

THE DELHI MUNICIPAL CORPORATION ACT, 1957
(Modified as on 2022)

ARRANGEMENT OF SECTIONS

CHAPTER I
PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

ESTABLISHMENT OF MUNICIPAL CORPORATIONS OF DELHI

Constitution of Municipal Corporation

3. Establishment of the Corporation.
- 3A. Division of the area of the Corporation into zones and wards.
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 election day.
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 or ballot boxes or the voting machines from polling station to be an offence.
- 29A. Prohibition of going armed to or near a polling station.
- 29B. Offence of booth capturing.
- 29C. Liquor not to be sold, given or distributed on polling day.
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 the Mayor.
37. Discharge of functions of the Mayor by the Deputy Mayor.
38. Resignation of Mayor and Deputy Mayor.

Committees of the Corporation

SECTIONS

- 39. Rural Areas Committee and Education Committee.
- 40. Special and *ad hoc* committees 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

MUNICIPAL AUTHORITIES UNDER THE CORPORATION

Municipal authorities

- 44. Enumeration of municipal authorities.

The Standing Committee

- 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.

SECTIONS

67. Vacation of seats by members of committees.
68. Committees to continue in office till new committees are constituted.
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.
- 90A. Officers of erstwhile Corporations to become officers of Corporation.

SECTIONS

91. Restriction on employment of permanent officers and other employees.
92. Power to make appointments.
- 92A. Recruitment to category B and category C posts.
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

REVENUE AND 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

SECTIONS

- 114. Components of property tax.
 - 114A. Building tax.
 - 114B. Rebate for senior citizens, women and physically challenged persons.
 - 114C. Vacant land tax.
 - 114D. Rate of building tax.
 - 114E. Rate of vacant land tax.
- 115. Exemption of vacant lands and buildings from property tax.
 - 115A. Unit of assessment.
- 116. Constitution of Municipal Valuation Committee.
 - 116A. Classification of vacant lands and buildings into colonies and groups and specification of base unit area values therefore.
 - 116B. Notification of classification of vacant lands and buildings into colonies and groups and specification of base unit area values therefore and factors for increase or decrease.
 - 116C. Objection to classification of vacant lands and buildings into colonies and groups and fixation of base unit area values and factors for increasing or decreasing such base unit area values
 - 116D. Final base unit area values of vacant land and of covered space of building.
 - 116E. Determination of annual value of covered space of building and of vacant land.
 - 116F. Determination of annual value of building where land is exempted from property tax.
 - 116G. Transitory provisions.
 - 116H. One-time tax.
 - 116I. Validity of base unit area values of vacant land and covered space of building.
 - 116J. Indexation of unit area value.
 - 116K. Hardship and Anomaly Committee.
- 117. [*Omitted.*].
- 118. [*Omitted.*].
- 119. Taxation of Union properties.
- 120. Incidence of property taxes.
- 121. [*Omitted.*].
- 122. Recovery of property taxes from occupiers.
- 123. Property taxes a first charge on premises on which they are assessed.
 - 123A. Submission of returns.
 - 123B. Self assessment and submission of return.
 - 123C. Revision of assessment.
 - 123D. Power of Commissioner regarding assessment.
- 124. Assessment list.
- 125. Assignment of property identification code.
- 126. [*Omitted.*].
- 127. [*Omitted.*].
- 128. Notice of transfers.
- 129. Notice of erection of building, etc.
- 130. Notice of demolition or removal of building.
- 131. [*Omitted.*].
- 132. [*Omitted.*].
- 133. [*Omitted.*].

SECTIONS

134. [Omitted].

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. [Omitted].

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

152. Time and manner of payment of taxes.

152A. Punishment for wilful default in payment of property tax, furnishing wrong information in return of assessment, etc.

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.

156A. Recovery of property 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

SECTIONS

- 163. Demolition, etc., of buildings.
- 164. [*Omitted.*].
- 165. [*Omitted.*].
- 166. [*Omitted.*].
- 167. [*Omitted.*].
- 168. [*Omitted.*].

