

Bill No. VI of 2021

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND (AMENDMENT) BILL, 2021

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-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021. Short title and commencement.

5 (2) It shall be deemed to have been come into force on the 29th day of December, 2020.

20 of 2011. **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 words, figures and letters “for a further period up to the 31st day of December, 2020”, the words, figures and letters “for a further period up to the 31st day of December, 2023” shall be substituted. Amendment of long title.

Amendment
of Preamble.

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

(a) for fourth paragraph to eighth paragraph, the following paragraphs shall be substituted, namely:—

“AND WHEREAS the exercise to formulate the Master Plan for Delhi with the perspective for the year 2041 is under progress; 5

AND WHEREAS the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 was enacted to recognise and confer rights of ownership or transfer or mortgage to the residents of unauthorised colonies as onetime special measure; 45 of 2019.

AND WHEREAS in supersession of the Regulations for Regularisation of Unauthorised Colonies in Delhi notified on 24th March, 2008, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 notified in the Gazette of India on 29th October, 2019; 10

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; 15

AND WHEREAS based on the policy finalised by the Central Government regarding village *abadi* area and their extensions, the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, have been made by the Delhi Development Authority under sub-section (1) of section 57 of the Delhi Development Act, 1957 notified in the Gazette of India *vide* S.O. 97(E), dated the 17th January, 2011; 20 61 of 1957. 25

AND WHEREAS more time is required for completion of action envisaged for unauthorised colonies, village *abadi* area and their extensions and special areas;”;

(b) for eleventh paragraph, the following paragraph shall be substituted, namely:— 30

“AND WHEREAS the revised policy regarding farm houses is being prepared by the Delhi Development Authority and its finalisation is likely to take more time;”;

(c) in twelfth paragraph, for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted; 35

(d) after thirteenth paragraph, the following paragraph shall be inserted, namely:—

“AND WHEREAS the policy with respect to the norms for godown clusters existing in non-conforming areas has been notified by the Central Government on 21st June, 2018;”;

(e) in twenty-first paragraph,—

(i) for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted;

(ii) for the words, figures and letters “the 31st day of December, 2020”, the words, figures and letters “the 31st day of December, 2023” shall be substituted. 45

	<p>4. In the principal Act, in section 1, in sub-section (4), in the opening portion, for the words, figures and letters “It shall cease to have effect on the 31st day of December, 2020”, the words, figures and letters “It shall cease to have effect on the 31st day of December, 2023” shall be substituted.</p>	Amendment of section 1.
5	<p>5. In the principal Act, in section 2, in sub-section (1), for clause (e), the following clause shall be substituted, namely:—</p> <p>‘(e) “Master Plan” means the Master Plan for Delhi as notified under the Delhi Development Act, 1957;’.</p>	Amendment of section 2.
61 of 1957.		
	<p>6. In the principal Act, in section 3,—</p> <p>(a) in sub-section (1),—</p> <p>(i) in clause (a), for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted;</p> <p>(ii) for clause (c), the following clause shall be substituted, namely: —</p> <p>“(c) orderly arrangements in accordance with the provisions of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 and the regulations for village <i>abadi</i> area (including urban villages) and their extensions as per the following cut-off dates:—</p> <p>(i) for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019;</p> <p>(ii) for village <i>abadi</i> area (including urban villages) and their extensions as existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to 1st day of June, 2014;”;</p> <p>(b) in sub-section (2), for clause (ii), the following clause shall be substituted, namely:—</p> <p>“(ii) in respect of unauthorised colonies identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019, in respect of village <i>abadi</i> area (including urban villages) and their extensions, which existed on the 31st day of March, 2002, and in aforesaid categories, where construction took place up to 1st day of June, 2014, as mentioned in sub-section (1);”;</p> <p>(c) in sub-section (3), for the words, figures and letters “till the 31st day of December, 2020”, the words, figures and letters “till the 31st day of December, 2023” shall be substituted;</p> <p>(d) in sub-section (4), for the words, figures and letters “at any time before the 31st day of December, 2020”, the words, figures and letters “at any time before the 31st day of December, 2023” shall be substituted.</p>	Amendment of section 3.
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45 of 2019.		
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Repeal and saving.	<p>7. (1) The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the provisions of this Act.</p>	Ord. No. 15 of 2020.
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STATEMENT OF OBJECTS AND REASONS

The National Capital Territory of Delhi has been growing phenomenally over the last many years, putting a heavy strain on its infrastructure and resources and *inter alia*, leading to an ever-increasing demand for housing, commercial space and other civic amenities. This has resulted in the problems of encroachment on public land, growth of slums, unauthorised constructions, commercial usage of residential areas, inadequacy of housing stocks, etc.

