Commissioner and shall be recoverable from them as an arrear of tax under this Act.

316. Right of owners to require streets to be declared public.—If any street has been levelled, paved, metalled, flagged, channelled, severed, drained, conserved and lighted under the provisions of section 315, the Commissioner may, and on the requisition 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.

Encroachments on streets

317. Prohibition of projections upon streets, etc.—(*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—

(*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

(*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.

(*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.

318. Projections over streets may be permitted in certain cases.—(*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

(*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:

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.

319. Ground floor doors, etc., not to open outwards on streets.—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.

320. Prohibition of structures or fixtures which cause obstruction in streets.—(*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.

(*2*) Nothing in this section shall apply to any erection or thing to which clause (*c*) sub-section (*1*) of section 325 applies.

321. Prohibition of deposit, etc., of things in streets.—(*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.

(*2*) Nothing in sub-section (*1*) applies to building materials.

322. Power to remove anything deposited or exposed for sale in contravention of this Act.—The Commissioner may, without notice, cause to be removed—

(*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 other public place in contravention of this Act and vehicle, package, box or any other thing in or on which such article is placed.

323. Prohibition of the tethering of animals and milking of cattle.—(*1*) No person shall tether any animal or cause or permit the same to be tethered in any public street.

(*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).

Provision concerning execution of works in or near to streets

324. Precautions during repair of streets.—(*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—

(*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.

(*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.

(*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.

325. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.—(*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.

(*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.

(*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 permission specified in that sub-section, on 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*):

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 not reply has been sent to the applicant within seven days from the date of the application.

326. Disposal of things removed under this Chapter.—(*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.

(*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, shall be credited to the Municipal Fund.

Naming and numbering of streets and numbering of buildings

327. Naming and numbering of streets.—(*1*) The Commissioner may—

(*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;

(*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.

Repairs or enclosure of dangerous places

328. Commissioner to take steps for repairing or enclosing dangerous places.—(*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.

(*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.

Lighting of streets

329. Measures for lighting.—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;

(*b*) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the said purpose;

(*c*) cause such lamps to be lighted by means of oil, electricity or such other light as the Standing Committee may determine.

330. Prohibition of removal, etc., of lamps.—(*1*) No person shall, without lawful authority, take away or wilfully or negligently break or throw down or damage—

(*a*) any lamp or any appurtenance of any lamp or lamp post or lamp iron set up in any public street or any public place;

(*b*) any electric wire for lighting such lamp;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(*2*) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(*3*) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in sub-section (*1*), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage so done by him.

CHAPTER XVI

BUILDING REGULATIONS

1[**330A. General superintendence, etc., of the Central Government.**—Notwithstanding anything contained in any other provision of this Act, the Commissioner shall exercise his powers and discharge his functions under this Chapter, under the general superintendence, direction and control of the Central Government.]

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

(*a*) to erect a new building on any site whether previously built upon or not;

(*b*) tore-erect.—

(*i*) any building of which more than one-half of the cubical contents above the level of the plinth have been pulled down, burnt or destroyed, or

(*ii*) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down, or

(*iii*) any frame building of which more than half of the number of the posts or beams in the external walls have been pulled down;

(*c*) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation or, if originally so constructed, subsequently appropriated for any other purpose;

(*d*) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

(*e*) to convert into a place of religious worship or into a sacred building any place or building not originally constructed for such purpose;

(*f*) to roof or cover an open space between walls or buildings to the extent of the structure which is formed by the roofing or covering of such space;

(*g*) to convert two or more tenements in a building into a greater or lesser number;

(*h*) to convert into a stall, shop, warehouse or godown, stable, factory or garage any building not originally constructed for use as such or which was not so used before the change;

(*i*) to convert a building which when originally constructed was legally exempt from the operations of any building regulations contained in this Act or in any bye-laws made thereunder or in any other law, into a building which had it been originally erected in its converted form, would have been subject to such building regulations;

(*j*) to convert into or use as dwelling house any building which has been discontinued as or appropriated for any purpose other than a dwelling house.

332. Prohibition of building without sanction.—No person shall erect or commence to erect any building, or execute any of the works specified in section 334 except with the previous sanction of the Commissioner, not otherwise than in accordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

333. Erection of building.—(*1*) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

1. Ins. by Act 67 of 1993, s. 98 (w.e.f 1-10-1993).

(*2*) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

334. Applications for additions to, or repairs of, buildings.—(*1*) Every person who intends to execute any of the following works, that is to say—

(*a*) to make any addition to a building;

(*b*) to make any alteration or repairs to a building involving the removal or re-erection of any external or partly wall thereof or of any wall which supports the roof thereof to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet;

(*c*) to make any alteration or repairs to a frame building involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid; or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet;

(*d*) to make any alteration in a building involving—

(*i*) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or

(*ii*) the conversion of any passage or space in such building into a room or rooms;

(*e*) to repair, remove, construct, reconstruct or make any addition to or structural alteration in any portion of a building abutting on a street which stands within the regular line of such street;

(*f*) to close permanently any door or window in an external wall;

(*g*) to remove or reconstruct the principal staircase or to alter its position;

shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(*2*) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

335. Conditions of valid notice.—(*1*) A person giving the notice required by section 333 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 334 shall specify whether the purpose for which the building is being used is proposed or likely to be changed by the execution of the proposed work.

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

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

(*2*) The grounds on which the sanction of a building or work may be refused shall be the following, namely:—

(*a*) that the building or work or the use of the site for the building or work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law or order made under such other law;

(*b*) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the bye-laws made in this behalf;

(*c*) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished;

(*d*) that in cases falling under section 312, lay-out plans have not been sanctioned in accordance with section 313;

(*e*) that the building or work would be an encroachment on Government land or land vested in the Corporation;

(*f*) that the site of the building or work does not about on a street or projected street and that there is no access to such building or work from any such street by a passage or path-way appertaining to such site.

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

(*4*) The sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

337. When building or work may be proceeded with.—(*1*) Where within a period of sixty days, or in cases falling under clause (*b*) of section 331 within a period of thirty days, after the receipts of any notice under section 333 or section 334 or of the further information, if any, required under section 335 the Commissioner does not refuse to sanction the building or work or upon refusal, does not communicate the refusal to the person who has given the notice, the Commissioner shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in accordance with his intention as expressed in the notice and the documents and plans accompanying the same:

Provided that if it appears to the Commissioner that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Commissioner may withhold sanction of the building or work for such period not exceeding three months as he deems fit and the period of sixty days or as the case may be, the period of thirty days specified in this sub-section shall be deemed to commence from the date of the expiry of the period for which the sanction has been withheld.

(*2*) Where a building or work is sanctioned or is deemed to have been sanctioned by the Commissioner under sub-section (*1*), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of this Act or any other law or of any bye-law made thereunder.

(*3*) If the person or anyone lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been sanctioned, he shall have to give notice under section 333 or, as the case may, be under section 334 for fresh sanction of the building or the work and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.

(*4*) Before commencing the erection of a building or execution of a work within the period specified in sub-section (*3*), the person concerned shall give notice to the Commissioner of the proposed date of the commencement of the erection of the building or the execution of the work:

Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

338. Sanction accorded under misrepresentation.—If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information further under sections 333, 334 and 335, he may be order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction:

Provided that before making any such order the Commissioner shall give reasonable opportunity to the person affected as to why such order should not be made.

339. Buildings at corners of streets.—The Commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

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

(*2*) The erection of any such building or the execution of any such work may be refused by the Commissioner if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Commissioner but which has not been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

341. Period for completion of building or work.—The Commissioner, when sanctioning the erection of a building or execution of a work, shall specify a reasonable period after the commencement of the building or work within which the building or work is to be completed and if the building or work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Commissioner on application made therefor has allowed an extension of that period.

342. Prohibition against use of inflammable materials for building, etc., without permission.—In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed or cloth, grass leaves, mats or other inflammable materials except with the written permission 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.

[1][**343. Order of demolition and stoppage of buildings and works in certain cases and appeal.**—(*1*) Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed, within such period, (not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person), as may be, specified in the order of demolition:

Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that where the erection or work has not been completed, the Commissioner may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the erection or work until the expiry of the period within which any appeal against the order of demolition, if made, may be preferred under sub-section (*2*).

(*2*) Any person aggrieved by an order of the Commissioner made under sub-section (*1*) may prefer an appeal against the order to [2][the Appellate Tribunal] within the period specified in the order for the demolition of the erection or work to which it relates.

(*3*) Where an appeal is preferred under sub-section (*2*) against an order of demolition, [3][the Appellate Tribunal may, subject to the provisions of sub-section (*3*) of section 347C,] stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

1. Subs. by Act 42 of 1961, s. 16, for section 343 (w.e.f. 12-9-1961).

2. Subs. by Act 42 of 1984, s. 3, for "the court of the district judge of Delhi" (w.e.f. 10-2-1986). 3. Subs. by s. 3, *ibid*., for "the court of the district judge may" (w.e.f. 10-2-1986).

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by [1][the Appellate Tribunal, unless security, sufficient in the opinion of the said Tribunal], has been given by the appellant for not proceeding, with such erection or work pending the disposal of the appeal.

(*4*) [2][No court] shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(*5*) [3][Subject to an order made by the Administrator on appeal under section 347D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Administrator and the Appellate Tribunal on appeal] the order of demolition made by the Commissioner shall be final and conclusive.

(*6*) Where no appeal has been preferred against an order of demolition made by the Commissioner under sub-section (*1*) or where an order of demolition made by the Commissioner under that sub-section [4][has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Administrator in a case where an appeal has been preferred against the order of the Appellate Tribunal] the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by [5][the Appellate Tribunal or the Administrator] on appeal and on the failure of the person to comply with the order within such period, the Commissioner

may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act].

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

(*2*) [6][If an order made by the Commissioner under section 343 or under sub-section (*1*) of this section directing any person to stop the erection of any building or execution of any work is not complied with,] the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises [7][or to seize any construction material, tool, machinery, scaffolding or other things used in the erection of any building or execution of any work] within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

[7][(*2A*) Any of the things caused to be seized by the Commissioner under subsection (*2*) shall be disposed of by him in the manner specified in section 326.]

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

1. Subs. by Act 42 of 1984, s. 3,for "the court of the district judge unless security, sufficient in the opinion of the court" (w.e.f. 10-2-1986).
2. Subs. by s. 3, *ibid.,* for "Save as provided in this section, no court" (w.e.f. 10-2-1986).
3. Subs. by s. 3, *ibid.,* for certain words (w.e.f. 10-2-1986).
4. Subs. by s. 3, *ibid.,* for "has been confirmed on appeal, whether with or without variation" (w.e.f. 10-2-1986).
5. Subs. by s. 3, *ibid.,* for "the court of the district judge" (w.e.f. 10-2-1986).
6. Subs. by Act 42 of 1961, s. 17, for "If such order is not complied with forthwith" (w.e.f. 12-9-1961).
7. Ins. by Act 42 of 1984, s. 4 (w.e.f. 10-2-1986).

(*4*) Where a police officer or a municipal officer or other municipal employee has been deputed under sub-section (*3*) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (*1*) was given and shall be recoverable from such person as an arrear of tax under this Act.

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

(*a*) to make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or

(*b*) to show cause why such alterations should not be made, within a period stated in the notice.

(*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.