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.
- 172A. Power to appoint an agency for administration of property tax.
- 173. Composition.
- 174. Irrecoverable debts.
- 175. Obligation to disclose liability.
- 176. Immaterial error not to affect liability.
- 177. General power of exemption.

- 178. [*Omitted.*].
- 179. [*Omitted.*].
- 180. [*Omitted.*].
- 181. [*Omitted.*].
- 182. [*Omitted.*].
- 183. [*Omitted.*].

Taxes on entertainment and betting

- 184. [*Omitted.*].

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.

SECTIONS

- 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

- 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.*].

SECTIONS

- 217. [Omitted].
- 218. [Omitted].
- 219. [Omitted].
- 220. [Omitted].
- 221. [Omitted].
- 222. [Omitted].
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- 236. [Omitted].
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Drainage and Sewage

- 239. [Omitted].
- 240. [Omitted].
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- 242. [Omitted].
- 243. [Omitted].
- 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].

SECTIONS

- 256. [Omitted].
- 257. [Omitted].
- 258. [Omitted].
- 259. [Omitted].
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- 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].
- 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].

SECTIONS

- 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.
- 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

SECTIONS

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.

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.

SECTIONS

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

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.

SECTIONS

- 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. [*Omitted.*].

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 abatement of nuisance.

Dogs

- 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.

SECTIONS

- 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.
- 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.

SECTIONS

- 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.

- 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

SECTIONS

- 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.
- 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.
- 484A. *[Omitted.]*

CHAPTER XXIV

CONTROL

- 485. Power of Central Government or the Government to require production of documents.
- 486. Inspection.
- 487. Directions by Central Government.

SECTIONS

- 488. Power to provide for enforcement of direction under section 487.
- 489. Power of 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.
- 490B. Delegation of power by the 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.
- 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 a Corporation.
- 514. Limits of New Delhi Municipality.
- 514A. Appointment of Special Officer.
- 514AA. Transitional provisions.

SECTIONS

514-B. Overriding effect of the provisions of the Delhi Development Act, 1957.

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

[28th December, 1957.]

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

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

CHAPTER I

PRELIMINARY

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

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

(3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date¹ as the ²[³Central 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,—

⁴[(1) “Administrator” means the Lieutenant Governor of the National Capital Territory of Delhi;]

⁵[(1A) “annual value” means the annual value of any vacant land or covered space of any building determined under section 116E;]

⁶[⁷[(1B) “Appellate Tribunal” means an Appellate Tribunal constituted under section 347A;]]

(2) “budget-grant” means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by ⁸[⁹the Corporation]] and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;

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

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

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

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 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

4. Subs. by Act 67 of 1993, s. 2, for clause (1) (w.e.f. 1-10-1993).

5. Ins. Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

6. Ins. by Act 42 of 1984, s. 2 (w.e.f. 10-12-1985).

7. Clause (1A) re-numbered as clause (1B) by Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

8. Subs. by Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

9. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

¹[(6) “Commissioner” means the Commissioner of ²[the Corporation];]

³[(7) “Corporation” means ⁴[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

(b) any other epidemic, endemic or infectious disease which the Commissioner may, by notification in the Official Gazette, declare to be a dangerous disease for the purposes of this Act;

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

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

5*	*	*	*	*
6*	*	*	*	*
7*	*	*	*	*
8*	*	*	*	*

(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;

⁹[(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;

10*	*	*	*	*
11*	*	*	*	*

(21) “goods” includes animals;

¹²[(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

1. Subs. by Act 12 of 2011, s. 3, for clause (6) (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 3, for “a Corporation” (w.e.f. 22-5-2022).

