CHAPTER – II
Chapter II

Structure and Organization of Delhi Municipal Corporation: A Brief

The population of Delhi has increased from 9.42 million in 1991 to 13.78 million (provisional) in 2001, recording a growth rate of 46.31 percent during the decade 1 Delhi which was a uni-district Union Territory at the time of 1991 census has become a multi district* state. 2

A district wise breakup shows in Table 2.1 that North-West district with 20.66 per cent population occupies the first position followed by South District with 16.38 per cent, New Delhi district with 1.25 per cent. The comparative population analysis of 1991 and 2001 census shows a slight difference as given in Table 2.1 Delhi is situated at the Yamuna river bank. Most of the part of the land is plain whereas some portion is hilly.

Table 2.1


<table>
<thead>
<tr>
<th>Districts</th>
<th>Population</th>
<th>% of total population</th>
<th>Population</th>
<th>% of total population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North West</td>
<td>2,847,395</td>
<td>20.66</td>
<td>1,778,268</td>
<td>18.88</td>
</tr>
<tr>
<td>South</td>
<td>2,258,367</td>
<td>16.38</td>
<td>1,502,878</td>
<td>15.95</td>
</tr>
<tr>
<td>West</td>
<td>2,119,641</td>
<td>15.38</td>
<td>1,434,008</td>
<td>15.22</td>
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<tr>
<td>North-East</td>
<td>1,763,712</td>
<td>12.80</td>
<td>1,085,250</td>
<td>11.52</td>
</tr>
<tr>
<td>South-East</td>
<td>1,749,492</td>
<td>12.69</td>
<td>1,084,705</td>
<td>11.51</td>
</tr>
<tr>
<td>East</td>
<td>1,448,770</td>
<td>10.51</td>
<td>1,023,078</td>
<td>10.86</td>
</tr>
<tr>
<td>North</td>
<td>779,788</td>
<td>5.66</td>
<td>688,252</td>
<td>7.37</td>
</tr>
<tr>
<td>Central</td>
<td>644,005</td>
<td>4.67</td>
<td>656,533</td>
<td>6.97</td>
</tr>
<tr>
<td>New Delhi</td>
<td>171,806</td>
<td>1.25</td>
<td>167,672</td>
<td>1.78</td>
</tr>
</tbody>
</table>

Source: Director, Census Operation, Delhi, Census of India 2001, Series-8, Delhi.

1 Himad Jiindgar, Census of India 2001, Delhi Series 8, Page-11.
2 Ibid.
The literacy rate has increased 71.94 percent in 1981, 75.29 per cent in 1991 and again 81.82 per cent in 2001, thus, recording a growth of 9.88 per cent during span of two decades.

The male literacy rate is 87.37 per cent and female 75.00 percent. Now Delhi has grown up as a city of industries. Its economy is based on government taxation and grant-in-aid of the Central Government.

**Structure of Urban Local Government**

The 74th constitutional Amendment provide for three categories of structure for local bodies.

(a) A Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area,

(b) A Municipal Corporation for a smaller Urban area, and

(c) A Municipal Corporation for a larger urban area, in accordance with the provisions of this part.

Provided that a municipality under this Article 243Q may not be complainant constituted in such urban area or part there of as the governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may density, by public notification specify to be an industrial township.

A transitional area, a smaller urban area or a larger urban area means such area as the population there in the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this part. In addition to the census definition of an urban area, the
Nagar Panchayat is to be created with a population of 5000-20,000,\(^5\) a Municipal Council with a population of 20 thousand – 30 thousand a Municipal Corporation with above 30 lac along with consideration of other factors such as density of population, internal revenue prospectus, the percentage of employment in non-agricultural activities expect. Where Municipal services are provided by the industries in an industrial township. The size and population criterion of Municipal classification is not uniform in all the States and the Act empowers the states to determine the population and other factors for the creation of urban governance institutional framework\(^6\)

**Municipal Corporation Delhi: A Brief**

It may be of historical interest to note that in 1863 by a notification issued under the Punjab Municipal Act, Delhi Municipality was created to look after public health and convenience. It became a first class municipality in 1881. In accordance with the recommendation of the States Re-organization Commission, 1957 the Delhi Municipal Corporation was constituted, as well as the comprehensive Municipal administration. The Corporation has jurisdiction over the entire Union Territory of Delhi except for the area falling with administrative control of New Delhi Municipal Committee and Delhi Cantonment Board. The Cantonment Board is responsible for functions normally assigned to a local government institution in charge of the Municipal administration of the army habitation. An unique characteristic of Delhi Municipal Corporation is that it comprises a large number of villages, as much as 300 having panchayat at village level and panchayat samiti at block level.