[2]**[345A. Power to seal unauthorised constructions.**—(*1*) It shall be lawful for the Commissioner, at any time, before or after making an order of demolition under section 343 or of the stoppage of the erection of any building or execution of any work under section 343 or under section 344, to make an

order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed in the manner prescribed by rules, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

(*2*) Where any erection or work or any premises in which any erection or work is being carried on, has or have been sealed, the Commissioner may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(*3*) No person shall remove such seal except—

(*a*) under an order made by the Commissioner under sub-section (*2*); or

(*b*) under an order of an Appellate Tribunal or the Administrator, made in an appeal under this Act.]

346. Completion certificates.—(*1*) Every person who employs a licensed architect or engineer or a person approved by the Commissioner to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be delivered or sent to the Commissioner a notice in writing of such completion accompanied by a certificate in the form prescribed by bye-laws made in this behalf and shall give to the Commissioner all necessary facilities for the inspection of such building or work.

(*2*) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof effected by any such work until permission has been granted by the Commissioner in this behalf in accordance with bye-laws made under this Act:

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

1. Subs. by Act 42 of 1984, s. 5, for "within three months after the completion thereof, by a written notice" (w.e.f. 10-12-1985).

2. Ins. by s. 6, *ibid*. (w.e.f. 10-2-1986).

347. Restrictions on user of buildings.—No person shall, without the written permission of the Commissioner, or otherwise than in conformity with the conditions, if any, of such permission—

(*a*) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and 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.

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

(*2*) An Appellate Tribunal shall consist of one person to be appointed by the Central Government on such terms and conditions of service as may be prescribed by rules.

(*3*) A person shall not be qualified for appointment as the presiding officer of an Appellate Tribunal unless he is, or has been, a district judge or an additional district judge or has, for at least ten years, held a judicial office in India.

(*4*) The Central Government may, if it so thinks fit, appoint one or more persons having special knowledge of, or experience in, the matters involved in such appeals, to act as assessors to advise the Appellate Tribunal in the proceedings before it, but no advice of the assessors shall be binding on the Appellate Tribunal.

(*5*) The Central Government shall, by notification in the Official Gazette, define the territorial limits within which an Appellate Tribunal shall exercise its jurisdiction, and where different Appellate Tribunals have jurisdiction over the same territorial limits, the Central Government shall also provide for the distribution and allocation of work to be performed by such Tribunals.

(*6*) For the purpose of enabling it to discharge its functions under this Act, every Appellate Tribunal shall have a Registrar and such other staff on such terms and conditions of service as may be prescribed by rules:

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

347B. Appeals against certain orders or notices issued under the Act.—(*1*) Any person aggrieved by any of the following orders made or notices issued under this Act, may prefer an appeal against such order or notice to the Appellate Tribunal, namely:—

(*a*) an order according or disallowing sanction to a lay-out plan under section 313;

(*b*) an order directing the alteration or demolition of any street under section 314;

(*c*) a notice under sub-section (*1*) of section 315;

(*d*) a notice under sub-section (*2*) of section 317;

(*e*) an order directing the disposal of things removed under Chapter XV or seized under section 344, or an order rejecting the claim of any person for the balance of the proceeds of sale of the things so disposed of;

(*f*) an order sanctioning or refusing to sanction the erection of any building or the execution of any work under section 336;

(*g*) an order with holding sanction under the proviso to sub-section (*1*) of section 337;

(*h*) an order cancelling a sanction under section 338;

1. Ins. by Act 42 of 1984, s. 7 (w.e.f. 10-2-1986).

(*i*) an order requiring the rounding off, splaying or cutting off the height of a building intended to be erected, or for the acquisition of any portion of a site, under section 339;

(*j*) an order disallowing the erection of any building or the execution of any work under section 340;

(*k*) an order requiring the stoppage of any erection or work under section 344;

(*l*) an order requiring the alteration of any building or work under section 345;

(*m*) an order directing the sealing of unauthorised constructions under section 345A;

(*n*) an order refusing to grant permission under sub-section (*2*) of section 346;

(*o*) an order granting or refusing permission under section 347;

(*p*) any such other order or notice relating to or arising out of planned development under the provisions of this Act as may be prescribed by rules.

(*2*) An appeal under this section shall be filed within thirty days from the date of the order or notice appealed against:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(*3*) An Appeal to the Appellate Tribunal shall be made in such form and shall be accompanied by a copy of the order or notice appealed against and by such fees as may be prescribed by rules.

347C. Procedure of the Appellate Tribunal.—(*1*) The Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming,

modifying or annulling the order or notice appealed against or may refer the case back to the authority or officer against whose order or notice the appeal is filed, for a fresh order or notice, after taking additional evidence, if necessary, or such other action as the Appellate Tribunal may specify.

(*2*) The Appellate Tribunal shall send a copy of every order passed by it to the parties to the appeal.

(*3*) No Appellate Tribunal shall, in any appeal pending before it in respect of any order or notice under this Act, make an interim order (whether by way of injunction or stay) against the Corporation or against any officer or servant of the Corporation acting or purporting to act in his official capacity, unless an opportunity is given to the Corporation or its officer or servant to be heard in the matter:

Provided that the Appellate Tribunal may without giving an opportunity as aforesaid make an interim order as an exceptional measure if it is satisfied for reasons to be recorded by it in writing that it is necessary so to do for preventing any loss being caused to the person filing the appeal which cannot be adequately compensated in money:

Provided further that every such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless before the expiry of that period, the Appellate Tribunal confirms or modifies that order after giving to the Corporation or its officer or servant an opportunity of being heard.

(*4*) Subject to rules that may be made by the Central Government in this behalf, the awarding of damages in and the costs of, and incidental to, any appeal before an Appellate Tribunal, shall be in its discretion and it shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such damages or costs are to be paid and to give, in its order disposing of an appeal, necessary directions for the purposes aforesaid.

(*5*) An order of the Appellate Tribunal made under this section may be executed or caused to be executed by it on the application of the person in whose favour the order has been made.

(*6*) In hearing and deciding an appeal or in the execution of an order, an Appellate Tribunal shall follow such procedure as may be prescribed by rules.

(*7*) Every Appellate Tribunal, shall, in addition to the powers conferred on it under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of persons and examining them on oath;

(*b*) requiring the discovery and inspection of documents;

(*c*) receiving evidence on affidavits;

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

(*e*) issuing commisisons for the examination of witnesses or documents; and

(*f*) any other matter which may be prescribed by rules, and every proceeding of an Appellate Tribunal in hearing or deciding an appeal or in connection with the execution of its order, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860), and every Appellate Tribunal shall be deemed to a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

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

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

(*3*) An order of the Administrator on an appeal under this section, and subject only to such order, an order of the Appellate Tribunal under section 347B, and subject to such orders of the Administrator or an Appellate Tribunal, an order or notice referred to in sub-section (*1*) of that section, shall be final.

347E. Bar of jurisdiction of courts.—(*1*) After the commencement of section 7 of the Delhi Municipal Corporation (Amendment) Act, 1984 (42 of 1984), no court shall entertain any suit, application or other proceedings in respect of any order or notice appealable under section 343 or section 347B and no such order or notice shall be called in question otherwise than by preferring an appeal under those sections.

(*2*) Notwithstanding anything contained in sub-section (*1*), every suit, application or other proceeding pending in any court immediately before the commencement of section 7 of the Delhi Municipal Corporation (Amendment) Act, 1984 (42 of 1984), in respect of any order or notice appealable under section 343 or section 347B, shall continue to be dealt with and disposed of by that court as if the said section had not been brought into force.]

348. Removal of dangerous buildings.—(*1*) If it appears to the Commissioner at any time that any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood of such building, the Commissioner may, by order in writing, require the owner or occupier of such building to demolish, secure or repair such building or do one or more of such things within such period as may be specified in the order, so as to prevent all cause of danger therefrom.

(*2*) The Commissioner may also, if he thinks fit, require such owner or occupier by the said order either forthwith or before proceeding to demolish, secure or repair the building, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail wherever practicable to serve as a foot-way for passengers outside of such hoard or fence.

(*3*) If it appears to the Commissioner that danger from a building which is in a ruinous condition or likely to fall is imminent, he may, before making the order aforesaid, fence off, demolish, secure or repair the said building or take such steps as may be necessary to prevent the danger.

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

(*5*) All expenses incurred by the Commissioner in relation to any building under this section shall be recoverable from the owner or occupier thereof as an arrear of tax under this Act.

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

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

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

(*3*) The Commissioner shall, on the application of any person who has vacated, or been removed from any building in pursuance of an order made by him, reinstate such person in the building on the expiry of the period for which the order has been in force according as the circumstances prevailing at that time permit.

1[**349A. Power of Central Government to make bye-laws.—**(*1*) The Central Government may, by notification in the Official Gazette, make bye-laws for carrying out the provisions of this Chapter:

Provided that all bye-laws made by the Corporation under paragraph F of sub-section (*1*) of section 481 of this Act as it stood immediately before the commencement of the Delhi Municipal Corporation(Amendment) Act, 1993 and in force immediately before such commencement, shall be

deemed to have been made under the provisions of this section and shall continue to have the same force and effect after such commencement until it is amended, varied, rescinded or superseded under the provisions of this section.

(*2*) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely:—

(*a*) the regulation or restriction of the use of sites for buildings for different areas;

(*b*) the regulation or restriction of buildings in different areas;

(*c*) the form of notice of erection of any building or execution of any work and the fee in respect of the same;

(*d*) the plans and documents to be submitted together with such notice and the information and further information to be furnished;

(*e*) the level and width of foundation, level of lowest floor and stability of structure;

(*f*) the construction of buildings and the materials to be used in the construction of buildings;

(*g*) the height of buildings whether absolute or relative to the width of streets or to different area;

(*h*) the number and height of storeys composing a building and the height of rooms and the dimensions of room intended for human habitation;

(*i*) the provision of open spaces, external and internal, and adequate means of light and ventilation;

(*j*) the provision of means of egress in case of fire, fire-escapes and water lifting devices;

(*k*) the provision of secondary means of access for the removal of house refuse;

(*l*) the materials and methods of construction of external and party walls, roofs and floors;

(*m*) the position, materials and methods of construction of hearths, smoke-escapes, chimneys, stair-cases, latrines, drains and cesspools;

1. Ins. by Act 67 of 1993, s. 99 (w.e.f. 1-10-1993).

(*n*) the provision of lifts;

(*o*) the paving of yards;

(*p*) the restriction on the use of inflammable materials in buildings;

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

(*r*) the measures to be taken to protect buildings from damp arising from sub-soil;

(*s*) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings;

(*t*) in the case of wells, the dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water;

(*u*) the supervision of buildings;

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

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

(*3*) The draft of the bye-laws referred to in sub-section (*1*) shall be forwarded to the Commissioner, who shall cause the same to be published in the Official Gazette for inviting objections and suggestions from the public within thirty days from the date of such publication.

(*4*) The Commissioner shall forward the draft bye-laws to the Central Government along with his recommendations and the objections and suggestions received from the public, within three months of their publication in the Official Gazette.

(*5*) The Central Government may issue such directions to the Commissioner as it thinks fit, for ensuring proper implementation of the bye-laws made under this section.]