3. Subs. by Act 12 of 2011, s. 3, for clause (7) (w.e.f. 13-1-2012).

4. Subs. by Act 10 of 2022, s. 3, for “a Corporation of Delhi” (w.e.f. 22-5-2022).

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

6. Omitted by Act 71 of 1971, s. 7(b) and the Second Schedule (w.e.f. 3-11-1971).

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

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

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

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

11. Omitted by Act 71 of 1971, s. 7(b) and the Second Schedule (w.e.f. 3-11-1971).

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

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 ¹[²[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;

(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 ¹[²[the Corporation]] means a councillor ^{3***};

(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;

⁴[(30A) "Municipal Taxation Tribunal" means the Municipal Taxation Tribunal constituted under section 169;]

⁴[(30B) "Municipal Valuation Committee" means the Municipal Valuation Committee constituted under section 116;]

5* * * * *

(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

1. Subs. by Act 12 of 2011, s. 2, for “ the Corporation” (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

3. The words “or an alderman thereof” omitted by Act 67 of 1993, s. 2 (w.e.f. 1-10-1993).

4. Ins. by Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

5. Clause (31) omitted by Act 67 of 1993, s. 2 (w.e.f. 1-10-1993).

(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 car cases, kitchen or stable refuse, dung, dirt and putrid or putrefying substances other than sewage;

(36) “Official Gazette” means the Official Gazette of the Union Territory of Delhi;

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

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

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

(38) “premises” means any land or building or part of a building and includes—

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

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

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

(40) “private market” means a market which is not a municipal market;

(41) “private slaughter house” means a slaughter house which is not a municipal slaughter house;

(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 ¹[²the Corporation]] as a public street or the soil below the surface of which vest in ¹[²the Corporation]] or which under the provisions of this Act becomes, or is declared to be, a public street;

³[(44A) “public utilities” include water-supply, sewerage and drainage, solid waste management, energy and telecommunication services, gas distribution system, and public transport system, whether managed by Government or otherwise;]

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

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

1. Subs. by Act 12 of 2011, s. 2, for “ the Corporation” (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

3. Ins by Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

(48) “regulation” means a regulation made ²[by ³[⁴[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;

(51) “rule” means a rule made by the and the Central Government ⁵[and the Government] under this Act, by notification in the Official Gazette;

(52) “rural areas” means the areas of Delhi which immediately before the establishment of ³[⁴[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;

(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;

1. Clause (47) Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

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

3. Subs. by Act 12 of 2021, s. 3, for “Central Government” (w.e.f. 13-1-2011).

4. Subs. by Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

5. Ins. by s. 3, *ibid.* (w.e.f. 13-1-2012).

¹[(61A) “vacant land” means the land within a premises excluding the land occupied by the plinth of any building erected thereon.]

(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;

²[(62A) "Voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box ballot paper in this Act the rules made here under shall, save as otherwise provided, be constructed as including a reference to such voting machine wherever such voting machine is used at any election".

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

³[(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;

⁴* * * * *

(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.]

CHAPTER II

⁵[⁶ESTABLISHMENT OF MUNICIPAL CORPORATION OF DELHI]]

⁷[⁸*Constitution of Municipal Corporation*]]

3. Establishment of ⁹[¹⁰the Corporation].—¹¹[(1) ¹²[With effect from such date as the ¹³[Government] may, by notification in the Official Gazette, appoint, there shall be ⁹[¹⁰the Corporation]] charged with the Municipal Government of Delhi, to be known as the Municipal Corporation of Delhi.]]

¹⁴[(2) ¹⁵[¹⁶The Corporation]] so established shall be a body corporate with the name duly notified by the ¹³[Government] having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.]

¹⁷[(3) (a) ¹⁸[¹⁹The Corporation]] shall be composed of the councillors;

(b) the following persons shall be represented in ¹⁷[¹⁸the Corporation]], namely:—