2. In order to protect certain forms of unauthorised developments in Delhi from punitive action, The Delhi Laws (Special Provisions) Act, 2006 was enacted on 19th May, 2006, initially for a period of one year. 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 up to 31st December, 2014. The validity of this Act was extended up to 31st December, 2017, *vide* the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014. The validity was further extended up to 31st December, 2020, *vide* the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017. While doing so, the provisions for street vendors in the Act of 2011 were omitted as adequate provisions had been made for this category in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

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

5. After the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017 came into force, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019, have been notified in the Gazette of India on 29th October, 2019 and the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 has been enacted to confer ownership rights to the residents of Unauthorised Colonies. The regulations for godown clusters have been notified in the Gazette of India on 21st June, 2018 and are under implementation. These developments are being included appropriately in the Act 2011 along with the fact of preparation of Master Plan for Delhi-2041. The definition of Master Plan is also being modified to include the Master Plan for Delhi as notified under the Delhi Development Act, 1957. The Delhi Urban Shelter Improvement Board Act, 2010, which deals with the *Jhuggi-Jhompri* clusters is in the process of amendment to bring it in consonance with the provisions of Act of 2011 in so far as date of existence of these clusters is concerned. Similarly, action envisaged for farm houses, special areas and all other areas of the National Capital Territory of Delhi is under consideration and will take some more time to complete.

6. The Act of 2011 was valid till 31st December, 2020 and it was necessary to continue the protection of those unauthorised developments where adequate measures were yet to be taken. As the Parliament was not in session and there was an immediate need for legislation in this regard, the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020 (Ordinance No. 15 of 2020) was promulgated by the

President of India on the 29th day of December, 2020 under clause (1) of article 123 of the Constitution.

7. The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Bill, 2021 which seeks to replace the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020 (Ordinance No. 15 of 2020) provides for extension of the validity of the Act of 2011 for a period of three years from 1st January, 2021 to 31st December, 2023.

8. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 1st February, 2021.

HARDEEP SINGH PURI.

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, 2020 and for matters connected therewith or incidental thereto.

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AND WHEREAS based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and their extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and their extensions, the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, have been made by the Delhi Development Authority under sub-section (1) of section 57 of the Delhi Development Act, 1957 notified in the Gazette of India *vide* S.O. 97(E), dated the 17th January, 2011; 61 of 1957.

AND WHEREAS in pursuance of the guidelines and regulations necessary steps are being taken for the regularisation of unauthorised colonies which, *inter alia*, involve scrutiny of layout plans, assessment of built-up percentage existed as on the 31st day of March, 2002, identification of mixed use of streets, approval of layout plans, fixation of boundaries, change in land use and identification of colonies not eligible for regularisation;

AND WHEREAS the Government of National Capital Territory of Delhi has received one hundred forty redrafted layout plans and is in process of fixing the boundary on these layout plans and the complete process of redrafting or finalisation of layout plans is likely to take considerable time to regularise all the unauthorised colonies;

AND WHEREAS more time is required for the regularisation of unauthorised colonies, village *abadi* area and their extensions and special areas;

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AND WHEREAS the draft policy regarding farm houses is being prepared by the Delhi Development Authority and its finalisation is likely to take about two years;

AND WHEREAS pursuant to the Master Plan for Delhi, 2021, the Zonal Development Plans in respect of various Zones have been notified which provides for regularisation of schools, dispensaries, religious institutions and cultural institutions established on or before the 1st January, 2006 in non-conforming areas;

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AND WHEREAS it is expedient to have a law in terms of the Master Plan for Delhi, 2021, in continuation of the said Acts for a period up to the 31st day of December, 2020 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.

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	<p>1. (I) * * * * *</p> <p>(4) It shall cease to have effect on the 31st day of December, 2020, 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.</p>	Short title, extent, commencement and duration.
10 of 1897.		
	<p>2. (I) In this Act, unless the context otherwise requires,—</p> <p style="text-align: center;">* * * * *</p> <p>(e) “Master Plan” means the Master Plan for Delhi with the perspective for the year 2021, notified <i>vide</i> notification number S.O.141(E), dated the 7th day of February, 2007 under the Delhi Development Act, 1957;</p> <p style="text-align: center;">* * * * *</p>	Definitions.
61 of 1957.		
	<p>3. (I) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and <i>Jhuggi-Jhompri</i> clusters, unauthorised colonies, village <i>abadi</i> area (including urban villages), and their extensions, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:—</p> <p>(a) orderly arrangements for relocation and rehabilitation of slum dwellers and <i>Jhuggi-Jhompri</i> clusters in Delhi in accordance with the provisions of the Delhi Urban Shelter Improvement Board Act, 2010 and the Master Plan for Delhi, 2021 to ensure its development in a sustainable, planned and humane manner;</p> <p style="text-align: center;">* * * * *</p> <p>(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village <i>abadi</i> area (including urban villages) and their extensions, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 1st day of June, 2014;</p> <p style="text-align: center;">* * * * *</p> <p>(2) Subject to the provisions contained in sub-section (I) and notwithstanding any judgment, decree or order of any court, <i>status quo</i>—</p> <p style="text-align: center;">* * * * *</p> <p>(ii) in respect of unauthorised colonies, village <i>abadi</i> area (including urban villages) and their extensions, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 1st day of June, 2014, mentioned in sub-section (I);</p> <p style="text-align: center;">* * * * *</p> <p>(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 (I), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2020, if—</p> <p>(a) it is constructed prior to the dates specified for different areas as enumerated in sub-section (2);</p> <p>(b) it conforms to the safety standards as in force or such other safety requirements as may be notified by the Central Government; and</p>	Enforcement to be kept in abeyance.
Delhi Act 7 of 2010.		

(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, 2020, 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.

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

*(Shri Hardeep Singh Puri, Minister of State (Independent Charge) of the Ministry of
Housing and Urban Affairs; Minister of State (Independent Charge) of the Ministry of
Civil Aviation; and Minister of State in the Ministry of Commerce and Industry)*