CHAPTER XVII

SANITATION AND PUBLIC HEALTH

Conservancy and sanitation

350. Provision for daily cleansing of streets and removal of rubbish and filth.—(*1*) For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall provide—

(*a*) for the daily surface-cleansing of all streets and the removal of the sweepings therefrom, and

(*b*) for the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of rubbish, filth and other polluted and obnoxious matter.

(*2*) The Commissioner may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (*1*) may be removed along a street or may be deposited or otherwise disposed of.

351. Rubbish, etc., to be the property of the Corporation.—All matters deposited in public receptacles, depots and places provided or appointed under section 352 and all matters collected by municipal employees or contractors in pursuance of section 350 and section 355 shall be the property of the Corporation.

352. Provision or appointment of receptacles, depots and places for rubbish, etc.—(*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;

(*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.

(*2*) Different receptacles, depots or places may be provided or appointed for the temporary deposit or final disposal of any of the matter specified in sub-section (*1*).

(*3*) The Commissioner shall make adequate provision for preventing receptacles, depots, places, dustbins, vehicles and vessels referred to in sub-section (*1*) from becoming sources of nuisance.

353. Duty of owners and occupiers to collect and deposit rubbish, etc.—It shall be the duty of the owners and occupiers of all premises—

(*a*) to have the premises swept and cleaned;

(*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 notices prescribes, in public receptacles, depots or places provided or appointed under section 352 for the temporary deposit or final disposal thereof;

(*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.

354. Collection and removal of filth and polluted matter.—It shall be the duty of the owner and occupier of every premises situate in any portion of Delhi [1]*** in which there is not a latrine, or urinal connected by a drain with a municipal drain, to cause all filth and polluted 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.

355. Collection and removal of filth and polluted matter through municipal agency.—[2][(*1*) It shall be lawful for the Commissioner to take or cause to be taken measures for the daily collection, removal and disposal of all filth and polluted and obnoxious matter from latrines, urinals and cesspools not connected by a drain with a municipal drain from all premises situate in any 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.

356. Removal of rubbish, etc., accumulated on premises used as factories, workshops, etc.—The Commissioner may, if he thinks fit—

(*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 or 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

(*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*).

1. The words, brackets, letters and figures "in respect of which the Commissioner has not given public notice under clause (*b*) of sub-section (*2*) of section 115 or" omitted by Act 67 of 1993, s. 100 (w.e.f. 1-10-1993).
2. Subs. by s. 101, *ibid.,* for sub-section (*1*) (w.e.f. 1-10-1993).

357. Prohibition against accumulation of rubbish, etc.—(*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 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

(*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.

358. Commissioner's power to get premises scavenged and cleansed.—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.

359. Public latrines, urinals, etc.—(*1*) The Commissioner shall provide and maintain in proper and convenient places a sufficient number of public latrines and urinals.

(*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

360. Construction of latrines and urinals.—(*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.

(*2*) In prescribing any such terms the Commissioner may determine in each case—

(*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.

361. Latrines and urinals, etc., in new buildings.—(*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 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 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 of each floor and their clear internal dimensions.

(*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.

(*4*) In this section the expression "to erect a building" has the same meaning as in section 331.

362. Latrines and urinals for labourers, etc.—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 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.

363. Provision of latrines and urinals for markets, etc.—The Commissioner may by notice require any owner or manager of a market, cart stand, cattle shed, theatre, railway station 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.

364. Other provisions as to private latrines.—The Commissioner may, by written notice—

(*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

(*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

(*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

(*ii*) to cleans in such manner as the Commissioner may prescribe in the notice any latrine or urinal belonging to the land or building; or

(*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.

Removal of congested buildings and buildings unfit for human habitation

365. Removal of congested buildings.—(*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, 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 to by the Municipal Health Officer and the Municipal Engineer who shall make a report in writing to him regarding the sanitary 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:

Provided that before issuing the notice reasonable opportunity should be afforded to the owners to show cause why the building should not be removed:

Provided further that the Commissioner shall make compensation to the owners for any buildings so removed which may have 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 recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.

366. Power of Commissioner to require improvement of buildings unfit for human habitation.—(*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 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 habitation.

(*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.

(*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.

367. Enforcement of notice requiring execution of works of improvement.—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 an arrear of tax under this Act.

368. Power of Commissioner to order demolition of buildings unfit for human habitation.—(*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 maybe specified in the notice as to why an order of demolition of the building should not be made.

(*2*) If any of the person 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;

(*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;

and the building shall be deemed to be unfit as aforesaid 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 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;

(*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;

(*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 has been declared to be a slum area under the Slum Area (Improvement and Clearance) Act, 1956 (96 of 1956).

369. Insanitary huts and sheds.—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 of 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 of 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. Prohibition against washing by washermen.—(*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.

(*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*).

Prevention of dangerous diseases

371. Obligation to give information of dangerous disease.—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.

372. Removal to hospital of patients suffering from dangerous disease.—(*1*) When any person suffering from any dangerous disease is found to be—

(*a*) without proper lodging or accommodation, or

(*b*) living in a room or house which the neither owns or pays rent for nor occupies as the guest or relative of any person who owns, or pays rent for it, or

(*c*) living in a sarai, hotel, boarding house or other public hotel, 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 anything necessary for such removal.

(*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.

373. Disinfection of buildings and articles.—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:

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.

374. Destruction of infectious huts or sheds.—(*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.

(*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.

(*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.

375. Means of disinfection.—(*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;

(*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. Special measures in case of outbreak of dangerous epidemic diseases.—(*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,—

(*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 (45 of 1860).

377. Infected clothes not to be sent to washerman or to laundry.—(*1*) A person shall not send or take to any washerman or to any laundry or place set a part for the exercise by washermen of their calling, for the purpose of being washed or to anyplace 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.

(*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.

378. Contamination and disinfection of public conveyance.—(*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

(*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 of the owner, driver or person incharge of the conveyance, and further report without delay to the Commissioner the number of the conveyance and the name of the person so notified.

(*2*) Where any person suffering from, or the corpse of any person who has died from, a dangerous disease has been carried in 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.

(*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.

(*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.

379. Driver of conveyance not bound to carry persons suffering from dangerous disease.— 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.

380. Disinfection of buildings before letting the same.—(*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.

(*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. Disposal of infected articles without disinfection.—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.

382. Prohibition of making or selling of food, etc., or washing of clothes by infected persons.— No person while suffering from or in circumstances in which he is likely to spread, any dangerous disease, shall—

(*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. Power to restrict or prohibit sale of food or drink.—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.

384. Control over wells and tanks, etc.—(*1*) If the Commissioner is of opinion that the water in any well, tank or other place, is likely, if used for drinking, to endanger, or cause the spread of, any disease, he may—

(*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, 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.

385. Duty of persons suffering from dangerous disease.—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 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 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 from a dangerous disease and which has not been disinfected properly.

386. Disposal of infectious corpses where any person has died from any dangerous disease.— 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 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

387. Conditions of service of sweepers and certain other class of persons employed in municipal service.—(*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 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. Conditions of service of sweepers employed for doing house scavenging.—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.

Burning and burial grounds

389. Power to call for information regarding burning and burial grounds.—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.

390. Permission for use of new burning or burial ground.—(*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.

(*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. Power to require closing of burning and burial grounds.—(*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.

(*2*) No corpse shall be burnt or buried at the burning or burial ground in respect of which a notice has been issued under this section.

392. Removal of corpses.—The Commissioner may by public notice prescribe routes by which alone corpses may be removed to burning or burial ground.

Disposal of dead animals

393. Disposal of dead animals.—(*1*) Whenever any animal in charge of any person dies, the person in charge thereof shall within twenty-four hours either—

(*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.

CHAPTER XVIII

VITAL STATISTICS

394. Appointment of Chief Registrar and registrars.—(*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.

(*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.

395. Duties of registrar.—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.

396. Information of births and deaths.—(*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.

(*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.

(*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

Nuisances

397. Prohibition of nuisances.—(*1*) No person shall—

(*a*) in any public street or public place—

(*i*) ease himself; or

[1]* * * * *

(*iv*) carry meat exposed to public view; or

(*v*) picket animals, or collect carts; or

(*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 fail, or neglect to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or

(*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, port, wall, fence, tree or other thing; or

(*ix*) without proper authority remove, destroy, deface or write upon or otherwise obliterate any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

(*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 obnoxious 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 loudspeaker; 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

1. Omitted by Act 52 of 1964, s. 3 and the Second Schedule (w.e.f. 29-12-1964).

(*i*) use or permit to be used as a latrine any place not 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 a pound.

(*5*) [1][Swine] 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. Power of Commissioner to require removal or abetment of nuisance.—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 may be specified in the notice.

399. Registration and control of dogs.—(*1*) The Corporation may, by bye-laws made in this behalf**,—**

(*a*) require the registration, by the registration authority appointed by the Commissioner in this behalf of all dogs kept 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 place, be detained at a place set apart for the purpose; and

(*d*) fixed 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 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 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.

(*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—

(*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.

(*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

1. Subs. by Act 58 of 1960, s. 3 and the Second Schedule, for "Swines" (w.e.f. 26-12-1960).

(*b*) set on or urge any dog or other animal to attack, worry or intimidate any person, or

(*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.

Prevention of fire, etc.

400. Stacking or collecting inflammable materials.—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.

401. Care of naked lights.—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:

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. Discharging fireworks, fire-arms, etc.—No one shall discharge any fire-arm or let of fire-works or fire-baloons, 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.

403. Power to require buildings, wells, etc. to be rendered safe.—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 neighbourhood, 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 opinion of the Commissioner, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

404. Enclosure of waste land used for improper purposes.—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 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 otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER XX

MARKETS, SLAUGHTER HOUSES, TRADE AND OCCUPATIONS

Maintenance and regulation of markets and slaughter houses

405. Provisions of municipal markets and slaughter houses.—(*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 markets or slaughter houses and may provide and maintain in any such markets, buildings and places machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) Municipal markets and slaughter houses shall be under the control of the Commissioner who may, at any time, by public notice, close any municipal market or slaughter house or any part thereof.

406. Use of municipal markets.—(*1*) No persons 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.

407. Private markets and slaughter houses.—(*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.

408. Conditions of grant of licence for private market.—(*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.

409. Prohibition of keeping market open without licence, etc.—(*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. Prohibition of use of unlicenced markets.—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.

411. Prohibition of business and trade near a market.—(*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.

(*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. Levy of stallages, rents and fees.—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—

(*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.

413. Stallages, rents, etc., to be published.—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 same conspicuous place in the market or slaughter house.

414. Power to expel lepers and disturbers, etc. from markets.—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 article or who, not having purchased the same handles any articles exposed for sale therein; and he may expel therefrom any person whom is creating a disturbance therein.

415. Butcher's, fish-monger's and poulter's licence.—(*1*) No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, 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 airtight 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 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 stop the use thereof by such means as he may consider necessary.

Trades and Occupations

416. Factory, etc., not to be established without permission of the Commissioner.—(*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 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.

417. Premises not to be used for certain purposes without licence.—(*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:—

(*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;

(*c*) keeping horses, cattle or other quardruped 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 those article's:

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*).

(*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.

(*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.

418. Seizure of certain animals.—(*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 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 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 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 also be punishable under this Act.

419. Power of Commissioner to prevent use of premises in particular areas for purposes referred to in section 417.—(*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.

(*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 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.

(*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. Licences for hawking articles, etc.—No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf,—

(*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. Eating houses, etc. not to be used without licence from the Commissioner.—(*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.