1. Ins. by Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

2. Ins. by Delhi Act 10 of 2002, s. 2 (w.e.f. 18-2-2002).

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

4. Clause (65) omitted by s. 2, *ibid.* (w.e.f. 1-10-1993).

5. Subs. by Delhi Act 12 of 2011, s. 4, for heading “THE CORPORATION” (w.e.f. 13-1-2012).

6. Subs. by Act 10 of 2022, s. 4, for heading “ESTABLISHMENT OF CORPORATIONS” (w.e.f. 22-5-2022).

7. Subs. by Delhi Act 12 of 2011, s. 5, for sub-heading “Constitution of the Corporation” (w.e.f. 13-1-2012).

8. Subs. by Act 10 of 2022, s. 5, for sub-heading “Constitution of Corporation” (w.e.f. 22-5-2022).

9. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

10. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

11. Subs. by Delhi Act 12 of 2011, s. 6, for sub-section (1) (w.e.f. 13-1-2012).

12. Subs. by Act 10 of 2022, s. 5, for sub-sections (1) and (1A) (w.e.f. 22-5-2022).

13. Subs. by Delhi Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

14. Subs. by Delhi Act 12 of 2011, s. 6, for sub-section (2) (w.e.f. 13-1-2012).

15. Subs. by Delhi Act 12 of 2011, s. 2, for “A Corporation” (w.e.f. 13-1-2012).

16. Subs. by Act 10 of 2022, s. 2, for “Every Corporation” (w.e.f. 22-5-2022).

17. Subs. by Act 67 of 1993, s. 3, for sub-section (3) (w.e.f. 1-10-1993).

18. Subs. by Delhi Act 12 of 2011, s. 2, for “A Corporation” (w.e.f. 13-1-2012).

19. Subs. by Act 10 of 2022, s. 2, for “The Corporation” (w.e.f. 22-5-2022).

(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 ¹[²[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 ¹[²[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 ¹[²[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 ¹[²[the Corporation]] at least once during the duration of the Corporation;

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

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

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

(6) Upon the completion of each census after the establishment of ¹[²[the Corporation]], the number of seats shall be on the basis of the population of ⁶[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 ⁶[Delhi]:

Provided that the total number of seats shall in no case be more than two hundred and fifty and the number of seats in the Corporation shall be determined by the Central Government at the time of the establishment of the Corporation:

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

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

⁷[(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 ⁸[one-half] of the total number of seats reserved for the Scheduled Castes.]

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

1. Subs. by Delhi Act 12 of 2011, s. 2, for "The Corporation" (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 2, for "A Corporation" (w.e.f. 22-5-2022).

3. Certain words omitted by Act 67 of 1993, s. 3 (w.e.f. 1-10-1993).

4. Subs. by Delhi Act 12 of 2011, s. 6, for sub-sections (5) and (6) (w.e.f. 13-1-2012).

5. Subs. by Act 10 of 2022, s. 5, for sub-sections (5) and (6) (w.e.f. 22-5-2022).

6. Subs. by Delhi Act 12 of 2011, s. 2, for "the area of the corporation" (w.e.f. 13-1-2012).

7. Subs. by Act 67 of 1993, s. 3, for sub-section (7) (w.e.f. 1-10-1993).

8. Subs. by Delhi Act 12 of 2011, s. 6, for "one-third" (w.e.f. 13-1-2012).

9. Ins. by Act 67 of 1993, s. 3 (w.e.f. 1-10-1993).

¹[**3A. Division of the area of** ²[³[the Corporation]] **into zones and wards.**—(1) The area of ⁴[⁵[the Corporation]] shall be divided into a number of zones and each zone and into a number of wards as specified in the Fourteenth Schedule.

(2) The ⁶[⁷[Central Government]] may, by notification in the official Gazette, after the number or the name, and increase or diminish the area of any zone or ward specified in the Fourteenth Schedule.]

⁸[**4. Duration of** ²[³[the Corporation]].—(1) ⁹[¹⁰[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 ²[³[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 ²[³[the Corporation]] for such period.]

Election of councillors and alderman

¹¹[**5. Delimitation of wards.**—¹²[(1) For the purposes of election of councillors, ¹³[the area of ²[³[the Corporation]] shall be divided into single-Member wards in such manner that the population of each of the wards shall, so far as practicable, be the same throughout ¹²[the area of ²[³[the Corporation]].]

(2) The ⁶[⁷[Central Government]] shall, by order in the Official Gazette, determine,—

(a) the number of wards;

(b) the extent of each ward; ¹⁴***

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

¹⁵[(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).*

6. Power to alter or amend delimitation orders.—¹⁶[⁸[⁹[The Corporation]], with the previous approval of ⁶[⁷[Central Government]], may, from time to time by order in the Official Gazette, alter or amend any order made under section 5.