The functions of the Gram Panchayat are promotion of agriculture animal husbandry, cooperative farming, cottage industries, fisheries and forests.

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\(^{5}\) Ibid, P 30.

\(^{6}\) Ibid, P 31.
Panchayat Samiti on the other hand is meant to advise administration on development scheme preparation and execution of development plans, approval of panchayat budget, coordination of plans covering more than one panchayat, disbursement of loan and grants as may be placed at the disposal of the samiti and any other function which may be arranged by the administration or a Corporation.

Till the setting up of Municipal Corporation it was known as Greater Delhi, which had 11 towns within its geographical limit. Earlier the Delhi District Board was there to look after the needs of rural areas.

The Corporation took over the functions previously entrusted to all the local bodies excluding New Delhi Municipal Committee and the Cantonment Board, Delhi State Electricity Board, Delhi Road Transport Authority and Delhi Joint Water and Sewerage Board.

The strength of Corporation members can not be less than 80 and not more than 134. The Corporation is headed by a Mayor who is annually elected. He is entitled to have an access to all records of the Corporation. Municipal Corporation functions through six Statutory Committees i.e. the Standing Committee, Electricity Supply Committee, Water Supply and Sewerage Disposal Committee, Rural Area Committee, Transport Committee and Education Committee.

The Delhi Corporation Act is mainly based on the scheme of Bombay Corporation Act. It separates the deliberative and executive wings. The Chief Executive Authority of Municipal Corporation is the Municipal Commissioner.

Decentralization of Administration

In December 1958, while the erstwhile Municipal Committees were dissolved according to the first schedule of the Delhi Municipal Corporation Act, 1957, the local offices still continued to remain as civic centers performing

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7 Delhi Municipal Corporation Act 1957, Section 39
8 Rajasthan, Sikkim Journal Act No. 1, Vol 81 Rajasthan Section, w.w.chitraley for All India Reporter Ltd, Congress Nagar, Nagpur, 1994 (Act of the Indian Parliament of 1993 Amendment) P.3
limited day to day functions and attending to the public conveniences. But the major policy decisions about building plans, water connection remained centrally administered. This caused delay and inconvenience in meeting the demand of public. In 1962, an ad-hoc committee was appointed to study the decentralized executive functions of the Corporation. It observed that the administration has been suffering from over centralization. The committee also pointed out the undefined responsibilities of the Zonal officer who was the technical head of the Zonal office and the Zonal Assistant Collector was creating a tension in their personal relationship.9

The Constitutional Structure

The Corporation functions, through its Deliberative (Committee System) and the Executive (Commissioner) wings. The Delhi Municipal Corporation Act, 1957 introduced the Committee System as the management device of the city government. Besides the Standing Committee, there are Statutory Committees like the Delhi Electric Supply Committee. The Transport Committee, The Delhi Water Supply and Sewerage Disposal Committee, Rural Area Committee and Education Committee. The Corporation is empowered to constitute as many special and ad-hoc committee.10 As it thinks fit for the exercise of any power to discharge any function which the Corporation may by resolution delegate to them for inquiring into reporting and advising upon any matter which the Corporation may refer to them. Committee of the special nature consists of the Corporation members. In case of the prior sanction of the Corporation. The Corporation secretary acts as all different committee11 chart no. II illustrates the committees of the corporations. During the period of the present study there were 25 committees of different kinds.

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9 Ibid, Section 39
10 Op-cit, Section 40
11 Op-cit, section - 44
The Chart No. 1 shows that the Committees of Municipal Corporation Delhi Standing Committee of all the Committees is the decision making Body of the Corporation Standing Committee along with the commissioner and other Statutory Committees and the Council is responsible for the efficient performance of its functions. The Standing Committee consists of fourteen members who are elected by the Councillors and alderman among themselves.

All matters falling within the purview of a Committee will be routed to the Corporation through the Standing Committee an urgent matter may directly be placed before the council or the Standing Committee.