(*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. Licensing and control of theatres, circuses and places of public amusement.—No person shall, without or otherwise than in confirmity 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:

Provided that nothing in this section shall apply to private performances in any such place.

423. Power of Commissioner to stop use of premises used in contravention of licences.—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.

Inspection of places of sales, etc.

424. Power of Commissioner to inspect places where unlawful slaughter of animals, etc., is suspected.—(*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 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.

(*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 face 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.

(*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.

(*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.

CHAPTER XXI

IMPROVEMENT

425. Improvement scheme.—Where the Commissioner upon information in his possession is satisfied as respects any area—

(*a*) that the buildings in that area are by reason or 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 of proper conveniences, dangerous or injurious to the health of the inhabitants of the area; and

(*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.

426. Matters to be provided for in an improvement scheme.—(*1*) An improvement scheme may provide for all or any of the following matters, namely:—

(*a*) the acquisition by agreement or under the Land Acquisition Act, 1894 (1 of 1894), of any property necessary for or affected by the execution of the scheme;

(*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;

(*e*) the demotion of obstructive buildings or portions thereof;

(*f*) the construction and reconstruction of buildings;

(*g*) the construction and alteration of streets;

(*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;

(*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;

(*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 with 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.

427. Submission of improvement scheme to the Corporation for approval and to the Central Government for sanction.—(*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.

428. Rehousing scheme.—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.

429. Improvement scheme and rehousing scheme to comply with the master plan and zonal development plan.—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.

CHAPTER XXII

POWERS, PROCEDURE, OFFENCES AND PENALTIES

Licences and written permissions

430. Signature, conditions, duration, suspension, revocation, etc., of licences and written permissions.—(*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—

(*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;

(*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 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.

(*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 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.

Provided that—

(*a*) before making any order of suspension or revocation reasonable opportunity should be accorded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

(*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 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.

Entry and inspection

431. Powers of entry and inspection.—The Commissioner, [1]*** [2]*** or any municipal officer or other municipal employee authorised in this behalf by [3][him] or empowered in this behalf, by or 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 contravention of the provisions of this Act or any bye-law made thereunder;

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Commissioner, [1]*** [2]*** 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 thereunder;

(*c*) for the purpose of taking any action or executing any work authorised or required by this Act or any bye-law made thereunder;

(*d*) to make any inquiry, inspection, examination, measurement, 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 functions by any of the municipal authorised under this Act or any bye-law made thereunder.

432. Power to enter land adjoining land in relation to any work.—(*1*)[4][The Commissioner or any person authorised by him in this behalf] or 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. Breaking into buildings.—(*1*) It shall be lawful for [5][the Commissioner or any person authorised by him in this behalf] 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—

(*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.

1. The words and brackets "the General Manager (Electricity)" omitted by Act 67 of 1993, s. 102 (w.e.f. 1-10-1993). 2. The words and brackets "or the General Manager (Transport)" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

3. Subs. by Act 67 of 1993, s. 102, for "any of the aforesaid municipal authorities" (w.e.f. 1-10-1993).

4. Subs. by s. 103, *ibid.,* for certain words (w.e.f. 1-10-1993).

5. Subs. by s. 104, *ibid.,* for certain words (w.e.f. 1-10-1993).

(*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, [1]*** [2]*** or the person authorised or empowered in this behalf, shall call upon two or more respectable in habitants 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. Time of making entry.—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

435. Consent ordinarily to be obtained.—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 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 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.

436. Regard to be had to social or religious usages.—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 every reasonable facility has been afforded to her for withdrawing.

437. Prohibition of obstruction or molestation in execution of work.—No person shall obstract 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 anything which he is authorised or empowered or required to do by virtue or inconsequence 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

438. Public notices how to be made known.—Every public notice given under this Act or any bye-law made thereunder shall be in writing under the signature of [3][the Commissioner or of any municipal officer authorised by him in this behalf] 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 newspaper or by any two or more of these means and by any other means that the [4][Commissioner] may think fit.

439. Newspaper in which advertisements or notices to be published.—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 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 publishers 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.

1. The words and brackets ", the General Manager (Electricity)" omitted by Act 67 of 1993, s. 104 (w.e.f. 1-10-1993). 2. The words and brackets "or the General Manager (Transport)" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

3. Subs. by Act 67 of 1993, s. 105, for certain words (w.e.f. 1-10-1993).

4. Subs. by s. 105, *ibid.,* for "appropriate municipal authority" (w.e.f. 1-10-1993).

Evidence

440. Proof of consent etc., of Commissioner, General Managers, etc.—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 [1][or of any municipal officer, a written document signed by the Commissioner] or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Notices, etc.

441. Notices, etc., to fix reasonable time.—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.

442. Signature on notices, etc., may be stamped.—[2][(*1*) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule, regulation or bye-law made thereunder to bear the signature of the Commissioner or of any municipal officer, shall be deemed to be properly signed if it bears a fascimile of the signature of the Commissioner or officer, as the case may be, stamped thereupon.]

(*2*) Nothing in sub-section (*1*) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 101.

443. Notices, etc., by whom to be served or issued.—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 [3][the Commissioner].

444. Service of notices, etc.—(*1*) Every notice, bill, summons, order, requisition or other document required or authorised 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 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 the business and 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 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;

(*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

(*ii*) delivered at that office;

1. Subs. by Act 67 of 1993, s. 106, for certain words and brackets (w.e.f. 1-10-1993).
2. Subs. by s. 107, *ibid.,* for sub-section (*1*) (w.e.f. 1-10-1993).
3. Subs. by s. 108, *ibid.,* for certain words and brackets (w.e.f. 1-10-1993).

(*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 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.

(*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

(*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.

(*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 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.

(*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.

445. Service of bills for tax or notice of demand by ordinary post.—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 prepaid letter under a certificate of posting 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 letter was properly addressed and posted under a certificate of posting.

446. Powers in case of non-compliance with notice, etc.—In the event of non-compliance with the terms of any notice, order or requisition issued to any power under this Act or any rule, regulation or bye-law made thereunder, requiring such person to 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 punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of 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.

Recovery of expenses

447. Liability of occupier to pay in default of owner.—(*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 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 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 between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

448. Execution of work by occupier in default of owner and deduction of expenses from rent.— 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 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 to the owner.

449. Relief to agents and trustees.—(*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 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 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.

Payment of compensation

1[**450. General power to pay compensation.—**In any case not otherwise provided for in this Act or in any bye-law made thereunder, the Commissioner, with the previous approval of the Standing Committee, may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act or any bye-law in the Commissioner or in any municipal officer or other municipal employee.]

451. Compensation to be paid by offenders for damage caused by them.—(*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.

(*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. Reference to the court of the district judge in certain cases.—(*1*) If, when the Commissioner demands payment of any expenses referred to in section 446, his right to demand the same or the amount

1. Subs. by Act 67 of 1993, s. 109, for section 450 (w.e.f. 1-10-1993).

of the demand is disputed within ten days after such demand, the Commissioner shall [1][refer the case for determination—

(*a*) to the Appellate Tribunal, if such demand relates to the expenses incurred in taking necessary action or steps for the completion of any act or work required to be done or executed in the event of non-compliance with any notice, order or requisition under sections 317, 325, 343, 344 and 345;

(*b*) to the court of the district judge of Delhi, in any other case.]

(*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.

453. Application to the Court of the district judge in other cases.—(*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.

(*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.

454. Power to sue for expenses or compensation.—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.

Recovery of certain dues

455. Mode of recovery of certain dues.—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 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:

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. Right of owner to apply to the court of the district judge in case of obstruction by occupier.—(*1*) The owner of any land or building may, if he is prevented by the occupier thereof from [2][complying with—

(*a*) the provisions of section 317, section 325, section 343, section 344, section 345 or section 347 or any bye-law made thereunder or with any notice or order issued under any such provision, apply to the Appellate Tribunal; and

(*b*) any other provision 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.

1. Subs. by Act 42 of 1984, s. 8, for "refer the case for determination to the court of the district judge of Delhi." (w.e.f. 10-2-1986).

2. Subs. by s. 9, *ibid.,* for certain words (w.e.f. 10-2-1986).

(*2*) [1][The Appellate Tribunal or the court, as the case may be] 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. General powers and procedure of the court of the district judge.—The procedure provided in the Code of Civil Procedure, 1908 (5 of 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.

458. Fees in proceedings before the court of the district judge.—(*1*) The [2]*** Government may, by notification in the Official Gazette, prescribe what fee shall be paid—

(*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 (7 of 1870), in cases in which the amount of the claim or subject matter is of a like amount.

(*2*) The [2]*** 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:

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

(*ii*) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

459. Repayment of half fees on settlement before hearing.—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.

460. Power of the court of the district judge to delegate certain powers and to make rules.—The court of the district judge of Delhi may—

(*a*) delegate, either generally or specially, to the court of any additional district judge, power to receive applications, [3][election petitions,] appeals and references under this Act or any rule, regulation or bye-law made thereunder, and to hear and determine such applications, [3][election petitions,] appeals and references;

1. Subs. by Act 42 of 1984, s. 9, for "The court" (w.e.f. 10-2-1986).

2. The word "Central" omitted by Act 67 of 1993, s. 110 (w.e.f. 1-10-1993).
3. Ins. by Act 42 of 1961, s. 18 (w.e.f. 12-9-1961).

(*b*) with the approval of the [1]*** 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 jurisdiction conferred upon the court by this Act which is not herein specifically provided for.

Offences and Penalties

461. Punishment for certain offences.—[2][(*1*)] Whoever—

(*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; 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 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 third column of the said Table or 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 for the first such contravention or failure.

[3][(*2*) Notwithstanding anything contained in sub-section (*1*), whoever contravenes the provisions of sub-section (*1*) of section 317 or sub-section (*1*) of section 320 or sub-section (*1*) of section 321 or sub-section (*1*) of section 325 or section 339, in relation to any street which is a public street, shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.]

462. Punishment for acquiring share or interest in contract, etc., with the Corporation.—[4][Any councillor or any person referred to in clause (*b*) of sub-section (*3*) of section 3 of any 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 [5]***, and the Commissioner, [6]*** [7]*** 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-clauses (*ii*) and (*iii*) of clause (*c*) of sub-section (*2*) of that section it is permissible for a councillor [5]*** to have, without being thereby disqualified for being a councillor [5]***, shall be deemed to have committed the offence made punishable under section 168of the Indian Penal Code (45 of 1860).

463. Punishment for offences relating to terminal tax.—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 under this section may, on such conviction, also confiscate the goods in respect of which the offence has been committed.

464. Penalty for evasion of terminal taxes.—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 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.

1. The word "Central" omitted by Act 67 of 1993, s. 111 (w.e.f. 1-10-1993).
2. Section 461 re-numbered as sub-section (*1*) thereof by Act 42 of 1984, s. 10 (w.e.f. 10-12-1985).
3. Ins. by s. 10, *ibid.* (w.e.f. 10-12-1985).
4. Subs. by Act 67 of 1993, s. 112, for certain words (w.e.f. 1-10-1993).
5. The words "or an alderman" omitted by s. 112, *ibid.* (w.e.f. 1-10-1993).
6. The words and brackets "the General Manager (Electricity)" omitted by s. 112, *ibid.* (w.e.f. 1-10-1993).

7. The words and brackets "the General Manager (Transport)" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

465. General penalty.—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 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.

