

Bill No. 63 of 2025

THE PUNJAB MUNICIPAL CORPORATION LAW (EXTENSION TO
CHANDIGARH) AMENDMENT BILL, 2025

By

SHRI MANISH TEWARI, M.P.

A

BILL

*further to amend the Punjab Municipal Corporation Law
(Extension to Chandigarh) Act, 1994.*

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 2025.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
the Schedule.

2. In the Schedule of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, in Part II,—

(A) in section 4, in sub-section (3), in clause (ii), for the words “with voting rights”, the words “without voting rights” shall be substituted;

(B) in section 8, in sub-section (2), for the words “Administrator”, the words “duly elected Mayor” shall be substituted;

(C) in section 13A,—

(a) in sub-section (1), for the words “Administrator and his decision”, the words “Committee and the decision of the Committee” shall be substituted; and

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A). The Committee under sub-section (1) shall consist of—

(a) sitting High Court Judge nominated by the Chief Justice of the Punjab & Haryana High Court;

(b) retired High Court Judge nominated by the Chief Justice of the Punjab & Haryana High Court; and

(c) the District & Sessions Judge, Chandigarh.

(D) in section 38, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Mayor, the Senior Deputy Mayor and the Deputy Mayor shall be directly elected by all the electors of the Chandigarh parliamentary constituency:

Provided that the office of the Senior Deputy Mayor and the Deputy Mayor shall be reserved by rotation for the members of the Scheduled Castes and women.

(1A) The term of the Mayor, the Senior Deputy Mayor and the Deputy Mayor shall be five years and co-terminus with the tenure of the Corporation.”;

(E) after Section 38, the following sections shall be inserted, namely:—

“38A. The Mayor, the Senior Deputy Mayor and the Deputy Mayor would be removed only by motion supported by a two-third majority of the elected Councillors present and voting.

38B. (1) The Mayor, the Senior Deputy Mayor and the Deputy Mayor shall function as Mayor in Council.

(2) All decisions of the Council shall be taken by consensus:

Provided that if consensus is not achieved, the decision shall be made by a 2:1 majority and the decision shall be put into an agenda item for the consideration of the full house of the Municipal Corporation which shall be decided only by the elected members of the Municipal Corporation of Chandigarh through a simple majority of those present and voting.

38C. (1) The provisions of the Tenth Schedule to the Constitution of India, regarding anti-defection law, as applicable to the Members of the Parliament and State Legislative Assemblies, shall apply to the elected representatives of the Municipal Corporation.

(2) The Mayor, the Senior Deputy Mayor and the Deputy Mayor shall cease to be in office if they defect from the political party from which they have been so elected or resign from the political party which they were originally elected to that position.”;

(F) in section 41A, in sub-section (1), for the words “Administrator”, the words “duly elected Mayor” shall be substituted;

(G) in section 41E, in sub-section (1), for the words “Administrator”, the words “duly elected Mayor” shall be substituted;

Removal from
Office.

Mayor in
Council.

Anti Defection.

5

10

15

20

25

30

35

40

45

(H) after Section 45, the following sections shall be inserted, namely:—

Governance of
Union territory
of Chandigarh.

“45A. Subject to the provisions of this Act and notwithstanding any other law for the time being in force, all matters relating to the governance of Union territory of Chandigarh, except those pertaining to law and order, shall be under the jurisdiction of the duly elected Mayor.

5

45B. (1) All officers of the Chandigarh administration, except those exercising purely police or law and order functions, shall be under the jurisdiction of the Mayor-in-Council.

Administrative
Jurisdiction of
the Mayor in
Council.

(2) The annual confidential reports of all the officers of the Chandigarh administration, except those exercising law and order functions, shall be written by the Mayor, the Senior Deputy Mayor and the Deputy Mayor, respectively.

10

(3) The Mayor, the Senior Deputy Mayor and the Deputy Mayor, as the case may be, shall provide their comments on every officer from the rank of Sub-Divisional Magistrate or its equivalent, with the Mayor in Council which shall be the reviewing and accepting authority for the Annual Confidential Report:

15

Provided that for all civil functions performed by officers engaged in police or law and order duties, they shall be accountable to the Mayor-in-Council in so far as their actions and Annual Confidential Reports are concerned:

Provided further that the process of initiating and accepting Annual Confidential Report in so far as law and order functions are concerned, the established hierarchy currently in practice shall be followed.”; and

20

(I) for section 47, the following section shall be substituted, namely:—

“47. (1) The Commissioner of the Corporation shall be appointed exclusively by the Mayor-in-Council from a panel of officers proposed by,—

Appointment of
Commissioner.

25

(a) the Government of Punjab;

(b) the Government of Haryana ; and

(c) the Government of Union Territory of Chandigarh.

(2) The Commissioner shall report to the Mayor-in-Council.

(3) For the purpose of the Annual Confidential Report, the Deputy Mayor and the Senior Deputy Mayor shall be the reporting authorities, while the Mayor of the Municipal Corporation shall be the reviewing and accepting authority in so far as the Annual Confidential Report of the Commissioner of the Municipal Corporation is concerned:

30

Provided that where the Commissioner holds a lien on any service under any Government, the Mayor-in-Council may, at any time, place his services at the disposal of that respective Government.”.