The standing committee exercises such power and performs such function as or specifically conferred on it under the Act. The Standing Committee is authorized to deal with all financial matters up to the limit of Rs. 15,000 and for any other cases delegated to it by the Corporation. In case of contract, the Standing Committee is the competent authority to decide the cases up to any amount above Rs. 10,000 but estimate has to be sanctioned both by the Standing Committee and the Corporation. The budget to go through the Standing Committee before submitting it to the Corporation.

As per section 87 as the 1957 Act the Commissioner or the officer appointed by him has to record proceeding of the meeting of the Corporation or any of its Committees. The Commissioner is also answerable to the Councillors. Alderman on any matter relating so the Municipal government of Delhi or the administration of the Act or the function of any of the Municipal authorities. As regards procedures for the meeting the Delhi Municipal Corporation Procedures and Conduct of Business, Regulation 1958 are strictly observed. The meetings of

12 Ibid Procedure and Conduct of Business Provides Procedure of Election of Members, Chairman and Vice-Chairman of the Standing Committee, p.p. 29-31
13 Municipal Corporation Delhi Member Guide 1969-70 D.M.C. p. 243
Standing Committee are held normally once a week.\textsuperscript{15} If the committee omits to fix the date, time and place of the meeting, it is fixed by the chairman of the respective committee. The chairman of a committee whenever thinks fit on a written requisition signed by the commissioner or by signature from more than three members of the committee can immediately call a special meeting of the committee for the transaction of any important business. The official records indicate that the transaction of any important business. The official records indicate that the Standing Committee as rule does not meet once in week. But practice, during the budget session it meets the daily for consecutive six or seven days a week. An analysis of the minutes of the Standing Committee revealed that cases discussed in the Standing Committee were related to financial sanction, of leave or disciplinary action against some officials.\textsuperscript{16}

The organization and establishment seen to occupy a prominent place in the discussions. Thus, the Standing Committee is delegated with the decision making authority of the corporation. The district outstanding features of the Standing Committee are firstly, constitution and strength is determined by legislation. Secondly, the Corporation has been compelled to refer certain matters to committees and act following the report from the committee. Thirdly, the Standing Committee is authorized to plan and execute certain functions without a reference to the council. Finally, the extent to which powers are delegated to Committees.

**Special Zonal Committees**

Zonal committee is one of other special committees of the Corporation under section 40 the Delhi Municipal Corporation Act 1957 each zone has a special zonal committee consisting of the Councillors from the ward within its jurisdiction and one or more alderman as decided by the Corporation like the

\textsuperscript{15} Ibid, Procedure And Conduct of Business Regulations, 1958, P. 28
\textsuperscript{16} Agenda of the Standing Committee Meetings, Delhi Municipal Corporation, 1998-2001
Committee in Calcutta, powers, and function of the zonal committees can be classified into matters relating to consideration of proposals, making of recommendations, review of work progress and inquiry and advice. The most important function delegated to the zonal committee is the section of estimate and plans for work to be carried out in the zones up to Rs. 25,000. Powers of the zonal committees:-

(a) The powers of the zonal committee to sanction estimates and plan for work to be carried out in the zone other than those relating to estimates and plans for work to be carried out in zone (other than those relating to Electricity Supply) Transport, Water Supply and Sewerage Disposal undertaking up to Rs. 25,000 subject to the existence of the authorized budget provision.

(b) The power to inquire into report or advice upon any matter which the Corporation may refer to them.

(c) The power to require the Commissioner to furnish any reports return plan estimates statement of accounts with matter pertaining to the administration of the act.

(d) The Sanction Authority to consider the reports of the Zonal Assistant Commissioner as regards, the properties disposed of or leased out in exercise of the power delegated to him provide that provision exists in the budget sanctioned by the Corporation. Since the decentralization of Corporation in 1965 all zonal matters are discussed at the Zonal Committee prior to its placement before Corporation council.

After the commencement of Delhi Municipal Corporation (Amendment) Act 2003 The Standing Committee shall consist of six members elected by the Councillors from among themselves at the first meeting of the Corporation. One member each elected by the members of each the ward committee. The Standing
Committee shall be deemed to have been constituted. One half of the members referred to in clause (i) of sub-section (i) and one-half of the members referred to in clause(ii)* of that sub-section shall retire on the expiration of one year from the date of the Constitution of the Standing Committee for that purpose they shall be selected by lot from amongst their respective categories before the said expiration in such manner as the chairman of the Standing Committee may determine. During each succeeding year the members who have been longest in office shall retire therefore: Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of this sub-section be computed from the date of his re-election.