¹⁷[¹⁸[**7. Elections to** ²[³[the Corporation]].—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to ²[³[the Corporation]] shall be vested in

1. Subs. by Delhi Act 12 of 2011, s. 7, for section 3A (w.e.f. 13-1-2012).

2. Subs. by s. 2, *ibid.*, for “the Corporation” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

4. Subs. by Delhi Act 12 of 2011, s. 2, for “a Corporation” (w.e.f. 13-1-2012).

5. Subs. by Act 10 of 2022, s. 2, for “every Corporation” (w.e.f. 22-5-2022).

6. Subs. by Delhi Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

7. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

8. Subs. by Act 67 of 1993, s. 5, for section 4 (w.e.f. 1-10-1993).

9. Subs. by Delhi Act 12 of 2011, s. 2, for “The Corporation” (w.e.f. 13-1-2012).

10. Subs. by Act 10 of 2022, s. 2, for “A Corporation” (w.e.f. 22-5-2022).

11. Subs. by Act 42 of 1961, s. 3, for section 5 (w.e.f. 12-9-1961).

12. Subs. by Act 55 of 1974, s. 4, for sub-section (1) (w.e.f. 10-1-1975).

13. Subs. by Delhi Act 12 of 2011, s. 8, for “Delhi” (w.e.f. 13-1-2012).

14. The word “and” omitted by Act 67 of 1993, s. 6 (w.e.f. 1-10-1993).

15. Ins. by Act 67 of 1993, s. 6 (w.e.f. 1-10-1993).

16. Subs. by Delhi Act 12 of 2011, s. 9, for certain words (w.e.f. 13-1-2012).

17. Subs. by Act 55 of 1974, s. 5, for section 7 (w.e.f. 10-1-1975).

18. Subs. by Act 67 of 1993, s. 8, for section 7 (w.e.f. 1-10-1993).

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 ¹[²[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:

Provided that if the ⁷[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 ⁶[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 ⁶[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.

1. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

3. Subs. by Act 67 of 1993, s. 9, 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).

7. Subs. by s. 12, *ibid.*, for “Central Government” (w.e.f. 1-10-1993).

(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 ²[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.

(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 ³[Election Commission] from any order of the electoral registration officer under section 7F or section 7G.

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

2. Subs. by s. 13, *ibid.*, for “Director of Municipal Elections” (w.e.f. 1-10-1993).

3. Subs. by s. 14, *ibid.*, for “Director of Municipal Elections” (w.e.f. 1-10-1993).

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 ¹[Election Commission].]

8. Qualifications for councillorship.—A person shall not be qualified to be chosen as a councillor ²[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:

³[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.—(I) A person shall be disqualified for being chosen as, and for being, a councillor, ⁴***—

(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;

⁵[(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 ⁶ ⁷[the Corporation];]

(g) if he holds any office of profit under the Government ⁸[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, ⁶ ⁷[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 ⁶ ⁷[the Corporation]] or any of the municipal authorities is interested or concerned;

(k) if he, having held any office under ⁶ ⁷[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 ⁹[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 ⁶ ⁷[the Corporation]] within three months after a notice in this behalf has been served upon him.

1. Subs. by Act 67 of 1993, s. 15, for “Director of Municipal Elections” (w.e.f. 1-10-1993).

2. Subs. by s. 16, *ibid.*, for “unless his name” (w.e.f. 1-10-1993).

3. The proviso ins. by s. 16, *ibid.* (w.e.f. 1-10-1993).

4. The words “or an alderman” omitted by s. 17, *ibid.* (w.e.f. 1-10-1993).

5. Subs. by s. 17, *ibid.*, for clauses (d) and (e) (w.e.f. 1-10-1993).

6. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

7. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

8. Ins. by Act 67 of 1993, s. 17 (w.e.f. 1-10-1993).

9. Subs. by s. 17, *ibid.*, for “Central Government” (w.e.f. 1-10-1993).

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

1* * * * *

(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 ^{2***};

or

³[(iii) any fee for attendance at meetings of any committee of ⁴[⁵the 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 ⁴[⁵the Corporation] or to any municipal authority or any officer or other employee of ⁴[⁵the Corporation] on behalf of ⁴[⁵the Corporation], of any article in which he regularly trades or the purchase from ⁴[⁵the Corporation] or from any such authority, officer or other employee on behalf of ⁴[⁵the 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 ⁴[⁵the Corporation] or the hiring from ⁴[⁵the 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