35

STATEMENT OF OBJECTS AND REASONS

The Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, governs the functioning of the Chandigarh Municipal Corporation. The current method of electing the Mayor, the Senior Deputy Mayor and the Deputy Mayor by the Members of the Chandigarh Municipal Corporation every year more often than not leads to extraneous factors and considerations playing themselves out. This undermines the very essence of democracy. Moreover, such frequent annual elections subvert the integrity of the democratic process and divert attention from governance to perennial political maneuvering.

Under the existing provisions, the tenure of the Mayor, the Senior Deputy Mayor and the Deputy Mayor is limited to one year, despite the fact that the Municipal Corporation itself has a tenure of five years. This short tenure has led to several challenges in the efficient administration and governance of the Corporation.

Frequent changes in leadership result in discontinuity in decision-making, disrupts the implementation of long-term projects and hinders the smooth functioning of the Corporation. The limited tenure does not allow sufficient time for the Mayor to familiarise himself/herself with the complexities of municipal governance, and engage meaningfully with stakeholders, or execute developmental plans effectively. Furthermore, the repeated conduct of elections for the post of Mayor, the Senior Deputy Mayor and the Deputy Mayor every year leads to unnecessary expenditure of public funds, which could otherwise be utilised for developmental activities.

In addition to these structural inefficiencies, the principal Act vests significant and largely unrestricted powers in the Union Territory Administrator, rather than the elected Corporation. This undermines the autonomy of the Municipal Corporation and hampers its ability to execute developmental works efficiently. The lack of adequate decision-making authority at the elected level weakens grassroots governance and poses a serious challenge to the democratic fabric of the municipal administration. Strengthening the role of elected representatives is essential for ensuring accountable, transparent, and responsive governance at the local level.

In light of these concerns, the present Bill seeks to amend the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, to provide for a stable and efficient governance structure by ensuring that the tenure of Mayor, the Senior Deputy Mayor and the Deputy Mayor is aligned with the tenure of the elected Municipal Corporation and the three are directly elected by all the electors of the Chandigarh parliamentary constituency for a term of five years. This will promote administrative continuity, better execution of municipal projects, and more effective governance for the residents of Chandigarh.

The proposed amendment is a necessary step towards strengthening the institutional framework of the Chandigarh Municipal Corporation, ensuring greater accountability in urban governance and upholding the principles of democratic de-centralisation, where except for law and order the governance of Chandigarh is vested in the Mayor in council.

Hence this Bill.

NEW DELHI;
February 14, 2025

MANISH TEWARI

ANNEXURE

[EXTRACTS FROM THE PUNJAB MUNICIPAL CORPORATION LAW (EXTENSION TO CHANDIGARH) ACT, 1994]

(45 OF 1994)

* * * * *

THE SCHEDULE

(See section 2)

THE PUNJAB MUNICIPAL CORPORATION ACT, 1976

(PUNJAB ACT 42 OF 1976)

PART I

* * * * *

PART II

Section 4. (1) * * * * *

(3) The Corporation shall be composed of the following members, namely:—

(i) members to be directly elected, representing wards;

(ii) nine members with voting rights to be nominated by the Administrator, from amongst the persons who are eminent or distinguished in public affairs or those who have special knowledge or practical experience in respect of municipal administration; and

* * * * *

Section 8. (1) * * * * *

(2) The Administrator shall, by an order in the Official Gazette, determining,—

(a) the number of wards; and

(b) extent of each ward.

* * * * *

Section 13A. (1) If any question arises as to whether a member has become subject to any disqualifications mentioned in section 13, the question shall be referred for the decision of the Administrator and his decision shall be final.

* * * * *

Section 38. (1) The Corporation shall, at its first meeting in each year, elect one of its elected members to be the Chairperson to be known as the Mayor and the other two such members to be the Senior Deputy Mayor and the Deputy Mayor of the Corporation:

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

* * * * *

Section 41A. (1) There shall be constituted such number of Wards Committees consisting of one or more wards, within the territorial area of the Corporation, as the Administrator may, from time to time, by order published in the Official Gazette, determine. The order shall indicate the name of the Wards Committee and also the extent of the area comprised within the jurisdiction of such Committee.

* * * * *

Section 41E. (1) The Administrator may, by order published in the Official Gazette, constitute one or more Special Committees in addition to Wards Committees and the Committees referred to in section 42, as he thinks fit for the exercise of any power or discharge of any function which the Corporation, may, by resolution, delegate to them or for inquiring into, reporting or advising upon any matter which the Corporation may refer to them.

* * * * *

Section 47. (1) The Government shall, by notification in the Official Gazette, appoint a Class I officer, of the Government a minimum service as such of ten years as the Commissioner of the Corporation.

(2) Subject to the provisions of Section (3), the Commissioner so appointed shall hold office for a term of three years in the first instance:

Provided further that his appointment may be renewed for a term not exceeding three years:

Provided further that no officer who has attained such age of superannuation as may from time to time be fixed by the Government shall be appointed or continue as Commissioner.

(3) The Government—

(a) shall recall the Commissioner if at a special meeting of the Corporation called for the purpose a resolution for such recall has been passed by a majority of not less than two-thirds of the total number of members;

(b) may recall the Commissioner at any time during the term of his appointment by giving a notice of at least one month to the Corporation.

LOK SABHA

A

BILL

further to amend the Punjab Municipal Corporation Law (Extension
to Chandigarh) Act, 1994

(Shri Manish Tewari, M.P.)