The Corporation or the concerned Wards Committee as the case may be, shall in a meeting held immediately before the occurrence of the vacancies caused by the retirement of the members under sub-section (3)** or sub-section (4***), elect the requisite member or members from amongst the councilors or from amongst members of the ward committee, as the case may be, to fill up those vacancies. Any councilor clauses to be a member of the standing committee shall be eligible for re-election. When a casual vacancy occurs in the office of a member of the standing committee fill up the vacancy, as soon as may be after, and in any case within one month of the occurrence of the vacancy, by the election of another councilor, a member elected to fill a casual vacancy shall be elected to serve for the reminder of his predecessor's term of office. The Standing Committee shall at its first meeting in each year elects one of its members to be the chairman and another member to be the Deputy Chairman. The Chairman or the Deputy Chairman of the Standing Committee shall hold office from the date of his election until the election of his successor in office unless in the meantime he resigns his office as chairman.

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* In view of The Suggestion for The Creation of The Office of Alderman, the Definition of "Councillor" has been omitted and a Definition of "member" of the Corporation has been given in item 27 to cover both Councillor and Alderman.

** Ibid.

*** The Committee consider that the Corporation should consist of both Councillors and Alderman. The number of Councillors at the time of the establishment of the Corporation should be eighty and of Alderman six, and out of the eighty seats of Councillors, twelve should be reserved for the members of the scheduled caste.
or Deputy Chairman or his term office as member of the Standing Committee is in any manner determined or unless in the case of the Deputy Chairman he is elected as Chairman. On the occurrence of any casual vacancy in the office of the Chairman or the Deputy Chairman, the Standing Committee shall within one month of the occurrence of such vacancy elect one of its members as Chairman or Deputy Chairman, as the case may be, and the Chairman or Deputy Chairman so elected shall hold office for the remainder of his predecessor's term.

Any member of the Standing Committee may resign his office by writing under his hand addressed to the Chairman, and the Chairman may resign his office by writing under his hand addressed to the Mayor. A resignation under sub-section (i) shall take effect from the date specified for the purpose in the writing referred to in that sub-section, or if no such date is specified, from the date of its receipt by the Chairman or the Mayor, as the case may be. The Standing Committee shall exercise such powers and perform such functions as are specifically conferred or imposed upon it by or under this Act.

The Ward Committees

For each zone shall be a Wards Committee which shall consist of all the Councillors elected form the wards comprised in that zone and the person, if any, nominated by the Administrator under sub-clause (i) of clause (b) of sub-section (3) of section 3 his name is registered as an elector within the territorial limits of the zone concerned. The Wards Committee shall be deemed to have been constituted from the date on which the Corporation is constituted after each general election. The provisions of section 47 and 48 shall apply in relation to a Wards Committee as they apply in relation to the Standing Committee. Subject to the provisions of this Act, every Wards Committee shall exercise the powers and

**** The Committee feel that the extension in the term of office of Councillors and alderman, whenever made under this clause, should cover all the members of the Corporation and should not be confined to any individual member. The reason for the extension should be specified in notification. The Committee further feel that the total period of such extension should not exceed one year.

***** ibid.
perform the functions as specified in the fifteenth schedule on behalf of the Corporation in relation to that zone. The central government in the official Gazette, amend the fifteenth schedule. When any question arises as to whether any matter falls within the purview of a Wards Committee or the Corporation, it shall be referred to the government, and the decision of that government thereon shall be final.17

A member of the Standing Committee or a Wards Committee if he ceases to be a Councillors or ceases to represent any of the categories mentioned in sub-clause(ii) of clause (b) of sub-section (3) of section 3 shall cease to be a member of that committee and his seat shall there upon become vacant. If a member of the Standing Committee absents himself during three successive months from the meetings of the committee except on account of illness or any other cause approved by the committee, or absents himself during six successive months from the meetings of the committee on account of any cause whatever, whether approved the committee or not, he shall cease to be a member of the committee and his seat shall there upon become vacant. The Standing Committee shall continue to function until a new committee is constituted in accordance with the provisions of this Act not with standing that the member or some of the members of such committee have ceased to be Councillor or alderman. The Corporation may at any time call for any extract of any proceedings of the Standing Committee. The Wards Committees like the Delhi Rural Areas Committee, The Education Committee or of any other Committee or sub-committee constituted or appointed under this Act and for any return, statement account or report concerning or connected with any matter with which any such committee or sub-committee is empowered by or under this Act to deal, and every such requisition shall be complied with by any such committee or sub-committee without any unreasonable delay.18

