

TO BE INTRODUCED IN LOK SABHA

**Bill No. 4 of 2009**

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS  
(SPECIAL PROVISIONS) BILL, 2009

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BILL

*to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2009 and for matters connected therewith or incidental thereto.*

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

AND WHEREAS the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

AND WHEREAS the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021;

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

AND WHEREAS more time is required for orderly implementation of scheme regarding hawkers and urban street vendors and for regularisation of unauthorised colonies, village *abadi* area and its extension;

AND WHEREAS the revised policy and orderly arrangements for re-location and rehabilitation of slum dwellers and *Jhuggi-Jhopri* clusters in the National Capital Territory of Delhi is under consideration of the Government;

AND WHEREAS policy regarding existing farm houses involving construction beyond permissible building limits, schools, dispensaries, religious institutions and cultural institutions and storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 and has ceased to operate after the 31st day of December, 2008;

43 of 2007.

AND WHEREAS it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2009 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,  
extent,  
commence-  
ment and  
duration.

**1.** (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the 1st day of January, 2009.

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(4) It shall cease to have effect on the 31st day of December, 2009, 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.

Definitions.

**2.** (1) In this Act, unless the context otherwise requires,—

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings;

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66 of 1957.  
Punjab Act 3  
of 1911.

61 of 1957.

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957;

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66 of 1957.

(c) “encroachment” means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

66 of 1957. 5  
44 of 1994.  
61 of 1957. (d) “local authority” means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction;

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61 of 1957. (e) “Master Plan” means the Master Plan for Delhi with the perspective for the year 2021, notified *vide* notification number S.O.141(E), dated the 7th February, 2007, under the Delhi Development Act, 1957;

(f) “notification” means a notification published in the Official Gazette;

15 (g) “punitive action” means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) “relevant law” means in case of—

61 of 1957. (i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957. 20 (ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994. (iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

25 (i) “unauthorised development” means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

61 of 1957. (2) Words and expressions used but not defined herein shall have the meanings  
66 of 1957. 30 respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994.  
44 of 1994.

35 3. (1) 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 *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area (including urban villages), and its extension, 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  
40 poultry) in rural areas built on agricultural land, as mentioned below:

(a) policy for re-location and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

45 (b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

Enforcement to be kept in abeyance.

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village *abadi* area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and 5

(e) policy regarding 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.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* – 10

(i) as on the 1st day of January, 2006, in respect of encroachment or unauthorised development; and

(ii) in respect of unauthorised colonies, village *abadi* area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1), 15

shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development 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, 2009. 20

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2009, 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. 25

Provisions of this Act not to apply in certain cases.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a),(b) and (c) of sub-section (1) of section 3; 30

(b) removal of slums and *Jhuggi-Jhompri* dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of Central Government to give directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions. 35

Validation of acts done or omitted to be done, etc., during 1st January, 2009 up to the date of commencement of this Act.

6. Notwithstanding any judgment, decree or order of any court, all things done, or, omitted, to be done, and all action taken, or, not taken, during the period beginning on or after the 1st day of January, 2009 and ending immediately before the date of commencement of this Act, shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period. 40

## STATEMENT OF OBJECTS AND REASONS

The “Delhi Laws (Special Provisions) Act, 2006” was enacted to address the several orders and directions passed by the Supreme Court and the High Court of Delhi in cases pending before them regarding contentious issues which were confronting the city of Delhi, namely, unauthorised constructions, commercial use of residential premises, encroachment on public land by slum dwellers and *Jhuggi-Jhompri* clusters, problems relating to urban street vendors, which were affecting the lives of millions of people.

2. The aforesaid Act, *inter alia*, required the Central Government with a time period of one year to take all possible steps to finalise norms, policy guidelines and feasible strategies to deal with the problem of unauthorised development with regard to mixed land use not conforming to the Master Plan, construction beyond sanctioned plans, and encroachment by slum and *Jhuggi-Jhompri* dwellers, hawkers and urban street vendors. It also provided for *status quo* as on the 1st day of January, 2006 to be maintained in respect of these categories of unauthorised development, subject to certain conditions notwithstanding any judgment, decree or order of any court. Similarly, it provided that all notices issued by the local bodies for initiating action against these categories of unauthorised developments shall be deemed to have been suspended and that no punitive action shall be taken during the said period of one year.

3. The Delhi Laws (Special Provisions) Act, 2006 remain effective for a period of one year and lapsed on the 18th May, 2007. In the intervening period, the Master Plan for Delhi, 2021 was notified on the 7th February, 2007, incorporating extensive amendments in respect of provisions governing mixed land use, and for construction beyond sanctioned plans, thus providing much needed relief in the case of unauthorised development with regard to mixed land use not conforming to the Master Plan and construction beyond sanctioned plans.

4. In view of the fact that the provisions of the aforesaid Act has ceased to operate on and after the 19th May, 2007, and that some more time was needed for making policy guidelines and feasible strategy or scheme to deal with the problems of unauthorised development in certain categories such as slum and *Jhuggi-Jhompri* dwellers, urban street vendors and hawkers, farm houses, schools, dispensaries, religious institutions, cultural institutions built in rural areas on agricultural land, the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007 was promulgated on the 4th July, 2007.

5. In the meanwhile, in view of some important developments in regard to sealing of commercial premises, the scope of the proposed National Capital Territory of Delhi Laws (Special Provisions) Bill, 2007 was widened to maintain *status quo* in respect of unauthorised colonies including village *abadi* and its extension, storages, warehouses and godowns meant for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, and in view of the exigencies involved, the National Capital Territory of Delhi Laws (Special Provisions) Second Ordinance was promulgated on the 15th September, 2007, the provisions of which were in force up to the 31st December, 2008 to maintain *status quo* so that no punitive action is taken during this period in respect of the categories of unauthorised development as given above.

6. The National Capital Territory of Delhi Laws (Special Provisions) Second Ordinance, 2007 was replaced by the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007, the provisions of which were in force up to the 31st December, 2008 and has ceased to operate after the 31st December, 2008.

7. During the period, the said Act was in force, the Municipal Corporation of Delhi and the New Delhi Municipal Council have formulated the Hawkers and Urban Street Vendors Scheme and have started implementing the same, but some more time is needed to ensure orderly implementation of the same. Similarly, the guidelines and regulations for regularisation of unauthorised colonies in Delhi have been issued, as per which the work relating to

regularisation would be undertaken, co-ordinated, monitored and supervised by the Government of National Capital Territory of Delhi. The Government of National Capital Territory of Delhi has initiated further action in this regard, but some more time is needed for its orderly implementation.

8. Some more time is also required to finalise norms, policy guidelines and feasible strategies to deal with the problem of unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, 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 agriculture land. Apart from this, based on further representations received, it is proposed to extend the relief to urban villages, in addition to village *abadi* and its extension.

9. Accordingly, it is proposed to enact a law for a period beginning from the 1st day of January, 2009 and ending at the 31st day of December, 2009 to give continued effect to the aforesaid plan, scheme and policies.

10. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 9th February, 2009.*

S. JAIPAL REDDY.

LOK SABHA

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**BILL**

to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2009 and for matters connected therewith or incidental thereto.

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*(Shri S. Jaipal Reddy, Minister of Urban Development)*