

THE DELHI LAWS (SPECIAL PROVISIONS) ACT, 2006

ACT No. 22 OF 2006

[19th May, 2006.]

An Act to make special provisions for the areas of Delhi for a period of one year and for matters connected therewith or incidental thereto.

WHEREAS phenomenal increase in the population owing to migration has put tremendous pressure on land and infrastructure in Delhi resulting in developments which are not in consonance with the Master Plan of Delhi 2001 and the building bye-laws;

AND WHEREAS keeping in view the perspective for the year 2021 and emerging new dimensions in urban development, the Central Government has proposed extensive modifications in the Master Plan of Delhi, which have been published and suggestions and objections have been received in respect thereof from the public, and the finalisation of the Master Plan 2021 is likely to take some more time;

AND WHEREAS the Central Government has constituted a Committee of Experts to look into the various aspects of unauthorised construction and misuse of premises and suggest a comprehensive strategy to deal with them;

AND WHEREAS a revised policy for relocation and rehabilitation of slum dwellers in Delhi is also under consideration of the Central Government;

AND WHEREAS a strategy is proposed to be prepared by the local authorities in Delhi in accordance with the National Policy for Urban Street Vendors;

AND WHEREAS action for violation of the provisions of the Master Plan, 2001 and building bye-laws, before a final view is taken in the matter by the Government, is causing avoidable hardship and irreparable loss to a large number of people;

AND WHEREAS some time is required for making orderly arrangements in terms of the proposed Master Plan 2021;

AND WHEREAS it is expedient to have a law to provide temporary relief to the people of Delhi against such action for a period of one year within which various policy issues referred to above are expected to be finalised;

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

1. Short title, extent and duration.—(1) This Act may be called the Delhi Laws (Special Provisions) Act, 2006.

(2) It extends to Delhi.

(3) It shall cease to have effect on the expiry of one year from the date of its commencement, 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and upon such cesser section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply as if this Act had then been repealed by a Central Act.

2. Definitions.—(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 (66 of 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 (Punjab Act 3 of 1911), as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957 (61 of 1957), relating to buildings;

(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 (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;

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

(e) “Master Plan” means the Master Plan for Delhi 2001 notified under the Delhi Development Act, 1957;

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

(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—

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

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

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

(i) “unauthorised development” means use of land or use of building or construction of building 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 encroachment.

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

3. Enforcement to be kept in abeyance.—(1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall within a period of one year of the coming into effect of this Act, take all possible measures to finalise norms, policy guidelines and feasible strategies to deal with the problem of unauthorised development with regard to the under-mentioned categories, namely:—

(a) mixed land use not conforming to the Master Plan;

(b) construction beyond sanctioned plans; and

(c) encroachment by slum and *Jhuggi-Jhompr*i dwellers and hawkers and street vendors,

so that the development of Delhi takes place in a sustainable and planned manner.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* as on the 1st day of January, 2006 shall be maintained in respect of the categories of unauthorised development mentioned in sub-section (1).

(3) All notices issued by any local authority for initiating action against the categories of unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the expiry of one year, withdraw the exemption by notification in the Official Gazette in respect of one or more of the categories of unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. The provisions of this Act not to apply in certain cases.—During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following categories of unauthorised development, namely:—

(a) any construction unauthorisedly started or continued on or after the 1st day of January, 2006;

(b) commencement of any commercial activity in residential areas in violation of the provisions of the Master Plan of Delhi 2001 on or after the 1st day of January, 2006;

(c) encroachment on public land except in those cases which are covered under clause (c) of sub-section (1) of section 3;

(d) removal of slums and *Jhuggi-Jhompri* dwellers and hawkers and street vendors, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. Power of Central Government to give directions.—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.