18 Ibid Page 44-45.
The Omesh Saigal committee on restructuring of Municipal Corporation Delhi has finalized its recommendations. The report if accepted by home ministry will mean a complete change of the civic structure as we see it.

The panel has refused to touch the politically-sensitive issue of division of Municipal Corporation Delhi. It has left the decision to the home ministry and the political leadership.

The panel will recommend amendments to Delhi Municipal Corporation Act. There will be two posts at top-Mayor and Chairman.

Second level will be zone. Panel has recommended 10 zones and 272 wards in Delhi, each with its own commissioner. Under each zone will be a ward with its own jan sabha or area sabha.

A Municipal Councillor will head the jan sabha.

Each jan sabha will have the residents as nominated members. A special municipal officer will have power to challan for civic offences. Penalties to be increased Fee under Schedule III of Delhi Municipal Corporation Act (on camel carts cattle) will be scrapped.19

**New Delhi Municipal Committee**

The composition of New Delhi Municipal Corporation is as under:-

(1) (a) The chairperson to be nominated by the Central Government in Consultation with the Chief Minister of Delhi. He is to be an officer of the central Government or of the Government of the National Capital Territory of Delhi, being not lower in rank to a Joint Secretary to the Government of India,

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19 The times of India New Delhi July 28,2006 P.5
(b) three members of the legislative Assembly of National Capital Territory of Delhi representing New Delhi area,

(c) five members from the officers of Government to be nominated by the Central Government,

(d) two members to be nominated by the Central Government in consultation with the Chief Minister of Delhi to represent professionals, like lawyers, doctors, intellectuals, traders, labourers etc.,

(e) the Member of Parliament from New Delhi area to be the special invite without voting right.

(f) out of eleven members, there shall be at least three women members and one member belonging to scheduled caste.

(2) Upon dissolution, the New Council shall continue for a full term of five years as in the case of Municipal Corporation of Delhi (MCD)

(3) The provisions of disqualifications relating to “office of profit” for purposes of elections to the Legislative Assembly of National Capital Territory of Delhi shall not be made applicable to the nominated members.


(5) Uniformity as far as possible with Municipal Corporation of Delhi in other matters.

(6) Repeal of the Punjab Municipal Act, 1911, as applicable to the New Delhi Municipal Council area.

The Act seeks to replace the said ordinance.
Establishment of The Council

With effect from 14th July 1994, Act no 44 as the Central Government may, by notification in the official Gazette, appoint, there shall be a council charged with the Municipal Government of New Delhi to be known as the New Delhi Municipal council.

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

Composition of The Council

1. The council shall consist of the following members, namely:-

(a) A chairperson, from amongst the officers, of the Central Government or the Government of or above the rank of Joint Secretary to the Government of India to be appointed by the Central Government in consultation with the Chief Minister of Delhi

(b) three members of Legislative Assembly of Delhi representing constituencies which comprise wholly or partly the New Delhi area.

(c) five members from amongst the officers of the Central Government or the Government or their undertakings, to be nominated by the Central Government, and

(d) two members to be nominated by the Central Government in consultation with the Chief Minister of Delhi to represent from amongst lawyers, doctors, chartered accountants, engineers, business and financial consultants, intellectuals, traders, labourers, social
workers including social scientists, artists, media persons sports persons and any other class of persons as may be specified by the Central Government in this behalf.

(2) The Member of Parliament, representing constituency which comprises wholly or partly the New Delhi area, shall be a special invite for the meetings of the council but without a right to vote.

(3) Out of the eleven members referred to in sub-section (1), there shall be at least three members who are women and one member belonging to the scheduled castes.

