Chandigarh Administration  
Local Government Department  
NOTIFICATION

No. F-II(8)-2018/2290  
Dated: 17/02/2018

Whereas the Punjab Municipal Corporation Law (Extension to UT of Chandigarh) Act, 1994 was enacted by the Govt of India Forty-Fifth Year of Republic of India to provide for the extension of the Punjab Municipal Corporation Act, 1976 to the UT of Chandigarh.

Whereas the said Act is required to be amended in order to meet the present circumstances and for smooth functioning of the Municipal Corporation. Therefore, the draft of proposed amendments to be carried out to the Punjab Municipal Corporation Law (Extension to UT of Chandigarh) Act, 1994 (annexed hereto) are hereby published & uploaded on the Chandigarh Administration official website on domain chandigarh.gov.in for the purpose of calling suggestions/views from public/other stakeholders. The general public/other stakeholders may furnish suggestions/views in writing, if any, within 30 days from the date of publication of the draft amendments in the official website, to the Secretary Local Government, Chandigarh Administration, Deluxe Building, Sector-9, Chandigarh.

ANURAG AGARWAL, IAS  
Secretary Local Government  
Chandigarh Administration

Endst. No. F-II(8)-2018/2291  
Dated: 17/02/2018

A copy is forwarded to the Controller, Printing and Stationery Department, UT Chandigarh for publishing the above notification in the Chandigarh Administration Gazette (Extraordinary) and to supply 50 copies thereof for official record.

Superintendent Local Government  
For Secy Local Government  
Chandigarh Administration

Endst. No. F-II(8)-2018/2292  
Dated: 17/02/2018

A copy is forwarded to the Commissioner, Municipal Corporation, Chandigarh for kind information and necessary action.

Superintendent Local Government  
For Secy Local Government  
Chandigarh Administration

Endst. No. F-II(8)-2018/2293  
Dated: 17/02/2018

A copy is forwarded to the Director, Information Technology, Chandigarh Administration for publishing the same on the official website of the Chandigarh Administration today only.

Superintendent Local Government  
For Secy Local Government  
Chandigarh Administration

Endst. No. F-II(8)-2018/2294  
Dated: 17/02/2018

A copy is forwarded to the Director, Public Relations, Chandigarh Administration for wider publicity in the print and electronic media.

Superintendent Local Government  
For Secy Local Government  
Chandigarh Administration

Scanned by CamScanner
THE PUNJAB MUNICIPAL CORPORATION LAW (EXTENSION TO CHANDIGARH) 2nd AMENDMENT ACT, 2017
ACT NO. _______ OF 2017

[DATE]


BE it enacted by Parliament in the ________ Year of the Republic of India as follows:-

1. Short title & Commencement.-

   (1) This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) 2nd Amendment Act, 2017.

   (2) It shall come into force from the date of publication in the official gazette


<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Section No.</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>13(1)(o)</td>
<td>Insert new sub-sub-section (o) under sub-section (1) of Section 13 &quot;(o) If he is so disqualified under the provisions of Fourth Schedule dealing with Anti Defection under this Act.&quot;</td>
</tr>
<tr>
<td>2</td>
<td>Fourth Schedule</td>
<td>Insert new Fourth Schedule after Third Schedule (See Section 13) Fourth Schedule is enclosed as Annexure ‘A’</td>
</tr>
<tr>
<td>3</td>
<td>2(14B)</td>
<td>Insert Sub-section 14B of Section 2 “Electronic Voting Machines (EVMs)&quot;:- A Voting machine at elections- Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Municipal Corporation as the State Election Commission may, having regard to the circumstances of each case, specify.</td>
</tr>
<tr>
<td>4</td>
<td>11(2)</td>
<td>Amendment of Section 11(2) Section 11(2) shall be substituted as given below along with explanation:</td>
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</table>
Voting shall be by a secret ballot by way of using Electronic Voting Machines (EVMs) shall be in such a manner, as the Election Commission may, having regard to the circumstances of each case, specify and every elector shall have one vote.

Explanation: For the purpose of this section, “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 or ballot paper. In this Act or the rules made there under shall, save as otherwise provided, be construed as including a reference to a such voting machine wherever such Voting machine is used at any election.”