⁶[(vi) any agreement or contract with ⁴[⁵the Corporation] or any municipal authority for any goods or services which ⁴[⁵the Corporation] may generally supply]

(3) If a person sits or votes as a member of ⁴[⁵the 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.

7* * * * *

11. General elections of councillors.—(1) A general election of councillors shall be held for the purpose of constituting ⁴[⁵the Corporation] under section 3.

8* * * * *

(3) For the aforesaid purposes the ⁹[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:

1. Omitted by Act 67 of 1993, s. 17 (w.e.f. 1-10-1993).
2. The words “or an alderman” omitted by s. 17, *ibid.* (w.e.f. 1-10-1993).
3. Subs. by s. 17, *ibid.*, for sub-clause (iii) (w.e.f. 1-10-1993).
4. Subs. by Delhi Act 12 of 2011, s. 2, for “a Corporation” (w.e.f. 13-1-2012).
5. Subs. by Act 10 of 2022, s. 2, for “the Corporation” (w.e.f. 22-5-2022).
6. Subs. by Act 67 of 1993, s. 17, for sub-clause (vi) (w.e.f. 1-10-1993).
7. Omitted by Act 42 of 1961, s. 4 (w.e.f. 12-9-1961).
8. Omitted by Act 67 of 1993, s. 18 (w.e.f. 1-10-1993).
9. Subs. by Act 67 of 1993, s. 18, for “Director of Municipal Elections” (w.e.f. 1-10-1993).

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:

¹[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 ²[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 ³[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.

⁴[(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).

⁵[**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 ^{6***} 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.

⁷[(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.

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.

1. Ins. by Act 67 of 1993, s. 18 (w.e.f. 1-10-1993).

2. Subs. by s. 19, *ibid.*, for “Director of Municipal Elections” (w.e.f. 1-10-1993).

3. Subs. by s. 19, *ibid.*, for “four months” (w.e.f. 1-10-1993).

4. Ins. by s. 19, *ibid.* (w.e.f. 1-10-1993).

5. Subs. by s. 21, *ibid.*, for section 14 (w.e.f. 1-10-1993).

6. The words “or an alderman” omitted by s. 22, *ibid.* (w.e.f. 1-10-1993).

7. Subs. by s. 22, *ibid.*, for sub-section (2) (w.e.f. 1-10-1993).

(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.

(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

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).

(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.

(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.

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

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 ¹[or ballot boxes or the voting machines] 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 ¹[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.

1.Ins. by Delhi Act 10 of 2002, s. 3 (w.e.f. 18-2-2002).

¹[**29A. Prohibition of going armed to or near a polling station.**— (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence, under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have revoked under section 17 of that Act.

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

29B. Offence of booth capturing.—Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation:—For the purposes of this section "booth capturing includes, among other things, all or any of the following activities, namely :—

(a) Seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers, used ballot box or boxes or voting machines use and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by, any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(c) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of place for counting of votes by any person or persons making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

29C. Liquor not to be sold, given or distributed on polling day.—(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

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

(3) Where a person, is convicted of an offence under this section, the spirituous, fermented or intoxication liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.]

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

1. Ins. by Delhi Act 10 of 2002, s. 3 (w.e.f. 18-2-2002).

(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 or on behalf 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;

(ae) the final publication of electoral rolls;

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

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).

(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 ² ³[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 ⁴[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;

⁵[(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;]

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1. Subs. by Act 67 of 1993, s. 26, for “a parliamentary constituency” (w.e.f. 1-10-1993).

2 Subs. by Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

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

5. Ins. by Act 42 of 1961, s. 5 (w.e.f. 12-9-1961).

6. Clause (i) omitted by Act 67 of 1993, s. 26 (w.e.f. 1-10-1993).

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

(k) any other matter ¹[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

²[**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 ³ ⁴[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 upon which 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.]