(4) The Central Government shall nominate, in consultation with the Chief Minister of Delhi, a Vice-Chairperson from amongst the members specified in clauses (b) and (d) of sub-section (1)

**Duration of The Council**

(1) The council, unless sooner dissolved under section 398 or any other law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) The council:- (a) where it is dissolved before the expiry of its duration under sub-section (1) shall be reconstituted within a period of six months of such dissolution, and

(b) where it is dissolved after the expiry of its duration, shall be reconstituted before such expiry.
Disqualification for Membership of The Council

(1) No person, other than a member of the Legislative Assembly of the National Capital Territory of Delhi, shall be disqualified for being nominated as a member of the council on the ground that he holds an office of profit for purposes of election to the legislature of the National Capital Territory of Delhi under any law for the time being in force.

(2) If a person sits or votes as a member of the council 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.

COMMITTEES OF THE COUNCIL

Setting-up of Committees

(1) The council may constitute as many committees as it thinks fit for the exercise of any power or discharge of any function which the council may by resolution delegate to them or for inquiring into reporting or advising upon any matter which the council may refer to them.

(2) Any such committee shall consist of members of the council only. Provided that a committee may, with the sanction of the council, but who in the opinion of the council possesses special qualifications for serving on such committee.

(3) Each committee constituted under this section shall be presided by the chairperson of the council.
any matter relating to a committee constituted under this section, not expressly provided in this Act may be provided by regulations made in this behalf.

Powers of The Council

General Powers of the council:-

(1) Subject to the provisions of this Act and the rules, regulations and byelaw made there under the Municipal Government of New Delhi shall vest in the council.

(2) Without prejudice to the generality of the provisions of sub-section (1) it shall be the duty of the council to consider all periodical statements of the receipts and disbursements and all progress reports and pass such resolutions there on as it thinks fit.

(3) The Council may at any time require the chairperson.

(a) to produce any record, correspondence plan or other documents which is in his possession or under his control as chairperson or which is recorded or filed in his office or in the office of any Municipal officer or other municipal employee subordinate to him.

(b) to furnish any return, plan estimate, statement, account or statistics concerning or connected with any matter pertaining to the administration of this Act or the Municipal Government of New Delhi.

(c) to furnish a report by himself or to obtain from the head of any department subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with
the administration of this Act or the Municipal Government of New Delhi.

(4) Every such requisition shall be compiled with by the chairperson without any unreasonable delay, and it shall be incumbent on every municipal officer and other municipal employee to obey any order made by the chairperson in pursuance of any such requisition.

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

**Obligatory Functions of the Council**

Subject to the provisions of this Act and any other law for the time being in force, it shall be incumbent on the council to make adequate provisions by any means or measures which it may lawfully use or take, for each of the following matters, namely:-

a) The construction, maintenance and cleaning of drains and drainage works and of public latrines, urinals and similar conveniences.

b) The constriction and maintenance of works and means for providing supply of water for public and private purposes.

c) The scavenging, removal and disposal of fieth, rubbish and other obnoxious or polluted matters.

d) The construction or purchase maintenance, extension, management for :-

1. supply and distribution of electricity to the public,
2. providing a sufficient supply of pure and wholesome water,

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

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

(g) the registration of births and deaths,

(h) public vaccination and inoculation,

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

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

(k) the construction and maintenance of Municipal markets and regulation of all markets,

(l) the regulation and abatement of offensive or dangerous trade or practices,

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

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

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

(p) the removal of obstructions and projections in or upon streets bridges and other public places,
(q) the naming and numbering of streets and premises,

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

(s) the maintenance of municipal offices,

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

(u) the maintenance of monuments and memorial vested in any local authority in New Delhi immediately before the commencement of this Act or which may be vested in the council after such commencement,

(v) the maintenance and development of the value of all properties vested in or entrusted to the management of the council,

(w) the preparation of plans for economic development and social justice,

(x) the maintenance including the expansion and up gradation of facilities of the hospitals existing on the date of the commencement of this Act,

(y) sanction or refuse erection or re-creation of buildings, and,

(z) the fulfillment of any other obligation imposed by or under this Act or any other law for the time being in force,
Discretionary Functions of the Council

Subject to any general or special order of the Government or the Central Government from time to time the council may provide either wholly or in part for all or any of the following matters, namely:

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

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

(c) the establishment and maintenance of and aid to staidaum, gymnasium, akharas and places for sports and games,