<table>
<thead>
<tr>
<th>5</th>
<th>41E(3)</th>
<th>Insert new Sub-Section (3) of Section 41E after Sub-Section 41E(2)</th>
<th>Insert new section 41E(3) with the words “(3) : No Councillor shall be eligible to be elected to more than one Special Committee as Chairman or Vice Chairman.”</th>
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<tbody>
<tr>
<td>6</td>
<td>28A</td>
<td>Insert new Section 28A after section 28</td>
<td>Insert the new Section 28A based on the section 126 of Representation of People Act, 1951</td>
</tr>
</tbody>
</table>

28A Prohibition of public meeting during period of forty-eight hours ending with hour fixed for conclusion of poll.-

(1) No person shall –

(a) convene, hold or attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election matter by mean of cinematograph, television or other similar apparatus; or

(c) propagate any election matter to the public by holding, or by arranging the hold of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to
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<th>Page</th>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>7</td>
<td>78A</td>
<td>Insert new Section 78A as given below; “The Administrator UT, may delegate special financial powers to the Commissioner of Municipal Corporation to meet any requirement of Municipal Corporation, in public interest, at his own discretion, from the existing budget grant of Municipal Corporation Chandigarh.”</td>
</tr>
<tr>
<td>8</td>
<td>46 (d)</td>
<td>Replace words under section 46 “(b) the Finance and Contract Committee; and” with the words “(b) the Finance and Contract Committee” Replace the words “(c) the Commissioner” with the words “(c) the Commissioner; and” Insert subsection (d) of Section 46 “(d) &quot;the Ombudsman&quot;”</td>
</tr>
<tr>
<td>9</td>
<td>46-A</td>
<td>Insert new section 46A as given below; “The Administrator, shall by notification in the official Gazette, appoint an eligible person as Ombudsman of Municipal Corporation Chandigarh. The</td>
</tr>
<tr>
<td>Page</td>
<td>Section</td>
<td>Insertion Details</td>
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<tr>
<td>10</td>
<td>2(34A)</td>
<td>Insert new sub-section 34A under Section 2 after sub-section 34</td>
</tr>
<tr>
<td>11</td>
<td>74 (5)</td>
<td>Insert new Sub-Section (5) of Section 74 after Sub-Section 74(4)</td>
</tr>
<tr>
<td>12</td>
<td>Chapter XX 394-C</td>
<td>Insert new Section 394-C after Section 394-B</td>
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<tr>
<td>Sr.No.</td>
<td>Issues for amendments along with existing provision</td>
<td>Proposed amendment</td>
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<tr>
<td>1</td>
<td><strong>Amendment of provision of &quot;constructive no confidence motion&quot; in place of &quot;no confidence motion&quot; for removal of Mayor, Senior Deputy Mayor and Deputy Mayor.</strong></td>
<td>Following amendment is proposed in Section 39 of the Punjab Municipal Corporation Law as extended to UT Chandigarh Act, 1994 by replacing with following words;</td>
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</table>

**Existing provision**

"Removal of Mayor, Senior Deputy Mayor and Deputy Mayor

39. A councillor holding office as Mayor or Senior Deputy Mayor or Deputy Mayor may be removed from his office by a way of motion of no confidence moved by any member of the Corporation after giving notice as may be prescribed. Such motion of no confidence shall be valid only if it contains a motion for simultaneous electing a successor to the incumbent (Mayor, Senior Deputy Mayor or Deputy Mayor).

(b) Such motion shall be passed by
| Corporation present and voting in a meeting of the Corporation in the prescribed manner” | a majority of the total membership of the Corporation and by a majority of not less than two-third of the members of the Corporation present and voting in a meeting of the Corporation in the prescribed manner. The Mayor, Senior Deputy Mayor or Deputy Mayor shall cease to hold office from the date on which the motion is carried out unless he has resigned earlier. (c) Notwithstanding anything contained in this regulations, the Mayor, Senior Deputy Mayor or Deputy Mayor shall not preside over a meeting in which motion of no-confidence motion is moved but shall have a right to speak or otherwise take part in the proceeding of such meeting. Similarly the person(s) who name(s) figure in the motion for successor shall not preside over the said meeting. The meeting for no confidence motion shall be regulated in the manner as prescribed in section 56 and shall be convened by the Divisional Commissioner.” |
THE PUNJAB MUNICIPAL CORPORATION LAW (EXTENSION TO CHANDIGARH) 2nd AMENDMENT ACT, 2017
ACT NO. _______ OF 2017

[DATE]


BE it enacted by Parliament in the _______ Year of the Republic of India as follows:-

1. **Short title & Commencement.**

   (1) This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) 2nd Amendment Act, 2017.

