

Bill No. 176 of 2023

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL
PROVISIONS) SECOND (AMENDMENT) BILL, 2023

A

BILL

*further to amend the National Capital Territory of Delhi Laws (Special Provisions)
Second Act, 2011.*

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

1. This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2023. Short title.

20 of 2011. 5 **2.** In the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (hereinafter referred to as the principal Act), in the long title, for the figures "2023", the figures "2026" shall be substituted. Amendment of long title.

Amendment
of Preamble.

3. In the principal Act, in the Preamble,—

(a) for seventh paragraph, the following paragraphs shall be substituted, namely:—

"AND WHEREAS the Development Control Norms for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019, have been notified on the 8th day of March, 2022;

AND WHEREAS the process of conferring the ownership rights to the residents of unauthorised colonies and action as per the Development Control Norms for unauthorised colonies is under progress and will take time;"

(b) seventeenth paragraph shall be omitted;

(c) in the last paragraph, for the figures "2023", the figures "2026" shall be substituted.

Amendment
of section 1.

4. In section 1 of the principal Act, in sub-section (4), for the figures "2023", the figures "2026" shall be substituted.

Amendment
of section 3.

5. In section 3 of the principal Act,—

(a) in sub-section (3), for the figures "2023", the figures "2026" shall be substituted;

(b) in sub-section (4), for the figures "2023", the figures "2026" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The phenomenal growth of the National Capital Territory of Delhi over the last many years has led to increase in demand for housing, commercial space and other civic amenities. The gap in the demand and supply has resulted in the problems of encroachment on public land, growth of slums, unauthorised constructions, etc.

2. The Delhi Laws (Special Provisions) Act, 2006 was enacted on the 19th May, 2006, initially for a period of one year, to protect certain forms of unauthorised developments in Delhi from punitive action. This protection to various forms of unauthorised developments in Delhi has continued thereafter, through Ordinances and Acts enacted from time to time.

3. In the year 2011, a comprehensive legislation, namely, the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, was enacted which was valid for a period of three years upto 31st December, 2014. The validity of this Act has been extended from time to time with such modification as were necessary and the current validity is upto 31st December, 2023.

4. As per the provisions of the 2011 Act, orderly arrangements had to be made for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters; unauthorised colonies, village *abadi* area (including urban villages) and their extensions; farm houses involving construction beyond permissible building limits; schools, dispensaries, religious and cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land; guidelines for redevelopment of existing godown clusters (including those for a storage of non-agricultural goods); special areas and policy or plan for orderly arrangement in all other areas of the National Capital Territory of Delhi in consonance with the Master Plan on its review.

5. The National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 has been enacted and the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 have been notified on the 29th October, 2019 to confer ownership rights to the residents of Unauthorised Colonies. The Development Control Norms for these unauthorised colonies have been notified on the 8th March, 2022. The Master Plan for Delhi with the perspective year 2041 is under finalisation wherein the measures for unauthorised developments like *Jhuggi-Jhompri* clusters, unauthorised colonies, etc., are being included. The process of dealing with these unauthorised developments will take more time. Therefore, there is a need for continuing the protection from punitive action granted to certain forms of unauthorised developments in the National Capital Territory of Delhi.

6. 2011 Act is valid upto 31st December, 2023 and it is necessary to continue the protection of those unauthorised developments where adequate measures are yet to be taken.

7. The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Bill, 2023 seeks to provide extension of the validity of the said Act for a period of three years from 1st January, 2024 to 31st December, 2026.

8. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 10th December, 2023.

HARDEEP S PURI.

FINANCIAL MEMORANDUM

The provisions of the Bill do not involve any expenditure, either recurring or non-recurring, from and out of the Consolidated Fund of India.

ANNEXURE

EXTRACTS FROM THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS)
SECOND ACT, 2011

(20 OF 2011)

An Act to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2023 and for matters connected therewith or incidental thereto.

* * * * *

AND WHEREAS the process of conferring the ownership rights to the residents of unauthorised colonies and the finalisation of the Development Control Norms for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 is under progress and will take time;

* * * * *

AND WHEREAS rule 12 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959 provides for amendment of whole or any part of the Master Plan, if necessary, at the expiry of every five years and accordingly in pursuance of the aforesaid rule 12, the process of quinquennial revision of the provisions of the Master Plan notified on the 7th February, 2007, is being undertaken for such modifications and updating that have emerged based on ground realities which is likely to take some time for finalisation;

* * * * *

AND WHEREAS it is expedient to have a law in terms of the Master Plan continuation of the said Acts for a period up to the 31st day of December, 2023 to provide for relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any punitive action by any agency in respect of the persons covered by the policies referred to above.

* * * * *

Short title,
extent,
commencement
and duration.

1. (1) * * * * *

(4) It shall cease to have effect on the 31st day of December, 2023, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

10 of 1897.

Enforcement
to be kept in
abeyance.

3. (1) * * * * *

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development in respect of areas referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2023, if—

(a) it is constructed prior to the dates specified for different areas as enumerated in sub-section (2);

(b) it conforms to the safety standards as in force or such other safety requirements as may be notified by the Central Government; and

(c) it complies with the directions with respect to safety, if any, issued by the Central Government:

Provided that in case punitive action is required to be taken by any local authority, prior approval of the Administrator of the National Capital Territory of Delhi or the officer authorised by him in this behalf, shall be obtained by the authority or officer concerned.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2023, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

* * * * *

LOK SABHA

A

BILL

further to amend the National Capital Territory of Delhi Laws (Special Provisions)
Second Act, 2011.

*(Shri Hardeep S Puri, Minister of Housing and Urban Affairs; and Petroleum and
Natural Gas)*