466. Offences by companies.—(*1*) Where an offence under this Act has been committed by a company, every person who, at the time of offence was committed, 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 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 an offence under this Act has been committed by a company 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 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 firm,

1[**466A. Certain offences to be cognizable.**—The Code of Criminal Procedure, 1973 (2 of 1974), shall apply to,—

(*a*) an offence under sub-section (*5*) of section 313 or section 332 or sub-section (*1*) of section 333 or sub-section (*1*) of section 334 or section 343 or section 344 or section 345 or section 347;

(*b*) an offence under sub-section (*1*) of section 317 or sub-section (*1*) of section 320 or sub-section (*1*) of section 321 or sub-section (*1*) of section 325 or section 339 in relation to any street which is a public street,

as if it were a cognizable offence—

(*i*) for the purposes of investigation of such offence; and

(*ii*) for the purposes of all matters other than—

(*1*) matters referred to in section 42 of that Code, and

(*2*) arrest of a person, except on the complaint of, or upon information received from, such officer of the Corporation, not being below the rank of a Deputy Commissioner, as may be appointed by the Administrator:

Provided that no offence of the contravention of any condition subject of which sanction was accorded for the erection of any building or the execution of any work shall be cognizable, if such contravention relates to any deviation from any plan of such erection or execution sanctioned by the Commissioner which is compoundable on payment of an amount under the bye-laws relating to buildings made under this Act.]

2[**467. Prosecutions.**—Save as otherwise provided in this Act, no court shall proceed to the trial of any offence,—

(*a*) under sub-section (*5*) of section 313 or section 332 or sub-section (*1*) of section 333 or sub-section (*1*) of section 334 or section 343 or section 344 or section 345 or section 347 except on the complaint of or upon information received from, such officer of the Corporation, not being below the rank of a Deputy Commissioner, as may be appointed by the Administrator;

1. Ins. by Act 42 of 1984, s. 11 (w.e.f. 10-12-1985).

2. Subs. by s. 12, *ibid.,* for section 467 (w.e.f. 10-12-1085).

(*b*) under sub-section (*1*) of section 317 or sub-section (*1*) of section 320 or sub-section (*1*) of section 321 or sub-section (*1*) of section 325 or section 339, if any such offence was committed in relation to any street which is a public street, except on the complaint of, or upon information received from, such officer of the Corporation, not being below the rank of a Deputy Commissioner, as may be appointed by the Administrator;

(*c*) other than those specified in clauses (*a*) and (*b*), except on the complaint of, or upon information received from, [1][the Commissioner, or a person authorised by him] by a general or special order in this behalf.]

468. Composition of offences.—(*1*) [2][The Commissioner or any person authorised by him] 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:

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 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. Municipal magistrates.—(*1*) The[3]*** Government may appoint one or more [4][Metropolitan Magistrates] 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.

(*2*) Such magistrates shall be called municipal magistrates and shall besides the trial of offences as aforesaid, exercise all other 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 [3]*** Government.

(*4*) The Corporation shall, out of the Municipal Fund, pay to the[3]*** 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*) Each such magistrate shall have jurisdiction over the whole of Delhi.

(*6*) For the purposes of [5][the Code of Criminal Procedure, 1973 (2 of 1974)] all municipal magistrates appointed under this Act shall be deemed to be magistrates appointed under [6][section 16] of the said Code.

(*7*) Nothing in this section shall be deemed to preclude any magistrate appointed hereunder from trying any offence under any other law.

470. Cognizance of offences.—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.

1. Subs. by Act 67 of 1993, s. 113, for certain words and brackets (w.e.f. 1-10-1993).

2. Subs. by s. 114, *ibid.,* for certain words and brackets (w.e.f. 1-10-1993).

3. The word "Central" omitted by s. 115, *ibid.* (w.e.f. 1-10-1993).

4. Subs. by s. 115, *ibid.,* for "magistrates of the first class" (w.e.f. 1-10-1993).

5. Subs. by s. 115, *ibid.,* for "the Code of Criminal Procedure, 1898" (w.e.f. 1-10-1993).
6. Subs. by s. 115, *ibid.,* for "section 12" (w.e.f. 1-10-1993).

471. Limitation of time for prosecution.—No person shall be liable to punishment for any offence against this Act or any rule, regulation or by-law made thereunder, unless complaint of such offence is made before a municipal magistrate within six months next after—

(*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.

472. Power of magistrate to hear cases in absence of accused when summoned to appear.—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 case is adjourned, the magistrate may hear and determine the case in his absence, if—

(*a*) service of the summons is proved to his satisfaction, and

(*b*) no sufficient cause is shown for the non-appearance of such person.

473. Complaints concerning nuisances and Procedure therefor.—(*1*) The Commissioner, [1][or any municipal officer or other municipal employee authorised by him] 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.

(*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 [2][the Commissioner] 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 other 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 [3]*** 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.

Powers and duties of police officers

474. Arrest of offenders.—(*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—

(*a*) the name and address of such person be unknown to him, and

(*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.

1. Subs. by Act 67 of 1993, s. 116, for certain words and brackets (w.e.f. 1-10-1993).

2. Subs. by s. 116, *ibid.,* for "any of the appropriate municipal authorities" (w.e.f. 1-10-1993). 3. The words "or any other appropriate municipal authority" omitted by s. 116, *ibid.* (w.e.f. 1-10-1993).

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the 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.

475. Duties of police officers.—It shall be the duty of all police officers to give immediate information to the Commissioner [1]*** 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.

Legal proceedings

476. Power to institute, etc., legal proceedings and obtain legal advice.—(*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

(*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 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;

(*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 capacity;

(*f*) with the approval of the Standing Committee[1][or the Wards 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;

(*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;

(*h*) institute and prosecute any suit or other legal proceeding or with the approval of the Standing Committee[1][or the Wards 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;

(*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 [2][or the Wards 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.

[3]* * * * *

477. Protection of action of the Corporation, etc.—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

1. The words "or any other appropriate municipal authority" omitted by Act 67 of 1993, s. 117 (w.e.f. 1-10-1993).

2. Ins. by s. 118, *ibid.* (w.e.f. 1-10-1993).

3. Omitted by s. 118, *ibid.* (w.e.f. 1-10-1993).

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.

478. Notice to be given of suits.—(*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 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 plaintiff, 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 declaration 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 postponement of the institution of the suit.

CHAPTER XXIII

RULES, REGULATIONS AND BYE-LAWS

479. Supplemental provisions respecting rules.—(*1*) Any rule which the Central Government is empowered to make under this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.

[1][(*2*) Every rule made under this Act, every notification issued under sub-section (*2*) of section 3A and sub-section (*2*) of section 52 and bye-laws made by the Central Government under section 349A shall be laid as soon as may be after it is made or issued before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, bye-law or notification or both Houses agree that the rule, bye-law or notification should not be made or issued, the rule, bye-law or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, bye-law or notification.]

480. Supplemental provisions respecting regulations.—(*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 so made may be altered or rescinded by the Corporation in the 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.

481. Power to make bye-laws.—(*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 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*

(*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;

1. Subs. by Act 67 of 1993, s. 119, for sub-section (*2*) (w.e.f. 1-10-1993).

(*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;

(*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;

(*7*) the submission of returns by persons liable to pay any tax under this Act;

(*8*) the collection by the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908 (16 of 1908), of the additional stamp duty payable to the Corporation under this Act, the periodical payment of such duty to the Corporation and the 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;

[1]* * * * *

[2]* * * * *

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 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;

(*5*) the permission, regulation or prohibition of use or occupation of any street or place by intinerant 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;

(*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;

[3]* * * * *

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;

1. Omitted by Act 67 of 1993, s. 120 (w.e.f. 1-10-1993).

2. Omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

3. Omitted by Act 67 of 1993, s. 120 (w.e.f. 1-10-1993).

(*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 disease;

(*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 or convenience, of any act which occasions or is likely to occasion a nuisance and for the regulation or prohibition of which on provision is made elsewhere by this Act;

J. *Bye-laws relating to markets, slaughter houses, trades and occupations*

(*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;

(*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 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;

(*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;

(*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 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 to secure cleanlines 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;

L. *Bye-laws relating to miscellaneous matters*

[1]* * * * *

(*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 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 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;

1. Omitted by Act 67 of 1993, s. 120 (w.e.f. 1-10-1993).

(*7*) any other matter which is to be or may be prescribed 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 be made by the Central Government within one year of the establishment of the Corporation; and any bye-law so made may be altered rescinded by the Corporation in the exercise of its powers under sub-section (*1*).

[1][**481A. Regulations and bye-laws to be laid before Parliament.**—The Central Government shall cause every regulation made under this Act and every bye-law made under section 481 to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the regulation or bye-law or both Houses agree that the regulation or bye-law should not be made, the regulation or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation or bye-law.]

482. Penalty for breaches of bye-laws.—(*1*) Any bye-law made under this Act may provide that a contravention thereof shall be punishable—

(*a*) with fine which may extend to five hundred rupees; or

(*b*) with fine which may extend to five hundred rupees and 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:

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.

483. Supplemental provisions respecting bye-laws.—(*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[2]*** Government and published in the Official Gazette.

(*2*) The [2]*** Government in approving a bye-law may make any change therein which appears to it to be necessary.

(*3*) The[2]*** 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.

484. Bye-laws to be available for inspection and purchase.—(*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.

(*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.

1. Ins. by Act 20 of 1983, s. 2 and the Schedule (w.e.f. 15-2-1984).

2. The word "Central" omitted by Act 67 of 1993, s. 121 (w.e.f. 1-10-1993).

CHAPTER XXIV

CONTROL

485. Power of Central Government [1][or the Government] to require production of documents.—The Central Government [1][or the Government] may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document in his possession or under his control;

(*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. Inspection.—The Central Government [1][or the Government] may depute any person in the 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. Directions by Central Government.—(*1*) If, [2][whether on receipt of a report or on receipt of] any information or report obtained under section 485 or section 486 or otherwise, the Central Government is of opinion—

(*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

(*b*) that adequate financial provision has not been made for the performance or any such duty, it may direct the Corporation or the municipal authority concerned, within such period as it think 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:

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.

[3]* * * * *

488. Power to provide for enforcement of direction under section 487.—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 defrayed out of the Municipal Fund.

489. Power of Central Government to give directions in relation to primary schools, etc.—(*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 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.

1. Ins by Act 67 of 1993, s. 122 (w.e.f. 1-10-1993)
2. Subs. by s. 123, *ibid.,*for "whether on receipt of" (w.e.f. 1-10-1993).
3. Omitted by s. 123, *ibid.* (w.e.f. 1-10-1993).

(*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 such directions.

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

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

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

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

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

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

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

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

CHAPTER XXV

MISCELLANEOUS

[2][**490A. Delegation of power by the Central Government.—**The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to

such conditions, if any, as may be specified in the notification be exercisable by the Government or any of its officers or by the Commissioner or any other authority.]

491. Power to delegate functions of Commissioner.—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.

492. Validity of notices and other documents.—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.

493. Admissibility of document or entry as evidence.—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.

494. Evidence of Municipal officer or employee.—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

1. Subs. by Act 67 of 1993, s. 124, for section 490 (w.e.f. 1-10-1993).
2. Ins. by s. 125, *ibid.* (w.e.f. 1-10-1993).

appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

495. Prohibition against obstruction of Mayor or any municipal authority, etc.—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 bye-law made thereunder.