   (2) It shall come into force from the date of publication in the official gazette.


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</table>
| 1     | 46 (d)      | Amend Section 46 by inserting new sub-section 46(d) and suitable replacement of words in subsection (b) and (c) Replace words under section 46 "(b) the Finance and Contract Committee; and" with the words "(b) the Finance and Contract Committee"
|       |             | Replace the words "(c) the Commissioner" with the words "(c) the Commissioner; and"
|       |             | Insert subsection (d) of Section 46 "(d) "the Ombudsman"
| 2     | 46-A        | Insert new section 46A as given below; "The Administrator, shall by notification in the official Gazette, appoint an eligible person as Ombudsman of Municipal Corporation Chandigarh. The appointment, tenure, powers, functions, remuneration, procedures and other details etc. pertaining to Ombudsman of Municipal Corporation shall be regulated through rules approved by the Administrator UT Chandigarh."
| 3     | 2(34A)      | Insert sub-section 34A under Section 2, after sub-section 34 "34A "Ombudsman" means the Ombudsman of the Municipal Corporation."
| 4     | 54 A to 54 E | Insert new chapter IV-A after section 54 of chapter IV. The new chapter will be under heading "Ombudsman for Municipal Corporation" |
54-A

(1) Constitution, Term of Office and Conditions of service of Ombudsman.- (l) There shall be an authority known as 'Ombudsman' for Redressal of grievances of Public pertaining to issues of Taxes, charges, penalties, fines etc, in accordance with the provisions of Punjab Municipal Corporation Law (extension to Chandigarh) Act, 1994 and rules/byleaws made there under.

(2) The Ombudsman shall be a single member body appointed by the Administrator by way of notification in the Official Gazette. The Ombudsman appointed by the Administrator shall be a person of integrity, repute and standing preferably in the Municipal laws having experience in any of areas of Law, Management, Engineering, Finance, Economics, Commerce, Public Administration who has served at the level of Deputy Secretary to the Government of India or equivalent or as Additional District Judge or Chief Engineer in the Government of India/State Government or equivalent or General Manager in Schedule 'A' Central Public Sector Undertaking (CPSU) or equivalent in any public sector undertaking. Notwithstanding anything above, the Administrator may designate any of the Officers, or Ombudsman of any other department or other Grievances/Complaint Redressal Authority from Chandigarh Administration to act as the Ombudsman for Municipal Corporation.

Provided that no person shall be appointed as Ombudsman or continue to be the Ombudsman if he has reached the age of 65 years.

Provided further that no person shall be appointed as Ombudsman within 2 years of his retirement, if immediately before such retirement, he has been service under Municipal Corporation Chandigarh.

The applications will be invited through public advertisement for appointment of the Ombudsman.

(3) A person appointed to be the Ombudsman shall, before he enter upon his office, make and subscribe before the Administrator or some person appointed in that behalf by him, an oath or affirmation according to the form set out below:-

"I, __________________________ having been appointed as the Ombudsman for the Municipal Corporation under the Punjab Municipal Corporation Law (extension to Chandigarh) Act, 1994, do swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India and I will duly and faithfully and the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will".

(4) A person appointed as Ombudsman shall hold office for a term of three years from the date on which he enters upon his office provided that-

(a) The Ombudsman, if willing to relinquish his office, shall do so by giving to the Administrator, UT, a notice in writing of not less than three months period; and

(b) the person appointed as Ombudsman may be removed from his office in the manner provided in Section 54B.

(5) The person appointed as Ombudsman shall be entitled for salary and allowances as fixed by the Administrator from time to time.

(6) On expiry of his term of office as Ombudsman, he shall not be eligible for
re-appointment as Ombudsman or for further appointment to any office of
profit under the UT Administration or in any corporation, boards, company,
society or university by or under the control of the UT Administration.

(7) The Ombudsman shall devote his whole time to the affairs of his office and
shall not undertake any other part – time or honorary work.

(8) The name, location, email address and telephone numbers of the
Ombudsman shall be widely publicized through local dailies, and displayed
on the websites and the offices of the Municipal Corporation and intimated to
the citizens on regular basis through various bills/notices. They may also be
publicized through radio, television and local cable TV network.