⁵[**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 ⁶ ⁷[Central Government]], of all the assets owned by him and members of his family and. such declaration shall form part of the records of ³ ⁴[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 ³ ⁴[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 ³ ⁴[the Corporation]].]

1. Subs. by Act 55 of 1974, s. 7, for “relating to elections” (w.e.f. 10-1-1975).

2. Subs. by Act 67 of 1993, s. 27, for section 32 (w.e.f. 1-10-1993).

3. Subs. by Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

4. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

5. Ins. by Act 67 of 1993, s. 28 (w.e.f. 1-10-1993).

6. Subs. by Delhi Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

7. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

33. Vacation of seats.—(1) If a councillor ^{1***}—

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

(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 ^{3***} is, without permission of ⁴[⁵[the Corporation]], absent from all the meetings thereof, the Corporation may declare his seat vacant.

⁶[(3) If any question arises as to whether a councillor ^{3***} 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.]

⁷[(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.]

⁸**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

1. The words “or an alderman” omitted Act 67 of 1993, by s. 29 (w.e.f. 1-10-1993).

2. Subs. by s. 29, *ibid.*, for “section 9 or” (w.e.f. 1-10-1993).

3. The words “or an alderman” omitted by Act 67 of 1993, s. 29 (w.e.f. 1-10-1993).

4. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

5. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

6. Subs. by Act 67 of 1993, s. 29, for sub-section (3) (w.e.f. 1-10-1993).

7. Ins. by s. 29, *ibid.* (w.e.f. 1-10-1993).

8. Ins. by s. 30, *ibid.* (w.e.f. 1-10-1993).

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.

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 ³ ⁴[the Corporation]]—

(i) in relation to the functions of ³ ⁴[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 ³ ⁴[the Corporation]] proposes to levy in the rural areas; and

(iii) generally in relation to the expenditure that may be incurred by ³ ⁴[the Corporation]] for the municipal government in those areas;

(b) to review the progress of work of ³ ⁴[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 ³ ⁴[the Corporation]] or by regulations made under this Act.

(4) ⁵ ⁶[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 ³ ⁴[the Corporation]], shall be nominated by ³ ⁴[the Corporation]], from among experts in education who are not members of ³ ⁴[the Corporation]] and the rest shall be elected by the members of the corporation from among themselves at the first meeting of ³ ⁴[the Corporation]] after each general election or as soon as possible at any other meeting subsequent thereto.

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 Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

4. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

5. Subs. by Delhi Act 12 of 2011, s. 2, for “The Corporation” (w.e.f. 13-1-2012).

6. Subs. by Act 10 of 2022, s. 2, for “A Corporation” (w.e.f. 22-5-2022).

(b) any electric wire for lighting such lamp;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in sub-section (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage so done by him.

CHAPTER XVI

BUILDING REGULATIONS

¹[**330A. General superintendence, etc., of the** ²[**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 ⁴ ⁵[**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) to re-erect.—

(i) any building of which more than one-half of the cubical contents above the level of the plinth have been pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down, or

(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;

1. Ins. by Act 67 of 1993, s. 98 (w.e.f 1-10-1993).

2. Subs. by Delhi Act 12 of 2011, s. 2 “the Corporation” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

4. Subs. by Delhi Act 12 of 2011, s. 2 “ Central Government” (w.e.f. 13-1-2012).

5. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

(j) to convert into or use as dwelling house any building which has been discontinued as or appropriated for any purpose other than a dwelling house.

332. Prohibition of building without sanction.—No person shall erect or commence to erect any building, or execute any of the works specified in section 334 except with the previous sanction of the Commissioner, not otherwise than in accordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

333. Erection of building.—(1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

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 abut on a street or projected street and that there is no access to such building or work from any such street by a passage or path-way appertaining to such site.