496. Prohibition against removal of mark.—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 bye-law made thereunder.

497. Prohibition against removal or obliteration of notice.—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.

498. Prohibition against unauthorised dealings with public place or materials.—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.

499. Liability of Commissioner, etc., for loss, waste or misapplication of Municipal Fund or property.—(*1*) [1][Every councillor and every person referred to in clause (*b*) of sub-section (*3*) of section 3, the Commissioner,] [2]*** and every municipal officer and other municipal employee shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in Corporation, if such loss, waste or misapplication 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[3]*** Government or by the[3]*** Government.

(*2*) Every such suit shall be instituted within three years after the date on which the cause of action arose.

500. Councillors and municipal officers and employees to be public servants.—[4][Every Councillor and every person referred to in clause (*b*) of sub-section (*3*) of section 3, the Commissioner,]

[5]*** 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 (45 of 1860), 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.

501. Annual administration report.—(*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 [6]*** 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.

(*2*) The Commissioner shall prepare such report and the Corporation shall consider it and forward the same to the [6]*** Government with its resolution thereon, if any.

(*3*) Copies of the report shall be kept for sale at the municipal office.

1. Subs. by Act 67 of 1993, s. 126, for "Every councillor and alderman, the Commissioner, the General Manager (Electricity)," (w.e.f. 1-10-1993).
2. The words and brackets ", the General Manager (Transport)" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).
3. The word "Central" omitted by Act 67 of 1993, s. 126 (w.e.f. 1-10-1993).
4. Subs. by s. 127, *ibid.,* for "Every councillor and alderman, the Commissioner, the General Manager (Electricity)," (w.e.f. 1-10-1993).
5. The words and brackets ", the General Manager (Transport)" omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).
6. The word "Central" omitted by Act 67 of 1993, s. 128 (w.e.f. 1-10-1993).

502. Other laws not to be disregarded.—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.

503. Exemption of diplomatic or consular missions from payment of tax etc.—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.

504. Construction of references.—[1]* * * * *

(*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.

505. [*Amendment of Delhi Act* 3 *of* 1955.] *Rep. by the Repealing and Amending Act,* 1960 (58 of 1960), s. 2 *and the First Schedule (w.e.f.* 26-12-1960).

506. [*Amendment of Act* 43 *of* 1950.] *Rep. by* s. 2 *and the First Schedule, ibid. (w.e.f*. 26-12-1960).

507. Special provisions as to rural areas.—Notwithstanding anything contained in the foregoing provisions of this Act,—

(*a*) the Corporation with the previous approval of the [2]*** 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;

(*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;

(*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 to be determined by the Corporation,

after deducting the cost of collection from such proceeds.

Explanation.—In this section the expressions "Gaon Sabha" and "Gaon Sabha area" have the same meanings as in the Delhi Panchayat Raj Act, 1954 (Delhi Act 3 of 1955).

508. Special provisions as to Red Fort area.—(*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.

(*2*) In this section the expression "Red Fort area" means the Red Fort and such areas continuous thereto as may be declared by the Central Government by notification in the Gazette of India to be included within the Red Fort area.

[3][**508A. Corporation to undertake work on agency basis.**—Notwithstanding anything contained in any other provision of this Act, the Corporation may on such terms and conditions as may be determined

1. Omitted by Act 67 of 1993, s. 129 (w.e.f. 1-10-1993).

2. The word "Central" omitted by s. 130, *ibid.* (w.e.f. 1-10-1993).

3. Ins. by s. 131, *ibid.* (w.e.f. 1-10-1993).

by agreement between the Corporation and any authority, body or person, carry out any work which is not connected with its functions on agency basis.]

CHAPTER XXVI

SUPPLEMENTAL AND TRANSITIONAL PROVISIONS

509. [*Power of Central Government to make first appointments*.] *Omitted by the Delhi Municipal Corporation (Amendment) Act, 1993 (67 of 1993)*, *s.* 132 (*w.e.f.* 1-10-1993).

510. Provisions relating to existing local authorities in Delhi till the establishment of the Corporation.—(*1*) Notwithstanding anything contained in the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) or as the case may be, the Punjab District Boards Act, 1883, (20 of 1883) as in force in Delhi, as from the commencement of this Act,—

(*a*) the persons who immediately before such commencement are members of any of the local authorities specified in items 1 to 10 of the Second Schedule shall cease to be such members;

(*b*) all the powers, duties and functions which may, under any of the aforesaid Acts or any other law, be exercised and performed by any such local authority, or by its President or Chairman, or by any Committee thereof shall, until the establishment of the Corporation, be exercised and performed by a person (whether an officer of Government or not) to be appointed by the Central Government with such designation as it may specify:

Provided that the same person may be appointed in respect of all the aforesaid local authorities.

(*2*) Nothing in sub-section (*1*) shall be construed as effecting or implying in any way the dissolution of the aforesaid local authorities as bodies corporate.

511. Provisions as to employees of bodies and local authorities whose functions are taken over by the Corporation.—(*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:

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.

[1][**511A. Temporary provision with respect to electricity, water, sewage, etc.**—Notwithstanding the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993, all the provisions existing in the principal Act before such commencement relating to—

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

(*b*) electric supply; and

(*c*) prevention and extinguishing of fire,

1. Ins. by Act 67 of 1993, s. 133 (w.e.f. 1-10-1993).

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

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

(*2*) On and from such commencement,—

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

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

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

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

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

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

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

(*h*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Corporation immediately before such commencement for any matter in

relation to the "transferred functions" may be continued or instituted by or against the new authority concerned;

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

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

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

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

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

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

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

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

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

512. Special provisions as to the area transferred from New Delhi to Delhi.—(*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.

(*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.

513. Expenditure in connection with the municipal affairs from the commencement of this Act to the adoption of the budget by the Corporation.—(*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.

(*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 thereto for 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.

(*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 section102.

(*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.

514. Limits of New Delhi Municipality.—Notwithstanding anything contained in the Punjab Municipal Act, 1911, (Punjab Act 3 of 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.

1[**514A. Transitory provision.—**Notwithstanding anything contained in this Act, the Central Government may, if necessary, appoint a person to be called the Special Officer, to exercise the powers and discharge the functions of the Corporation until the day on which the first meeting of the Corporation is held after the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993.]

515. Power to remove difficulties.—If any difficulty arises in relation to the transition from the provisions of any of the enactments referred to in section 516, 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:

Provided that no such order shall be made after the expiration of two years from the establishment of the corporation.

516. Repeal, etc., and savings.—(*1*) As from the date of the establishment of the Corporation,—

(*a*) the Delhi Joint Water Sewage Board Act,1926, (23 of 1926) and the Delhi Road Transport Authority Act, 1950, (13 of 1950), shall stand repealed; and

(*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,—

(*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;

(*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 Scheduled 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;

(*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;

(*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

1. Ins. by Act 67 of 1993, s. 134 (w.e.f. 1-10-1993).

shall, with all rights of whatsoever description, used, enjoyed or possessed by any such body or authority, vest in the Corporation;

(*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;

(*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 514]

BOUNDARIES OF NEW DELHI

The area bounded by—

the junction of the Pusa Road and Upper Ridge Road towards east along the new Link Road, the Panchkuian Road up to its junction with the Old Gurgaon Road; thence towards north - east along the Old 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 Hardings Bridge; thence towards south along the Mathura Road up to its junction with Lodi Road; thence towards 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; 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 Enclave 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, 511 and 516]

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.

[1]* * * * *

13. The Delhi Joint Water and Sewage Board.

1. Omitted by Act 71 of 1971, s. 7(*b*) and the Second Schedule (w.e.f. 3-11-1971).

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	For vehicles without pneumatic tyres
	Rs.	Rs.
1.Each four-wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—		
(*a*) Labour Carts	12	24
(*b*) Other vehicles in this class	32	48
2.Each two - wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—		
(*a*) Labour Carts	8	16
(*b*) Other vehicles in this class	16	24
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
4.Each cycle rickshaw.	6
5.Each bicycle	3
6.Each Camel	10
7.Each horse, pony or mule of a height of 12 hands or upwards	20
8.Each horse, pony or mule of a height of less than 12 hands	10
9.Each bullock or buffalo kept for drought or pack purposes	8
10.Each donkey/ass kept for drought or pack purposes or for riding	6
11.Each pig	4
12.Each dog	5
13.Each she - buffalo Kept for milking	50
14.Each cow kept for milking	30

THE FOURTH SCHEDULE

[*See* section 140]

THEATRE-TAX

Type of entertainment	
1. Class I Cinema theatre.	Maximum amount of tax 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.
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.

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]

TAX ON ADVERTISEMENTS OTHER THAN ADVERTISEMENTS PUBLISHED IN THE NEWSPAPERS

S. No.	Particulars	Maximum amount of tax per annum
		Rs.
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 sq. ft	30
	(*c*) For every additional 25 sq. ft. or less	30
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—	
	(*a*) For a space up to 50 sq. ft.	120
	(*b*) For every additional 50 sq. ft. or less	120
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
4.	Non-illuminated advertisement boards, carried by sandwich boardmen—	
	(*a*) For each board not exceeding 10 sq. ft. 24	
	(*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—	
	(*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
6.	Illuminated advertisements on land, building, wall or hoardings, frame, post, structures, etc.—	
	(*a*) For a space up to 2 sq. ft. 24	
	(*b*) For a space over 2 sq. ft. and up to 5 sq. ft. 48	
	(*c*) For a space over 5 sq. ft. and up to 25 sq. ft. 60	
	(*d*) For every additional 25 sq. ft. or less 60	
7.	Advertisements exhibited on screen in cinema houses and other public places by means of lantern slides or similar devices—	
	(*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

S. No. Particulars

8. Non-illuminated advertisements suspended across streets—

Maximum amount of tax per annum Rs.

(*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

(*c*) For every additional 25 sq. ft. or less 30

N.B.—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.

9. Non-illuminated advertisements hoarding 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

(*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. 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).

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
		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
3.	For a ground area of more than 250 sq. yds. but not exceeding 500 sq. yds.	150	300
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

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 story and so on.

N.B. 3.—In cases where an application is deemed to have been sanctioned under the provisions of section [1][337] 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.

1. Subs. by Act 42 of 1961, s. 21, for "336" (w.e.f. 12-9-1961).

THE SEVENTH SCHEDULE

[*See* section 154 (*1*)]

NOTICE OF DEMAND

To

Shri/Shrimati

residing at

Please take notice that the Commissioner demands from the sum of due from on account of (*here described 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 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.

Dated this day of 19 .

(Signed)

Commissioner,

Delhi Municipal Corporation.

THE EIGHTH SCHEDULE

[*See* section 156 (*1*)]

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 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 ;

ANDWHEREAS thirty days have elapsed since the service on him of notice of demand for the same;

THIS is to direct you to distrain, the movable property of the said A.B. of a attach immovable property (*described below*)

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.

attached,

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

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. Here describe liability mentioned in the margin for the period commencing on the day of 19 , and ending with the day of 19 , 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.

Dated this day of 19 .

(Signature of officer executing the warrant)

Inventory,

(*Here state particulars of property seized*.)