54-B Removal of Ombudsman. (1) The Ombudsman shall not be removed from
his office, except by an order of the Administrator, if he/she has

i. been adjudged as insolvent;
ii. been involved in moral turpitude;
iii. become physically or mentally incapable of acting as an
    Ombudsman;
iv. acquired such financial or other interest as is likely to affect
    prejudicial his/her functions as an Ombudsman;
v. abused his/her position so as to render his/her continuance in
    office prejudicial to public interest or
vi. been guilty of proved misbehavior.
Provided that, Ombudsman shall not be removed from his/her office on any
ground specified in the aforesaid clauses unless the Administrator on an
inquiry, concluded that the person ought, on such ground or grounds, be
removed.

54-C Staff of the Ombudsman.- (1) The Ombudsman shall have other officers and
staff as the Government may determine and with the approval of the
Administration to assist the Ombudsman in the exercise of its powers and
discharge of its functions under this Regulation.
(2) The appointment and conditions of service of the officers and the staff of
the Ombudsman shall be such as may be specified by the Government and
as far as possible appointment on deputation from Government Department
shall be resorted to.
(3) The Ombudsman may require the assistance of any Officer of any
Government Department in order to ascertain the veracity of an allegation
under investigation and such officer shall be bound to render such assistance
in addition and without detriment, to his official duties.
(4) The Ombudsman may utilize the services of any person having experience and expertise in any particular subject in deciding the questions
before it.
(5) The Municipal Corporation shall provide the Ombudsman with a
secretariat.

(6) Without prejudice to any other arrangement that may be made, all
expenses of the Ombudsman's office including that of remuneration paid to
the Ombudsman and secretariat staff shall be borne by the Municipal
Corporation.

54-D Functions of the Ombudsman.- (1) The Ombudsman shall perform all or
any of the following functions, namely:-

(i) Enquire into any representation pertaining only to the imposition of
fines/penalties, Taxes, charges etc by the Municipal Corporation or
on a reference from Government or that has come to the notice of the
Ombudsman.

(ii) Pass an order on the representation in the following manner, namely:-

(1) Where the irregularity causes loss or inconvenience to a citizen, direct the Corporation for remedial action.

(2) After an investigation, if the Ombudsman is satisfied that,-
   (a) the complaint is frivolous or vexatious or is not made in good
       faith; or
   (b) there is no sufficient ground to initiate proceedings; or
   (c) other remedies are available to the complainant and it would be
       more beneficial for the complainant to avail of such remedies in
       view of the circumstances of the case,

   it may dispose of the complaint as rejected after recording its
   findings stating the reason therefore, and communicate the same to
   the complainant.

(3) The Ombudsman shall, subject to the provisions of this
    Regulation and the rules made there under, have power to regulate
    its procedures by fixing the time and place of sitting.

(4) In any proceeding before the Ombudsman, no legal practitioner
    will be permitted to represent any person, unless the Ombudsman
    permits, by an order, a person to be represented by a legal
    practitioner for reasons to be recorded.

(5) In addition to the functions, the Ombudsman may pass interim
    order restraining the Corporation from doing anything detrimental
    to the interest of the complainant if it is satisfied that much loss will be
    caused to the complainant due to the alleged act.

54-E Powers of the Ombudsman.- (1) The Ombudsman shall, for the purpose of
    any enquiry under this Regulation, have the powers, namely:-
    (a) summoning and enforcing the attendance of any witness and
        examining him;
    (b) requiring the discovery and production of any document;
    (c) receiving evidence on affidavits;
    (d) requisitioning any public records, or copy thereof from any Office
        under Municipal Corporation;

    (2) Where the Ombudsman finds that the allegation contained in a complaint
        is without any substance or trivial in nature, it may by order direct the
        complainant to pay to the opposite party so much of the amount specified
        in the order by way of cost.

    (3) If the amount paid as per the order passed by the Ombudsman under
        sub-section (2)) is not paid within the period specified by it, the same
        shall be recoverable by Revenue Recovery Proceedings as if it were an
        arrears of land revenue.

    (4) Where the Ombudsman finds that the procedure or practice regarding the
        administration of Corporation gives room for complaint, it may give
        suggestions to the Government or Corporation relating to the measures
        for avoiding the recurrence of such complaint.

