

Bill No. 268 of 2017

**THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS
(SPECIAL PROVISIONS) SECOND
(AMENDMENT) BILL, 2017**

A

BILL

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

BE it enacted by Parliament in the Sixty-eighth 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, 2017. Short title.

5 **2.** In the National Capital Territory of Delhi Laws (Special Provisions) Second Amendment of
20 of 2011. Act, 2011 (hereinafter referred to as the principal Act), in the long title, for the words, long title.
figures and letters “for a further period up to the 31st day of December, 2017”, the words,
figures and letters “for a further period up to the 31st day of December, 2020” shall be
substituted.

10 **3.** In the principal Act, in the Preamble,— Amendment of
Preamble.
(a) fourth paragraph shall be omitted;

(b) for ninth paragraph and tenth paragraph, the following paragraph shall be substituted namely:—

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

(c) in the last paragraph, for the words, figures and letters “for a period up to the 31st day of December, 2017”, the words, figures and letters “for a period up to the 31st day of December, 2020” shall be substituted. 5

Amendment of
section 1.

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, 2017”, the words, figures and letters “It shall cease to have effect on the 31st day of December, 2020” shall be substituted. 10

Amendment of
section 3.

5. In the principal Act, in section 3,—

(a) in sub-section (1),—

(i) the words “hawkers and urban street vendors,” shall be omitted;

(ii) clause (b) shall be omitted; 15

(b) in sub-section (3), for the words, figures and letters “till the 31st day of December, 2017”, the words, figures and letters “till the 31st day of December, 2020” shall be substituted;

(c) in sub-section (4), for the words, figures and letters “at any time before the 31st day of December, 2017”, the words, figures and letters “at any time before the 31st day of December, 2020” shall be substituted. 20

Amendment of
section 4.

6. In the principal Act, in section 4,—

(a) in clause (a), for the brackets, letters and word “(a), (b) and (c)”, the brackets, letters and word “(a) and (c)” shall be substituted;

(b) in clause (b), the words “hawkers and urban street vendors,” shall be omitted. 25

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 problem of encroachment on public land, growth of slums, unauthorised constructions, commercial usage of residential areas, inadequacy of housing stocks, etc.

2. At the time of preparation of Master Plan for Delhi-2021 (MPD-2021), in order to protect certain forms of unauthorised developments from punitive action, the Delhi Laws (Special Provisions) Act, 2006 was enacted on 19th May, 2006 which was in force for a period of one year. This was followed by similar Acts which were in force for one year each. Subsequently, the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (the said Act, 2011) was enacted and was in force for a period of three years. It was extended for a further period of three years in 2014 *vide* the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014 and its validity is expiring on 31st December, 2017.

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

4. The measures to finalise norms, policy guidelines, feasible strategies for making orderly arrangements to deal with the problem of encroachment and unauthorised development are required to be adopted by the Government of National Capital Territory of Delhi (GNCTD), Delhi Development Authority (DDA), the Municipal Corporations of Delhi (MCDs), etc. These bodies are in the process of taking steps to carry out surveys, simplifying procedures, formulation of redevelopment plan, finalisation of policies, obtaining approvals, etc., in this regard. The Central Government has been in dialogue with all the stakeholders to monitor the progress made to complete the action as envisaged in the said Act, 2011. This process involving multiple stakeholders is likely to take some more time. Meanwhile, with adequate provisions having been made in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the provision for protection of street vendors under clause (b) of sub-section (1) of section 3 in the said Act of 2011, is no longer needed.

5. The objective of the proposal is to extend the validity of the said Act, 2011 to continue the protection to certain forms of unauthorised developments in the National Capital Territory of Delhi from punitive action for a limited period, i.e., up to 31st December, 2020 and to allow time to the Government, urban local bodies and other organisations involved to take a balanced and well considered view on policies, norms and strategies for orderly implementation of plans regarding these unauthorised developments.

6. In view of above, it is necessary to extend the provisions of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 for a period of three years from 1st January, 2018 to 31st December, 2020.

7. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 19th December, 2017.

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, 2017 and for matters connected therewith or incidental thereto.

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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, 2017 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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AND WHEREAS more time is required for proper implementation of the scheme regarding hawkers and urban street vendors and for the regularisation of unauthorised colonies, village *abadi* area and their extensions and special areas;

AND WHEREAS the Government of National Capital Territory of Delhi is actively considering enactment of law with regard to hawkers and urban street vendors, which is likely to take considerable time due to the legal procedure to the following in this regard;

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Short title,
extent,
commencement
and duration.

1. (1) * * * * *

(4) It shall cease to have effect on the 31st day of December, 2017, 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.

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Enforcement to
be kept in
abeyance.

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-Jhompr*i clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* 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:—

* * * * *

(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 for Delhi, 2021;

* * * * *

(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, 2017, 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, 2017, 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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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:—

Provisions of this Act not to apply in certain cases.

(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;

(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 their extensions in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

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LOK SABHA

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BILL

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

(Shri Hardeep Singh Puri, Minister of State for Housing and Urban Affairs)