THE TENTH SCHEDULE

[*See* section 178(*I*)]

RATES OF TERMINAL TAXES ON GOODS

Articles	Terminal Tax payable per maund of gross weight except where otherwise stated Rs.
Class I. —Articles of food and drink	
1. Refined sugar, *i.e.*, khand, sugar candy, bura, qand, kachchi khand, ilaichidana, nuqal, batasha, ola, khand-ka-khilona, gindors khand and all kinds of sharbat or shira khand not in bottle.	1.75
2. Unrefined sugar, *i.e.*, gur, shakkar, shira, rab, mizan khand, muthia, sonthia, gindora and tiloncha-khand (a sort of unrefined sugar.)	
3. Ghee including vegetable ghee, and admixtures of ghee also vegetable solidified oil, dripping, marvo, trex, cocogold, purico, crisco and cocogem.	1.75
4. Butter and cream	1.75
5. Dried fruits and nuts excluding betel-nuts	0.29
6. Betel-nuts	0.07
7. Provisions (not included in any other class) including oilman's stores, confectionary, jams, pickles, cheese, coffee and essences of fruits	1.17
8. Country sweets made wholly or partly from or coated with sugar (refined or unrefined) fresh meat, fish and eggs.	0.15
9. Oranges, apples, locat, peaches (aru), grapes, lichi, melon (kharbooza), lemon (of all kinds), pears (nashpati), plums (alucha), appricot (khubani), banana, pomegranates (anar), sarda, water-melon (tarbuz), custard apple (sarifa) and rasberry.	0.15
10. Country and foreign liquors	1.17
11. Bhang	0.07
12. Betal leaf	1.75
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
Class II.—Animals	
1. Oxen, cows, buffaloes and calves (per head)	0.58
2. Sheep, goats, lambs and kids (per head)	0.15

Articles	Terminal Tax payable per

	maund of gross weight except where otherwise stated Rs.
3. Pigs (per head)	0.58
Class III.—Articles used for fuel, lighting and washing	
1. Mava oil	0.15
2. Kerosene oil (per gallon)	0.02
3. Diesel oil	0.07
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
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
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
12. Fireworks and their component parts	0.04
13. Steam-coal, soft coke and hard coke	0.04
Class IV.—Articles used in the construction of buildings	
1. Wood (unmanufactured), i.e., wood which can be used for building purposes including trunk of trees, bamboos and ballies, but not firewood	0.02
2. Wood (manufactured), i.e., all manufactured wood which can be used for building purposes, including karies, planks, sleepers, beams, doors anddoor frames, etc.	0.07
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
4. Agra stone, i.e., 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
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
9. Tile of common earth, e.g., Allahabad tiles (per thousand)	0.58

Articles	Terminal Tax payable per maund of gross weight except where otherwise stated

	Rs.
10. Marble chips	0.04
11. Asbestos sheets	0.11
12. Whole bricks of all sizes (per thousand)	0.58
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
Class V.—Drugs, spices and perfumes	
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, haemorrhagic septicaemia serum, dextrosol, castor oil in bottles, potash permanganate, glucose, oxygen gas, camphor oil, sugar of milk, medicated coloured and fragrant syrup.	0.44
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
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
Class VI.—Tobacco	
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.e., all tobacco not included in Class VI items 1 and 2.	0.15
4. Biries and biri leaves.	0.15
Class VII.—Piecegoods and textile fabrics	
1. Piecegoods made of cotton, wool or any admixture of these and articles made thereof including thread and yarn, dhoties, saries, dopattas, pagrees, safas, chadras, towels, bedspreads, sheets, blankets, tents, carpets, durries, pillows, razais, laces, edgings, ribbons, handkerchief in bales (i.e., not cut up), old clothes imported in bulk, and all such goods as are not made up ready for wearing.	0.29
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

Articles	Terminal Tax payable per

	maund of gross weight except where otherwise stated
	Rs.
3. Unginned cotton	0.11
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
8. Jute gunny bags and jute cloth	0.11
9. Leather, including harness, saddles, bags, boxes, desi shoes, chapel and all other articles made of leather excluding boots, shoes, slippers and sandals.	0.58
10. Apparel, boots and shoes including slippers and sandals (other than desi shoes and chappel), drapery, millinery, caps and hats, readymade clothes, barret caps and hat shapes, etc.	1.75
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
Class VIII.—Metals and articles made of metals	
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
3. Metals (hardware and cutlery), i.e., knives, razors, scissors, needles, tin plates, rivets, nails, screws, bolts nuts, enamelled ware (other sanitary fittings) wire, wire-nettings, hinges, locks, pipes, post and pans, weights, empty tins, iron and tin boxes and iron furniture, etc.	0.44
4. Metals (all other kinds - manufactured and unmanufactured) including bicycles, perambulators, carriages, sewing machines, harmoniums, type-writters, 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

N.B.—Sanitary fittings include baths, water closets, lavatory basins, bidets (tubs), urinals, flushing cistern, sinks and water taps.

5. Motor cars—

(*a*) 2 seater (each)	17.50
(*b*) 4 or more seater (each)	39.37

Articles	Terminal Tax payable per maund of gross weight except where otherwise stated
	Rs.
6. Chassis and lorries—	
(*a*) without body (each)	29.17
(*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 [1][metal]	0.58
10. Complete motor cycle without side car (each)	5.83
11. Motor cycle with side car (each)	7.00
Class IX.—Miscellaneous	
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
2. Stationery including paper, paste, boards and all articles made thereof including waste papers, cards, cardboards, forms, envelopes, calendars, ink, pens, pencils, inkpots, ink-stands, 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
3. Chemicals (except those chargeable under any other class), distilled water and sulphur in casks or barrels or bags.	0.15
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
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. Articles of sports and games including playing cards.	0.58
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
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
14. Celluloid goods including celluloid sheets and imitation mother pearl sheets	1.75
15. Nut, shell, horn and ivory buttons	0.36

1. Subs. by Act 42 of 1961, s. 22, for "betal" (w.e.f. 12-9-1961).

Articles	Terminal Tax payable per maund of gross weight except where otherwise stated Rs.
16. Glass beads and other imitation jewels	0.36
17. Toilets powders and cosmetic creams including tooth pastes, powders and creams.	1.17
18. Ivory and articles made thereof	1.75
19. Rubber goods including rubber stoves, and bakelite goods	0.36
20. Disinfectants—dry or liquid—including Flit, Creosote, shell tox and naphthalene ball.	0.36
21. Lubricating oil	0.36
22. Grease	0.29
23. Photographic accessories including pictures, photos and printed pictures	1.17
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, wool and metals	0.36
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 catridges	0.04
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

Carrying out any of the following trades or operations connected with trades:—

1. Baking.
2. Cinematograph films, shooting of—
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—
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—
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—
13. Leather goods. Manufacturing of by mechanical means—
14. Litho press. Keeping a—
15. Lodging house. Keeping a—
16. Metal. Casting—
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—
20. Carrying on the trade or business of or any operation connected with the trade of—

(*i*) Autocar or autocycle servicing or repairing.

(*ii*) Blacksmithy.

(*iii*) Coppersmithy.

(*iv*) Electroplating.

(*v*) Glass bevelling.

(*vi*) Glass cutting.

(*vii*) Glass polishing.

(*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 other process whatever or assembling parts of metal.

(*xi*) Photography-studio.

(*xii*) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.

(*xiii*) Silversmithy.

(*xiv*) Spinning or weaving cotton, silk, art silk, or jute or wool with the aid or power.

(*xv*) Stone grinding, cutting dressing or polishing.

(*xvi*) Timber or wood sawing or cutting by mechanical or electric power.

(*xvii*) Tinsmithy.

(*xviii*) Washerman's trade.

(*xix*) Welding of metal by electric, gas or any process whatsoever.

21. Manufacturing, parching, packing, pressing, cleanings, cleansing, 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.

(*vii*) Bricks or tiles by hand power.

(*viii*) Bricks or tiles by mechanical power.

(*ix*) Brushes.

(*x*) Candles.

(*xi*) Catgut.

(*xii*) Celluloid or celluloid goods.

(*xiii*) Cement concrete designs or models.

(*xiv*) Charcoal.

(*xv*) Chemicals.

(*xvi*) Cinematograph films stripping in connection with any trade.

(*xvii*) Cosmetics or toilet goods.

(*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
(*xxii*) Fat.

(*xxiii*) Fireworks.

(*xxiv*) Flax.

(*xxv*) Ink for printing, writing, stamping, etc.
(*xxvi*) Gas
(*xxvii*) Ghee.
(*xxviii*) Glass or glass articles.

(*xxix*) Gunpowder.

(*xxx*) Hemp.
(*xxxi*) Ice (including dry ice.)
(*xxxii*) Insecticide or disinfectants.

(*xxxiii*) Leather cloth or rexine cloth or water proof cloth.

(*xxxiv*) Lime.

(*xxxv*) Linseed oil.
(*xxxvi*) Matches for lighting (including Bengal matches.)
(*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).

(*xli*) Pharmaceutical or medical products.

(*xlii*) Rubber or rubber goods.

(*xliii*) Paints.

(*xliv*) Paper or cardboard.

(*xlv*) Pickers from hides.

(*xlvi*) Pitch.

(*xlvii*) Plastic goods.

(*xlviii*) Pottery by hand power.

(*xlix*) Pottery by mechanical or any power other than hand power.

(*l*) Sanitary-ware or china-ware.

(*li*) Soap.

(*lii*) Sugar.

(*liii*) Sweetmeat and confectionery goods.

(*liv*) Tallow.

(*lv*) Tar.

(*lvi*) Varnishes.

(*lvii*) Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandalwood.

PART II

ARTICLES WHICH MAY NOT BE STORED IN ANY PREMISES WITHOUT A LICENCE 1. Asafoetida.

2. Ashes.

3. Bamboos.

4. Bidi leaves.

5. Blasting powder.

6. Blood.

7. Bones, bone meal or bone powder.

8. Camphor.

9. Carbide of calcium.

10. Cardboard.

11. Celluloid or celluloid goods.

12. Charcoal.

13. Chemicals, liquid.

14. Chemicals, non-liquid.

15. Chillies.

16. Chlorate mixture.

17. Cinematograph films-non-inflammable or a acetate or safety base.

18. Cloth in pressed bales or boras.

19. Cloth or clothes of cotton, wool, silk, art silk, etc.

20. Coal.

21. Coconut fibre.

22. Coke.

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.

27. Cotton seed.

28. Detonators.

29. Dry leaves.

30. Dynamite.

31. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paint, etc.

32. Fat.

33. Felt.

34. Fins.

35. Firewood.

36. Fireworks.

37. Fish (dried).

38. Flax.

39. Fulminate.

40. Fulminate of mercury.

41. Fulminate of silver.

42. Gelatine.

43. Gelignite.

44. Grass.

45. Gun-cotton.

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.

55. Horns.

56. Incense or esas.

57. Jute.

58. Khokas, boxes, barrels, furniture, or any other article of wood.

59. Lacquer.

60. Leather.

61. Matches for lighting (including Bengal matches).

62. Methylated spirit, denatured spirit or French polish.

63. Nitro-cellulose.

64. Nitro-compound.

65. Nitro-glycerine.

66. Nitro-mixture.

67. Offal.

68. Oil, other than petroleum.

69. Oilseeds including almonds, but excluding cotton seeds.

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 reams.