    (5) The Ombudsman shall give annually a detailed report regarding the
        performance of its functions under this Regulation to the Government.

54-G Procedures to be prescribed.-The Government may make rules in respect
    of the following matters, namely:-

    (i) The conditions of service of the person to be appointed as
        Ombudsman and the Ombudsman's staff;
    (ii) The manner of filing complaints before the Ombudsman and the
         manner or filling cases either suo motu or on reference by
         Government
    (iii) The manner and procedure of conducting investigation;
    (iv) Procedure for moving the appropriate authority for the initiation of
         prosecution;
    (v) Procedure to be followed during the inquiry, which as far as
possible be summary proceedings;
(vi) The manner of implementing the order of the Ombudsman and further proceedings;
(vii) The form for filing complaints to Ombudsman;
(viii) Any other matter which the Government may deem necessary to prescribe.
FOURTH SCHEDULE

[See Section 13]

Provisions as to disqualification on ground of defection.

1. Interpretation:- In this Schedule, unless the context otherwise requires-

(a) "Municipality" means Municipal Corporation of Chandigarh;

(b) "Original political party" in relation to an Elected Councillor of a Municipality to which he belongs for the purpose of sub-paragraph (1) of paragraph 2;

(c) "paragraph" means a paragraph of this Schedule.

2. Disqualification on ground of defection:- (1) Subject to the provisions of paragraph 3, an Elected Councillor of Municipality belonging to any political party shall be disqualified for being a Councillor of Municipality-

(a) If he has voluntarily given up his membership of such political party; or

(b) If he votes or abstains from voting in such Municipality contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation: For the purpose of this sub-paragraph, an elected Councillor of Municipality shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such Councillor.

(2) An Elected Councillor of a Municipality who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a Councillor of the Municipality if he joins any political party after such election.

(3) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Punjab Municipal Corporation Law as extended to UT of Chandigarh, 2nd Amendment Act, 2017 is a Elected Councillor of a Municipal Corporation shall,-

(i) Where he was a member of a political party immediately before such commencement, be deemed, for the purpose of sub-paragraph (1) of this paragraph, to have been elected as a Councillor of such Municipality as a candidate set up by such political party;
(ii) In any other case, be deemed to be a Councillor of the Municipality who has been elected as such otherwise than as a candidate set up by any political party for the purpose of sub-paragraph (2) of this paragraph.

3. Disqualification on ground of defection not to apply in case of merger:- (1) An Elected Councillor of Municipality shall not be disqualified under sub-paragraph (1) of paragraph 2. Where his original party merges with another political party and he claims that he and any other members of his original political party-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group,

and from time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purpose of this sub-paragraph.

(2) For the purpose of sub-paragraph (1) of this paragraph, the merger of the original political party of an Elected Councillor of a Municipality shall be deemed to have taken place if, and only if, not less than two-thirds of the Elected Councillors of such political party in the Municipality concerned have agreed to such merger.

4. Decision on question as to disqualification on ground of defection:- (1) If any question arises as to whether a Elected Councillor of a Municipality has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Administrator and his decision shall be final.

(2) Before giving any decision on any such question, the Administrator shall obtain the opinion of the State Election Commission constituted under Section 10 of the Punjab Municipal Corporation Law as extended to UT Chandigarh Act, 1994 (45 of 1994) and shall act according to such opinion.

5. Rules:- The Administrator UT Chandigarh, may make rules for giving effect to the provisions of this Schedule, and in particular and without prejudice to the generality of the foregoing, such rules may provide for-

(a) the maintenance of registers or other records as to the political parties, if any, to which different Elected Councillors of the Municipality belong.

(b) the report which the leader of a political party in the Municipality, in relation to an Elected Councillor of a Municipality, shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of
paragraph 2 in respect of such Elected Councillor, the time within which and the
authority to whom such report shall be furnished;

(c) the reports, which a political party, shall furnish with regard to admission to
such political party of any Elected Councillors of the Municipality and the officer
of the Municipality to whom such report shall be furnished; and

(d) the procedure for deciding any question referred to in sub-paragraph (1) of
paragraph 4 including the procedure for any inquiry which may be made for the
purpose of deciding such question.
Inviting public suggestion/view on draft amendments in the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994

Public Opinion

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