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

(4) The sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

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

1. Subs. by Act 42 of 1961, s. 16, for section 343 (w.e.f. 12-9-1961).

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 ¹[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, ²[the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 347C,] stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by ³[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) ⁴[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) ⁵[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 ⁶[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 ⁷[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) ⁸[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 ⁹[or to seize any construction material, tool, machinery, scaffolding or other things used

1. Subs. by Act 42 of 1984, s. 3, for “the court of the district judge of Delhi” (w.e.f. 10-2-1986).

2. Subs. by s. 3, *ibid.*, for “the court of the district judge may” (w.e.f. 10-2-1986).

3. 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).

4. Subs. by s. 3, *ibid.*, for “Save as provided in this section, no court” (w.e.f. 10-2-1986).

5. Subs. by s. 3, *ibid.*, for certain words (w.e.f. 10-2-1986).

6. Subs. by s. 3, *ibid.*, for “has been confirmed on appeal, whether with or without variation” (w.e.f. 10-2-1986).

7. Subs. by s. 3, *ibid.*, for “the court of the district judge” (w.e.f. 10-2-1986).

8. Subs. by Act 42 of 1961, s. 17, for “If such order is not complied with forthwith” (w.e.f. 12-9-1961).

9. Ins. by Act 42 of 1984, s. 4 (w.e.f. 10-2-1986).

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.

(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.

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).

(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.

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

(2) An Appellate Tribunal shall consist of one person to be appointed by the ²[Central ³[Government]] on such terms and conditions of service as may be prescribed by rules.

(3) A person shall not be qualified for appointment as the presiding officer of an Appellate Tribunal unless he is, or has been, a district judge or an additional district judge or has, for at least ten years, held a judicial office in India.

(4) The ²[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 ²[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 ²[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;

1. Ins. by Act 42 of 1984, s. 7 (w.e.f. 10-2-1986).

2. Subs. by Delhi Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

(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;

(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 ¹[the Corporation]] or against any officer or servant of ¹[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 ¹[the Corporation]] or its officer or servant an opportunity of being heard.

1. Subs. by Delhi Act 12 of 2011, s. 2 “the Corporation” (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

(4) Subject to rules that may be made by the ¹[Government] in this behalf, the awarding of damages in and the costs of, and incidental to, any appeal before an Appellate Tribunal, shall be in its discretion and it shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such damages or costs are to be paid and to give, in its order disposing of an appeal, necessary directions for the purposes aforesaid.

(5) An order of the Appellate Tribunal made under this section may be executed or caused to be executed by it on the application of the person in whose favour the order has been made.

(6) In hearing and deciding an appeal or in the execution of an order, an Appellate Tribunal shall follow such procedure as may be prescribed by rules.

(7) Every Appellate Tribunal, shall, in addition to the powers conferred on it under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and examining them on oath;

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents; and

(f) any other matter which may be prescribed by rules, and every proceeding of an Appellate Tribunal in hearing or deciding an appeal or in connection with the execution of its order, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860), and every Appellate Tribunal shall be deemed to a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

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.

1. Subs. by Delhi Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

(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 ²[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 ³[⁴the 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;

1. Ins. by Act 67 of 1993, s. 99 (w.e.f. 1-10-1993).

2. Subs. by Delhi Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

3. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

4. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

- (g) the height of buildings whether absolute or relative to the width of streets or to different area;
- (h) the number and height of storeys composing a building and the height of rooms and the dimensions of room intended for human habitation;
- (i) the provision of open spaces, external and internal, and adequate means of light and ventilation;
- (j) the provision of means of egress in case of fire, fire-escapes and water lifting devices;
- (k) the provision of secondary means of access for the removal of house refuse;
- (l) the materials and methods of construction of external and party walls, roofs and floors;
- (m) the position, materials and methods of construction of hearths, smoke-escapes, chimneys, stair-cases, latrines, drains and cesspools;
- (n) the provision of lifts;
- (o) the paving of yards;
- (p) the restriction on the use of inflammable materials in buildings;
- (q) the restriction on construction of foundation on certain sites;
- (r) the measures to be taken to protect buildings from damp arising from sub-soil;
- (s) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings;
- (t) in the case of wells, the dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water;
- (u) the supervision of buildings;
- (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.