74. Petroleum, other than dangerous petroleum, as defined in the Petroleum Act, 1934.

75. Phosphorus.

76. Plastic or plastic goods.

77. Plywood.

78. Rags, including small pieces or cuttings of cloth, hessian cloth, gunny-bag cloth, silk, art silk or woollen cloth.

79. Rosin or dammar Batter otherwise known as Ral.

80. Safety fuses, fog signals, cartridges, etc.

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).

86. Straw.

87. Sulphur.

88. Tallow.

89. Tar, pitch, dammar or bitumen.

90. Tarpauline.

91. Thinner

92. Timber.

93. Turpentine.

94. Varnish.

95. Wool (raw).

96. Yarn other than waste yarn.

THE TWELFTH SCHEDULE

[*See* section 461]

PENALTIES

Explanation.—The entries in the second column of the following table 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.

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 128, sub-sections (*1*) & (*2*).	Failure to give notice of transfer or devolution 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 erection of new building, etc.	Rs. 50	
Section 130	Failure to give notice of demolition or removal of building.	Rs. 50	...
Section 131	Failure to comply with requisition to furnish information, etc.	Rs. 50	
Section 135, sub-section (*2*).	Wilful delay or obstruction of valuers.	Rs. 50	...
Section 143	Prohibition of advertisement without permission.	Rs. 200	Rs. 50
Section 168	Failure to give notice of vacant land or building.	Rs. 50	Rs. 5
Section 172, sub-section (*2*).	Non-compliance with the requisition of attendance before the Commissioner.	Rs. 50	...
Section 175	Failure to disclose liability.	Rs. 100	...
[1]*	* *	*	*
Section 305, sub-section (*3*).	Construction of building within the regular line of street without permission.	Rs. 1,000	Rs. 100
Section 307	Failure to comply with requisition to set back buildings to regular line of street.	Rs. 200	Rs. 50
Section 310.	Failure to comply with requisition to set forward buildings to regular line of street.	Rs. 200	Rs. 10

1. All entries with respect to sections 214 to 273 omitted by Act 67 of 1993, s. 135 (w.e.f. 1-10-1993).

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 313,	Utilising, selling or otherwise	[1][Rigorous imprisonm	[2]***

sub-section (*5*).	dealing with any land or laying out a private street otherwise than in conformity with orders of the Standing Committee.	ent which may extend to three years].	
Section 314, 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
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	
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	
Section 319	Failure to comply with requisition to have ground floor doors, etc., so altered as not to open outwards.	Rs. 50	
Section 320, sub-section (*1*).	Erection, etc., of structures of fixtures which cause obstruction in streets.	Rs. 200	Rs. 10
Section 321	Deposit, etc., of things in streets.	Rs. 100	
Section 323, sub-sections (*1*) & (*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	
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

1. Subs. by Act 42 of 1984, s. 13, for "Rs. 500" (w.e.f. 10-12-1985).
2. The word and figures "Rs. 25" omitted by s. 13, *ibid.* (w.e.f. 10-12-1985).

Section 327, sub-section (*2*).	Name of street and number of house not to be destroyed or defaced, etc.	Rs. 50	

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 328,	Failure to comply with requisition	Rs. 100	25

sub-section (*1*).	to repair, protect or enclose a dangerous place.		
Section 330, sub-section (*1*).	Removal, etc., of lamps.	Rs. 100	
Section 330, sub-section (*2*).	Wilfully and negligently extinguishing lights in public streets, etc.	Rs. 50	
Section 332	Erection of a building without the sanction of the Commissioner.	[1][Simple imprisonment which may extend to six months or with fine which may extend to Rs. 5,000 or with both.]	[2]***
Section 333, sub-section (*1*).	Failure to give notice of intention to erect a building.	[3][Simple imprisonment which may extend to six months, or with fine which may extend to Rs. 5,000 or with both.]	
Section 334, sub-section (*1*).	Failure to give notice of intention to make additions, etc., to building.	[3][Simple imprisonment which may extend to six months, or with fine which may extend to Rs. 5,000 or with both.]	
Section 337, sub-section (*4*).	Commencement of work without notice, etc.	Rs. 10,000	Rs. 500
Section 339	Failure to comply with requisition to round off buildings at corners of streets.	Rs. 100	Rs. 5
Section 340, sub-section (*1*).	Erection of buildings on new streets without leveling.	Rs. 1,000	
Section 340, 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	

1. Subs. by Act 42 of 1984, s. 13, for "Rs. 1,000" (w.e.f. 10-12-1985). 2. The word and figures "Rs. 50" omitted by s. 13, *ibid.* (w.e.f. 10-12-1985). 3. Subs. by s. 13, *ibid.,* for "Rs. 100" (w.e.f. 10-12-1984).

Section 342	Use of inflammable materials without permission.	Rs. 100	

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 343	Failure to demolish buildings erected without sanction [1][or erection of buildings in contravention of order].	[2][Simple imprisonment which may extend to six months, or with fine which may extend to Rs. 5,000 or with both.]	[3]***
Section 344	Erection of buildings in contravention of conditions of sanction, etc.	[2][Simple imprisonment which may extend to six months or with fine which may extend to Rs. 5,000 or with both.]	

Section 345	Failure to carry out alterations.	[4][Simple imprisonment which may extend to six months or with fine which may extend to Rs. 5,000 or with both.]	
Section 346, sub-sections (*1*) & (*2*).	Non-compliance with provision as to completion certificates, occupation or use, etc., without permission.	Rs. 200	Rs. 10
Section 347	Non-compliance with restrictions on user of buildings.	[4][Simple imprisonment which may extend to six months or with fine which may extend to Rs. 5,000 or with both.]	[5]***
Section 348, sub-sections (*1*) & (*2*).	Failure to comply with requisition to remove structures which are in ruins or likely to fall.	Rs. 500	Rs. 20
Section 349, sub-section (*1*).	Failure to comply with requisition to vacate buildings in dangerous condition, etc.	Rs. 200	
Section 353	Failure to provide for collection, removal and deposit of refuse and provision of receptacles.	Rs. 50	
Section 354	Failure to collect and remove filth and polluted matter.	Rs. 50	
Section 355, sub-section (*2*).	Scavenger's duties in certain cases not to be discharged by any person without permission.	Rs. 25	
Section 356	Failure to comply with requisition for removal of rubbish, etc., from premises used as market, etc.	Rs. 100	

1. Added by Act 42 of 1961, s. 23 (w.e.f. 12-9-1961).
2. Subs. by s. 13, *ibid.,* for "Rs. 1,000" (w.e.f. 10-12-1985).
3. The word and figures "Rs. 25" omitted by s. 13, *ibid.* (w.e.f. 10-12-1985). 4. Subs. by s. 13, *ibid.,* for "Rs. 500" (w.e.f. 10-12-1985).
5.The word and figures "Rs. 25" omitted by s. 13, *ibid.* (w.e.f. 10-12-1985).

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 357, sub-section (*1*).	Keeping rubbish and filth for more than twenty-four hours, etc.	Rs. 50	Rs. 10
Section 357, sub-section (*2*).	Allowing filth to flow in streets.	Rs. 50	
Section 357, sub-section (*3*).	Depositing rubbish or filth, etc., in street, etc.	Rs. 50	
Section 360, sub-section (*1*).	Latrines and urinals not to be constructed without permission or in contravention of terms prescribed.	Rs. 200	
Section 361, sub-section (*1*).	Failure to provide buildings newly erected or re-erected with	Rs. 500	

	latrine, urinal and other accommodation.		
Section 361, 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	
Section 362	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
Section 363	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
Section 364, clauses (*a*), (*b*), (*c*) & (*d*).	Failure to comply with requisition to enforce provision of latrine or urinal accommodation, etc.	Rs. 100	Rs. 10
Section 365, sub-section (*2*).	Failure to comply with requisition for removal of congested buildings.	Rs. 1,000	
Section 366	Failure to comply with requisition to improve buildings unfit for human habitation.	Rs. 1,000	
Section 368, sub-sections (*1*), (*2*), (*3*) & (*4*).	Failure to comply with order of demolition of buildings unfit for human habitation.	Rs. 1,000	
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	

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
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	
Section 374	Failure to comply with requisition to destroy infectious huts or sheds.	Rs. 50	
Section 375	Washing of clothing, bedding,	Rs. 25	

	etc., at any place not notified by the Commissioner.		
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	
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	
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	
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	
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	
Section 386	Removal of infectious corpses in contravention of the provisions of the section.	Rs. 50	
Section 387, sub-sections (*1*) & (*2*).	Absence of sweepers, etc., from duty without notice.	Imprisonment which may extend to one month.	
Section 388	A sweeper employed for doing house scavenging not to discontinue work without notice.	Rs. 10	

Section, sub-section, clause or proviso	Subject	Fine or imprisonment 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	
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	
Section 391,	Burning or burial of corpses in a	Rs. 50	

sub-section (*2*).	burning or burial ground after it has been closed.		
Section 392	Removal of corpses by other than prescribed routes.	Rs. 25	
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*) & (*2*).	Failure to give information of births and deaths.	Rs. 50	
Section 397, sub-sections (*1*), (*2*) & (*3*).	Commission of nuisances.	Rs. 50	
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 steet without being secured by a chain lead.	Rs. 50	
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 402	Discharging fireworks, firearms, etc., likely to cause danger.	Rs. 50	
Section 403	Failure to comply with requisition to render buildings, wells, etc., safe.	Rs. 50	
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	
Section 407, sub-sections (*1*) & (*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

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
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	
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	Rs. 50	

	markets to expel lepers and disturbers from the market.		
Section 415	Carrying on butcher's, fish-monger's or poulterer's trade without licence etc.	Rs. 100	Rs. 10
Section 416	Establishment of factory, etc., without permission.	Rs. 5,000	Rs. 500
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
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	
Section 420	Hawking articles for sale without a licence, etc.	Rs. 100	
Section 421	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	Rs. 100	Rs. 15
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
Section 431	Preventing the commissioner or any person authorised in this behalf from exercising his powers of entry, etc.	Rs. 50	
Section 432	Preventing the Commissioner or any person authorised in this behalf from exercising his power of entry upon any adjoining land.	Rs. 50	

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
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 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

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
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

THE THIRTEENTH SCHEDULE

[*See* section 516]

ENACTMENTS CEASING TO HAVE EFFECT IN DELHI

1. The Punjab Municipal Act, 1911, as in force in Delhi immediately before the commencement of the 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.
4. The Punjab District Boards Act, 1883, as in force in the Union territory of Delhi immediately before the commencement of this Act.

[1][THE FOURTEENTH SCHEDULE

[*See* section 3A]

THE NUMBER, NAMES AND AREAS OF VARIOUS ZONES

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

		9 Okhla 11 Kalkaji
3.	South	10 Kailash 12 Malviya Nagar 13 Hauz Khas 14 Munirka 15 Mohammad Pur 16 R.K. Puram 44 Mehrauli 45 Madangir 46 Tughlakabad

1. Ins. by Act 67 of 1993, s. 136 (w.e.f. 1-10-1993).

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

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

Sl. No.	Name	Area of the Zone*/Number and name of the municipal ward
(1)	(2)	(3)
		29 Rampura 30 Onkar Nagar 31 Wazir Pur 88 Shastri Nagar 89 Karam Pura

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

THE FIFTEENTH SCHEDULE

[*See* section 52]

POWERS AND FUNCTIONS OF THE WARDS COMMITTEE

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

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

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

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

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

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

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