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

(e) the surveys of buildings and lands,

(f) the registration of marriages,

(g) the taking of a census of population,

(h) the provision of housing accommodation for the inhabitants of any area or for any class of inhabitants,

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

(j) the organization and management of fairs and exhibitions,

(k) the acquisition of movable or immoveable property for any of the purpose before mentioned, including payment of the cost of investigations, surveys
or examinations in relation there to for the construction or adaptation of building necessary for such purposes,

(1) The construction and maintenance of :-

(1) rest house,

(2) poor-house,

(3) infirmaries,

(4) children’s homes,

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

(6) shelters for destitutes and disabled persons,

(7) asylums for persons of unsound–mind,

(m) the construction and maintenance of cattle pounds,

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

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

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

(q) the provision for relief to destitute and disabled persons,
(r) the establishment and maintenance of veterinary hospitals,

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

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

(u) the organization and management of cottage industries, handicrafts centers and sales emporia,

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

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

(x) the provision for unfiltered water supply,

(y) the improvement of New Delhi in accordance with improvement schemes approved by the council,

(z) any measure not here in before specifically mentioned, likely to promote public safety, health, convenience or general welfare.

It may be mentioned that the Delhi Municipal Corporation has no jurisdiction over the New Delhi area which is controlled by the New Delhi Municipal Corporation Act.

The New Delhi Municipal Council Act 1994 proposed to replace the ordinance through which New Delhi Municipal Corporation area has been provided a new law for its local self governance. The New Delhi Municipal Committee was constituted under the Punjab Municipal Act, 1911 which has
become an archaic piece of legislation. The committee had recommended that a fresh law governing New Delhi Municipal Corporation should be passed by the Parliament for its proper organization and functioning. Consequent upon enforcement of Constitution (seventy fourth Amendment) Act, 1992, several provision in Punjab Municipal Act, 1911 had to be inserted in tune with part IX A of the Constitution. Furthermore, there early may 1994 there were several major differences between various functional regions prescribed under the old law governing New Delhi Municipal Council in comparison to the Delhi Municipal Corporation Act, 1957. It was generally recognized that there was need for a greater measure of commonality in the procedures adopted by the Municipal Corporation of Delhi, and the New Delhi Municipal Council in matters relating to taxation revenue budgeting, contracts, accounts and audits streets and sanitation, public health, public safety and suppression of nuisances etc. The following are the more important objectives of the Act.

(1) To provide New Delhi area with legislation repealing the Punjab Municipal Corporation Act 1911.

(2) To bring uniformity as far as possible in building regulations, audit revenue and budgetary provisions in the Municipal Corporation of Delhi and New Delhi Municipal Council areas.

(3) To harmonize the law with the Constitution (seventy fourth Amendment) Act 1992 with necessary exemptions and modifications under Article 243 ZB of the Constitution wherever departure has had to be made from the Constitutional provisions.

The provisions of this amendment were brought into force with effect from 1st June 1993 and the laws governing municipalities all over the country had to be harmonized in consonance with the provisions of Part IX A of the

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The National Capital Territory of Delhi (NCT) comprises three local bodies, Municipal Corporation Delhi, New Delhi Municipal Corporation and Cantonment Board.

The Municipal Corporation of Delhi comprises approximately 96 percent of the area and the population of the Union Territory of Delhi. The Delhi Municipal Corporation Act, 1957 was amended in August, 1994 to bring it in tune with the Constitutional provisions of part IX A. In respect of the New Delhi Municipal Council, which consists of only three percent of the area and three percent of the population of National Capital Territory of Delhi, it was felt that a different kind of legal system had to be structured which took into account special characteristics of the New Delhi Municipal Council area. The New Delhi Municipal council area comprises the territory that has been described as Lutyens' Delhi and which has historically come to be regarded as the seat of central authority in Union of India. It comprises important buildings like Rashtrapati Bhavan, Parliament House, Supreme Court, North and South Blocks and buildings abutting central vista and also all diplomatic missions which functions as territorial entities under the sovereign jurisdiction of their Flag States. The Government of India is nearly the role landowner and also owns about eight percent of the buildings in the New Delhi Municipal Council area. Private ownership of property in this area is marginal. On account of these special characteristics, it was felt that any scheme for the governance of this area based on conventional pattern of representative local self-government would be unworkable and out place since the pre-eminent character of this area is that of the seat of the Central Government.